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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 No. **W1-106**

**CASE MANAGEMENT ORDER  
REGARDING SERVICE TO ALL  
PARTIES ON THE COURT APPROVED  
MAILING LIST**

**CONTESTED CASE NAME:** *In re Subflow Technical Report, Verde River Watershed*  
**TECHNICAL REPORTS INVOLVED:** Arizona Department of Water Resources, *Subflow Zone Delineation Report for Verde River Mainstem & Sycamore Canyon*, December 2021.  
**DESCRIPTIVE SUMMARY:** Reminder to all parties regarding service to all parties on the Court approved mailing list.  
**NUMBER OF PAGES:** 9

On July 22, 2024, the Office of the Special Water Master received a letter from Mr. Todd V. Scantlebury regarding the January 31, 2024, Case Management Order for contested case W1-106. It is unclear to the Court if Mr. Scantlebury’s letter has been properly serviced on all parties to the contested case therefore a copy of the letter is included as Attachment I. The letter referred to attached objections in paragraph two, however there was no attachment included with the letter.

Parties are reminded that any correspondence to the Court must be served upon

1 all parties included in the Court approved mailing list (CAML), which can be found on  
2 the General Stream Adjudication website at:

3 [https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/doc](https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/106ML.pdf)  
4 [s/106ML.pdf](https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/106ML.pdf).

5 Mr. Scantlebury's comments are a reiteration of his initial objections, dated April  
6 30, 2022, which were dismissed by the Court in the January 2024 case management  
7 order because they related to whether individual wells were pumping subflow or were  
8 otherwise not specific or responsive to ADWR's recommendations. Mr. Scantlebury's  
9 argument that ADWR use of professional judgement was "hasty, subjective and,  
10 possibly, arbitrary and capricious" is not substantiated.

11 **IT IS ORDERED** that Mr. Todd Scantlebury's objections remain dismissed.

12 **IT IS FURTHER ORDERED** that Mr. Scantlebury will receive a courtesy copy  
13 of this order at the address included in his original April 2022 objections, however he  
14 will not be added to the CAML.

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17 Signed this 6<sup>th</sup> day of August 2024

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21 Sherri L. Zendri  
22 Special Master

23 The original of the foregoing was delivered  
24 to the Clerk of the Maricopa County Superior  
25 Court on August 6, 2024 for  
26 filing and distributing a copy to all persons  
27 listed on the Court approved mailing list for  
28 this contested case.

  
Emily Natale

Court Approved Mailing List  
In re Subflow Technical Report, Verde River Watershed, Case No. W1-106  
W1-106 (60 Names)  
Prepared by the Special Master  
8/6/2024

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**Courtesy Copy (this order only)**

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# ATTACHMENT I



RECEIVED

JUL 22 2024

To: Sherri L. Zendri, Special Master

Water Master of the  
Superior Court  
SHERRI ZENDRI

Regarding: Contested Case No. W1-106 "Case Management Order and Order Amending the Court Approved Mailing List and Instructions for Individual Well Owner Objections"

My Objection (attached) was "dismissed with prejudice for failure to address with specificity any recommendations in any of the three reports listed ..." However, My Objection specifically addressed and objected to ADWR subflow delineation recommendations and **procedures** contained in the report: "Subflow Zone Delineation Report for Verde River Mainstream and Sycamore Canyon" December 2021," one of the three reports listed as relevant and currently under review.

My Objection cited the relevant report on the top of page 2, as "Subflow Delineation Report for the Verde River (and Sycamore Canyon) Subwatershed (SDRVRS)," and **My Objection concerned not only individual water rights** (which I understand are not to be addressed at this time) **but also procedures** used by ADWR to arrive at the delineation contained in the report, particularly in the region of Middle Verde. As stated in My Objection, page 3, in arriving at the delineation, there was inadequate (or no) consideration given to:

- Artesian and semi-artesian wells, which indicate "the well's source water must originate from a recharge area above..." the delineation line, and not the Verde River.
- Well and river water level relationships, because, if linked, "well level would fluctuate with the level of the river," i.e., rise and fall together.

In the Middle Verde region with which My Objection is concerned, "The proposed SDRVRS delineation appropriately follows the OK Ditch for most of its course through Middle Verde but diverges into higher terrain (to the north) near subject well 55-621709. Hydrologically and for consistency's sake - for both surface and sub-flow delineations - it would make more sense for the delineation to follow and not (inexplicably) diverge from the OK Ditch." (Continuing and not diverging with the OK Ditch, dug with a consistent elevation drop into clay alluvium that follows the Verde river-left (North) through the Middle Verde Valley, makes more sense, geologically and topographically.

And unfortunately, though I fault no one at ADWR, "ADWR filed for an SDRVS extension in order to gather enough information to complete the SDRVS, but given counter arguments from SRP, the Court did not grant the approximately 3-year (2024) extension requested by ADWR and rather ordered that the report be finished by the end of 2021. Given this history and the admission in ADWR's scientific methodology that "professional judgment" was used, in part, to arrive at the delineation, one must conclude that the delineation contains some hasty, subjective and, possibly, arbitrary and capricious delineations..."

Bottom line: the delineation procedure, particularly in the Middle Verde region, would be improved by additional time, as thought necessary by ADWR personnel to include consideration of: 1) artesian and semi-artesian well hydrodynamics, 2) well vs River level fluctuation, and 3) topography and geology of irrigation canals.

Thank you for your consideration.



Todd V Scantlebury