

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. **W1-106**

**ORDER FOR ADWR COMMENTS
AND RESPONSE AND
ORDER TO SET STATUS
CONFERENCE**

CONTESTED CASE NAME: *In re Subflow Technical Report, Verde River Watershed*
HSR INVOLVED: None
DESCRIPTIVE SUMMARY: Order requiring ADWR to file comments and setting a status conference on **March 3, 2022 at 1:30 p.m.**
NUMBER OF PAGES: 5
DATE OF FILING: January 26, 2022

Arizona Department of Water Resources (“ADWR”) filed a Technical Report, “*De Minimis Domestic Water Use in the Verde River Watershed*” (“Report”) on December 3, 2021. On January 7, 2022, a number of parties filed comments to the Report. Salt River Valley Water Users’ Association and the Salt River Project Agricultural Improvement and Power District (“Salt River Project”), joined by the Tonto Apache Tribe, Town of Prescott, United States, and the Yavapai

1 Apache Nation, requested that ADWR prepare a revised version of the Report that addresses the
2 issues raised by SRP. Additional information is required before a decision can be made on SRP's
3 request for a revised report.
4

5 **IT IS ORDERED** that Salt River Project shall submit a report to ADWR by **February 11,**
6 **2022**, that identifies the 21,023 wells it claims pump water for domestic uses. The wells shall be
7 classified by subwatershed and by such other information that will enable ADWR to locate the
8 wells and determine their proximity to streamflow. Salt River Project and ADWR shall discuss the
9 most efficient and least burdensome method to make the SRP Report readily available to the
10 parties and shall be prepared to describe such method at the Status Conference.
11

12 **IT IS FURTHER ORDERED** that ADWR shall file a response by **February 25, 2022**, to
13 the following questions:
14

- 15 1. Whether ADWR used an appropriate methodology and whether any improvements can
16 be made to the methodology to determine the amount of reliably available streamflow
17 in the Verde Valley watershed?
18
- 19 2. What is the amount of appropriable water in the Verde Valley watershed absent the
20 cumulative impact of domestic use?
21

22 **IT IS FURTHER ORDERED** that a Status Conference shall be held on **March 3, 2022 at**
23 **1:30 p.m.** The parties shall be prepared to address the comments filed by ADWR and shall be
24 prepared to respond orally to the following issues.
25

- 26 1. Whether a *de minimis* report must be prepared for an entire watershed or whether it is
27 appropriate to prepare a separate *de minimis* report for each subwatershed? If it is
28

1 appropriate to prepare a *de minimis* report for less than an entire watershed, what
2 criteria should be used to divide the Verde Valley Watershed into smaller areas to
3 determine *de minimis* use? Should a separate *de minimis* report shall be prepared for:
4 (1) the Big Chino and Little Chino subwatersheds; (2) the Verde Valley and Sycamore
5 Canyon subwatersheds; and (3) the remainder of the Verde Valley watershed?
6

7
8 2. Whether the *de minimis* report should be based on median annual flows or whether it
9 should be based on median seasonal flow? If the latter is the correct set of data, what is
10 the appropriate procedure to determine the correct time period to determine *de minimis*
11 use.
12

13
14 3. Whether one acre or less is the appropriate amount of water for an individual domestic
15 *de minimis* use in the Verde Valley watershed? If not, what is the appropriate
16 procedure to determine a *de minimis* amount for domestic use that will attach to the
17 land?
18

19
20 4. Salt River Project shall be prepared to state the reasons that Tables 4 and 5 in the
21 Report do not constitute a cumulative analysis of domestic water use in the Verde
22 Valley watershed and offer a specific methodology to calculate the cumulative domestic
23 use in the Verde Valley.
24

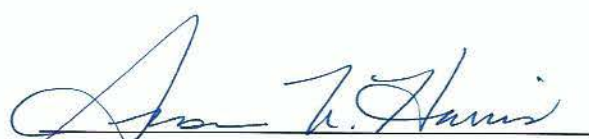
25
26 The Status Conference shall be held using Court Connect. Instructions for Court Connect
27 are attached to this Order. If you receive this Order by email, click on the red box “Join Court
28 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this

1 Order by email, log into the Court Connect program on the internet by typing
2 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
3 telephonically using the telephone number and access code included in the instructions for Court
4 Connect. The Status Conference may also be attended telephonically using the following
5 instructions:

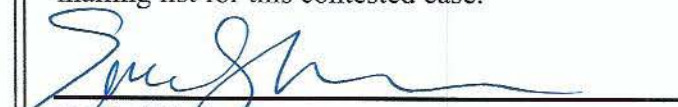
6
7
8
9

Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Collaboration (conference) Code 357264#

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


Susan Ward Harris
Special Master

The original of the foregoing was delivered to the
Clerk of the Maricopa County Superior Court on
January 26, 2022, for filing and distributing a
copy to all persons listed on the Court approved
mailing list for this contested case.


Emily Natale



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: March 3, 2022 at 1:30 p.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](#)

