

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

October 7, 2025

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

N. Johnson
Deputy

FILED: October 16, 2025

In re: the General Adjudication
Of All Rights to Use Water in the
Little Colorado River System and Source
Contested Case Nos.

CV6417-33-6893

In Re: Kenneth L. and Joy Abrams

CV6417-33-6735

In Re: Jack G. and V. Scott Peterson

MINUTE ENTRY

Central Court Building – Courtroom 301

10:01 a.m. This is the time set for a virtual Status Conference before Special Water Master Sherri Zendri.

The following attorneys and parties appear virtually through Court Connect:

- Jennifer Wendel, of the Arizona Adjudications Project, is present on behalf of the Petersons with 39(c) certified student Kyle Dayton and Arizona Adjudications Project expert Paul Brown.
- Katrina Wilkinson and Mark McGinnis are present on behalf of the Salt River Project (“SRP”).
- Kevin Crestin and Eric Wilkins are present on behalf of the Arizona State Land Department (“ASLD”).
- Brian Heiserman is present on behalf of the Little Colorado River Coalition (“LCRC”).

No other parties are present or represented.

A record of the proceedings is made digitally in lieu of a court reporter.

LET THE RECORD REFLECT that this hearing is held for both contested cases **CV6417-33-6893** and **CV6417-33-6735** concurrently.

The Special Master notes the United States of America is not present at today's hearing; however, due to the federal shutdown it is excused. It is further noted that no one is present on behalf of the Arizona Department of Water Resources ("ADWR").

10:03 a.m. David Abrams is now present on behalf of Landowner, Joy Abrams.

The Special Master states that ADWR had given the parties a recommendation with respect to the Penman-Monteith methodology and that the report indicated it is not appropriate for the entire Colorado River Basin. The ADWR report also made a case for the OpenET methodology.

Discussion is held regarding the parties' questions and concerns with respect to what ADWR proposed for this particular collection of contested cases. Ms. Wendel advises the Court that she emailed ADWR after the last status conference to note some of the issues with the Penman-Monteith methodology. Ms. Wendel outlines her concerns and questions regarding ADWR's guidance.

The Special Master reminds everyone that the question posed to ADWR was limited to whether the Penman-Monteith methodology was appropriate and that their report stated it was appropriate, but that they prefer the OpenET methodology. She further states that the parties do not need ADWR's approval, but that they do need to substantiate whatever numbers they provide. Discussion is held regarding what is an acceptable method between the Penman-Monteith methodology and the OpenET methodology. The Court does not endorse a specific method.

Ms. Wendel advises the Court that she has reached out to ADWR regarding the different methodologies, but that she was told that they could not offer any legal advice. Procedural matters are discussed with respect to the submission of an application for permit. Discussion is held regarding ADWR's guidance and the best methodology to utilize. Ms. Wendel continues to outline her concerns and questions regarding ADWR's guidance. Ms. Wilkinson and Mr. Heiserman share their concerns and questions regarding ADWR's guidance. Brief discussion is held regarding the Verde River. The Special Master will request that ADWR provide additional information, and direct ADWR to engage in additional discussion regarding the extrapolated weather data and the different methodologies.

Mr. Abrams updates the Court on his mother's health. Logistical and procedural matters are discussed moving forward. The Special Master addresses Mr. Abrams regarding his mother's estate and the limitations of his appearance at future hearings. Discussion is held regarding Landowner Joy Abrams' representation in this matter. The Special Master advises Mr. Abrams to keep her office apprised in the event he is unable to attend a future proceeding. Ms. Wendel states that she cannot represent Mr. Abrams, but is willing to help explain procedural questions.

10:40 a.m. Matter concludes.

A copy of this minute entry is provided to all parties on the Court approved mailing list.

LATER:

Additional Questions for ADWR on OpenET

ADWR provided the Court with a high-level explanation regarding the appropriateness of the Penman-Monteith Methodology (“P-M”) for calculating reference evapotranspiration rates of irrigated crops to approximate water requirements when filing water rights claims for this contested case. ADWR indicated P-M could be appropriate for this contested case so long as the necessary data is available regarding crops of interest, and climatological data for the area. However, such climatological data in the Little Colorado River Basin is variable, and ADWR goes on to recommend another methodology, OpenET.¹

This initial review from the agency is greatly appreciated. However, the inclusion of a new methodology, OpenET, brings forth a list of additional questions where the Special Master needs technical direction.

THEREFORE, IT IS ORDERED that no later than **January 31, 2026**, ADWR provide additional explanation and clarity to the Special Master on the following questions:

- 1) Does ADWR intend to use OpenET in future hydrographic survey reports to quantify claimed irrigation rights?
- 2) There are multiple OpenET models available, which specific model is ADWR recommending and why?
- 3) OpenET still relies on P-M, so if the Arizona climate data is insufficient for P-M how would it be appropriate for OpenET?
- 4) The satellite imagery used for OpenET is not collected daily. How can small farms or multiple cuttings of crops account for potential data gaps?
- 5) OpenET pixel size provides data with a spatial resolution just under a quarter of an acre. For small fields could this be an issue?
- 6) OpenET data is generally only available from 2016 to the present, so how is historic data captured? If different models are using different sets data, how are the differences resolved?
- 7) How are other states using OpenET to address the questions posed above.

Additional Questions for ADWR on Penman-Monteith

As stated above, ADWR indicated P-M *could* be appropriate for this contested case so long as the necessary data is available regarding crops of interest, and climatological data for the area. However, given the variability of climate data across the state it is still unclear what level of data

¹ CV6417-33-6735 & CV6417-33-6893, Report and Recommendation Regarding the Penman-Monteith Methodology, September 9, 2025, at 3.

would be sufficient. Furthermore, it is unclear whether any statistical analysis of available data would be appropriate. Such questions can, of course, be answered only based upon specific factual scenarios to individual contested cases.

IT IS FURTHER ORDERED that no later than **December 12, 2025**, ADWR shall schedule a meeting with Jack Peterson to review the data Mr. Peterson has available and discuss any statistical methods that may be appropriate to fill in potential data gaps.