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10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF APACHE**
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IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE WATER IN THE LITTLE COLORADO RIVER SYSTEM AND SOURCE

Civil Case No. CV 6417-400

**ARIZONA DEPARTMENT OF WATER
RESOURCES' REPORT**

Special Master Susan Ward Harris

CONTESTED CASE NAME: *In re Lower Little Colorado River Subwatershed*

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources (“ADWR”) hereby issues its report regarding the format for proposed *de minimis* water rights in the Hydrographic Survey Report for the Lower Little Colorado River subwatershed.

NUMBER OF PAGES: Four

DATE OF FILING: September 23, 2021

Pursuant to the Court’s Orders issued March 20, 2018 and December 9, 2020,¹ ADWR is in the process of drafting its Preliminary Hydrographic Survey Report (HSR) for the Lower Little Colorado River (Lower LCR) subwatershed. On October 30, 2020,

¹ See Case Initiation Order for Lower Little Colorado River Subwatershed filed March 20, 2018 at 4 and Order Granting Extension filed December 9, 2020 at 2.

1 the Special Master issued a Report² regarding procedures for the adjudication of *de*
2 *minimis* water right claims for stockponds and stockwatering uses in the Lower LCR
3 subwatershed.³ In April 2021, The Salt River Project⁴ and the LCR Coalition,⁵ joined by
4 the Navajo Nation⁶ and the Arizona State Land Department,⁷ made recommendations
5 about the format of ADWR's proposed water rights for *de minimis* stockpond and
6 stockwatering uses in the Lower LCR HSR. Among the recommendations made by the
7 parties were the suggestions that ADWR prepare draft water right abstracts for *de minimis*
8 water uses and that ADWR include the draft *de minimis* abstracts in a separate chapter in
9 the HSR to enable more efficient summary proceedings for those claims. In its July 12,
10 2021 Order,⁸ the Court requested that ADWR file this report responding to the
11 recommendations, and include any issues that ADWR has identified regarding the
12 implementation of the parties' recommendations, as well as any suggested modifications
13 or improvements to the HSR formatting as it concerns potential water rights for *de*
14 *minimis* stockponds and stockwatering uses.

15 In the HSR, ADWR intends to include draft abstracts of water right attributes and
16 maps for proposed *de minimis* water rights in accordance with the methodology

17 ² Report of the Special Master on Summary Proceedings in the Lower Little Colorado
18 Subwatershed filed October 30, 2020.

19 ³ The Special Master's recommended procedures for adjudicating *de minimis* water uses
20 were approved by the Superior Court in the Minute Entry Order filed May 28, 2021.

21 ⁴ Salt River Project's Objections to Special Master's Report on Summary Proceedings
22 filed April 28, 2021.

23 ⁵ LCR Coalition's Comments on the Report of the Special Master on Summary
24 Proceedings in the Lower Little Colorado River Subwatershed filed April 27, 2021.

25 ⁶ Navajo Nation's Joinder in the LCR Coalition's Comments on the Report of Special
26 Master filed April 29, 2021.

⁷ Arizona State Land Department's Joinder in the LCR Coalition's Comments on the
Report of the Special Master on Summary Proceedings in the Lower Little Colorado River
Subwatershed filed April 28, 2021.

⁸ Order for Report from ADWR Regarding Parties' Recommendations filed July 12, 2021
at 2.

1 recommended in the Special Master’s Report;⁹ however, because the HSR is organized by
2 landowner, draft abstracts for *de minimis* uses will be included in the Watershed File
3 Reports (WFRs) to which they belong rather than in a separate chapter of the HSR.
4 Including draft *de minimis* abstracts in the related WFRs facilitates ADWR’s
5 responsibility under Pretrial Order No. 6 to provide each claimant and non-claimant water
6 user with copies of “that portion of the preliminary HSR describing each specific water
7 use or claim by that person.”¹⁰ Including draft *de minimis* abstracts in the related WFRs
8 also makes viewing the overall report less confusing for an individual landowner because
9 all of their claims and water uses will be contained within a single section of the HSR. To
10 accommodate the parties’ request that ADWR separate *de minimis* water uses from other
11 types of water uses in the HSR, ADWR will include an index of all proposed *de minimis*
12 water rights in the report which will allow the Court and the parties to easily identify
13 proposed *de minimis* water rights and any related WFRs.

14 **RESPECTFULLY SUBMITTED** this 23rd day of September, 2021.

15 ARIZONA DEPARTMENT OF WATER
16 RESOURCES

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Kimberly R. Parks, Deputy Counsel

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⁹ Report, *supra* note 2, at 19-23.

24 ¹⁰ Pretrial Order No. 6 Re: Notice of Hydrographic Survey Reports filed July 26, 2000 in
25 Case No. 6417, *In re the General Adjudication of All Rights to Use Water in the Little*
26 *Colorado River System and Source*, at 2.

1 **ORIGINAL** of the foregoing sent by
2 first-class mail on September 23, 2021, to:

3 Clerk of Apache County Superior Court
4 70 West Third South
5 St. Johns, Arizona 85936

6 **COPY** of the foregoing sent by
7 first-class mail on September 23, 2021, to:

8 Special Master Susan Ward Harris
9 Maricopa County Superior Court
10 Central Court Building
11 201 West Jefferson Street, Suite 3A
12 Phoenix, AZ 85003-2205

13 **COPIES** of the foregoing sent by
14 first-class mail on September 23, 2021 to
15 all parties on the court-approved mailing list
16 for Contested Case No. CV 6417-400.

17 *Lizette Fuentes*
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