

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

September 3, 2026

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
W1-00-001234 (Consolidated)

FILED: September 10, 2026

In re: ASARCO – Irrigation
Contested Case No. W1-11-002801

BENCH TRIAL – DAY NINE

Courtroom 613 – East Court Building

8:59 a.m. This is the time set for continued Trial to Court before Special Water Master Sherri Zendri.

The following parties/attorneys appear in person:

- Sean T. Hood, Kaitlyn E. Smith and William G. Klain on behalf of American Smelting and Refining Company LLC and American Smelting and Refining Company Conservation Foundation LLC (“ASARCO”)
- Katrina L. Wilkinson and Michael K. Foy on behalf of Salt River Project (“SRP”)
- Merrill C. Godfrey, Radiance J. Campbell, Christina Makarova Quiggle and Michael Carter on behalf of the Gila River Indian Community (“GRIC”)
- Alexander B. Ritchie, Jana Sutton, Laurel Herrmann and Bernardo M. Velasco on behalf of the San Carlos Apache Tribe
- Andrew “Guss” Guarino on behalf of the United States Department of Justice

Court Reporter, Michele Kaley, is present. A record of the proceeding is also made digitally.

LET THE RECORD REFLECT that Court Reporter Michele Kaley was previously sworn on September 2, 2026.

Objector's case continues:

Witness, Dr. Peter Mock, having been previously sworn, testifies further.

10:08 a.m. Court stands in recess.

10:20 a.m. Court reconvenes with the above-named parties/counsel present.

Court Reporter, Michele Kaley, is present. A record of the proceeding is also made digitally.

Witness, Dr. Peter Mock, testifies further.

The witness is excused.

The Objectors rest.

The Claimants have no rebuttal.

Discussion is held regarding the admission of exhibits.

LET THE RECORD FURTHER REFLECT that Counsel Hood and Counsel Godfrey confirm the following exhibits and their associated well documents:

- GRIC 118 – former F9
- ASARCO CL 318 – current F9
- GRIC 119 – M2 (a former domestic well)
- ASARCO CL 328 – Notice of Intent related to the replacement well, current M2
- GRIC 120 – former well F1 (replaced by F1A, well registration 55-517918)
- GRIC 121 – former well F4 (replaced by F5, well registration # 55-610308)
- GRIC 122 – well F6
- GRIC 123 – well F7
- GRIC 124 – appears to be a monitoring well
- ASARCO CL 317- well F10, farmhouse well
- ASARCO CL 320 – PZ13
- ASARCO CL 321 – PZ15
- ASARCO CL 322 – PZ1
- ASARCO CL 323- PZ2
- ASARCO CL 324- PZ9
- ASARCO CL 326 – PZ6
- ASARCO CL 330 – Well F3

Counsel Smith addresses the Court regarding exhibits that were discussed but not admitted.

Counsel Smith moves for the admission of ASARCO's exhibits CL 7 through CL 9 (Mr. Burtell's early settlement tables from his first report), ASARCO's CL 11 through CL 13 (ranch boundary maps from Mr. Burtell's report), CL 16 (Mr. Burtell's Robinson Ranch claimed field map), CL 423 (clearer version of an illegible portion of CL 267) CL 448 and CL 449 (patent files related to Henry Gibson), CL 442 (David Dotson Homestead File) and CL 432 (clearer version of an illegible portion of CL 180).

Counsel Godfrey addresses the Court regarding the proposed admissions.

The Special Master will admit these exhibits however, the Objectors will be granted leave to provide any objections to these specific exhibits in their final briefing.

ASARCO's exhibits CL 7 through CL 9, CL 11 through CL 13, CL 16, CL 423, CL 432, CL 442, CL 448, and CL 449 are received in evidence.

Counsel Guarino addresses the Court regarding exhibits that were discussed but not admitted. He moves for the admission of ASARCO's exhibits CL 189, CL 421 and CL 422.

ASARCO's exhibits CL 189, CL 421 and CL 422 are received in evidence by request of the United States.

Counsel Klain addresses the Court regarding deposition designations.

LET THE RECORD REFLECT that Counsel Klain reads the following deposition designations into the record from the deposition of Dr. Thomas W. Ley, Ph.D., PE, June 24, 2025:

- Page 14, line 4 through page 20, line 22
- Page 21, line 6 through page 23, line 1
- Page 25, line 7 through page 26, line 6
- Page 27, line 21 through page 28, line 3
- Page 29, lines 4 through 24
- Page 31, lines 3 through 20
- Page 32, lines 1 through 14
- Page 33, lines 1 through 20
- Page 37, line 24 through page 39, line 14
- Page 48, lines 1 through 5
- Page 48, lines 15 through 21
- Page 57, line 16 through page 58, line 13
- Page 61, lines 15 through 24
- Page 85, lines 4 through 11
- Page 88, line 21 through page 89, line 19
- Page 113, line 15 through page 114, line 14
- Page 117, line 20 through page 118, line 10

- Page 118, line 12 through page 119, line 6

Counsel Godfrey addresses the Court regarding exhibits where only certain pages were admitted. The Special Master will permit the parties to address that in their final briefing.

Discussion is held regarding final briefing.

LET THE RECORD REFLECT that the page limits will not include attachments. The Special Master will permit a limited proposed Findings of Fact and Conclusions of Law with respect to the attributes of a water right that would appear on an abstract. The proposed findings may be filed as an attachment and will not be included in the page limit.

IT IS ORDERED that the parties shall submit their proposed schedule for final briefing **by Friday, September 11, 2026.**

11:49 a.m. Matter concludes.

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