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

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

No. W-1 (Salt)  
No. W-2 (Verde)  
No. W-3 (Upper Gila)  
No. W-4 (San Pedro)  
(Consolidated)

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

Case No.: CV6417

Special Master Sherri L. Zendri

**ARIZONA DEPARTMENT OF  
WATER RESOURCES' REPLY TO  
THE UNITED STATES' MOTION  
FOR LEAVE TO FILE A RESPONSE  
TO OBJECTIONS**

21 **CONTESTED CASE NAMES:** *NONE*

22 **DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources hereby  
23 responds to the United States' Motion for Leave to File a Response to Objections filed on  
24 December 17, 2024.

25 **NUMBER OF PAGES:** Three and five-page attachment

26 **DATE OF FILING:** January 8, 2025

1           On December 17, 2024, the United States filed a Motion for Leave to File a  
2 Response to Objections (“Motion”). Should the Court grant the United States’ Motion, the  
3 Arizona Department of Water Resources (“ADWR”) respectfully requests for the Court  
4 to take into consideration ADWR’s proposed comments, attached to this filing as  
5 Attachment A. ADWR drafted these comments in reply to the United States’ Proposed  
6 Response to Objections as attached to their Motion. As the Court’s technical expert and  
7 the administrative body that will be responsible for investigating the United States’ claims  
8 made to the Wild and Scenic portion of the Verde River pursuant to A.R.S. § 45-256, it is  
9 appropriate for ADWR to comment on the proposal filed by the United States.

10           **DATED** this 8th day of January 2025.

11  
12           ARIZONA DEPARTMENT OF WATER  
13           RESOURCES

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15           \_\_\_\_\_  
16           Kimberly R. Parks, Deputy Counsel  
17           Karen J. Nielsen, Deputy Counsel

1 **ORIGINAL** of the foregoing sent by  
2 first-class mail on January 8, 2025, to:

3 Clerk of the Superior Court  
4 Maricopa County  
5 Attn: Water Case  
6 601 West Jackson Street  
7 Phoenix, AZ 85003

8 Clerk of the Superior Court  
9 Apache County  
10 ATTN: Water Case  
11 P.O. Box 365  
12 St. Johns, Arizona 85936

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14 mail on January 8, 2025, to:

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16 [water@jbazmc.maricopa.gov](mailto:water@jbazmc.maricopa.gov)

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18 first-class mail on January 8, 2025,  
19 to all parties on the court-approved mailing list  
20 for the following case numbers: W1-W4 (Consolidated)  
21 and CV6417

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23 \_\_\_\_\_  
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# **ATTACHMENT A**

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19 THE LITTLE COLORADO RIVER  
20 SYSTEM AND SOURCE

Case No.: CV6417

Special Master Sherri L. Zendri

**ARIZONA DEPARTMENT OF  
WATER RESOURCES' (PROPOSED)  
COMMENTS ON THE UNITED  
STATES' RESPONSE TO  
OBJECTIONS**

21 **CONTESTED CASE NAMES:** *NONE*

22 **DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources hereby  
23 provides comments to the United States' Response to Objections.

24 **NUMBER OF PAGES:** Five

25 **DATE OF FILING:** January 8, 2025

26

1 On December 17, 2024, the United States filed a Motion for Leave to File a  
2 Response to Objections (“Motion”). In that Motion, the United States included an attached  
3 proposed Response to Objections (“Response”). The Arizona Department of Water  
4 Resources (“ADWR” or “Department”) hereby comments on the United States’ Response.

5 ***1. “[ADWR] and Tonto Apache Tribe (“TAT”) each filed objections opposing the***  
6 ***Special Master’s recommendation that portions of the Verde Canyon***  
7 ***subwatershed be included in the pending investigation of the Lower Verde***  
8 ***subwatershed.”<sup>1</sup>***

9 As a point of clarification, ADWR does not file objections to any Report issued by the  
10 Special Master under Rule 53 because it is not a party to any General Stream Adjudication.  
11 Instead, because of its role in providing technical assistance to the Court in preparing the  
12 hydrographic survey reports (“HSRs”) pursuant to A.R.S. § 45-256, ADWR may  
13 comment on a Report when recommendations directly affect the investigations or other  
14 work processes performed by the Department or when it has additional information to  
15 provide to the Court directly within the scope of its expertise when reviewing the Special  
16 Master’s Report. This was the case for the comments filed by ADWR on September 23,  
17 2024.

18 ***2. “ADWR purports to derive the authority to modify the watershed boundaries***  
19 ***without seeking comment from parties impacted by the Report.”<sup>2</sup>***

20 As covered in its Comments to the Report filed on September 23, 2024<sup>3</sup>, ADWR modified  
21 the subwatershed boundaries in accordance with the Report, in which the Special Master  
22 requested that ADWR “[t]o the extent possible, all subwatersheds should be aligned with  
23

24  
25 <sup>1</sup> [Response](#) at 1, ln. 6-8.

26 <sup>2</sup> *Id.* at 4, ln.12-13.

<sup>3</sup> See [ADWR Comments to the Report](#) at 3.

1 8-digit HUs.”<sup>4</sup> Later, the Special Master allowed ADWR to not follow this guidance “if  
2 the agency feels the investigations are too far along to make such a change practical” so  
3 long as ADWR “explain how the ADWR-chosen subwatersheds differ from the USGS 8-  
4 digit HU subwatersheds and why.”<sup>5</sup> After receiving the Special Master’s Report, ADWR  
5 elected to align the subwatersheds with the 8-digit HUs pursuant to the Report, to the  
6 extent possible.<sup>6</sup> Additionally, in its Hydrological Reference Map posted on its website,  
7 ADWR specifies that the Map was drafted “as recommended by the Special Master in her  
8 Report from March 25, 2024.”<sup>7</sup>

9  
10 **3. “Accordingly, the United States would propose that the Court balance the parties’**  
11 **interests and retain the Verde Canyon subwatershed, but order that the Lower**  
12 **Verde subwatershed be modified to include the northernmost portions of Verde**  
13 **Canyon, including the Verde WSR.”<sup>8</sup>**

14 ADWR reiterates its request that the Court keep the Lower Verde Valley HSR separate  
15 from the Verde Canyon HSR and for the United States’ claims regarding the Verde Wild  
16 and Scenic River to be included in the Verde Canyon HSR for the reasons stated in its  
17 Comments to the Report filed on September 23, 2024. However, if the Court is inclined  
18 to accommodate the United States’ timing interests as expressed in their Response, ADWR  
19 respectfully requests that the Court only incorporate the United States’ Verde Wild and  
20 Scenic River claims to the Lower Verde Valley HSR and keep the remaining surrounding  
21 claims in the Verde Cayon HSR due to the workload restrictions as expressed in its  
22 Comments to the Report filed on September 23, 2024.

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23 <sup>4</sup> [Report](#) at 27, ln. 26-27.

24 <sup>5</sup> *Id.* at 28, ln. 6-11.

25 <sup>6</sup> *See* ADWR Comments to the Report at 3, ln. 4-9.

26 <sup>7</sup> Map available to view at <https://www.azwater.gov/adjudications/maps-adjudicated-areas-arizona>.

<sup>8</sup> Response at 3, ln. 14-17.


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**4. Filings Related to the Verde Wild and Scenic River Claims**

While looking into the United States’ proposals, ADWR found<sup>9</sup> three Statements of Claimant (“SOC”) filed related to the Verde Wild and Scenic River: 39-49832, 39-56834, and 39-176078. ADWR also located Certificate of Water Right (“Certificate”) No. 33-90309 related to the Verde Wild and Scenic River.

**DATED** this 8th day of January, 2025.

ARIZONA DEPARTMENT OF WATER  
RESOURCES



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

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<sup>9</sup> ADWR has not conducted an investigation, so these findings are preliminary and may not reflect all claims and filings for the Verde Wild and Scenic River.



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2 first-class mail on January 8, 2025, to:

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9 Apache County  
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12 St. Johns, Arizona 85936

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