

1 Kimberly R. Parks (Bar No. 032828)  
2 Arizona Department of Water Resources  
3 Legal Division  
4 P.O. Box 36020  
5 Phoenix, Arizona 85067  
6 Telephone: 602-771-8472  
7 Fax: 602-771-8687  
8 [krparks@azwater.gov](mailto:krparks@azwater.gov)

9  
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
11 **IN AND FOR THE COUNTY OF APACHE**

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

Civil Case No. CV 6417-400

**ARIZONA DEPARTMENT OF WATER  
RESOURCES' REQUEST FOR  
CLARIFICATION**

Special Master Susan Ward Harris

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

17 **DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources (“ADWR”) hereby requests clarification regarding the inclusion of water uses from wells in the Hydrographic Survey Report for the Lower Little Colorado River subwatershed.

18 **NUMBER OF PAGES:** Three

19 **DATE OF FILING:** August 31, 2021

20  
21  
22 In its March 20, 2018 Order, the Court requested that ADWR prepare a  
23 Preliminary Hydrographic Survey Report (“HSR”) for the Lower Little Colorado River  
24 (“Lower LCR”) subwatershed. The scope of the Preliminary HSR for the Lower LCR  
25 subwatershed is governed by A.R.S. § 45-256, which provides that ADWR shall identify  
26 the hydrological boundaries of the river system and source, identify potential claimants

1 within the watershed, conduct a general investigation of the river system and source and  
2 the claims asserted by each claimant, and create maps of the river system and various  
3 water uses and diversions. The statute also provides that ADWR shall present the  
4 information in summary form on a claim-by-claim basis in the HSR, listing all  
5 information that reasonably relates to the water claims or uses investigated along with the  
6 Director's proposed water right attributes for each claim or use investigated. The HSR  
7 must also list water uses or claims for which the Director does not propose a water right.

8 In preparation of its report, ADWR has investigated many water uses from wells  
9 within the Lower LCR subwatershed. Unlike in the San Pedro River watershed and the  
10 Verde River watershed, ADWR has not been requested to develop a technical report and  
11 map regarding the subflow zone of the Lower LCR subwatershed, which would provide  
12 the Court with information as to whether wells are pumping appropriable subflow rather  
13 than percolating groundwater. Without this information and in the absence of a  
14 certificated water right under the Arizona Water Code, ADWR will have no basis for  
15 proposing water right attributes for the vast majority of these water uses.

16 At this time, ADWR's plan is to include three lists of water uses from wells in the  
17 HSR. The first list would include all water uses from wells for which both a Statement of  
18 Claimant ("SOC") and a surface water filing has been submitted and would include  
19 information from both filings along with any additional information ADWR has been able  
20 to gather about the wells and associated uses. The second list would include all wells for  
21 which an SOC has been filed but for which no surface water filing has been submitted,  
22 and the list would include information similar to the information in the first list. The third  
23 list would include all water uses from wells for which no claim has been filed and would  
24 include any information ADWR has obtained about the wells and associated uses.  
25 ADWR hereby requests clarification on the scope of the information the Court would like  
26

1 to receive regarding water uses from wells in the HSR and whether ADWR's proposed  
2 treatment of wells is sufficient for this purpose.

3 **RESPECTFULLY SUBMITTED** this 31st day of August, 2021.

4 ARIZONA DEPARTMENT OF WATER  
5 RESOURCES

6   
7 \_\_\_\_\_  
Kimberly R. Parks, Deputy Counsel

8  
9 **ORIGINAL** of the foregoing sent by  
first-class mail on August 31, 2021, to:

10 Clerk of Apache County Superior Court  
11 70 West Third South  
12 St. Johns, Arizona 85936

13 **COPY** of the foregoing sent by  
14 first-class mail on August 31, 2021, to:

15 Special Master Susan Ward Harris  
16 Maricopa County Superior Court  
17 Central Court Building  
201 West Jefferson Street, Suite 3A  
18 Phoenix, AZ 85003-2205

19 **COPIES** of the foregoing sent by  
20 first-class mail on August 31, 2021 to  
all parties on the court-approved mailing list  
for Contested Case No. CV 6417-400.

21   
22 \_\_\_\_\_

23  
24  
25  
26