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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 Nos. **W1-11-2801; W1-207**  
**DENIAL OF GILA RIVER INDIAN  
COMMUNITY'S CROSS-MOTION FOR  
DECLARATORY RELIEF**

**CONTESTED CASE NAME:** In re ASARCO-Irrigation; In re Proposed Gila River Indian Community Water Rights Settlement  
**HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report  
**DESCRIPTIVE SUMMARY:** Denial of the Gila River Indian Community's Cross-Motion for Declaratory Relief.  
**NUMBER OF PAGES:** 2

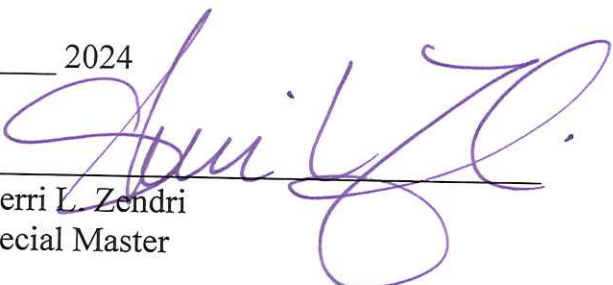
On April 2, 2024, the Gila River Indian Community ("Community") sent a letter to the Arizona Department of Water Resources ("ADWR") requesting "Enforcement against ASARCO's diversion of San Pedro River water in violation of the Gila River Indian Community's time immemorial right to Gila River water." Community Letter to ADWR at 1 (April 2, 2024). On July 24, 2024, ADWR requested direction from the Court regarding the letter from the Community. On August 9, 2024, the Court denied ADWR's request for direction on how to proceed regarding the Community's letter, reasoning that "[a]ny advice from the Court, including entertaining oral arguments on the matter, at this juncture would be premature, inappropriate, and potentially prejudicial." Denial of ADWR's Request for Direction at 2 (August 9, 2024) ("Denial").

1 The Community filed a Response to ADWR's Request for Direction and Cross-  
2 Motion for Declaratory Relief ("Cross-Motion") on August 7, 2024; however, the Cross-  
3 Motion did not get delivered to the General Stream Adjudication offices until August 12,  
4 2024, and was therefore not addressed in the Court's Denial. The Community requests  
5 declaratory relief from the Adjudication Court that "ADWR has the duty and authority to  
6 promptly investigate and take action on the Community's complaint." Cross-Motion at 9.

7 The August 9, 2024 Denial provides as much guidance on this topic from the  
8 Adjudication Court as is appropriate at this point. Therefore,

9 **IT IS ORDERED** denying Gila River Indian Community's Cross-Motion for  
10 Declaratory Relief.

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13 Signed this 26 day of August 2024

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16 \_\_\_\_\_  
17 Sherri L. Zendri  
Special Master

18 The original of the foregoing was delivered to  
19 the Clerk of the Maricopa County Superior  
20 Court on August 26, 2024 for  
21 filing and distributing a copy to all persons  
22 listed on the Court approved mailing list for  
23 these contested cases.

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25 \_\_\_\_\_  
26 Emily Natale  
27  
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