

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

Side 1. THE GENERAL ADJUDICATION OF THE RIGHTS TO USE THE LITTLE COLORADO RIVER, Other
(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>		

16 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)

Arizona Supreme Court

Water Case

WC-79-0006

ADJUDICATION OF THE RIGHTS TO USE LITTLE COLORADO

16 PROCEEDING ENTRIES

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)
7. 23-Aug-2018 FILED: Motion for Adoption of Special Procedural Order for Review and Approval of Water Rights Settlements Involving Non-Indian Claimants and Certain Non-Indian Federal Water Rights Claims; Certificate of Service; Exhibit 1; Exhibit 1-A (Movants Salt River Project Agricultural Improvement and Power District et al)
8. 23-Aug-2018 FILED: Exhibit 1-B (to Motion for Adoption of Special Procedural Order for Review and Approval of Water Rights Settlements Involving Non-Indian Claimants and Certain Non-Indian Federal Water Rights Claims) (Movants Salt River Project Agricultural Improvement and Power District et al)
9. 28-Aug-2018 FILED: Response to Request for Court Ordered Comment Period and Public Hearing or, in the Alternative, an Extension of Time to File a Brief on the Merits in Response to the Motion for Adoption of a Special Procedural Order for Review and Approval of Water Rights; Certificate of Service (Movants Salt River Project Agricultural Improvement and Power District et al)
10. 25-Jan-2019 FILED: Movants' Combined Response to Comments on Motion for Adoption of Special Procedural Order for Review and Approval of Water Rights Settlements Involving Non-Indian Claimants and Certain Non-Indian Federal Water Rights Claims; Certificate of Service; Exhibit A (Movants Salt River Project Agricultural Improvement and Power District et al)
11. 23-Jul-2019 FILED: Ex Parte Application to Withdraw as Counsel of Record for the Tonto Apache Tribe (Joe P. Sparks and Laurel A. Herrmann of the Sparks Law Firm to be replaced by Rosettee, LLP); Certificate of Service; [Proposed] Order (Respondent Tonto Apache Tribe)
12. 31-Jul-2019 FILED: Notice of Appearance of Counsel of Record for the Tonto Apache Tribe (Lucas T. Christian and Julian Nava of Rosette, LLP); Certificate of Service (Respondent Tonto Apache Tribe)
13. 5-Dec-2019 Respondent Tonto Apache Tribe filed an "Ex Parte Application to Withdraw as Counsel of Record for the Tonto Apache Tribe" on July 23, 2019. On July 31, 2019, a "Notice of Appearance of Counsel of Record for the Tonto Apache Tribe" was filed by Lucas T. Christian and Julian Nava of Rosette, LLP. Upon consideration,
- IT IS ORDERED granting the application to withdraw of Joe P. Sparks and Laurel A. Herrmann of The Sparks Law Firm, P.C., as counsel for Respondent Tonto Apache Tribe.
- IT IS FURTHER ORDERED substituting Lucas T. Christian and Julian Nava of Rosette, LLP, as counsel for the Tonto Apache Tribe for the proceedings in the above-captioned matters.
(Hon. William G. Montgomery)
14. 3-Jan-2023 FILED: Salt River Project's Comments Regarding Proposed Assignment of Judge Scott Blaney; Certificate of Service (Appellant)
15. 17-Jan-2023 Judge Mark Brain, 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, will be rotating off his assignment as the water judge. As provided by A.R.S. § 45-252(C), this Court must assign the cases to another superior court judge. This Court requested the Maricopa County Superior Court to propose a judge for consideration in both cases. The superior court proposed the Honorable Scott Blaney for assignment as the water judge. Notice of the proposed assignment was sent to all claimants in both cases, informing them that once the assignment is made, no change of judge under Ariz. R. Civ. P. 42.1 will be permitted. Claimants were also invited to file written comments with this Court no later than January 3, 2023, regarding the proposed assignment. After considering those comments,
- IT IS ORDERED that effective February 4, 2023, the Honorable Scott Blaney 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 Judge Brain retains authority to resolve matters that have been taken under advisement as of the date of this order for resolution in due course.
- IT IS FURTHER ORDERED that no change of judge under Ariz. R. Civ. P. 42.1 will be permitted. (Hon. Robert Brutinel)
16. 24-Mar-2023 Order (Filed 3/20/23 MCSC) (Hon. Scott Blaney)