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

12 IN RE THE GENERAL ADJUDICATION
13 OF ALL RIGHTS TO USE WATER IN
14 THE GILA RIVER SYSTEM AND
15 SOURCE

16 Contested Case Nos. W1-00-001234 and
17 W1-00-000106

18 **ARIZONA DEPARTMENT OF
19 WATER RESOURCES' REQUEST
20 FOR ELECTRONIC COPIES OF
21 THE HYDROGRAPHIC SURVEY
22 REPORTS FOR THE VERDE RIVER
23 WATERSHED TO SATISFY THE
24 REQUIREMENTS OF PRETRIAL
25 ORDER NO. 5**

26 Special Master Sherri Zendri

CONTESTED CASE NAME: *In re HSR Sequencing*

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources ("ADWR") requests that the Court clarify Pretrial Order No. 5 Re: Notice of Hydrographic Survey Reports issued by Judge Bolton on March 29, 2000 ("Pretrial Order No. 5") to allow for electronic copies of the Hydrographic Survey Reports ("HSRs") for the Verde River Watershed to satisfy the notice and inspection requirements for HSRs.

NUMBER OF PAGES: Five

DATE OF FILING: December 31, 2025

1 On March 29, 2000, Judge Bolton issued Pretrial Order No. 5 pursuant to the
2 authority in the Adjudication Court by Arizona Revised Statutes (“A.R.S.”) § 45-259 and
3 Rule 16 of the Arizona Rules of Civil Procedure. In it, the Court specifies the noticing and
4 inspection requirements for ADWR following the filing of an HSR with the Adjudication
5 Court in the Gila River Adjudication. Pretrial Order No. 5, § 3 concerns inspection of the
6 preliminary HSR (“PHSR”) and requires that “the Department shall make copies of the
7 PHSR available for inspection” with: (1) the clerk of the Maricopa County Superior Court,
8 (2) “county court clerks and public libraries located throughout the Gila River Adjudication
9 area”, and (3) at ADWR’s “main office” and “at each of the Department’s Active
10 Management Area offices”.¹ Additionally, the Court requires ADWR to “undertake
11 reasonable efforts to make the [PHSR] available in an electronic format.”²

12 It has been almost twenty-six years since the Court issued Pretrial Order No. 5 and
13 ADWR is approaching publication of its first non-federal reservation HSR since issuing the
14 San Pedro River Watershed HSR in 1991 (“San Pedro HSR”). Much has changed since the
15 Court issued Pretrial Order No. 5, especially regarding the accessibility and availability of
16 technology. Additionally, ADWR has altered the format of the HSR since the publication
17 of the San Pedro HSR, resulting in longer Watershed File Reports (“WFRs”) that provide
18 much needed instructions, context, and information for water users whose uses are covered
19 within the HSR. Because of this, WFRs for the Verde River Watershed will be significantly
20 longer than those found in the San Pedro HSR. Specifically, the upcoming Sycamore
21 Subwatershed PHSR will cover approximately 1,623 WFRs containing a combined 2,391
22 uses, resulting in an HSR that is over 10,945 pages long and costing \$1,4623.23 for each
23 printed copy. In addition to the high cost to print and store, a full-printed version would be
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25 ¹ Pretrial Order No. 5 at 3-4.

26 ² *Id.* at 4.

1 unwieldy to navigate to find individual WFRs. This problem only becomes worse for future
2 HSRs, which have many more water uses.

3 ADWR, in completing the Sycamore PHSR, however, has worked to make it more
4 readable and accessible to both individual water users and represented parties in the
5 Adjudication by making an online application that allows individuals to filter for WFRs by
6 WFR Number, address, landowner name, lessee name, filing number, water use type,
7 whether or not the right has been recommended by the Department, parcel number, , or just
8 zooming in on the map. Within the imaged records, it will be possible to search by WFR
9 number, owner, lessee, parcel owner, associated mailing address, city, and zip code.
10 Additionally, all data used to create the online application is downloadable for any user who
11 does need to access all WFR data. A PDF version will also be available online in ADWR's
12 imaged records, should anyone wish to view by scrolling through the HSR rather than
13 searching or downloading data using the online application. ADWR is creating how-to
14 documents and a video tutorial and planning alongside the Court to provide training to
15 librarians throughout the State so that electronic viewing will be as easy as possible, even
16 for water users who are hesitant to use technology.

17 A.R.S. § 45-256(B) requires that each Final HSR "be available for inspection by any
18 claimant" and A.R.S. § 45-256(H) requires that "[t]he director shall give notice to each
19 water claimant that the preliminary report is available for inspection and comment."
20 Sections 5.02 and 5.03 of the Rules for Proceedings Before the Special Master reiterate
21 these requirements, and ADWR's request for the Court to allow electronic copies satisfies
22 both the statues and the rules. Additionally, Rule 16 of the Arizona Rules of Civil
23 Procedure, under which authority Pretrial Order No. 5 was issued, lists the objectives of the
24 Court's scheduling and management of actions, two of which are directly applicable to
25 ADWR's request. Indeed, permitting ADWR to limit the number printed copies satisfies
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1 the following objectives in Ariz. R. Civ. Pro, 16(a): “(4) discouraging wasteful, expensive,
2 and duplicative pretrial activities;” and “(7) conserving parties’³ resources;”.

3 Accordingly, ADWR respectfully requests that the Court clarify that the following
4 satisfy the notice and inspection requirements of Pretrial Order No. 5:

- 5 1. A digital copy uploaded to the Maricopa County Clerk of the Superior Court’s
6 ADWR ShareBase folder.
- 7 2. A flash drive containing a PDF of the HSR sent to county clerk courts and
8 librarians throughout the Gila River Adjudication.
- 9 3. A printed copy of only the HSR chapters to be located at ADWR’s main office⁴
10 and a publicly accessible computer to view the WFRs.
- 11 4. A link to each WFR describing each specific water use or claim that pertains to
12 each claimant or nonclaimant water user within the first-class mail notice of the
13 PHSR and final HSR. ADWR will make a printed copy of a WFR or WFRs
14 available to parties upon request. If the request is less than 20 pages there will
15 be no fee. Requests greater than 20 pages will be charged the cost of copying.⁵
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17 ³ While ADWR is not a party to the Adjudication, Pretrial Order No. 5 was issued regarding
18 ADWR’s responsibilities and under the authority granted to the Court by Ariz. R. Civ. Pro.
19 16(a) and ADWR’s resources should also be conserved.

20 ⁴ ADWR no longer has Active Management Area offices, but should these be reopened,
ADWR requests to have a printed copy of only the HSR chapters located at each Active
Management Area office as well.

21 ⁵ Notice of the PHSR is covered in § 2 of Pretrial Order No.5. Notice of the final HSR is
22 covered in § 5 of the Pretrial Order No. 5. ADWR is not requesting any other clarifications
23 from the Court regarding noticing procedures, other than what satisfies sending the specific
24 portion of the PHSR/final HSR pertaining to each water user. These are covered by § 2(D),
25 which specifies that “[i]f the [PHSR] was prepared for a watershed, the Department shall
26 send by first-class mail to each claimant and nonclaimant water user that portion of the
[PHSR] describing each specific water use or claim by that person” and § 5(E), which
specifies that “the Department shall send...that portion of the final HSR describing each
specific water use or claim by that person.”

1 The original of this Request is being filed with the Clerk of the Maricopa County
2 Superior Court and is being posted to ADWR's website at:
3 <https://azwater.gov/adjudications>.

4 **DATED** this 31st day of December, 2025.

5 ARIZONA DEPARTMENT OF WATER
6 RESOURCES

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Karen J. Nielsen, Deputy Counsel

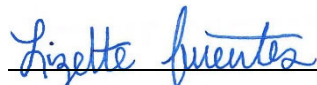
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11 **ORIGINAL** of the foregoing and attachment
12 sent by first-class mail on December 31, 2025, to:

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

16 **COPIES** of the foregoing and attachment
17 sent by first-class mail on December 31, 2025, to:

18 Special Master Sherri Zendri
19 water@jbazmc.maricopa.gov

20 **COPIES** of the foregoing and attachment
21 sent by first-class mail on December 31, 2025, to all
22 parties on the court-approved mailing list for
Contested Case No. W1-00-001234 and W1-00-000106

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