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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 No. **W1-106**

**ORDER SCHEDULING ORAL
ARGUMENTS REGARDING THE
ARIZONA DEPARTMENT OF
WATER RESOURCES' SUBFLOW
ZONE DELINEATION AND
REPORT FOR THE REMAINDER
OF THE VERDE RIVER
WATERSHED**

CONTESTED CASE NAME: *In re Subflow Technical Report, Verde River Watershed*

HSR INVOLVED: None

DESCRIPTIVE SUMMARY: Order scheduling oral arguments to be held on **January 9, 2024, at 10:00 a.m.** regarding Arizona Department of Water Resources' "Subflow Zone Delineation and associated Report for the Remainder of the Verde River Subwatershed," filed April 28, 2023.

NUMBER OF PAGES: 15

On November 27, 2017, Special Water Master Harris ordered the Arizona Department of Water Resources ("ADWR") to prepare a map and report of the

1 subflow zone of the Verde River Mainstem and Sycamore Canyon Subwatershed
2 ("Mainstem Report"). On December 30, 2021, the Special Master ordered ADWR to
3 prepare a map and report of the remainder of the subflow zone of the Verde River
4 subwatershed ("Remainder Report"). The period for filing objections to the
5 Mainstem Report expired on May 2, 2022. The period for filing objections to the
6 Remainder Report expired on October 27, 2023. On October 24, 2023, this Court
7 granted a motion for summary judgement regarding objections to ADWR's
8 delineation of the proposed subflow zone in the vicinity of Horseshoe Lake and
9 Bartlett Lake as presented in the Mainstem Report. Similar objections regarding
10 ADWR's delineation of the proposed subflow zone in the vicinity of Watson Lake,
11 Granite Basin Lake, Sullivan Lake, and Willow Creek Reservoir have been filed,
12 however no motion has yet been filed to the Remainder Report. Additionally,
13 objections have been filed claiming ADWR did not adequately explain their
14 methodology regarding characterization of the stream flow type and the length of
15 certain tributary subflow delineations.

16 Once the Special Master has reviewed all objections, conducted any necessary
17 oral arguments, and received any appropriate revisions to the subflow delineation
18 from ADWR, a final subflow recommendation for the full Verde River will be
19 provided to the General Stream Adjudication Judge for final approval. Prior to any
20 recommendation, it is the responsibility of the Special Master to ensure a technical
21 report is as complete, accurate, and as easily understandable as is possible given the
22 complexities of Arizona geology, hydrogeology, geomorphology, and water law.

1 **IT IS ORDERED** scheduling oral arguments for **Tuesday, January 9,**
2 **2024, at 10:00 a.m.** The oral arguments will be held using the Court Connect
3 program. Instructions for Court Connect are attached as Attachment A. If you
4 receive this Order by email, click on the red box “Join Court Connect Hearing” on
5 the attached instructions to make an appearance. If you do not receive this Order
6 by email, log into the Court Connect program on the internet by typing
7 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet,
8 you may attend telephonically using the telephone number and access code
9 included in the instructions for Court Connect.

10 Parties who have submitted valid objections to the Remainder Report will
11 have 15 minutes to answer the following questions:

- 12 1) Is there any geologic, hydrogeologic, geomorphologic, or legal rationale to
13 treat the instream lakes on the Upper Verde River (Watson Lake, Granite
14 Basin Lake, Sullivan Lake, and Willow Creek Reservoir) differently from
15 the instream lakes on the Lower Verde River (Horseshoe and Bartlett) with
16 respect to pre-development subflow delineation?
- 17 2) Absent the ability to question authors, how should this court determine the
18 reliability of published or unpublished reports or affidavits regarding
19 geology, hydrogeology, and geomorphology?
- 20 3) What is the specific evidence that Big Chino Wash and Partridge Creek
21 were perennial, intermittent, or ephemeral prior to human development of
22 the area?

1 4) Should there be criteria for terminating the subflow delineation boundary
2 before the end of the water flow in a tributary watercourse?
3

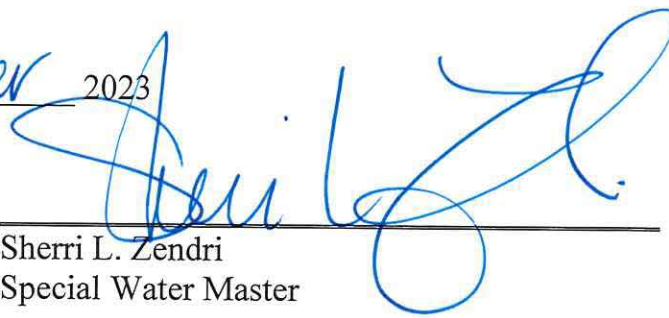
4 **IT IS FURTHER ORDERED** that any document used by ADWR for the
5 subflow delineation for the Mainstem and Remainder Reports shall be available on
6 the ADWR website by **December 10, 2023**.

7
8 **IT IS FURTHER ORDERED** that in accordance with Arizona Revised
9 Statutes section 45-256(B), the following objections are dismissed with prejudice for
10 failure to address with specificity any recommendations from ADWR regarding the
11 Verde Remainder Report and Subflow Delineation:

- 12 • Chino Grande, LLC – provided no technical comments or objections.
- 13 • Sandy DuBois – provided no evidence her well was within the subflow
14 delineation boundary or any other **specific** objection to the subflow
15 delineation boundaries.


16 As counsel for Chino Grande, LLC is already on the Court Approved Mailing List
17 (“CAML”) for this case due to other matters and will remain on the CAML. Sandy
18 DuBois shall receive a courtesy copy of this Order but will not be added to the Court
19 Approved Mailing List.

20 Signed this 1 day of December 2023

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23 _____
Sherri L. Zendri
Special Water Master

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The original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court on December 1, 2025, for filing and distributing a copy to all persons listed on the Court Approved Mailing List for this case.



Emily Natale

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ATTACHMENT A



Court Connect Hearing Notice for In re Subflow Technical Report, Verde River Watershed

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re Subflow Technical Report, Verde River Watershed Contested Case No. W1-106

Start Date/Time: January 9, 2024 at 10:00 a.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)



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