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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 (Consolidate)
Contested Case No. W1-106

**ORDER GRANTING SALT RIVER
PROJECT’S MOTION FOR ORDER
DIRECTING ARIZONA
DEPARTMENT OF WATER
RESOURCES TO PROVIDE
DOCUMENTS RELATED TO
PREPARATION OF ITS TECHNICAL
REPORT, *DE MINIMIS* DOMETIC,
STOCKPOND, AND STOCK AND
WILDLIFE WATERING USES IN
THE VERDE RIVER WATERSHED
AND DENYING EXPEDITED
REVIEW**

Contested Case Name: *In re Subflow Technical Report, Verde River Watershed.*

Descriptive Summary: The Special Master grants the Salt River Project’s motion for an order directing Arizona Department of Water Resources to provide non-privileged documents related to the preparation and finalization of its Technical Report, *De Minimis* Domestic, Stockpond, and Stock and Wildlife Watering Uses in the Verde River Watershed.

Number of Pages: 8

On January 31, 2024, the Salt River Project Agricultural Improvement and Power District and the Salt River Valley Water Users’ Association (collectively “SRP”) filed a Motion for Order Directing Arizona Department of Water Resources to Provide Documents Related to Preparation of Its Technical Report, *De Minimis* Domestic, Stockpond, and Stock and Wildlife Watering Uses in the Verde River Watershed

1 (“Motion to Direct”). Also on January 31, 2024, SRP file a Motion for Expedited
2 Consideration of Its Motion for Order Directing Arizona Department of Water Resources
3 to Provide Documents Related to Preparation of Its Technical Report, *De Minimis*
4 Domestic, Stockpond, and Stock and Wildlife Watering Uses in the Verde River
5 Watershed (“Motion to Expedite”). The Motion to Expedite directs the Court to provide
6 an expedited timeframe for any responses or replies to SRP’s Motion to Direct.

7 Having reviewed both motions from SRP, the Court notes that the Arizona
8 Department of Water Resources (“ADWR”) is aware of and appears to be amenable to
9 the request for documents. Motion to Direct at 3. Given that request for documents as
10 outlined in the Motion to Direct is reasonable and proper, recognizing an exclusion for
11 privileged documents, and ADWR as the only party who bears the burden of document
12 production has demonstrated agreement, the Court sees no reason to entertain further
13 responses or replies to SRP’s Motion to Direct. Therefore, with good cause appearing,
14

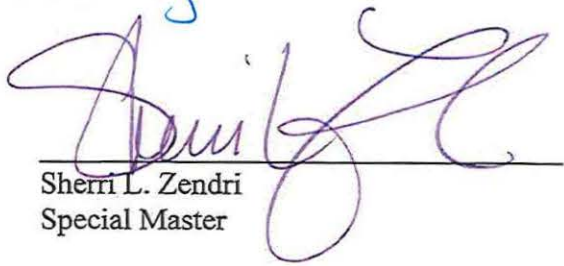
15 **IT IS HEREBY ORDERED:**

- 16 1. The Motion to Expedite is DENIED.
- 17 2. The Motion to Direct is GRANTED.
- 18 3. The Arizona Department of Water Resources (“ADWR”) shall make
19 available on its website no later than **February 16, 2024:**
 - 20 A. All non-privileged internal communications, including but not limited to
21 emails and internal chat logs, between or among employees of ADWR
22 related to the preparation and finalization of its Technical Report, *De*
23 *Minimis* Domestic, Stockpond, and Stock and Wildlife Watering Uses in
24 the Verde River Watershed (“*De Minimis* Report”).
 - 25 B. All non-privileged communications with any outside sources,
26 consultants, or other persons or organizations related to the preparation
27 and finalization of the *De Minimis* Report.

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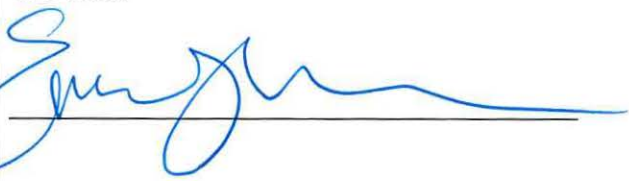
- C. All documents analyzed, created, reviewed, relied upon, or related to the preparation and finalization of the *De Minimis* Report, which would include, among other things, internal memoranda, analyses, assessments, data, and other reference materials.
- D. All documents that demonstrate the internal processes for preparing and finalizing the *De Minimis* Report, which would include, among other things, internal memoranda, analyses, assessments, or other documents.

DATED this 5 day of February, 2024.



Sherri L. Zendri
Special Master

On February 5, 2024 the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to the persons included on the Court-approved mailing list for Case No. W1-106.



Court Approved Mailing List
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