

NOEL K. DESSAINT
CLERK SUPREME COURT
BY

IN RE: THE GENERAL ADJUDICATION) Arizona Supreme Court
OF ALL RIGHTS TO USE WATER IN) No. WC-02-0003-IR
THE GILA RIVER SYSTEM AND SOURCE)
) Maricopa County
) Superior Court
) Nos.W-1, W-2, W-3, W-4
)
) [Contested Case No.W1-206]
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2. Counsel for the United States of America and cross-petitioner Phelps Dodge shall each file an opening brief responding to the Tribe's brief and addressing the issue raised in the cross-petition as necessary, by June 3, 2005, similarly limited to no more than 21,000 words.

3. Any party that properly filed a notice of appearance in this matter and appeared at the presubmittal conference may file a brief by June 20, 2005, stating its agreement with any of the positions taken on the issues by the San Carlos Apache Tribe, the United States of America, or Phelps Dodge.

4. Any party that properly filed a notice of appearance in this matter and appeared at the presubmittal conference may file a brief by July 6, 2005, stating its opposition to any of the positions taken on the issues by the San Carlos Apache Tribe, the United States of America, or Phelps Dodge.

5. The briefs filed pursuant to paragraphs 3 and 4 of this order are limited to no more than, and shall not exceed, 21,000 words combined for any single party. To the extent parties filing briefs pursuant to paragraphs 3 and 4 of this order can combine to file one brief limited to no more than 21,000 words, such cooperation is encouraged.

6. The San Carlos Apache Tribe, the United States, and Phelps Dodge may each file a brief in reply to the briefs filed pursuant to ¶¶ 3 and 4 of this order, and the San Carlos Apache tribe may include in its brief its response to the briefs filed by the United States and Phelps Dodge pursuant to ¶ 2 of this order, by August 12, 2005, limited to no more than 21,000 words.

7. The San Carlos Apache Tribe may file its surreply by September 2, 2005, if necessary, to any issues not previously addressed, limited to no more than 5,000 words, and any part of the reply not limited to previously unaddressed issues will be disregarded.

8. Briefs in agreement and in opposition filed pursuant to ¶¶ 3 and 4 of this Order need not comply with Ariz. R. Civ. P. 13 (a), except that they must include a table of citations.

9. For purposes of addressing the issues presented, the Court waives the word and page limits in Ariz. R. Civ. App. 14(b), having provided specific word limits in ¶¶ 1 through 7 for each category of brief to be filed in this matter.

10. Petitioner San Carlos Apache Tribe shall arrange for the filing of the transcript. In all briefs, citations to transcripts and other material from trial court proceedings shall be made in such form that the material is readily identifiable on the trial court docket. All briefs shall contain a list of such material in its table of citations. The trial court transcripts and material cited and listed in the briefs shall be the record on appeal. After the briefs are filed, this court will make the necessary arrangements to have the record transmitted from the trial court.

11. Copies of all briefs shall be served on every party that has appeared in this matter, the Department of Water

Resources, the special master, and the trial court in the Gila River and Little Colorado River adjudications.

12. Any party that files a written brief as permitted under the terms of this order is encouraged to also file a copy of the brief on compact disk, complete with hyperlinks to citations and the record.

13. The court will hear a total of 90 minutes of oral argument. Oral argument will be heard at 9:30 a.m. on October 28, 2005 at the Courtroom of the Arizona Supreme Court, 1501 West Washington, Phoenix, Arizona. Counsel are directed to confer, to agree on a division of the available argument time among themselves, and to advise the Court as to the division of time no later than September 30, 2005.

Dated this 23rd day of February, 2005.



Michael D. Ryan
Justice

A copy of the foregoing mailed this 24th day of February, 2005 to those parties who appear on the Court-Approved mailing list for the Gila River Water case.