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

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. W1-106

23 **ARIZONA DEPARTMENT OF WATER**
24 **RESOURCES' REQUEST FOR**
25 **CLARIFICATION**

26 Special Master Susan Ward Harris

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

HSR INVOLVED: None

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources hereby requests clarification regarding the process for providing notice of various technical reports for the Verde River watershed.

NUMBER OF PAGES: Five

DATE OF FILING: April 27, 2022

1 The Court has requested technical assistance from the Arizona Department of
2 Water Resources (“ADWR” or “Department”) on a number of issues in the Verde River
3 watershed, including preparation of a report defining the subflow zone of the Verde River
4 watershed, preparation of Hydrographic Survey Reports, and preparation of a technical
5 report on potential *de minimis* water uses.¹ Notice of publication of each of these reports
6 must be sent to large groups of claimants and water users within the Verde River
7 watershed.

8 In preparation of ADWR’s 2021 Subflow Delineation Report for the Verde River
9 Mainstem and Sycamore Canyon Subwatershed (“2021 Subflow Report”), ADWR
10 compiled a list of claimants within the Verde River watershed who were to receive notice
11 of the report, which included nearly 14,000 mailing addresses. This list was compiled
12 using information from ADWR’s Statement of Claimant (“SOC”) database. Upon receipt
13 of an SOC filed by a claimant, ADWR staff enters the information provided on the SOC
14 form into the SOC database. The Court has previously ruled that claimants in the Gila
15 River adjudication and the Little Colorado River adjudication have an obligation to notify
16 the Department within 30 days of any changes to the claimant’s address.² Unfortunately,
17 many claimants do not update their contact information with the Department when
18 changes occur.

19 When ADWR has issued notice of technical reports in the past, it has received
20 thousands of items of returned or undeliverable mail. For the 2021 Subflow Report,
21 ADWR received 7,144 items of returned mail, which is approximately 51% of the total
22 items sent out. ADWR estimates that the cost of preparing, printing, and mailing the

23 ¹ See Minute Entry Order filed March 4, 2020.

24 ² Pretrial Order No. 4 filed January 24, 2000 in *In re the General Adjudication of All*
25 *rights to Use Water in the Gila River System and Source* at 2, and Pretrial Order No. 4
26 filed July 26, 2000 in *In re the General Adjudication of All rights to Use Water in the*
Little Colorado River System and Source at 2.

1 returned items was nearly \$7,000.00, and ADWR staff has spent several weeks sorting
2 through the returned mail and making notations in the SOC database to reflect this
3 information. ADWR staff also verified that each of the “bad addresses” had been
4 previously entered into the SOC database correctly and matched the information on the
5 form provided by the claimants.

6 To avoid this result, ADWR has begun using software that is connected to the
7 National Change of Address database which allows ADWR to validate or invalidate
8 mailing addresses. The software also corrects mailing address errors to ensure that
9 ADWR’s mailing list meets United States Postal Service standards. ADWR used the new
10 software to evaluate the mailing list for the 2021 Subflow Report. The software identified
11 4,075 “bad addresses” for which the mail would be returned and corrected the remaining
12 3,069 addresses to make it more likely that future notices will reach the intended recipient.
13 ADWR requests clarification as to whether the Court would like ADWR to continue
14 sending copies of future notices to the “bad addresses” identified by ADWR’s software or
15 whether the posting of the report on ADWR’s website will be sufficient notice in these
16 instances.

17 ADWR also requests clarification as to whether ADWR has the authority to
18 remove a recipient from the mailing list upon that person’s request. This situation most
19 often occurs when the claimant has submitted contact information that is different from
20 the property where the water use or diversion is occurring, and the claimant has since sold
21 one of the properties but has not updated his or her contact information with ADWR.
22 ADWR has received multiple calls from individuals who state that they have never owned
23 the property where the water use is being claimed and who have requested that ADWR
24 cease mailing notices associated with a particular claim to the address on file. ADWR
25 would like to honor these requests by removing these individuals from future mailing lists
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1 associated with the claim in question, although ADWR acknowledges that notice of
2 certain reports may continue to be mailed to these individuals if the required notice is not
3 based solely upon the claim itself.

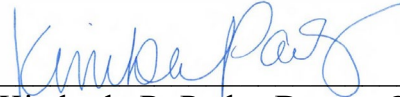
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5 **CONCLUSION AND REQUESTED ACTION**

6 ADWR hereby requests clarification as to 1) whether the Court would like ADWR
7 to continue sending copies of future notices to “bad addresses” identified by ADWR’s
8 software or whether the posting of the report on ADWR’s website will be sufficient notice
9 in these instances, and 2) whether ADWR has the authority to remove a recipient from the
10 mailing list upon that person’s request.

11 Although ADWR is requesting clarification regarding notice procedures for
12 various technical reports for the Verde River watershed, ADWR would like to establish
13 consistent procedures for future notices in both the Gila River and Little Colorado River
14 general stream adjudications.

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16 **RESPECTFULLY SUBMITTED** this 27th day of April, 2022.

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18 ARIZONA DEPARTMENT OF WATER
19 RESOURCES

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21 _____
22 Kimberly R. Parks, Deputy Counsel

23 **ORIGINAL** of the foregoing sent by
24 first-class mail on April 27, 2022, to:

25 Clerk of the Maricopa Superior Court
26 Attn: Water Case
601 W. Jackson Street
Phoenix, Arizona 85003

1 **COPY** of the foregoing sent by
2 first-class mail on April 27, 2022, to:

3 Special Master Susan Ward Harris
4 Maricopa County Superior Court
5 Central Court Building
6 201 West Jefferson Street, Suite 3A
7 Phoenix, AZ 85003-2205

8 **COPIES** of the foregoing sent by
9 first-class mail on April 27, 2022 to all
10 parties on the court-approved mailing list for
11 Contested Case No. W1-106.

12 A handwritten signature in blue ink, reading "Sharon Scanlon", is written over a horizontal line. The signature is cursive and extends slightly below the line.

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