

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

May 14, 2025

CLERK OF THE COURT
A. Parmar
Deputy

SPECIAL WATER MASTER
SHERRI ZENDRI

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: May 20, 2025

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

MINUTE ENTRY

Courtroom 301 – Central Court Building

10:00 a.m. This is the time set for a Status Conference to obtain a progress update from the technical committee and address ADWR's Meeting Summary filed April 21, 2025 before Special Water Master Sherri Zendri.

The following parties/attorneys appear virtually through Court Connect:

- Mark McGinnis, Katrina Wilkinson and Kathryn Ust on behalf of Salt River Project ("SRP")
- Jenny Winkler on behalf of the City of Chandler
- Kevin Crestin and Eric Wilkins on behalf of the Arizona State Land Department ("ASLD")
- Emmi Blades on behalf of the United States Department of Justice, Environment and Natural Resources
- John Burnside on behalf of on behalf of Arizona Public Service ("APS") and BHP Copper

- Brian Heiserman on behalf of the City of Cottonwood, St. David Irrigation District, Gila Valley Irrigation District and Franklin Irrigation District
- Nyla Knox on behalf of Freeport Minerals
- Phillip Londen on behalf of the Arizona Water Company
- Susan Montgomery on behalf of the Yavapai Apache Nation and observing for the Pascua Yaqui Tribe
- Laurel A. Herrmann on behalf of San Carlos Apache Tribe
- Charles Cahoy on behalf of the City of Phoenix
- Alexandra Arboleda on behalf of the City of Tombstone
- Karen Nielsen on behalf of the Arizona Department of Water Resources (“ADWR”)
- The following Groundwater Flow Model Technical Committee (the “Committee”) members are present:
 - Jerry Shi and Emily LoDolce (ADWR)
 - Dean Alford (City of Tempe)
 - Doug Bartlett (Clear Creek Associates)
 - Dave Colvin (LRE Water)
 - Amy Hudson (Tetra Tech)
 - Conor Kingston (Stetson Engineers, Inc.)
 - Colin Kikuchi (Montgomery & Associates)
 - Nathan Miller (Matrix New World Engineering)
 - Peter Mock (PMGC, Inc.)
 - James Wells (LEA Environmental, Inc.)

A record of the proceedings is made digitally in lieu of a court reporter.

The Court addresses the parties regarding the purpose of the committee.

Emily LoDolce (Committee Co-Chair with Dean Alford) provides an update for the Court. She shares that the Committee has met twice so far. At those two meetings the members discussed key issues to be addressed with the model, the role of the co-chairs, the summer schedule, the role of the committee members and what level of involvement the members should have with the development of the model. She notes that they are able to discuss items 1 through 4 detailed in the Court’s *Order Establishing Groundwater Flow Model Technical Committee* filed March 24, 2025. She is not able to provide a proposed timeline as the Committee requires some further guidance from the Court. She provides the following update to the Court:

1. **Proposed Schedule for the Technical Committee Meetings** - the meetings will take place 1:30 p.m. through 3:00 p.m. Arizona time on:
 - June 19, 2025,
 - July 31, 2025,
 - August 28, 2025,
 - September 11, 2025
 - October 23, 2025
 - November 6, 2025.

2. **Proposed Schedule for Progress Consultations with the Special Water Master between June and November 2025:** the Committee proposes September 3, 2025 and November 12, 2025.
3. **Issues Subject to Disagreement:** model structure, review of calibration targets, review of boundary conditions, recalibration, and approach to testing and use of the model:
 - a. **Model Structure:** involves the definition of fine grained unit, grid refinement (horizontally and vertically) and conceptually agreed upon physically reasonable bounds for hydrostratigraphic unit.
 - b. **Review of Calibration Targets:** review of concentration and depths of water levels, seasonality of the water level targets to understand difference between seasons, potential to calibrate to a difference in heads between the hydrostratigraphic units, identify targets within the subflow zone, and further identify targets with respect to boundary conditions and its impact on calibration.
 - c. **Review of Boundary Conditions:** review of whether the river is being simulated properly and how they are approaching the spring flows.
 - d. **Recalibration:** review of the flooded cells, using calibration target categorization from item b to improve their statistics, the potential use of manual sensitivity analysis to inform the calibration and looking into the use of past calibration infused with sensitivity and uncertainty analysis.
 - e. **Testing and Use:** approach to cone of depression and subflow testing.

The Court calls for any comments and additions.

James Wells addresses the Court. He agrees with the list of the main technical points and adds context for a big picture concern on the uncertainty of the model.

Colin Kikuchi addresses the Court. He adds that one additional key item they discussed under the review of calibration targets and recalibration sections was to identify specific wells where the direction of the simulated trend in groundwater levels differs from the direction of the trend in measured groundwater levels.

Conor Kingston addresses the Court. He adds that another key item discussed under the recalibration section is the need to review model fluxes specifically: recharge, evapotranspiration, extreme flow and underflow. They want to develop acceptable ranges that the model can produce for each of those elements.

The Court inquires what the Committee requires of the Court.

Emily LoDolce addresses the Court. She indicates that the Committee would like guidance on how to resolve areas of disagreements and what the role of co-chairs are.

The Court explains that the role of the co-chairs is to keep the meetings on task with respect to focusing on whatever the particular topic of that meeting is. In regards to dispute resolution, the Court clarifies that these meetings are not intended to be adversarial

and the Court does not expect the parties to agree 100%. The Court would like the parties to use a reasonable scientific approach in reaching decisions.

Discussion is held regarding dispute resolution.

Peter Mock addresses the Court. He indicates that he is perfectly comfortable with Jerry Shi being the ultimate decision maker as the model developer and in the event that the other members feel a decision is not backed by good science, they can reach out to the Court for further guidance.

Jerry Shi expresses that he is comfortable with Peter Mock's suggestion of having ADWR as the ultimate decision maker.

The Court calls for comments from counsel regarding the workload distribution and the concern that their clients may not want to pay for their experts to work on the model.

Counsel Heiserman addresses the Court regarding the level of authority he has from his clients and inquires if the Court is expecting the experts to co-develop this model.

The Court understands that the parties must gain authority for that level of involvement. The Court's intention of creating this Committee is the hope that if the experts have that level of involvement and agree upon the science behind the model, it will expedite the timeline and result in less objections (and expense) to the model later on.

Counsel McGinnis addresses the Court regarding work distribution. He expresses concern that if a particular entity's expert does more work on the model than another's, it may be viewed as that particular entity's model.

The Court appreciates that concern and does expects the work to be distributed evenly between the Committee members (with the exception of ADWR as it is ultimately their model).

Counsel Burnside addresses the Court. He asks for specific guidance from ADWR regarding what the experts will be tasked with so he can explain the level of involvement to his clients.

Counsel Knox addresses the Court. She agrees that guidance from ADWR will be helpful in their conversations with their clients.

Dave Colvin addresses the Court. He provides an example of what the members discussed as to the appropriate level of involvement: basic advisory role of providing quality control on basic information on the model and providing suggestions to ADWR with respect to their past modeling experiences for improvement of the model.

Counsel Nielsen addresses the Court.

Emily LoDolce provides clarification regarding the delegation of duties. She explains that a calibration target review may take up forty hours of one person's time but if smaller tasks are delegated across the members, it may only take up only six hours of each person's time.

Counsel Nielsen addresses the Court regarding staffing challenges and how that affects their realistic timelines.

Discussion is held regarding the delegation of duties. Emily LoDolce suggests if the parties can gain authority for a certain number of hours of work per month, they can assign duties accordingly.

IT IS ORDERED that ADWR email a few more examples of the tasks that would be distributed. The Court will include these examples as a "LATER" in today's Minute Entry so the attorneys can discuss with their clients.

The Court would like the Committee to discuss a proposed timeline for development of the final model at their meeting on June 19th.

IT IS FURTHER ORDERED setting a Status Conference to obtain a second progress update from the Committee on **September 3, 2025 at 10:00 a.m.** before Special Water Master Sherri Zendri.

IT IS FURTHER ORDERED setting a Status Conference to obtain a third progress update from the Committee on **November 12, 2025 at 10:00 a.m.** before Special Water Master Sherri Zendri.

Both Status Conferences shall be held using the Court Connect program. Instructions for Court Connect are attached to this Order. If you receive this Order by email, click on the red box "Join Court Connect Hearing" on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect.

NOTE: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

11:00 a.m. Matter concludes.

LATER:

As ordered above, ADWR provided the following examples of tasks that committee members may be working on:

1. Under Structure, physically reasonable bounds for aquifer properties:
 - a. Tabulate the conceptual values presented in the ADWR report & identify which are considered unreasonable.
 - b. Provide information to the committee supporting revised conceptual values and associated references.
2. Under Calibration target review:
 - a. Statistical analysis of seasonality of water level targets, with recommendation on how to incorporate the information into the weighting scheme or other aspect of the calibration.
 - b. Evaluate the potential to calibrate to "difference in head" water level targets, including proposing criteria to identify grouped targets and initial list of potential targets.
3. Under Recalibration, General water budget terms:
 - a. Tabulate the conceptual targets presented in the ADWR report & identify which are considered unreasonable.
 - b. Provide information to the committee supporting revised conceptual values and associated references.
4. Under Recalibration, Sensitivity & Uncertainty Analysis Incorporated into PEST:
 - a. Provide ADWR with one or more examples of how this has been used in other models.
 - b. Provide a written procedure that ADWR can follow.

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



Court Connect Hearing Notice for In re Subflow Technical Report, San Pedro River Watershed

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

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

Start Date/Time: September 3, 2025 at 10:00 am and November 12, 2025 at 10:00 am

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)