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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

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) Contested Case No. W1-103 ORDER ON PARTIES’ STIPULATED MOTION RE PARTICIPATION ON TECHNICAL COMMITTEE
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CONTESTED CASE NAME: <i>In re Subflow Technical Report, San Pedro Watershed</i> REPORT INVOLVED: Addendum to the Groundwater Flow Model of the Upper San Pedro Groundwater Basin, February 2025. DESCRIPTIVE SUMMARY: The order clarifies that there shall be no evidentiary ramifications to Parties as a result of participation by the Parties’ consultants on the Groundwater Flow Model Technical Committee. NUMBER OF PAGES:10
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On September 5, 2025, multiple parties represented on the Groundwater Flow Model Technical Committee (“Technical Committee”) filed a Stipulated Motion Concerning Participation by the Parties’ Consultants on the Groundwater Flow Model Technical Committee (“Motion”). While most parties on the Technical Committee signed the Motion, the Gila River Indian Community, the San Carlos Apache Tribe, and

1 the United States have taken no position on the matter.¹ In this order, signatories to the
2 stipulated motion are collectively referred to as “the Parties.”

3 The Special Master established the Technical Committee to provide a forum for
4 technical experts to openly discuss, debate, and ultimately work through the technical
5 complexities associated with developing a groundwater model for the San Pedro
6 watershed. Members of the Technical Committee were invited to participate “as
7 representatives for science and advocates for the most reasonable scientific solution [for
8 the Model] given time and cost constraints.”² While such a collaborative approach is
9 intended to reduce objections by presenting the strongest scientific reasoning, it is no
10 way meant to silence objections. Reasonable minds can, and do, differ in science as in
11 law.

12 The Special Master is extraordinarily grateful to all members and parties who are
13 contributing time and intellectual capital to the Technical Committee. To encourage
14 robust and candid dialogue, the Special Master agrees that participation on the
15 Technical Committee must have limited evidentiary and legal implications.
16 Specifically, participation on the Technical Committee must not be construed as
17 acquiescence with the Groundwater Flow Model (“Model”). Moreover, technical
18 objections shall be appropriate at any phase of Model development and approval
19 process, including potential appeals.

20 Likewise, participation on the Technical Committee should not have any bearing
21 on a participant’s credibility or the weight of a participant’s expert testimony. The
22 language of the Parties’ proposed order states that “participation in the Committee
23 process will not carry any negative ramifications with respect to . . . the credibility or
24

25 ¹. Parties who are signatories to the stipulation include Freeport Minerals Corp., ASARCO LLC,
26 Arizona Public Service, Arizona Water Company, Arizona State Land Department, BHP Copper, The
27 Nature Conservancy, Navajo Nation, Salt River Project, Tonto Apache Tribe, Yavapai-Apache Nation,
28 St. David Irrigation District, Gila Valley Irrigation District, Franklin Irrigation District, and the cities of
Cottonwood, Chandler, Phoenix, Safford, Tombstone, Tucson, Avondale, Glendale, Mesa, Scottsdale,
and Tempe. W1-103, Stipulation, FN 1 at 2.

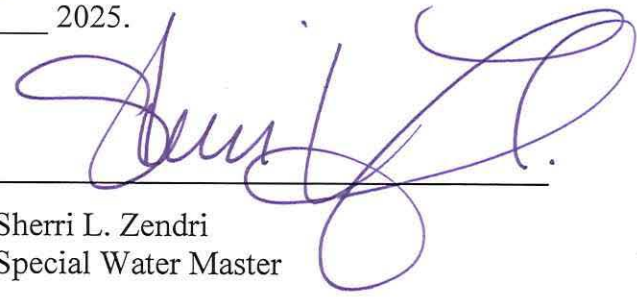
² W1-103, Order Establishing Groundwater Flow Model Technical Committee, March 24, 2025, at 3.

weight to be afforded to testimony by any consultant who participated on the Committee.” Credibility and weight of testimony must be established without reference to the Technical Committee. The Special Master amends the Parties’ proposed order accordingly.

IT IS ORDERED:

- 1) Participation by the Parties’ respective consultants on the Technical Committee will not in any way limit or otherwise impact any Party’s ability to assert objections to the Model or its development at any phase of the development and approval process, including on any potential appeal.
- 2) Participation in the Technical Committee process will not be construed as acquiescence with the Model or its development.
- 3) Participation will not carry any ramifications, positive or negative, with respect to a Party’s ability to assert objections (legal, technical, or otherwise), the weight to be given to those objections, or the credibility or weight to be afforded to testimony by any consultant who participated on the Committee.
- 4) Participation in the Technical Committee process will provide no basis to exclude (or otherwise limit) any consultant from testifying or otherwise participating as a testifying or consulting expert in these or any other proceedings.

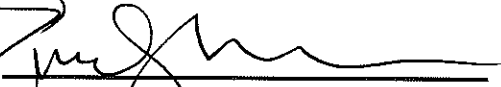
Signed this 7th day of October 2025.



Sherri L. Zendri
Special Water Master

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The original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court on October 7, 2025, for filing and distributing a copy to all persons listed on the Court approved mailing list for this contested case.


Emily Natale

Court Approved Mailing List
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