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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**

W1-00-001234  
**Case No. W1-11-002801**  
**ORDER ON MOTION FOR  
RECONSIDERATION**

CONTESTED CASE NAMES: *In re ASARCO - Irrigation*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
SUMMARY: This order amends a typographic error in the Special Master’s February 3, 2026, Order on Motions for Partial Summary Judgement, and reinstates claims dismissed solely due to forfeiture.  
NUMBER OF PAGES: 3

On March 24, 2026, ASARCO, LLC filed a motion for reconsideration of the Special Master’s February 3, 2026, Order on Motions for Partial Summary Judgement (“Order”), and the Salt River Project (“SRP”) filed a partial joinder with ASARCO’s motion for reconsideration. During a March 19, 2026, status conference, the Special Master encouraged the parties to file responses.<sup>1</sup>

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<sup>1</sup> Pursuant to Arizona Rules of Civil Procedure, Rule 7.1(a)(3) responses must be filed within 10 days. Nonetheless, on April 13, 2026, the United States and the Gila River Indian Community (“Community”) each filed a response to ASARCO’s motion for reconsideration. Also on April 13, 2026, the San Carlos Apache Tribe (“Tribe”) filed a notice that the Tribe joins with the Gila River Indian Community's response.

1 ASARCO requests that the Special Master amend the Order: (1) to reflect that,  
2 pursuant to the Court's subsequent March 3, 2026 order on forfeiture, forfeiture does not  
3 apply to pre-1919 water rights; (2) to grant summary judgment in favor of ASARCO  
4 confirming that it has not abandoned water rights appurtenant to the fields at issue in this  
5 case; and (3) to correct transposed references to Aravaipa Ranch parcels IR02a and IR02c  
6 in section 1.3.

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8 **I. Proposed Substantive Amendments.**

9 The Order properly applied the law in place at the time of its issuance. Accordingly,  
10 there is no need to amend the language of the Order with respect to the law at the time the  
11 Order was issued. Furthermore, vacating section 1.4 of the Order in entirety would  
12 improperly erase factual findings that were diligently reviewed and remain relevant.  
13 Analysis of non-use in the Order and the determination of prolonged periods of non-use on  
14 certain parcels are germane to abandonment, which continues to apply to pre-1919 rights.  
15 The evidence of non-use alone creates at least an inference of intent to abandon and  
16 prevents summary judgment on abandonment.

17 **IT IS ORDERED** reinstating ASARCO's claims for pre-1919 water rights  
18 dismissed solely on the basis of forfeiture, leaving intact all factual findings in the Order,  
19 including those in section 1.4.

20 **IT IS FURTHER ORDERED** denying ASARCO's motion for summary judgment  
21 on abandonment.

22 **III. Typo in Section 1.3.**

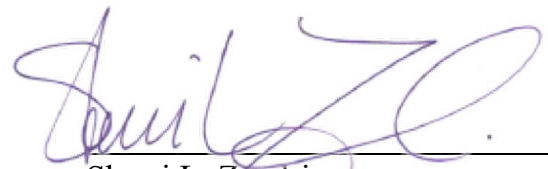
23 ASARCO's assessment regarding the apparent typographical error concerning  
24 references to "IR02a" and "IR02c" at Aravaipa Ranch in section 1.3 of the Order is  
25 accurate. All other parties to this particular dispute have had an opportunity to respond to  
26 the proposed amendment.

27 **THEREFORE, IT IS ORDERED** replacing "IR02a" with "IR02c" on page 18,  
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line 1 and replacing “IR02c” with “IR02a” on page 18, line 4 of the Order.

DATED this 24th day of April 2026.



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Sherri L. Zendri  
Special Master

On April 24, 2026, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court approved mailing lists for this contested case.

*Emily Natale*