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

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

16 W-1 (Salt)  
17 W-2 (Verde)  
18 W-3 (Upper Gila)  
19 W-4 (San Pedro)  
20 (Consolidated)

21 Contested Case No. W1-106

22 **ARIZONA DEPARTMENT OF WATER**  
23 **RESOURCES' REQUEST FOR**  
24 **EXPEDITED CONSIDERATION OF**  
25 **FORM OF NOTICE FOR TECHNICAL**  
26 **REPORT**

Special Master Susan Ward Harris

**CONTESTED CASE NAME:** *In re Subflow Technical Report, Verde River Watershed*

**HSR INVOLVED:** None

**DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources ("ADWR") hereby requests expedited consideration of the enclosed notice document for its upcoming technical report for the Verde River watershed.

**NUMBER OF PAGES:** Four and one-page attachment

**DATE OF FILING:** June 29, 2022

1 As directed by the Minute Entry Orders filed March 4, 2020 and June 14, 2022,  
2 ADWR will issue its Technical Report analyzing potential *de minimis* water uses in the  
3 Verde River watershed on August 29, 2022. ADWR is required to provide notice of its  
4 Technical Report to thousands of claimants and water users within the Verde River  
5 watershed.<sup>1</sup> The purpose of providing notice of the Technical Report to thousands of  
6 water users in the watershed is to satisfy water users' due process rights to receive notice  
7 of proceedings that could affect their water right(s) and allow those recipients an  
8 opportunity to participate. "Notice is sufficient for due process purposes if it is  
9 "reasonably calculated, under all the circumstances, to apprise interested parties of the  
10 pendency of the action and afford them an opportunity to present their objections" or  
11 claims." *Gila River I*, 171 Ariz. 230, 236 (1992)(citing *Mullane v. Central Hanover Bank*  
12 & *Trust Co.*, 339 U.S. 306, 314, (1950)).

13 When ADWR has issued similar technical reports in the past, ADWR has  
14 simultaneously mailed to all recipients the formal legal notice of filing the report, which  
15 contains information about the purpose of the report, how to comment or object to the  
16 report, how to view or obtain copies of the report, along with applicable deadlines.  
17 Understandably, the formal legal notice is often confusing to recipients who are not  
18 actively involved in the adjudication proceedings or otherwise familiar with legal  
19 documents. To avoid such confusion, ADWR has developed a simplified, less formal  
20 document to provide notice of its Technical Report (see Attachment A).

21 The simplified document contains the most relevant information typically  
22 contained in the formal legal notice, but in a more reader-friendly format. As shown in  
23 Attachment A, ADWR's simplified mailer would still provide information on where to  
24 view the report and the formal legal notice, should the recipient wish to read it, along with  
25 all other important information to provide recipients adequate notice of these proceedings  
26 and an opportunity to participate. If the simplified notice is approved by the Court,

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<sup>1</sup> Minute Entry Order filed June 14, 2022 at 12.

1 ADWR plans to send the mailer to all required recipients. Additionally, ADWR plans to  
2 issue a press release containing the information in the notice, and to provide hard copies  
3 of the report and notice documents to local libraries within the Verde River watershed so  
4 that recipients without internet access will have the ability to view all of the pertinent  
5 documents at easily accessible locations.

6 ADWR respectfully requests that the Court expedite its consideration of the  
7 attached mailer and whether the mailer will satisfy due process requirements for the  
8 Technical Report. In order to meet the August 29, 2022 filing deadline, ADWR  
9 respectfully requests a ruling from the Court by July 15, 2022. If the Court does not  
10 approve the use of the mailer by July 15, 2022, ADWR is prepared to mail the formal  
11 legal notice to all required recipients.

12 **RESPECTFULLY SUBMITTED** this 29th day of June, 2022.

13 ARIZONA DEPARTMENT OF WATER  
14 RESOURCES

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16 \_\_\_\_\_  
17 Kimberly R. Parks, Deputy Counsel  
18 Kome Akpolo, Deputy Counsel

19  
20 ORIGINAL of the foregoing and attachments  
21 sent by first-class mail on June 29, 2022, to:

22 Clerk of the Maricopa Superior Court  
23 Attn: Water Case  
24 601 W. Jackson Street  
25 Phoenix, Arizona 85003

26 COPY of the foregoing and attachments  
sent by first-class mail on June 29, 2022, to:

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

COPIES of the foregoing and attachments  
sent by first-class mail on June 29, 2022 to all  
parties on the court-approved mailing list for  
Contested Case No. W1-106.

A handwritten signature in blue ink, reading "Sharon Scanlon", is written over a horizontal line.

# **ATTACHMENT A**

# ARIZONA DEPARTMENT OF WATER RESOURCES NOTICE OF PUBLICATION

On August 29, 2022, the Arizona Department of Water Resources (ADWR) released a Technical Report for inspection and comment. The Technical Report was filed with the Maricopa County Superior Court in the Gila River adjudication contested case W1-106, *In re Subflow Technical Report, Verde River Watershed*.

The purpose of the Technical Report is to identify small water uses for domestic (household), stockpond, stockwatering and wildlife purposes that collectively have only a minimal impact on surface water leaving the Verde River watershed, also known as *de minimis* water uses. These small uses may be eligible for a faster and more simplified adjudication process. If the court approves an expedited process to determine water right attributes (characteristics, such as quantity and priority date) for any of the small water uses analyzed in the Technical Report, those standards will be applied when ADWR issues future reports on individual domestic, stockpond, stockwatering, and/or wildlife watering uses for the Verde River watershed.

You are receiving this notice because you are either on the court approved mailing list for this contested case, a person or entity who filed a Statement of Claimant (SOC) claiming a water use in the Verde River watershed, or a person or entity that is believed to be using water in the Verde River watershed. A map of the Verde River watershed is below.

Persons and entities described above have the opportunity to review the Technical Report, available on ADWR's website and some local libraries in the Verde River watershed, and, if necessary, file comments or objections. Comments or objections must be filed on a Comment and Objection Form (available by contacting ADWR or on ADWR's website) and must be received by the court no later than **October 28, 2022**. Persons or entities who file comments or objections will be notified later of further court proceedings concerning the Technical Report.

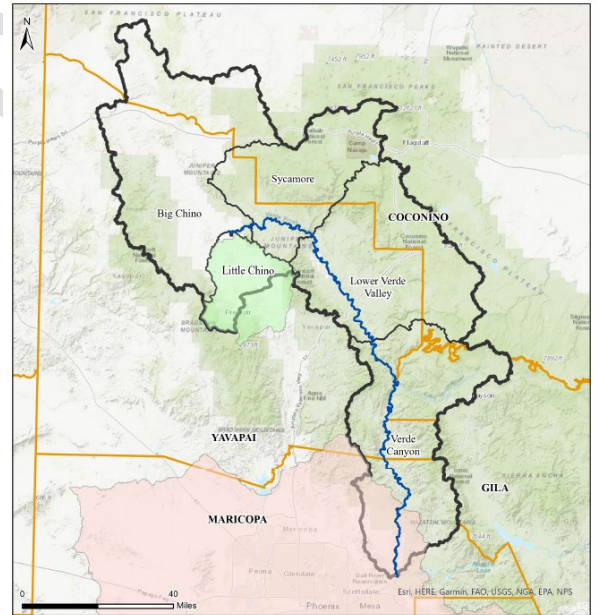


**VIEW:**  
**THE REPORT, AND OTHER INFORMATION,  
ONLINE AT**  
<https://new.azwater.gov/adjudications>

**FILE:**  
**COMMENTS OR OBJECTIONS ARE DUE  
TO THE COURT NO LATER THAN  
OCTOBER 28, 2022.**

**CONTACT ADWR:**  
**866-246-1414 (TOLL FREE) OR  
602-771-8634.**

**FAQS:**  
[\[ insert link \]](#)



This report does not analyze any individual water uses or claims. ADWR is preparing Hydrographic Survey Reports (HSRs) for the Verde River watershed that will address water rights and claims in more detail. The first HSR for the Verde River watershed will be filed January 2024.

# PROPOSED ORDER

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W-1 (Salt)  
W-2 (Verde)  
W-3 (Upper Gila)  
W-4 (San Pedro)  
(Consolidated)

Contested Case No. W1-106

**[PROPOSED] ORDER APPROVING  
ARIZONA DEPARTMENT OF  
WATER RESOURCES' PROPOSED  
FORM OF NOTICE FOR TECHNICAL  
REPORT**

Special Master Susan Ward Harris

The Court having reviewed the Arizona Department of Water Resources' ("ADWR") Request for Expedited Consideration of Form of Notice for Technical Report filed June 29, 2022 and with good cause showing

**IT IS HEREBY ORDERED** that the proposed form of notice is sufficient to apprise recipients of the pendency of the proceedings and to afford them an opportunity to present their comments or objections, and that ADWR is permitted to use the proposed form of notice for the Technical Report to be filed on August 29, 2022.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Susan Ward Harris,  
Special Master