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5 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
6 **IN AND FOR THE COUNTY OF MARICOPA**
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9 IN RE THE GENERAL ADJUDICATION
10 OF ALL RIGHTS TO USE WATER IN
11 THE GILA RIVER SYSTEM AND
12 SOURCE

W-1, W-2, W-3, W-4 (Consolidated)

Case Nos. W1-11-2708; W1-11-2697

13 **ORDER DENYING THE GILA RIVER**
14 **INDIAN COMMUNITY'S MOTION *IN***
15 ***LIMINE* REGARDING THE USE OF**
16 **THE *ST. DAVID* STIPULATIONS**

17 CONTESTED CASE NAMES: *In re Norman G. and Barbara Y. Crawford* (W1-11-
18 2708); *In re Hope Iselin Jones* (W1-11-2697).

19 HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

20 SUMMARY: This order DENIES the Gila River Indian Community's *Motion in Limine*
21 *Regarding the Use of the St. David Stipulations.*

22 NUMBER OF PAGES: 5

23 On April 28, 2025, the Gila River Indian Community ("GRIC") filed a motion *in limine*
24 to exclude "evidence regarding the *St. David* stipulations at trial."¹ The "*St. David* stipulations"
25 refer to the *Stipulation Regarding Quantification of Water Rights for Irrigation Uses*
26 ("*Methodology Stipulation*"),² and the *Stipulation Regarding Irrigation Water Duty* ("*Duty*
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¹ W1-11-2697, W1-11-2708, Gila River Indian Community's Motion *in Limine* to Exclude *St. David* Stipulations ("GRIC Motion") (April 28, 2025).

² The parties who signed the Methodology Stipulation on July 10, 2020 included the St. David Irrigation District, Salt River Project, United States, San Carlos Apache Tribe, Gila River Indian Community, Yavapai-Apache Nation, Tonto Apache Tribe, Arizona Chapter of the Nature Conservancy, Arizona State Land Department, City of Cottonwood, Franklin Irrigation District, Gila Valley Irrigation District, City of Mesa, City of Phoenix, Freeport Minerals Corporation, BHP Copper Inc., and ASARCO LLC.

1 Stipulation”).³ GRIC argues, joined by the United States and the San Carlos Apache Tribe, that
2 the *St. David* stipulations do not apply to these contested cases and are therefore irrelevant.⁴ A
3 detailed evaluation of the applicability of both stipulations to these contested cases can be found
4 in the Special Master’s May 13, 2025 *Order On Motions for Summary Judgement* (“Order”).⁵
5 The Order demonstrated that only the Methodology Stipulation applies to these contested cases
6 and only to the estimation of crop evapotranspiration therein.⁶ Because estimates of crop
7 evapotranspiration may be relevant to determining historical water use, the Methodology
8 Stipulation may be admissible at trial.

9 GRIC also asserts the Stipulations were not properly disclosed by C-Spear LLC and
10 Hartman Farms LLC (“Claimants”).⁷ Claimants respond that the stipulations are not “legal
11 theor[ies] supporting Claimants’ case,” but rather the agreements are “binding obligations” that
12 have been presented to “prevent a party from violating their prior agreements.”⁸ Claimants
13 further show that the expert for the United States, Dr. Ley, appears to have had full knowledge
14 of the stipulations when responding to deposition questions from Claimants.⁹

15 All parties to the Methodology Agreement invested considerable time and effort into the
16 Agreement. It would be a great disservice if such effort was not honored and the signatory parties
17 find themselves in the position of relitigating something they understood to already be settled.¹⁰
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21 ³ Parties who signed the Duty Stipulation on September 10, 2020, included the St. David Irrigation District, Salt
22 River Project, the United States, San Carlos Apache Tribe, Gila River Indian Community, Yavapai-Apache
Nation, Tonto Apache Tribe, ASARCO, BHP Copper, the City of Phoenix, and the City of Mesa.

23 ⁴ GRIC Motion at 3.

24 ⁵ W1-11-2697, W1-11-2708, W1-11-2081 *et al.*, Order on Motions for Summary Judgement at 8–11 (May 13,
2025).

25 ⁶ GRIC Motion at 3.

26 ⁷ GRIC Motion at 4.

27 ⁸ W1-11-2697, W1-11-2708, Claimants’ Consolidated Response to the Gila River Indian Community’s Motion *in*
Limine to Exclude *St. David* Stipulations at 4 (“Claimants’ Response”) (April 30, 2025).

28 ⁹ *Id.* at 5.

¹⁰ ASARCO, Arizona State Land Department, and the Salt River Project join in Claimants’ Response to GRIC
Motion.

1 **IT IS ORDERED** Denying GRIC's Motion *in Limine* to preclude the *St. David*
2 stipulations.

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4 DATED this 19th day of May, 2025.

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8 Sherri Zendri
9 Special Master
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11 On May 19, 2025, the original of the foregoing was mailed
12 to the Clerk of the Maricopa County Superior Court for filing
13 and distributing a copy to all persons listed on the Court
14 approved mailing lists for these contested cases, a copy of
15 which is attached.

16 Emily Natale
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Court Approved Mailing List
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Prepared by the Special Master
5/19/2025

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