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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)

Case No. W1-106

**ARIZONA DEPARTMENT OF
WATER RESOURCES' NOTICE OF
PUBLICATION OF THE SUBFLOW
ZONE DELINEATION REPORT FOR
THE REMAINDER OF THE VERDE
RIVER WATERSHED**

Special Master Sherri Zendri

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

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources hereby provides notice of filing its Subflow Zone Delineation Report for the Remainder of the Verde River Watershed. Objections must be received by the court no later than **October 27, 2023**.

NUMBER OF PAGES: Five and five-page attachment

DATE OF FILING: April 28, 2023

1 **I. Purpose of This Notice**

2 The Arizona Department of Water Resources (“ADWR”) is sending this Notice to
3 persons who are on the Court-Approved Mailing List for this contested case and a Notice
4 of Publication, in the form of a mailer, has been sent to all Claimants (persons who filed a
5 Statement of Claimant or “SOC”). More information regarding this Notice and the
6 Subflow Zone Delineation Report for the Remainder of the Verde River Watershed
7 (“2023 Report”) can be found on ADWR’s website:
8 <https://new.azwater.gov/adjudications>.

9 In Arizona, most wells are presumed to be pumping percolating groundwater.¹
10 However, wells located inside the lateral boundaries of the subflow zone of a river are
11 presumed to be pumping underground water known as subflow, unless a well owner can
12 show that it is more probable than not that the well is pumping groundwater.² Subflow is
13 part of the surface stream, and wells pumping subflow are subject to the same rules of
14 appropriation as the surface stream itself.³ Certain wells located outside the boundaries of
15 the subflow zone may also be subject to the adjudication court’s jurisdiction based on
16 projected impacts of the well’s pumping.⁴

17 _____
18 ¹ *In re Gen. Adjudication of All Rights to Use Water in Gila River Sys. & Source* (“*Gila*
19 *IV*”), 198 Ariz. 330, 335, 9 P.3d 1069, 1074 (2000).

20 ² See Findings of Fact and Conclusions of Law Regarding the Evidentiary Hearing Held
21 August 31 to September 3, 2015, in *In re the Revised Subflow Delineation for the San*
22 *Pedro River Watershed* filed July 13, 2017 at 3.

23 ³ *Maricopa Cty. Mun. Water Conservation Dist. No. 1 v. Southwest. Cotton Co.*, 39 Ariz.
24 65, 97, 4 P.2d 369, 380–81 (1931).

25 ⁴ Wells located outside the boundaries of the subflow zone having cones of depression that
26 cause 0.1 foot of drawdown or more at the subflow zone boundary under steady-state
conditions are subject to the jurisdiction of the adjudication court, even if only part of the
well’s production is appropriable water. See, *In re Gen. Adjudication of All Rights to Use*
Water in Gila River Sys. & Source (“*Gila IP*”), 175 Ariz. 382, 391, 857 P.2d 1236, 1245
(1993).

1 As requested in the Court Orders dated November 27, 2017, and July 30, 2021,
2 ADWR prepared the 2023 Report which describes ADWR’s methodology for delineating
3 the lateral boundaries of the subflow zone for all tributaries not covered in the Subflow
4 Zone Delineation Report for the Verde River Mainstem and Sycamore Canyon
5 Subwatershed (“2021 Report”).⁵ Specifically, this report covers the following tributaries:
6 Alder Creek, Apache Creek, Camp Creek, Deadman Creek, Dry Beaver Creek, East
7 Verde River, Ellison Creek, Fossil Creek, Granite Creek, Houston Creek, Lime Creek,
8 Little Chino Wash, Mint Wash, Pine Creek, Pumphouse Wash, Red Creek, Red Tank
9 Creek, Spring Creek, Sycamore Creek, Sycamore Wash, Tangle Creek, Walker Creek,
10 Walnut Creek, Webber Creek, West Clear Creek, West Fork Oak Creek, Wet Beaver
11 Creek, Wet Bottom Creek, and Williamson Valley Wash.⁶

12 After objections to the 2023 Report have been filed (see **Section II**), the court will
13 conduct proceedings to resolve objections and to delineate the lateral boundaries of the
14 subflow zone for the Verde River watershed.

15 **II. Objections to the Subflow Zone Report**

16 Only persons who have filed a SOC in the Verde River watershed may file an
17 objection to the 2023 Report but are not required to do so. An objection may only be made
18 to ADWR’s findings regarding the lateral extent of the subflow zone which are covered in
19 the 2023 Report.⁷ An objection must state in clear and concise language the legal and/or
20 factual reasons for the objection with a brief description of the evidence to support those
21 reasons. Additional information or documentation may be attached to the Objection Form
22 (**Attachment A**). The Objection Form can also be found on ADWR’s website.

24 ⁵ Order Granting Request for Extension of Time in Part and Denying Request in Part and
25 Order Setting Schedule filed July 30, 2021.

26 ⁶ *Id.* at 2

⁷ See November 27, 2017, Order at 5.

1 The original and two copies of the Objection Form (including any attachments)
2 must be sent to the Clerk of the Maricopa County Superior Court at the address stated on
3 the Objection Form. Objections must be *received* by the court no later than **October 27,**
4 **2023.**

5 Persons who file objections will be notified of further court proceedings
6 concerning the 2023 Report.

7 Shortly after the objection period closes, ADWR will post copies of the objections
8 filed with the court on ADWR's website. Copies of the objections may also be obtained
9 by contacting ADWR. See **Section IV.**

10 **III. Copies of the Subflow Zone Report**

11 The 2023 Report is available for download from ADWR's website, under the
12 Technical Reports section, at <https://new.azwater.gov/adjudications>. An electronic version
13 or a hard copy of the 2023 Report may be purchased by contacting ADWR. See **Section**
14 **IV.**

15 **IV. ADWR's Contact Information**

16 Requests for copies of the 2023 Report and Objections should be directed to
17 ADWR at 602-771-8634, or 866-246-1414 (toll free). Due to the volume of calls that
18 ADWR receives, it may be necessary to leave a message. ADWR will respond to calls as
19 quickly as possible, which can take more than one business day.

20 **DATED** this 28th day of April 2023.

21
22 ARIZONA DEPARTMENT OF WATER
23 RESOURCES

24 
25 _____
26 Kome Akpolo, Deputy Counsel
Kimberly R. Parks, Deputy Counsel

1 ORIGINAL of the Notice and two copies of the 2023 Report sent by first-class mail on
2 April 28, 2023, to:

3 Clerk of the Maricopa Superior Court
4 Attn: Water Case
5 601 W. Jackson Street
6 Phoenix, Arizona 85003

7 COPIES of the Notice and 2023 Report sent by first-class mail on April 28, 2023, to:

8 Honorable Scott Blaney
9 Maricopa County Superior Court
10 East Court Building
11 101 West Jefferson, Ste. 411
12 Phoenix, AZ 85003

13 Special Master Sherri Zendri
14 Maricopa County Superior Court
15 Central Court Building
16 201 West Jefferson Street, Suite 3A
17 Phoenix, AZ 85003-2205

18 COPIES of the Notice and Objection Form sent by first-class mail on April 28, 2023, to
19 all parties on the Court-Approved Mailing List for Case No. W1-106, and Notice of
20 Publication, in the form of a mailer, has been sent to all Claimants in the Verde River
21 watershed (**Attachment B**).

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ATTACHMENT A

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W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
(Consolidated)

Case No. W1-106

**OBJECTION TO THE SUBFLOW
ZONE DELINEATION REPORT FOR
THE REMAINDER OF THE VERDE
RIVER WATERSHED**

Special Master Sherri Zendri

OBJECTOR

Name (printed) _____
Mailing Address _____

Telephone No. _____
Statement of Claimant No. 39- _____

STATEMENT OF OBJECTION

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

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CERTIFICATE OF SERVICE

On this ____ day of _____, 2023, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail or Hand Delivery:
Clerk of the Maricopa Superior Court
Attn: Water Case
601 W. Jackson Street
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **October 27, 2023**.

Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) _____

Mailing Address of Representative _____

Telephone Number of Representative _____

ATTACHMENT B

ARIZONA DEPARTMENT OF WATER RESOURCES NOTICE OF PUBLICATION

On April 28, 2023, the Arizona Department of Water Resources (“ADWR”) released the Subflow Zone Delineation Report for the Remainder of the Verde River Watershed (“2023 Report”) for inspection and comment. The 2023 Report was filed with the Maricopa County Superior Court in the Gila River adjudication contested case W1-106, *In re Subflow Technical Report, Verde River Watershed*.

The purpose of the 2023 Report is to provide information and a series of maps that delineate the subflow zone for the remainder of the Verde River watershed not covered in the Subflow Zone Delineation Report for the Verde River Mainstem and Sycamore Canyon Subwatershed (“2021 Report”). Specifically, the 2023 Report covers the following tributaries: Alder Creek, Apache Creek, Camp Creek, Deadman Creek, Dry Beaver Creek, East Verde River, Ellison Creek, Fossil Creek, Granite Creek, Houston Creek, Lime Creek, Little Chino Wash, Mint Wash, Pine Creek, Pumphouse Wash, Red Creek, Red Tank Creek, Spring Creek, Sycamore Creek, Sycamore Wash, Tangle Creek, Walker Creek, Walnut Creek, Webber Creek, West Clear Creek, West Fork Oak Creek, Wet Beaver Creek, Wet Bottom Creek, and Williamson Valley Wash.

ADWR is legally required to provide notice of its subflow zone reports to persons who filed a Statement of Claimant (“SOC”) for water use in the Verde River watershed. You received this notice because you, or someone who previously lived at your address, claimed a water right in the general stream adjudication for water use on a property located within the Verde River watershed.

Persons and entities described above can review the 2023 Report available on ADWR’s website, and, if necessary, file objections. Objections must be filed on an Objection Form (available by contacting ADWR or on ADWR’s website) and must be *received* by the court no later than **October 27, 2023**. Persons or entities who file objections will be notified later of further court proceedings concerning the 2023 Report.



VIEW:
**THE REPORT, FAQs AND OTHER
INFORMATION, ONLINE AT**
<https://new.azwater.gov/adjudications>

FILE:
**OBJECTIONS MUST BE SUBMITTED TO THE
COURT NO LATER THAN OCTOBER 27, 2023.**

CONTACT ADWR:
**866-246-1414 (TOLL FREE) OR
602-771-8634.**



This report does not analyze any individual water uses or claims. ADWR is preparing Hydrographic Survey Reports (“HSRs”) for the Verde River watershed that will address water rights and claims in more detail.