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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTIES OF MARICOPA AND APACHE**

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)

IN RE THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE LITTLE COLORADO RIVER  
SYSTEM AND SOURCE

and  
Contested Case No. CV6417

**ARIZONA DEPARTMENT OF WATER  
RESOURCES' COMMENTS ON THE  
REPORT OF THE SPECIAL MASTER  
FILED ON MARCH 25, 2024**

Honorable Scott A. Blaney  
(Referred to Special Master Sherri Zendri)

**CONTESTED CASE NAME:** *In re HSR Sequencing*

**DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources (“ADWR”) hereby provides its comments on the Report of the Special Master on Amendments to the Watershed Boundary Map and Sequencing for Future Hydrographic Survey Report Development (“Report”).

**NUMBER OF PAGES:** Five

1 **DATE OF FILING:** September 23, 2024

2  
3 On March 25, 2024 the Special Master filed her Report pursuant to Ariz. R. Civ. P.  
4 53. ADWR hereby provides two comments to that Report.

5 First, ADWR agrees that “there is no legal requirement that an HSR investigation  
6 area must follow any particular watershed boundary.”<sup>1</sup> During the Oral Arguments  
7 leading up to the filing of the Report and in the Report itself, ADWR understood one of  
8 the Court’s goals in drawing the Salt River Valley HSR boundaries was to report all the  
9 municipalities’ claimed rights within a single HSR, thus avoiding the “adjudicat[ion] [of]  
10 these service areas across multiple HSRs”.<sup>2</sup> After examining the pre-adjudication filings  
11 and Statement of Claimant filings by the municipalities within the Phoenix Metropolitan  
12 Area<sup>3</sup>, and taking into account § 5.01 of the Rules for Proceedings Before the Special  
13 Master requiring ADWR to “report the water use in the HSR for the watershed in which  
14 the point of diversion is located,”<sup>4</sup> ADWR is uncertain whether the Valley HSR, as  
15 currently drawn, achieves this goal. Specifically, based on the filings ADWR was able to  
16 locate within its database, the Cities of Phoenix, Chandler, Mesa, and Scottsdale have  
17 Statements of Claimant (“SOCs”) filed where the Points of Diversion listed on those  
18 SOCs lay outside the proposed boundary of the Salt River Valley HSR. Whether the  
19 municipalities’ rights are adjudicated across multiple HSRs is not of particular concern to  
20 ADWR, but ADWR wants to alert the Court to these findings to make the Court and  
21 Parties aware.

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22 <sup>1</sup> [Report](#), p.28.

23 <sup>2</sup> *Supra* n.1.

24 <sup>3</sup> ADWR evaluated the filings for the following municipalities within the Phoenix  
25 Metropolitan Area: Cities of Avondale, Buckeye, Chandler, El Mirage, Glendale,  
26 Goodyear, Mesa, Peoria, Phoenix, Scottsdale, Tempe, and Tolleson; Towns of Florence,  
Gilbert, and Queen Creek.

<sup>4</sup> See the [Rules for Proceedings Before the Special Master](#), p.21.

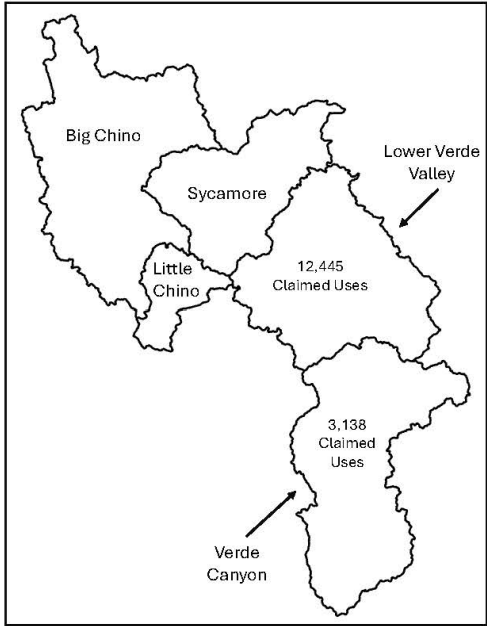
1           Second, the Special Master concluded that “the portion of the Verde Canyon that  
2 would be investigated in the near term . . . should be completed as part of the Lower  
3 Verde Subwatershed, with a preliminary HSR due September 30, 2027, and a final HSR  
4 due September 30, 2028.”<sup>5</sup> In accordance with the Special Master’s Report, “[t]o the  
5 extent possible” ADWR aligned subwatersheds in the Verde River Watershed with HUC  
6 boundaries.<sup>6</sup> Within the Verde River Watershed, there are three HUC 8s which ADWR  
7 has broken up into five HSRs: the Big Chino HSR covers one HUC 8; the Little Chino,  
8 Sycamore, and Lower Verde Valley covers another HUC 8; and the Verde Canyon covers  
9 the final HUC 8. This alignment with HUC boundaries resulted in some minor changes to  
10 the Verde Subwatershed Map, as illustrated below.

11           The Lower Verde Valley claims are, generally, the oldest and most complex claims  
12 in the Verde River Watershed. Accordingly, these take significantly longer for ADWR to  
13 investigate than more recent claims and ADWR has only completed approximately 5% of  
14 the investigations thus far. While it may not appear to be a significant burden for ADWR  
15 to complete the Verde Canyon HSR in conjunction with the Lower Verde Valley HSR,  
16 ADWR would be unable to finish the publication of the proposed combined HSR by  
17 September 30, 2027. If ADWR were to complete a combined Lower Verde Valley and  
18 Verde Canyon HSR, ADWR would need to push out the deadline. As a result, the Big  
19 Chino and Little Chino HSR deadlines would also be pushed out, and this would cascade  
20 into ADWR attempting to investigate and complete at least four major reports  
21 simultaneously, which would not be possible given the staff available to work on such  
22 reports. Thus, ADWR respectfully requests for their proposed HSR completion dates to  
23 remain unchanged.

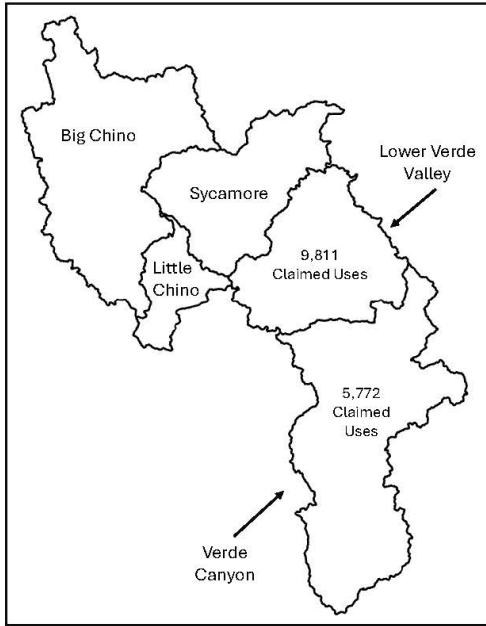
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25 <sup>5</sup> *Supra* n. 1 at 32.

26 <sup>6</sup> The Hydrological Reference Map, as requested in the Report, is available to view at  
<https://www.azwater.gov/adjudications/maps-adjudicated-areas-arizona>.

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Current Verde River Subwatershed Boundaries



Proposed Verde River Subwatershed Boundaries

The original of these Comments is being filed with the Clerk of Apache and Maricopa County Superior Courts and is being posted to ADWR's website at: <https://azwater.gov/adjudications>.

**DATED** this 23rd day of September, 2024.

ARIZONA DEPARTMENT OF WATER  
RESOURCES

Kimberly R. Parks, Deputy Counsel  
Karen J. Nielsen, Deputy Counsel

1 **ORIGINAL** of the foregoing and attachment  
2 sent by first-class mail on September 23, 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 foregoing and attachment  
8 sent by first-class mail on September 23, 2024, to:

9 Judge Scott A. Blaney  
10 Maricopa County Superior Court  
11 East Court Building  
12 101 West Jefferson Street, Suite 411  
13 Phoenix, Arizona 85003

14 **COPIES** of the foregoing and attachment  
15 sent via e-mail on September 23, 2024, to:

16 Special Master Sherri Zendri  
17 [water@jbazmc.maricopa.gov](mailto:water@jbazmc.maricopa.gov)

18 **COPIES** of the foregoing and attachment  
19 sent by first-class mail on September 23, 2024, to all  
20 parties on the court-approved mailing list for  
21 Contested Case No. W1-W4 and CV6417.

22 *Lizette Fuentes*  
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