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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 IN RE THE GENERAL ADJUDICATION
14 OF ALL RIGHTS TO USE WATER IN
15 THE GILA RIVER SYSTEM AND
16 SOURCE

17 W-1 (Salt)
18 W-2 (Verde)
19 W-3 (Upper Gila)
20 W-4 (San Pedro)
21 (Consolidated)

22 Contested Case No. W1-103

23 **ARIZONA DEPARTMENT OF**
24 **WATER RESOURCES' RESPONSE**
25 **TO ARIZONA STATE LAND**
26 **DEPARTMENT'S MOTION TO**
STRIKE ADWR'S OBJECTIONS

Assigned to Hon. Mark H. Brain

Referred to Special Master Susan Ward-Harris

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

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources ("ADWR") hereby responds to the Arizona State Land Department's ("ASLD") Motion to Strike ADWR's Objections filed May 24, 2019.

1 **NUMBER OF PAGES:** Three

2 **DATE OF FILING:** May 30, 2019

3
4 On May 11, 2018, the Special Master issued the Draft Report on Arizona
5 Department of Water Resources' Demonstration Project Report: Cone of Depression Test
6 Methodology ("Draft Report"). Pursuant to the instructions contained in the Draft Report,
7 ADWR filed Objections to the Special Master's Draft Report on May 31, 2018 without
8 objection from any party.

9
10 On November 14, 2018, the Report of the Special Master on Methodology for
11 Determination of Cone of Depression ("Report") was issued. The instructions contained
12 in the Report state, "Written objections to this Report may be filed on or before January
13 14, 2019." (See Report, at 26). This deadline was later extended until May 13, 2019 due
14 to the United States' government workers furlough. (See Order Granting United States'
15 Request for an Extension of Time filed January 7, 2019). On May 13, 2019 and pursuant
16 to the Court's Order, ADWR filed its objections to the Report.

17 On May 24, 2019, ASLD filed a Motion to Strike ADWR's Objections claiming
18 that ADWR's objections are not authorized by statute because ADWR is not a claimant in
19 the adjudication. In making this argument, ASLD cites Arizona Revised Statute
20 ("A.R.S.") § 45-257 referenced in the January 7, 2019 Order, specifically focusing on the
21 language in the statute that says, "a *claimant* may file objections to a final report."

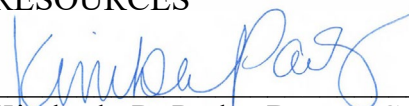
22 ADWR believes that the Court referenced A.R.S. § 45-257 in the January 7, 2019
23 Order to show that a 180-day deadline could be applied to the deadline for objections in
24 this case in an effort to accommodate the United States' request for an extension of time
25 to file objections. ADWR does not believe that the Court intended to entirely amend the
26 instructions on filing objections in the Report or to exclude ADWR from filing objections.

1 ADWR believes that as technical advisor to the court, it is appropriate for ADWR to
2 provide comments and objections on the court's proposed methodology, as ADWR will
3 be asked to implement such methodology in future proceedings.

4 To the extent that the Court intended that only claimants should provide objections
5 to the Report, ADWR respectfully requests the Court to consider ADWR's Objections.

6 **DATED** this 30th day of May, 2019.

7 ARIZONA DEPARTMENT OF WATER
8 RESOURCES

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11 Kimberly R. Parks, Deputy Counsel
Janet L. Miller, Deputy Counsel

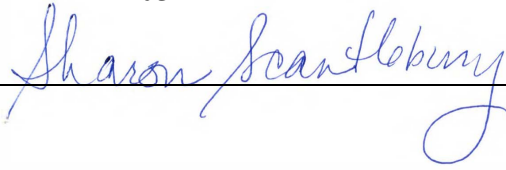
12 **ORIGINAL** of the foregoing sent by
13 first-class mail on May 30, 2019, to:

14 Clerk of the Maricopa Superior Court
15 Attn: Water Case
16 601 W. Jackson Street
Phoenix, Arizona 85003

17 **COPIES** of the foregoing sent by
18 first-class mail on May 30, 2019, to:

19 Special Master Susan Ward-Harris
20 Maricopa County Superior Court
21 Central Court Building
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Phoenix, AZ 85003-2205

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23 mail on May 30, 2019 to all parties on the
24 court-approved mailing list for Contested Case
No. W1-103.

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