

**Arizona Supreme Court**  
**Water Case**

**WC-79-0001**

**ADJUDICATION OF THE RIGHTS TO USE THE GILA RIVER**

<p><b>Appellate Case Information</b></p> <p>Case Filed: 11-Jun-1979</p> <p>Case Closed:</p>	<p><b>Dept/Composition</b></p>
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**Consolidated with:**            WC-79-0002                            WC-79-0003                            WC-79-0004

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**Side 1. IN THE MATTER OF THE RIGHTS TO THE USE OF THE GILA RIVER**

**(Litigant Group) PHELPS DODGE CORPORATION**

- Freeport-McMoRan Corporation, Petitioner

**Attorneys for: Petitioner Phelps Dodge**  
Alvin H Shrago, Esq. (AZ Bar No. 5035)

**(Litigant Group) BUCKEYE IRRIGATION COMPANY**

- Buckeye Irrigation Company, Petitioner-in-Intervention

**Attorneys for: Ptnr-in-Intervention Buckeye Irr**  
John S Schaper, Esq. (AZ Bar No. 1148)

**(Litigant Group) HAL BUTLER FARMS, INC/SEVEN SPRINGS RANCH/ST. JOHNS IRRIGATION**

- Hal Butler Farms Inc, Respondent
- Seven Springs Ranch, Respondent
- St Johns Irrigation & Ditch Company, Respondent

**Attorneys for: Resp Hal Butler/Seven Spg/St Johns**  
Mitchel D Platt, Esq. (AZ Bar No. 2554)

**(Litigant Group) CITY OF PHOENIX**

- City of Phoenix, Petitioner

**Attorneys for: Ptnr City of Phoenix**  
Roderick G McDougall, Esq. (AZ Bar No. 1775)  
M James Callahan, Esq. (AZ Bar No. 4138)  
Katherine Ott Verburg, Esq. (AZ Bar No. 4240)

**(Litigant Group) THE HOPI TRIBE**

- HOPI TRIBE, Respondent

**Attorneys for: Respondent Hopi Tribe**  
Michael P O'Connell, Esq. (AZ Bar No. 10398)  
Harry R Sachse, Esq. (DC Bar No. Harry Sachse)

**(Litigant Group) SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT/SALT RIVER VALLEY WATER USERS' ASSOCIATION**

- Salt River Project Agricultural Improvement & Power District, Respondent
- Salt River Valley Water Users Association, Respondent

**Attorneys for: Respondents Salt River Proj et al**  
M Byron Lewis, Esq. (AZ Bar No. 2047)  
John B Weldon, Jr, Esq. (AZ Bar No. 3701)  
Lisa M McKnight, Esq. (AZ Bar No. 11638)

**(Litigant Group) PINETOP-LAKESIDE SANITARY DISTRICT/WHITE MOUNTAIN SUMMER HOMES DOMESTIC WATER IMPROVEMENT DISTRICT/OJO BONITO DOMESTIC WATER IMPROVEMENT DISTRICT/LITTLE COLORADO SANITARY DISTRICT/PONDEROSA DOMESTIC WATER IMPROVEMENT DISTRICT/HEBER DOMESTIC WATER IMPROVEMENT DISTRICT/OVERGAARD DOMESTIC WATER IMPROVEMENT DISTRICT/WONDERLAND ACRES DOMESTIC WATER IMPROVEMENT DISTRICT/PORTER CREEK DOMESTIC WATER IMPROVEMENT DISTRICT/SKY-HI DOMESTIC WATER IMPROVEMENT DISTRICT/VERNON DOMESTIC WATER IMPROVEMENT DISTRICT**

- Pinetop-Lakeside Sanitary District, Respondent
- White Mountain Summer Homes Domestic Water Improvement Dist, Respondent
- Ojo Bonito Domestic Water Improvement District, Respondent
- Little Colorado Sanitary District, Respondent
- Ponderosa Domestic Water Improvement District, Respondent
- Heber Domestic Water Improvement District, Respondent
- Overgaard Domestic Water Improvement District, Respondent
- Wonderland Acres Domestic Water Improvement District, Respondent
- Porter Creek Domestic Water Improvement District, Respondent
- Sky-Hi Domestic Water Improvement District, Respondent
- Vernon Domestic Water Improvement District, Respondent

**Attorneys for: Resp Water Improvement Districts**  
John G Gliedge, Esq. (AZ Bar No. 3644)

**(Litigant Group) ASARCO INCORPORATED**

- ASARCO Incorporated, Respondent

**Attorneys for: Respondent Asarco**  
Burton M Apker, Esq. (AZ Bar No. 1258)

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**(Litigant Group) LAWRENCE J. SLADE/JESSIE A. SLADE, TRUSTEES**

- Mr Lawrence J Slade, Respondent PRO SE  
AZ Bar No. 2555  
[Deceased]  
SOLE PRACTITIONER  
Admitted 9/26/70
- Jessie A Slade, Respondent

**(Litigant Group) NAVAJO NATION DEPARTMENT OF JUSTICE**

- Navajo Nation Department of Justice, Respondent **Attorneys for: Navajo Nation Dept of Justice**  
Scott McElroy, Esq. (CO Bar No. Scott McElroy)  
Stanley M Pollack, Esq. (AZ Bar No. 11046)

**(Litigant Group) SHOW LOW UNIFIED SCHOOL DISTRICT NO. 10**

- Show Low Unified School District No 10, Joinder-in-Opposition **Attorneys for: Show Low Unified School Dist**  
Melinda L Garrahan, Esq. (AZ Bar No. 4973)

**(Litigant Group) CECIL NAEGLE/MILDRED NAEGLE/H. CLIVE WILTANK/MELBA WILTBANK/RONALD WILTBANK/EDITH WILTBANK**

**(Litigant Group) CITIES OF CHANDLER/GLENDALE/SCOTTSDALE/TEMPE**

- City of Chandler, Respondent
  - City of Glendale, Respondent
  - City of Scottsdale, Respondent
  - City of Tempe, Respondent
- Attorneys for: Resp Cities Chand/Glen/Scotts/Tempe**  
Karen S Gaylord, Esq. (AZ Bar No. 10621)

**(Litigant Group) CITY OF SHOW LOW/TOWN OF PINETOP-LAKESIDE/LAKE OF THE WOODS COMPANY, LTD.**

- City of Show Low, Respondent
  - City of Pinetop-Lakeside, Respondent
  - Lake of the Woods Company LTD, Respondent
- Attorneys for: Resp Cities Show Low/Pinetop/Woods**  
Douglas C Nelson, Esq. (AZ Bar No. 4787)

**(Litigant Group) SAN CARLOS APACHE TRIBE/TONTO APACHE TRIBE/YAVAPAI APACHE INDIAN COMMUNITY/CAMP VERDE RESERVATION**

- San Carlos Apache Tribe, Respondent
  - Tonto Apache Tribe, Respondent
  - Yavapai Apache Indian Community, Respondent
  - Camp Verde Reservation, Respondent
- Attorneys for: Resps Apache Tribes/Camp Verde Res**  
Joe P Sparks, Esq. (AZ Bar No. 2383)  
Kevin T Tehan, Esq. (AZ Bar No. 5175)  
John H Ryley, Esq. (AZ Bar No. 2095)

**CASE STATUS**

Jun 11, 1979....Pending

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
PIN 31768			<Judge: Jack G. Marks, Retired/Stanley Z. Goodfarb>		

**8 PROCEEDING ENTRIES**

1. 20-May-1997 \*\*\*\*SEE DATATRIEVE FOR ALL EVENT ENTRIES PRIOR TO 5/20/1997\*\*\*\*  
  
FILED: [Copy of] Notice of Change of Law Firm and Address [Jerry L. Haggard, Esq., Atty for Phelps Dodge Corporation] [Orig filed in WC-90-0001]
2. 26-Mar-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 on the Upper Gila River System "among the United States, the State of Arizona, the Gila River Indian Community, the San Carlos Apache Tribe, the Gila Valley Irrigation District, the Franklin Irrigation District, the San Carlos Irrigation and Drainage District, and such other parties as Judge Nelson concludes should be invited to participate in the negotiations."  
  
By reason of Judge Nelson's resignation, it becomes necessary to discontinue all authority previously vested in him as a facilitator and settlement judge in the General Adjudication above referenced.  
  
ORDERED that the authority granted to former Judge Nelson in the Gila River General Adjudication was effectively terminated upon his resignation from judicial office. [Chief Justice Jones]

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3. 1-Oct-2008 FILED: Notice of Corporate Name Change for Phelps Dodge Corporation [Freeport-McMoRan Corporation]
4. 1-Oct-2008 FILED: Notice of Change of Contact Person and Address for Freeport-McMoRan Corporation
5. 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)
6. 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)
7. 21-Sep-2012 FILED: LCR Claimants' Comments Regarding the Selection of a Replacement Water Adjudications Judge; The certificate of service is included with the original pleading, attached again. (Claimants et al)
8. 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)