

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

06/18/2019

CLERK OF THE COURT

HONORABLE MARK H. BRAIN

S. Yoder
Deputy

In re: the General Adjudication
of All Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3, W-4 (Consolidated)

FILED: 06/18/2019

In re: Subflow Technical Report, San Pedro Watershed
Contested Case No. W1-103

In re: Arizona State Land Department Motion to Strike and Freeport Minerals Corporation
Motion to Strike

MINUTE ENTRY

Freeport Minerals Corporation and Arizona State Land Department each filed a motion to strike Arizona Department of Water Resources' Objections to the Report of the Special Master on Methodology for Determination of Cone of Depression which Arizona Department of Water Resources had filed on May 13, 2019. In its response, Salt River Project proposed that the Court enter an order requesting ADWR's assistance in its analysis of the Special Master's Report and treat ADWR's filing as the assistance requested.

The role of Arizona Department of Water Resources ("ADWR") is to provide the Court with technical assistance to analyze issues raised in this adjudication. Its role is akin to that of an expert appointed by the Court pursuant to Rule 706, Arizona Rules of Evidence. In the Court's judgment, it will be a sad day when ADWR is precluded from speaking up if it believes the Court is making a mistake. Such actions should be encouraged, consistent with Rule 1, Arizona Rules of Civil Procedure, and Rule 102, Arizona Rules of Evidence.

Accordingly,

IT IS ORDERED that ADWR shall provide technical analysis of the Special Master's Report, and its May 13, 2019 filing shall be deemed to constitute the requested analysis.

IT IS FURTHER ORDERED denying the Motions to Strike filed by Freeport Minerals Corporation and Arizona State Land Department.

IT IS FURTHER ORDERED that the deadline for the parties to file a response to ADWR's technical analysis is July 8, 2019.

A copy of this order is mailed to all persons listed on the Court approved mailing list.