

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 No. W1-103

ORDER SETTING A STATUS
CONFERENCE

CONTESTED CASE NAME: *In re San Pedro Subflow Technical Report*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Status conference rescheduled for February 20, 2019
NUMBER OF PAGES: 3
DATE OF FILING: January 22, 2019

On January 2, 2019, the United States requested that the status conference set in this case be vacated due to the lapse of appropriations for United States Department of Justice beginning on December 22, 2018. The motion was granted based on the assumption that the delay in funding the United States Department of Justice would not extend beyond several weeks and the resulting delay in initiating proceedings on Arizona Department of Water Resources' Initial

1 Subflow Depletion Test Report (“Report”) would not unduly prejudice the parties. The lapse in
2 funding for the United States Department of Justice has now continued for a month and no
3 guidance has been forthcoming about the expected duration of the lapse in funding except for
4 public statements that it may continue for months or even years.

5 The establishment of a subflow depletion test is important in this general adjudication
6 because it will determine whether a well’s cone of depression extends into the subflow zone and
7 is depleting the stream. The test will potentially be applied to a large number of wells and affect
8 water rights in the watershed. Based on past experience with the development of key tests
9 involving wells, the issuance of a court-approved test will require a substantial amount of time
10 and effort from the parties. Given these factors, an extended, indefinite delay cannot be
11 permitted to the prejudice the many parties involved. Thus, the status conference will be
12 rescheduled for February 20, 2019 to define the key issues that must be resolved to begin the
13 process to implement a subflow depletion test. Parties are not expected to file briefs in advance
14 of the status conference, but should be prepared to address the following questions at the status
15 conference:
16
17

- 18 1) Should formal proceedings be initiated to evaluate ADWR’s proposal to create
19 buffer zones as described in the Small Wells Analysis;
- 20 2) Whether the Subflow Depletion Test has any application in the adjudication
21 prior to the entry of a decree. If not, are there reasons that ADWR’s resources
22 should be used to develop this test or should resources be focused on those
23 tasks necessary to the issuance of a decree;
- 24 3) Whether the parties should be given time to develop proposed tests that could
25 be submitted to ADWR for review and comment; and
26
27
28

1 4) Whether ADWR should be given additional time to test and quantify model
2 sensitivity to runoff.

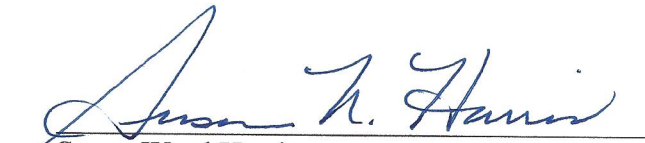
3 **IT IS ORDERED** setting a status conference for February 20, 2019 at 9:00 a.m. in the
4 Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson Street,
5 Phoenix, AZ 85003-2202. Arizona Department of Water Resources is requested to provide a
6 brief presentation of its Initial Subflow Depletion Test Report at the beginning of the status
7 conference.
8

9 Instructions for telephonic participation:

10 Dial: 602-506-9695 (local)

11 1-855-506-9695 (toll free long distance)

12 Dial Collaboration (conference) Code 357264#
13
14
15

16 
17 Susan Ward Harris
18 Special Master
19

20 On January 22, 2019, the original of the
21 foregoing was delivered to the Clerk of the
22 Maricopa County Superior Court for filing
23 and distributing a copy to all persons listed
24 on the Court approved mailing list for the
25 for Contested Case No. W1-103.
26
27
28