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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)

Contested Case No. W1-106

**ARIZONA DEPARTMENT OF WATER
RESOURCES' DESIGNATION OF
WITNESSES**

Special Master Sherri Zendri

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

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources (“ADWR”) designates witnesses testifying on behalf of ADWR in the depositions scheduled to begin on July 17, 2024.

NUMBER OF PAGES: Six

DATE OF FILING: June 17, 2024

1 On May 16, 2024, The Salt River Project (“SRP”) filed a Notice of Deposition of
2 Arizona Department of Water Resources regarding ADWR’s technical reports on its
3 proposed subflow zone delineation for the Verde River watershed. Pursuant to the Rules
4 for Proceedings Before the Special Master § 9.02 (4), ADWR designates the following
5 witnesses for the topics listed in the Notice:

- 6 1. ADWR’s factual assertions, analysis, and opinions presented in the report
7 entitled “Technical Report, Subflow Zone Delineation for the Remainder of
8 the Verde River Watershed” (“Tributaries Report”), which was filed on
9 April 28, 2023.

10 Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR

- 11 2. ADWR’s factual assertions, analysis, and opinions presented in Sections
12 2.0, 3.0, 4.0, 5.0, of the Tributaries Report, including the data ADWR relied
13 upon for purposes of preparing those sections of the Tributaries Report,
14 ADWR’s internal processes for preparing those sections of the Tributaries
15 Report, and any assumptions made by ADWR for purposes of preparing
16 those sections of the Tributaries Report.

17 Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR

- 18 3. The methodology, criteria, factual assessment, and analysis that ADWR
19 applied in order to classify:
20 a. tributaries of the Verde River as perennial, intermittent, or ephemeral
21 for purposes of deciding whether to delineate a proposed subflow zone
22 for those tributaries;
23 b. the Big Chino as perennial, intermittent, or ephemeral for purposes of
24 deciding whether to delineate a proposed subflow zone for the Big
25 Chino.

26 Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR

4. The differences (if any) in the methodology, criteria, factual assessment,
 and analysis that ADWR applied in order to classify streams as perennial,
 intermittent, or ephemeral in the Verde River Watershed as compared to the
 San Pedro River Watershed.

 Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR

- Please note that as Mr. Hadder did not contribute to the San Pedro River
 watershed reports, his testimony on this topic will be limited.

- 1 5. All factual support, including all data and assumptions ADWR relied upon,
2 for ADWR's conclusions in the Tributaries Report that:
- 3 a. "[p]redevelopment hydrologic observations of Big Chino Wash indicate
4 that the stream has always been ephemeral."
5
6 b. "Big Chino Wash would not fall under the 'ephemeral stream
7 exception' because there is not a saturated zone connecting the stream's
8 upper and lower segments that demonstrates a hydraulic connection,
9 which is required for the exception according to the 1994 Subflow
10 Order."
11
12 c. "Big Chino Wash does not currently, nor historically, have any
13 indication of a hydraulic connection between its groundwater and
14 surface water systems."
15
16 Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR
- 17 6. All factual support, including all data and assumptions ADWR relied upon,
18 for ADWR's conclusion (if any) as to whether floodplain Holocene
19 alluvium is, or historically was, present along the Big Chino.
20
21 Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR
22
23 And/or
24 Joseph Cook- Research Geologist, Arizona Geological Survey
- 25 7. The methodology, criteria, factual assessment, and analysis that ADWR
26 applied in order to select the upstream point at which it terminated the
proposed subflow zones for tributaries of the Verde River.
- Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR
And/or
Joseph Cook- Research Geologist, Arizona Geological Survey
8. All factual support, including all data and assumptions ADWR relied upon,
for ADWR's upstream proposed subflow zone termination points for the
following watercourses: Alder Creek, Apache Creek, Camp Creek, Clover
Creek, Dry Beaver Creek, Ellison Creek, Granite Creek, Houston Creek,
Lime Creek, Little Chino Wash, Pine Creek, Red Creek, Red Tank Draw,
Spring Creek, Sycamore Wash, Walker Creek, Walnut Creek, Webber
Creek, West Clear Creek, Upper West Clear Creek, West Fork Oak Creek,
Wet Bottom Creek, and Williamson Valley Wash.
- Joseph Cook- Research Geologist, Arizona Geological Survey
9. ADWR's opinions, analysis, or critiques (if any) of the factual statements
made in SRP's "Response to Arizona Department of Water Resources'
Request for Extension of Time and Motion for Reconsideration of Order

1 Granting Request for Extension of Time,” including all Exhibits attached
2 thereto, which was filed on April 21, 2021 in the W1-106 case.

3 Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR

4 10. ADWR’s factual assertions, opinions, and analyses, including all data and
5 assumptions ADWR relied upon, presented in the internal ADWR
6 documents entitled:

7 a. “Big Chino Re-Evaluation Summary” dated May 2021, which was
8 disclosed by SRP on February 22, 2024 and is labeled as SRP008008;

9 b. “Big Chino Re-Evaluation Summary” dated June 2021, which was
10 disclosed by SRP on February 22, 2024 and is labeled as SRP008009;

11 c. “Why Big Chino Wash Was Not Selected for Mapping By AZGS”
12 (undated), which was disclosed by SRP on February 22, 2024 and is
13 labeled as SRP008007.

14 Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR

15 11. ADWR’s opinions, analyses, or critiques (if any) of:

16 a. any and all objections to the Tributaries Report filed by any party;

17 b. SRP’s “Objection to the Subflow Zone Delineation Report for the
18 Remainder of the Verde River Watershed,” including the affidavit of
19 Jon R. Ford attached as Exhibit 1 thereto, which was filed on October
20 27, 2023.

21 Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR

22 12. ADWR’s opinions, analyses, or critiques (if any) of the:

23 a. April 2024 report from LRE Water entitled “Expert Report: Evaluation
24 of the Predevelopment Flow Condition of Big Chino Wash and Other
25 Watercourses in the Study Area,” including all appendices thereto,
26 which was disclosed by SRP on April 22, 2024 and is labeled as
SRP013629 through -13797;

b. April 2024 report from LRE Water entitled “Expert Report: Analysis of
ADWR’s Points of Termination for Subflow Zone Delineation for the
Remainder of the Verde River Watershed,” which was disclosed by SRP
on April 22, 2024 and is labeled as SRP013574 through -13628;

c. April 2024 report from Mark Nicholls of Haley & Aldrich, Inc. entitled
“Evaluation of Predevelopment Stream Flow Conditions on Big Chino
Wash Prescott, Arizona,” including all appendices thereto, which was

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disclosed by the Town of Prescott Valley on April 22, 2024 and is labeled as TPV0836 through -1786;

- d. May 6, 2022 Technical Memorandum from Mark Nicholls of Haley & Aldrich, Inc. entitled “Transmittal of Data and Information Describing Hydrologic Conditions in Big Chino Wash, Yavapai and Coconino Counties, Arizona,” which was disclosed by SRP on February 22, 2024 and is labeled as SRP000441 through -466;
- e. November 2021 report from Mark Holmes of Mark Holmes, LLC entitled “Historical Documents and Evidence Supporting the Predevelopment State of the Big Chino Wash, Big Chino Sub-Basin, Upper Verde River, Gila River Watershed, Yavapai County, Arizona,” which was disclosed by the City of Prescott on April 22, 2024 and is labeled as PRESCOTT000007 through -92.

Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR

13. ADWR’s opinions, analyses, or critiques (if any) of:

- a. the factual statements made in any and all Rule 26.1 disclosure statements by any party;
- b. the factual statements made in Section II of the City of Prescott’s First Supplemental Rule 26.1 Disclosure Statement dated April 22, 2024;
- c. the factual statements made in SRP’s Initial Disclosure Statement dated February 22, 2024.

Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR

14. Any other issues on which ADWR expects to present testimony at the trial currently scheduled for August 19 through 22, 2024.

Kevin Hadder- Hydrogeologist Associate, Adjudications Division, ADWR

1 The original of this Notice is being filed with the Clerk and a copy is being posted
2 to ADWR's website at: <https://www.azwater.gov/adjudications>.

3 **DATED** this 17th day of June, 2024.

4 ARIZONA DEPARTMENT OF WATER
5 RESOURCES

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7 _____
8 Kimberly R. Parks, Deputy Counsel
9 Karen J. Nielsen, Deputy Counsel

10 ORIGINAL of the foregoing sent by first-class
11 mail on June 17, 2024, to:

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

16 COPY of the foregoing sent by
17 first-class mail on June 17, 2024, to:

18 Special Master Sherri Zendri
19 Maricopa County Central Court Building
20 Central Court Building
21 201 West Jefferson Street, Suite 3A
22 Phoenix, AZ 85003-2205

23 COPIES of the foregoing sent by first-class
24 mail on June 17, 2024 to all parties
25 on the court-approved mailing list for Contested
26 Case No. W1-106.


