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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 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
(Consolidated)

Contested Case Nos. W1-11-2081, W1-11-2089, W1-11-2090, W1-11-2111, W1-11-2119, W1-11-2127, W1-11-2128, W1-11-2131

**ORDER FOR ADDITIONAL
INFORMATION REGARDING
FREEPORT MINERALS
CORPORATION'S MOTION TO
INTERVENE, NOTICE OF
APPEARANCE, AND REQUEST TO
BE ADDED TO THE COURT
APPROVED MAILING LIST**

CONTESTED CASE NAME: *In re Orie Alvin Owens, Sr., et al. (W1-11-2081); In Valley National Bank (W1-11-2089); In William & Esther Taylor (W1-11-2090); In re Ruth B. Singer (W1-11-2111); In re San Pedro Investments (W1-11-2119); In re Jimmie and Gwendolyn Mayberry (W1-11-2127); In re Robin L. and Linda M. Richey (W1-11-2128); In re Andrew and Lavee Mayberry (W1-11-2131)*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Order for additional information regarding Freeport Minerals Corporation's Motion to Intervene, Notice of Appearance, and Request to be Added to the Court Approved Mailing List to be filed by **November 3, 2023.**

NUMBER OF PAGES: 3

1 On October 16, 2023, Freeport Minerals Corporation (“Freeport”) filed Motion
2 to Intervene, Notice of Appearance, And Request to Be Added to The Court Approved
3 Mailing List (“Motion”). Under Section 7.01(6) of The Rules for Proceeding Before
4 the Special Master, the following persons are permitted to participate in a contested
5 case involving an objection to an HSR:

6 (1) the claimant or the transferee of the claimant who filed a timely Statement
7 of Claimant which has been identified in the Watershed File Report subject to
8 objection;

9 (2) the person or the transferee of the person who has been identified as the
10 landowner in the Watershed File Report subject to objection, regardless of whether the
11 person filed a Statement of Claimant in the adjudication (the participation of this
12 person may be questioned by other litigants in a preliminary motion);

13 (3) any objectors to the Watershed File Report;

14 (4) the litigants in other contested cases that have been consolidated with the
15 instant contested case;

16 (5) parties in either adjudication who participate pursuant to an order of the
17 Master issued in an effort to resolve similar issues of law or fact, typical claims or
18 defenses, or objections raising issues of broad legal importance; and

19 (6) counsel for any of the foregoing person
20

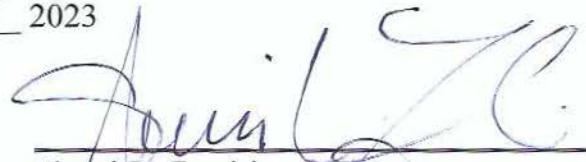
21 Freeport does not meet any of these criteria for any of the St. David Irrigation
22 District (“SDID”) cases – the consolidated cases listed here or the initiation case W1-
23 11-1675, therefore a Motion to Intervene is appropriate. However, the Arizona Rules
24 of Civil Procedure (“Ariz. R.C.P.”) Rule 24(c) require that “[a]nyone moving to
25 intervene must: (A) serve the motion on the parties as provided in Rule 5(c); and (B)
26 attach as an exhibit to the motion a copy of the proposed pleading in intervention that
27 sets out the claim or defense for which intervention is sought.”

28 The Motion received from Freeport did not include a proposed pleading setting


1 out the claim or defense for which intervention is sought. Furthermore, the Court was
2 not able to find a proper motion to intervene or any documented Court approval for
3 Freeport to be included as a party in any of the case files for any of the SDID cases.
4

5 **IT IS ORDERED** that Freeport will file with the Court, by **November 3, 2023**,
6 a detailed proposed pleading in accordance with Ariz. R.C.P. 24(c) that sets out the
7 claim(s) and/or defense(s) for which intervention is sought by Freeport. If such
8 proposed pleading is not timely filed, Freeport's Motion will be denied.
9

10
11 Signed this 20 day of October 2023

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14 Sherri L. Zendri
15 Special Water Master
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19 The original of the foregoing was
20 delivered to the Clerk of the Maricopa
21 County Superior Court on
22 October 20, 2023 for
23 filing and distributing a copy to all persons
24 listed on the Court Approved Mailing List
25 for this case.

24 
25 _____
26 Emily Natale
27
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