

Arizona Supreme Court
Water Case

WC-79-0006

ADJUDICATION OF THE RIGHTS TO USE LITTLE COLORADO

Appellate Case Information Case Filed: 15-May-1979 Case Closed:	Dept/Composition
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Side 1. THE GENERAL ADJUDICATION OF THE RIGHTS TO USE THE LITTLE COLORADO RIVER
 (Litigant Group) THE GENERAL ADJUDICATION OF THE RIGHTS TO USE THE LITTLE COLORADO RIVER

CASE STATUS

May 15, 1979....Pending

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
APC 6417			Allen G Minker, Trial Eddward P Ballinger, Trial John L Claborne, Trial <Judge: (1) Thomas Brooks; Judge Ballinger assigned 1/17/2002>		

6 PROCEEDING ENTRIES

- 27-Sep-2000 FILED: ADMINISTRATIVE ORDER [Zlaket]
- 26-Mar-2004 ****SEE DATATRIEVE FOR ALL ENTRIES PRIOR TO 3/26/2004****

 Judge Michael C. Nelson has resigned as judge of the Superior Court of Arizona in Apache County. While actively serving on the Apache County bench, this court approved the appointment of Judge Nelson to facilitate settlement negotiations among the parties participating in the Little Colorado River System and Source.

 By reason of Judge Nelson's resignation, it becomes necessary to discontinue authority previously vested in him as a facilitator and settlement judge in the General Adjudication above referenced.

 IT IS THEREFORE ORDERED that the authority granted former Judge Nelson in the Little Colorado General Adjudication was effectively terminated upon his resignation from judicial office. [Chief Justice Jones]
- 30-Aug-2012 Judge Eddward P. Ballinger, Jr., the trial judge assigned to the adjudication of the Little Colorado River System and Source case and the Gila River System and Source case, has accepted an appointment to the Bankruptcy Court for the District of Arizona. As provided by A.R.S. § 45-252(C), this Court must assign another water judge to hear these cases.

 The Court is considering assigning the Little Colorado River System and Source case and the Gila River System and Source case to one of the following superior court judges: the Honorable Mark Brain, the Honorable Joseph Kraemer, the Honorable John Rea. The Court desires the input of the parties in these cases before making this assignment. Therefore,

 IT IS ORDERED that notice of the proposed assignment of the general adjudication of the Little Colorado River System and Source case and the Gila River System and Source case to the Honorable Mark Brain, the Honorable Joseph Kraemer, or the Honorable John Rea shall be sent to all claimants in these cases. Any claimant may file written comments with the Clerk of the Supreme Court by September 21, 2012, regarding the proposed assignment.

 IT IS FURTHER ORDERED that after the assignment is made, no change of judge under Arizona Rule of Civil Procedure 42(f)(1) will be permitted. (Hon. Rebecca White Berch)
- 21-Sep-2012 FILED: Salt River Project's Comments Regarding the Selection of a Replacement Water Adjudications Judge; Certificate of Service (Real Party in Interest SRP)
- 21-Sep-2012 FILED: LCR Claimants' Comments Regarding the Selection of a Replacement Water Adjudications Judge; Certificate of Service is included with the original pleading. (Claimants et al)

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6. 17-Oct-2012 Judge Eddward P. Ballinger, Jr., the Maricopa County Superior Court trial judge assigned to the adjudications of the Gila River system and source and the Little Colorado River system and source, cannot continue to serve in this capacity because he has been appointed as a judge of the Bankruptcy Court for the District of Arizona. As provided by A.R.S. § 45-252(C), this Court must assign the cases to another superior court judge. The Court sought comments from the parties regarding the proposed judges. After considering those comments and interviewing the candidates,

IT IS ORDERED that the Honorable Mark Brain is assigned as judge in all matters related to both general stream adjudications until such time as the matters are finally resolved, or until further order of this Court.

IT IS FURTHER ORDERED that no change of judge under Ariz. R. Civ. P. 42(f)(1) will be permitted. (Hon. Rebecca White Berch)