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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)
(Consolidated)

Case No. W1-103

21 **ARIZONA DEPARTMENT OF WATER**
22 **RESOURCES' NOTICE OF FILING**
23 **REPORT ON ADWR'S**
24 **GROUNDWATER FLOW MODEL OF**
25 **THE UPPER SAN PEDRO**
26 **GROUNDWATER BASIN**

Special Master Sherri Zendri

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

22 **DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources is filing a
23 report on ADWR's Groundwater Flow Model of the Upper San Pedro Groundwater Basin
24 to be used for cone of depression testing and subflow depletion testing purposes in the San
25 Pedro River watershed. Objections must be received by the court no later than **April 22,**
26 **2024.**

NUMBER OF PAGES: Five and three-page attachment

1 **DATE OF FILING:** February 20, 2024

2
3 **I. Purpose of Notice**

4 At the request of the court presiding over the Gila River General Stream
5 Adjudication,¹ The Arizona Department of Water Resources (“ADWR”) has prepared a
6 technical report on ADWR’s Groundwater Flow Model of the Upper San Pedro
7 Groundwater Basin (“Report”). The purpose of ADWR’s Report is to provide information
8 on the development of ADWR’s groundwater model for the San Pedro River watershed.
9 Under state law, appropriable water includes surface water and certain subsurface water
10 referred to as subflow.² Subflow is underground water that is hydraulically connected to a
11 stream and is considered part of the surface stream.³ Wells pumping subflow are subject
12 to the same rules of appropriation as the surface stream itself.⁴ Wells located inside the
13 lateral boundaries of the subflow zone of a stream are presumed to be pumping
14 appropriable surface water.⁵ Certain wells located outside the boundaries of the subflow
15 zone may also be subject to the adjudication court’s jurisdiction based on projected
16 impacts of the well’s pumping.⁶

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18 ¹For more information on the general stream adjudications, please visit:
19 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/Index.
20 asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/Index.asp)

21 ² *Maricopa Cty. Mun. Water Conservation Dist. No. 1 v. Southwest Cotton Co.*, 39 Ariz.
22 65, 85, 4 P.2d 369, 376 (1931).

23 ³ *In re General Adjudication of All Rights to Use Water in Gila River System and Source*,
24 175 Ariz. 382 (1993)(“*Gila IP*”).

25 ⁴ *Southwest Cotton*, *supra* note 2, 39 Ariz. at 97.

26 ⁵ See Findings of Fact and Conclusions of Law Regarding the Evidentiary Hearing Held
August 31 to September 3, 2015 in *In re the Revised Subflow Delineation for the San
Pedro River Watershed* filed July 13, 2017 at 3.

⁶ Wells located outside the boundaries of the subflow zone having cones of depression that
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

1 The court has requested that ADWR develop a MODFLOW groundwater model
2 to assist the court in identifying wells that are pumping appropriable subflow or causing
3 an impact to the subflow zone.⁷ The model will be used in the adjudication proceedings
4 to assess impacts to the subflow zone caused by pumping wells through cone of
5 depression testing and subflow zone depletion testing.

6 **II. Objections to the Report**

7 Only persons who have filed a statement of claimant in the San Pedro River
8 watershed may file an objection to the Report, but are not required to do so. An objection
9 must state in clear and concise language the legal and/or factual reasons for the objection
10 with a brief description of the evidence to support those reasons. Additional information
11 or documentation may be attached to the Objection Form. The Objection Form is provided
12 in **Attachment A** to this Notice.

13 The original and two copies of the Objection Form (including any attachments)
14 must be sent to the Clerk of the Maricopa County Superior Court at the address stated on
15 the Objection Form. Objections must be *received* by the court no later than **April 22,**
16 **2024.**

17 Persons who file objections will be notified of further court proceedings
18 concerning the Report. ADWR will post copies of the objections filed with the court on
19 ADWR's website. Copies of the objections also may be obtained by contacting ADWR.
20 See **Section IV.**

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24 well's production is appropriable water. *See, Gila II, supra* note 3, 175 Ariz. at 391, 857
P.2d at 1245.

25 ⁷ Report of the Special Master on Methodology for Determination of Cone of Depression
26 filed November 14, 2018 at 26 and Order Re: Report of the Special Master on
Methodology for Determination of Cone of Depression filed July 8, 2022 at 6.

1 **III. Copies of the Report**

2 The Report is being made available for downloading from ADWR’s website, under
3 the Technical Reports section, at <https://www.azwater.gov/adjudications>. An electronic
4 version or a hard copy of the Report may be purchased by contacting ADWR. See **Section**
5 **IV.**

6 **IV. ADWR’s Contact Information**

7 Requests for copies of the Report and Objections should be directed to ADWR at
8 602-771-8634, or 866-246-1414 (toll free). Due to the volume of calls that ADWR
9 receives, it may be necessary to leave a message. ADWR will respond to calls as quickly
10 as possible, which could take more than one business day.

11 **DATED** this 20th day of February, 2024.

12 ARIZONA DEPARTMENT OF WATER
13 RESOURCES

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15 _____
16 Kimberly R. Parks, Deputy Counsel
17 Karen J. Nielsen, Deputy Counsel
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1 ORIGINAL of this Notice, Objection Form, and two copies of the Report sent by first-
2 class mail on February 20, 2024 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, Objection Form, and Report sent by first-class mail on February
8 20, 2024, to:

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

Special Master Sherri Zendri
Maricopa County Central Court Building
201 West Jefferson Street, Suite 3A
Phoenix, AZ 85003-2205

14 COPIES of this Notice and Objection Form sent by first-class mail on February 20, 2024
15 to all parties on the court-approved mailing list for Case No. W1-103.

16 *Lizette Fuentes*

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ATTACHMENT A

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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
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W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
(Consolidated)

Case No. W1-103

**OBJECTION TO ADWR'S REPORT
ON THE GROUNDWATER FLOW
MODEL FOR THE UPPER SAN
PEDRO GROUNDWATER BASIN**

Special Master Sherri Zendri

If you have filed a Statement of Claimant in the San Pedro River watershed, you may file an objection to the Groundwater Flow Model Report for the Upper San Pedro Groundwater Basin (Report).¹ If you have not filed a Statement of Claimant, you are not permitted to file an objection to the Report.

Please identify your Statement of Claimant number here:

Statement of Claimant No. 39- _____

OBJECTOR INFORMATION

Name (printed) _____

Mailing Address _____

Telephone No. _____

¹ Arizona Revised Statutes § 45-256(B).

1 Please note that you are required to notify The Arizona Department of Water Resources of
2 any changes to your address within 30 days of making a change by calling 602-771-8634
or 866-246-1414 (toll free).²

3 **STATEMENT OF OBJECTION**

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

6 _____
7 _____
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17 **CERTIFICATE OF SERVICE**

18 On this ____ day of _____, 2024, I certify that the original Objection and
19 two copies were sent by first class mail, or hand delivered, to:

20 **Via First Class Mail or Hand Delivery:**
21 Clerk of the Maricopa Superior Court
22 Attn: Water Case
23 601 W. Jackson Street
Phoenix, Arizona 85003

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.

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If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court no later than **April 22, 2024**.

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_____