

JANICE K. BREWER
Governor



HERBERT R. GUENTHER
Director

ARIZONA DEPARTMENT OF WATER RESOURCES

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December 18, 2009

Honorable Eddward P. Ballinger, Jr.
Superior Court of Maricopa County
Northeast Regional Court
18380 N. 40th Street, Suite 120
Phoenix, Arizona 85032

Re: Zuni Well Catalog

Dear Judge Ballinger:

This letter transmits a "Catalog of Non-Exempt Registered Wells" consistent with the Zuni Indian Tribe Water Rights Settlement. The Settlement was approved by the Little Colorado River (LCR) Adjudication Court (Decree Court or Court) on November 27, 2006.

Article 5 of the Settlement Agreement (Agreement) directs the Arizona Department of Water Resources (ADWR) to compile a catalog for the Eastern LCR Basin "that identifies all existing wells by registration number, legal description, and owner." Further, once the wells have been verified and within three years of the enforcement date of the Settlement, "ADWR shall submit the catalog of non-exempt wells to the Decree Court with notice as ordered by the Decree Court." The enforcement date of the Settlement was December 19, 2006.

ADWR prepared and distributed a *preliminary* Catalog in December 2008 and received comments from several Settlement parties. This *final* Catalog addresses comments on the preliminary and includes results from a voluntary well registration program. The Agreement recognizes that there could be "existing wells that are not currently registered" in the project area and specifies that a voluntary well registration program be created to allow for registration of these wells and their inclusion into the Catalog.

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A hard copy of this Catalog is being provided to the Court, each Settlement party, county offices in the project area, and several local libraries and a copy of this transmittal letter will be sent to the court approved mailing list for the LCR Adjudication. The public will be notified of the Catalog via a press release in local newspapers. An electronic copy of the Catalog will also be available for review on ADWR's website (www.azwater.gov).

The Agreement allows the Catalog to be supplemented with existing wells that were omitted and well owners can object to the Court that the Catalog contains an improper description of a well they own. The Zuni Tribe and United States can also object that well descriptions are inaccurate. The Court will ultimately resolve any objections as to the accuracy of the Catalog.

Should you have any questions regarding the enclosed report, please contact Gregg Houtz at 602-771-8472 or Rich Burtell at 602-771-8402.

Sincerely,



Herbert R. Guenther
Director

HRG/rtb

Enclosure

cc: Special Master
Settlement Parties
Apache County Manager
Navajo County Manager
Holbrook Public Library
Round Valley Public Library
St. Johns Public Library
Show Low Public Library
Snowflake-Taylor Public Library
Winslow Public Library
LCR Adjudication Court Approved Mailing List (w/o enclosure)