

MAY 04 2022

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2 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
3 **IN AND FOR THE COUNTY OF MARICOPA**

4 **IN THE GENERAL ADJUDICATION**  
5 **OF ALL RIGHTS TO USE WATER IN**  
6 **THE GILA RIVER SYSTEM AND**  
7 **SOURCE**

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

Case No. W1-106

8  
9 **OBJECTION TO THE SUBFLOW**  
10 **ZONE DELINEATION REPORT FOR**  
11 **THE VERDE RIVER MAINSTEM**  
12 **AND SYCAMORE CANYON**  
13 **SUBWATERSHED**

Special Master Susan Ward Harris

14 **OBJECTOR**

15 Name (printed) Arizona State Land Department

16 Mailing Address 1616 W. Adams St.

17 Phoenix, AZ 85007

18 Telephone No. (602) 542-4631

19 Statement of Claimant No. 39-50400, et al.

20 **STATEMENT OF OBJECTION**

21 Please reference the portion of the report to which you are objecting, explain the reasons  
22 for the objection below (or in a separate attachment), and complete the next page.

23 \*See Attachment "A."  
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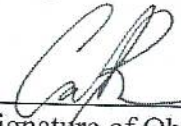
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**CERTIFICATE OF SERVICE**

On this 2nd day of May, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022.**



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) Carrie J. Brennan, Assistant Attorney General  
Mailing Address of Representative 2004 N. Central Ave.  
Phoenix, AZ 85004  
Telephone Number of Representative (602) 542-7782

1 **MARK BRNOVICH**  
2 Attorney General  
3 (Firm State Bar No. 14000)  
4 David F. Jacobs, SBA #018807  
5 Carrie J. Brennan, SBA #018250  
6 Kevin P. Crestin, SBA #033341  
7 Assistant Attorneys General  
8 Natural Resources Section  
9 2005 N. Central Avenue  
10 Phoenix, Arizona 85004  
11 Telephone: 602.542.7782  
12 Fax: 602.542.4084  
13 NaturalResources@azag.gov

14 Attorneys for Arizona State Land Department

15 **SUPERIOR COURT OF ARIZONA**  
16 **COUNTY OF MARICOPA**

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

Contested Case No. W1-106  
Case No.: W-1, W-2, W-3, W-4  
(Consolidated)(Gila)

**ATTACHMENT "A" TO THE ARIZONA  
STATE LAND DEPARTMENT'S OBJECTIONS  
TO THE SUBFLOW ZONE DELINEATION  
REPORT FOR THE VERDE RIVER  
MAINSTEM AND SYCAMORE CANYON  
SUBWATERSHED**

22	CONTESTED CASE NAME:	<i>In re Subflow Technical Report, Verde River Watershed</i>
23	HSR INVOLVED:	None Issued Yet
24	DESCRIPTIVE SUMMARY:	Attachment "A" to ASLD's Objections to the Subflow Zone Delineation Report for the Verde River Mainstem and Sycamore Canyon Subwatershed.
25	DATE OF FILING:	May 2, 2022

2 Pursuant to this Court's Order, the Arizona Department of Water Resources  
3 ("ADWR") filed its Subflow Technical Report for the Mainstem of the Verde and  
4 Sycamore Canyon ("Report") on December 30, 2021. See Order dated July 30, 2021, at  
5 2.

6 The Arizona State Land Department ("ASLD") as a claimant in the watershed  
7 submits the following objections to ADWR's Report below. By filing these objections,  
8 ASLD reserves the right to participate in the determination of all future issues related to  
9 the subflow zone delineation report and hydrographic survey report for the Verde River  
10 Watershed.

11 In its November 27, 2017, Order, this Court directed ADWR to "determine the  
12 subflow zone based on conditions existing in the earliest year or during a 'range of years  
13 immediately prior to regular, discernable diversion or depletion of stream flows resulting  
14 from human activity' for which reliable and reasonably complete data exists." See Order,  
15 dated 11/27/2017, at 4 (quoting Judge Ballinger's Order, dated September 5, 2005,  
16 Contested Case W1-103, at 21). ADWR acknowledges this directive in its Report. See  
17 Report at 9.

18 In its Report, ADWR describes the process used to determine the delineation of  
19 the subflow zone. *Id.* at 12. Specifically, ADWR states that the subflow zone was  
20 determined by combining the Historic Composite Active Floodplain ("HCAF") with the  
21 floodplain Holocene alluvium ("FHA") boundary. *Id.*

22 With regard to the reservoirs associated with Horseshoe Dam and Bartlett Dam,  
23 ADWR chose to map the HCAF to the high-water mark in aerial imagery. *Id.* at 26.  
24 ADWR concluded that the maximum fill of the reservoirs were to be included within the  
25 HCAF. *Id.* at 29. This expands the subflow zone to the high-water mark of those man-  
26

1 made reservoirs, and was done “in order to capture all potential appropriable water within  
2 the reservoir.” *Id.* at 32.

3 ASLD objects to ADWR’s establishment of a subflow zone around the man-made  
4 reservoirs associated with Bartlett Dam, constructed in the late 1930s, and Horseshoe  
5 Dam, constructed in the 1940s, as violative of the Court’s 2017 Order directing ADWR  
6 to assume predevelopment conditions in its delineation of the subflow zone. ADWR’s  
7 current delineation of a subflow zone including the maximum fill of the man-made  
8 reservoirs is too broad and should have been mapped to the predevelopment floodplain  
9 Holocene alluvium.

10  
11 RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of May, 2022.

12  
13 Mark Brnovich  
14 Attorney General

15 

16 David F. Jacobs  
17 Carrie J. Brennan  
18 Kevin P. Crestin  
19 Assistant Attorneys General  
20 Attorneys for Arizona State Land Department  
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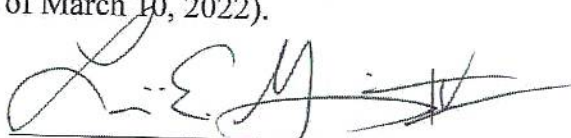
CERTIFICATE OF SERVICE

ORIGINAL of the foregoing was sent via hand delivery  
this 2<sup>nd</sup> day of May, 2022, to:

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

COPIES of the foregoing were deposited for  
mailing this 2<sup>nd</sup> day of May, 2022, upon all  
parties on the court-approved mailing list for  
*In re Subflow Technical Report, Verde River Watershed*  
(as of March 10, 2022).

By



Linnie Edward Guins IV, JD

10316034



05/03/2022 8:00 AM

M. Antelo, Deputy

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed)

*RITA M. CANTU*

Mailing Address

*862 W. Gina Marie Blvd  
Pouderden AZ 86334*

Telephone No.

*928-499-8915*

Statement of Claimant No.

*39-141686 Watershed 5*

*Basis of Claim*

*55-535021*

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

*I am not filing an objection at this time,  
but request to be informed of all further  
court proceedings concerning this and new  
subflow zone reports. My property is in the Big  
Chino sub-basin, not in the Prescott AMA, a few  
miles from both Williamson Valley & Big Chino washes,  
both intermittent. PLEASE KEEP ME ON YOUR MAILING  
LIST!*

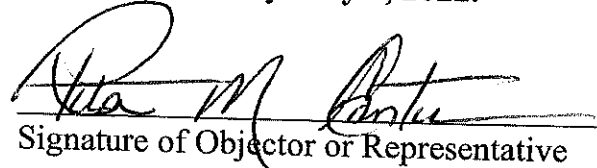
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**CERTIFICATE OF SERVICE**

On this 26<sup>th</sup> day of April, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022.**

  
\_\_\_\_\_  
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) \_\_\_\_\_

Mailing Address of Representative \_\_\_\_\_

\_\_\_\_\_  
Telephone Number of Representative \_\_\_\_\_

MAY 04 2022

**COPY**

MAY 02 2022



CLERK OF THE SUPERIOR COURT  
M. ANTELO  
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
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Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Cottonwood Ditch Association

Mailing Address P.O. Box 445

Cottonwood, Arizona 86326

Telephone No. 928-634-7872

Statement of Claimant No. 39- 49466

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

1.15 Verde River Subflow Order: Objection because as identified in 4.3 Results,  
page 19, last paragraph the geology in the Verde Valley is much different  
than the San Pedro and this "presented some challenges because it occasionally

1 covers the contact between Holocene river alluvium and bedrock, making it  
2 necessary to use professional judgment to determine the edge of the  
3  
4 Holocene alluvium beneath the colluvium". This results in the decision  
5 making to be totally subjective and not based on scientific facts.  
6  
7  
8


9 **CERTIFICATE OF SERVICE**

10 On this 2 day of May, 2022, I certify that the original Objection and  
11 two copies were sent by first class mail, or hand delivered, to:

12 **Via First Class Mail or Hand Delivery:**

13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
15 601 W. Jackson Street  
16 Phoenix, Arizona 85003

17 If you mail your objection to the court, please allow additional time for mailing, so that  
18 your objection will be received by the court by **May 2, 2022**.

19   
Signature of Objector or Representative

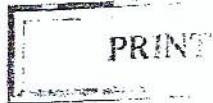
20 President, Cottonwood Ditch Association

21 If this objection is being submitted by a Representative of the Objector, please provide the  
22 following information below or by attachment:

23 Name of Representative (printed) Peter Andrew Geoseta, President  
Cottonwood Ditch Association

24 Mailing Address of Representative P.O. Box 445

25 Telephone Number of Representative 928-634-7872/928-300-6621  
26



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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
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**OBJECTION TO THE SUBFLOW  
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THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) HENRY D & BARBARA A. CUOMO

Mailing Address 231 N. ROPER LANE  
PAYSON, AZ. 85541

Telephone No. (480) 392 4578

Statement of Claimant No. 39-141331

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

OUR DITCH RIGHTS HAVE BEEN IN CONTINUOUS USE SINCE 1909,  
(SEE "EXHIBIT A" FROM SRP, DATED 6/22/11). OUR PATENT 68819  
WAS GRANTED TO US ON JUNE 21, 1909. (SEE "EXHIBIT B")

1 WE QUALIFY FOR A "DE MINIMIS RULING" SINCE WE  
2 USE LESS THAN ONE ACRE FOOT. (SEE "EXHIBIT C" DATED  
3 5/15/14). WE ALSO QUALIFY FOR THE APPROPRIATION RIGHT  
4 ACQUIRED PRIOR TO JUNE 12, 1919, REGISTRY NO 36-105573-0  
5 AND 36-105574.0 (SEE "EXHIBIT D"). OUR PROPERTY HAS BEEN  
6 CONTINUOUSLY USE WATER FOR OVER <sup>100</sup> YEARS. WE OBJECT TO  
7 THE SCIENCE BASED ON THIS RULING.

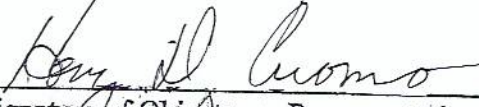
8 **CERTIFICATE OF SERVICE**

9  
10 On this 19<sup>th</sup> day of APRIL, 2022, I certify that the original Objection and  
11 two copies were sent by first class mail, or hand delivered, to:

12 **Via First Class Mail or Hand Delivery:**

13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
601 W. Jackson Street  
15 Phoenix, Arizona 85003

16 If you mail your objection to the court, please allow additional time for mailing, so that  
17 your objection will be received by the court by **May 2, 2022.**

18   
19 Signature of Objector or Representative

20 If this objection is being submitted by a Representative of the Objector, please provide the  
21 following information below or by attachment:

22 Name of Representative (printed) HENRY D. CUOMO

23 Mailing Address of Representative N. ROPER LANE

24 PAYSON, ARIZONA 85541

25 Telephone Number of Representative 928-474-2465

26

"Exhibit A"



P.O. Box 52025  
Phoenix, AZ 85072-2025  
(602) 236-5900  
www.srpnet.com

June 22, 2011

Mr. Owens  
1309 E. Secretariat Dr.  
Tempe, AZ 85284

Re: Request for water use information on Verde Glen 3 parcels in Section 26, T12N R10E

Dear Mr. Owens:

Thank you for your request for historic water use information on Gila County parcels 302-05-017 and 018. Based on our records, there has been historic (pre-1919) water use on the above mentioned parcels. Our records also indicate that approximately 0.6 acres on each parcel was historically irrigated in 1909. Portions of the appropriate Gila County Assessor Plats for those areas are enclosed with parcels 302-05-017 and 302-05-018 highlighted. The area that was historically irrigated is noted by the cross-hatched lines. As can be seen, portions of parcels 017 and 018 are within that area.

AND 015

Please be aware that this is not a determination of the water rights; no such determination can be made by the Salt River Project. You should also be aware that all water uses in the Verde River Watershed are the subject of the Gila River General Stream Adjudication currently pending in the Superior Court of Maricopa County. This case will ultimately decide the nature, extent and relative priority of all water uses in the Gila River Basin.

If I can be of any further assistance, please call me at (602) 236-3027.

Sincerely,

A handwritten signature in cursive script that reads "Steve Westwood".

Steve Westwood  
Sr. Water Rights Analyst  
Mail Station PAB110  
PO Box 52025  
Phoenix AZ 85072-2025

Enclosures

" Exhibit B "

# The United States of America,

PHOENIX 0443.

To all to whom these presents shall come, Greeting:

Homestead Certificate No.

Application

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at PHOENIX, ARIZONA, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of WILLIAM C. MCLACHLAN has been established and duly consummated, in conformity to law, for the SOUTH HALF OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION TWENTY-SIX IN TOWNSHIP TWELVE NORTH OF RANGE TEN EAST OF THE GILA AND SALT RIVER MERIDIAN, ARIZONA, CONTAINING ONE HUNDRED SIXTY ACRES;

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said WILLIAM C. MCLACHLAN the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said WILLIAM C. MCLACHLAN

and to HIS heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, WILLIAM H. TAFT, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the twenty-first day of June, in the year of our Lord one thousand nine hundred and nine, and of the Independence of the United States the one hundred and thirty-third



By the President:

*Wm. H. Taft*

By

*W. W. Young*

Secretary.

Recorder of the General Land Office.

Patent Number

Recorded 68819, Vol. , Page

ARIZONA DEPARTMENT OF WATER RESOURCES  
PERMITTING UNIT

MAIL TO: 3550 North Central Avenue  
Phoenix, Arizona 85012-2105  
Telephone (602) 771-8621  
Fax (602) 771-8689

(For office use only)  
Registry No: \_\_\_\_\_  
Date Filed: \_\_\_\_\_

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE OF ARIZONA

- 1. Claimant HENRY D. CUOMO Telephone 480 451 4731  
480 392 4518
- Address: 14172 N. 90<sup>TH</sup> PL City: SCOTTSDALE State: AZ Zip: 85260
- 2. Type of water source and name EAST VERDE RIVER  
a tributary to \_\_\_\_\_ within the \_\_\_\_\_ watershed  
(for office use only)

Type of Water Use(s) (e.g., irrigation, domestic, stock)	Annual Use (list use amount for each type)	Acres Irrigated (irrigation use only)	Specific Months of Use (if not for entire year)
<u>DOMESTIC</u>	<u>253,000 GPA</u>	<u>N/A</u>	
<u>CRDP</u>	<u>290,000 AFA</u>	<u>.6</u>	

- 4. Date the water was first used beneficially (month/day/year): JUNE 21, 1909
- 5. Location of point of water diversion: County GILA  
Parcel I.D. No. \_\_\_\_\_ and/or ~~lots~~ NW 1/4 and SE 1/4 SW 1/4, Section 26 Township 12 N, Range 10 E
- 6. Location of place(s) of water use: County GILA  
Parcel I.D. No. 302-05-014 and/or Lot No. 31 and NE 1/4 SW 1/4, Section 26 Township 12 N, Range 10 E  
Parcel I.D. No. \_\_\_\_\_ and/or Lot No. \_\_\_\_\_ and \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, Section \_\_\_\_\_, Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W
- 7. Legal basis for the claim (attach any documents being filed in support of claim):  
PATENT # 68819  
SRP LETTER DATE JUNE 22ND, 2011 AND MAPS

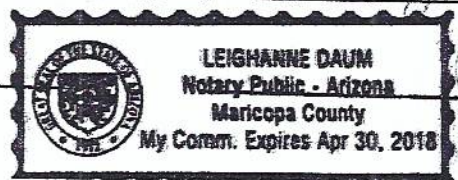
The information contained herein is true and correct to the best of my (our) knowledge.

STATE OF ARIZONA  
County of Maricopa

Henry D. Cuomo  
\_\_\_\_\_  
Signature(s)

SUBSCRIBED AND SWORN to before me this 21 day of May 2011

My commission expires April 30, 2012



Leighanne A. Daum  
\_\_\_\_\_  
Notary Public

STATEMENT OF CLAIMANT FORM  
FOR  
IRRIGATION USE  
VERDE RIVER WATERSHED  
SUPERIOR COURT OF MARICOPA COUNTY

*For Departmental Use Only*

File No. 39
Date Filed
WEN

1. Claimant Name: HENRY D. & BARBARA A. CUDMO  
 Claimant Address: 231 N. ROOPER LN City Payson  
 State: AZ Zip Code 85541 Telephone 928 474 2465

2. Basis of Claim:
- A.  Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-105573-0 & 36-105574-0
  - B.  Appropriation Right acquired after June 12, 1919. Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_, or Certificate of Water Right No. \_\_\_\_\_
  - C.  Decreed water right. Principal litigants, court, date and case no. \_\_\_\_\_
  - D.  Right to withdraw groundwater. Grandfathered Right No. \_\_\_\_\_
  - E.  Other, describe: \_\_\_\_\_

3. Source of Water:
- A.  Stream: name EAST VERDE RIVER, tributary to SALT RIVER
  - B.  Spring: name \_\_\_\_\_, tributary to \_\_\_\_\_
  - C.  Lake or Reservoir: name \_\_\_\_\_, tributary to \_\_\_\_\_
  - D.  Groundwater.

4. Legal description of the Point of Diversion: (attach additional sheet if required)  
N/W 1/4, SE 1/4, SW 1/4, Section 26, Township 12 N, Range 10 E

5. If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe: \_\_\_\_\_

6. Means of Diversion:
- A.  Instream pump.
  - B.  Gravity flow into a ditch, canal or pipeline.
  - C.  Well: Arizona Department of Water Resources Well Registration No. 55- \_\_\_\_\_
  - D.  Other, describe: \_\_\_\_\_

7. Means of Conveyance:
- A.  Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: \_\_\_\_\_
  - B.  Other, describe: \_\_\_\_\_



APR 27 2022

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Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) CUOMO KELSCH RANCH LLC

Mailing Address 221 N. ROPER LANE  
PAYSON, AZ. 85541

Telephone No. (602) 501-0658

Statement of Claimant No. 39-141329

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

OUR DITCH RIGHTS HAVE BEEN IN CONTINUOUS USE SINCE 1909,  
(SEE "EXHIBIT A" FROM SRP, DATED 6/22/11). OUR PATENT 68819  
WAS GRANTED TO US ON JUNE 21, 1909. (SEE "EXHIBIT B")

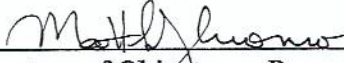
1 WE QUALIFY FOR A "DE MINIMIS RULING" SINCE WE  
2 USE LESS THAN ONE ACRE FOOT. (SEE "EXHIBIT C" DATED  
3 5/15/14). WE ALSO QUALIFY FOR THE APPROPRIATION RIGHT  
4 ACQUIRED PRIOR TO JUNE 12, 1919, REGISTRY NO 36-105573-0  
5 AND 36-105574.0 (SEE "EXHIBIT D"). OUR PROPERTY HAS BEEN  
6 CONTINUOUSLY USE WATER FOR OVER <sup>100</sup> YEARS. WE OBJECT TO  
7 THE SCIENCE BASED ON THIS RULING.

8 **CERTIFICATE OF SERVICE**

9  
10 On this 19<sup>th</sup> day of APRIL, 2022, I certify that the original Objection and  
11 two copies were sent by first class mail, or hand delivered, to:

12 **Via First Class Mail or Hand Delivery:**  
13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
15 601 W. Jackson Street  
16 Phoenix, Arizona 85003

17 If you mail your objection to the court, please allow additional time for mailing, so that  
18 your objection will be received by the court by **May 2, 2022**.

19   
20 \_\_\_\_\_  
21 Signature of Objector or Representative

22 If this objection is being submitted by a Representative of the Objector, please provide the  
23 following information below or by attachment:

24 Name of Representative (printed) MATTHEW J. CUOMO  
25 Mailing Address of Representative 221 N. ROPER LANE  
PAYSON, ARIZONA 85541  
26 Telephone Number of Representative (602) 501-0658

" EXHIBIT A "



P.O. Box 52025  
Phoenix, AZ 85072-2025  
(602) 236-5900  
www.srpnet.com

June 22, 2011

Mr. Owens  
1309 E. Secretariat Dr.  
Tempe, AZ 85284

Re: Request for water use information on Verde Glen 3 parcels in Section 26, T12N R10E

Dear Mr. Owens:

Thank you for your request for historic water use information on Gila County parcels 302-05-017 and 018. Based on our records, there has been historic (pre-1919) water use on the above mentioned parcels. Our records also indicate that approximately 0.6 acres on each parcel was historically irrigated in 1909. Portions of the appropriate Gila County Assessor Plats for those areas are enclosed with parcels 302-05-017 and 302-05-018 highlighted. The area that was historically irrigated is noted by the cross-hatched lines. As can be seen, portions of parcels 017 and 018 are within that area.

APP 015

Please be aware that this is not a determination of the water rights; no such determination can be made by the Salt River Project. You should also be aware that all water uses in the Verde River Watershed are the subject of the Gila River General Stream Adjudication currently pending in the Superior Court of Maricopa County. This case will ultimately decide the nature, extent and relative priority of all water uses in the Gila River Basin.

If I can be of any further assistance, please call me at (602) 236-3027.

Sincerely,

A handwritten signature in black ink that reads "Steve Westwood". The signature is written in a cursive, slightly slanted style.

Steve Westwood  
Sr. Water Rights Analyst  
Mail Station PAB110  
PO Box 52025  
Phoenix AZ 85072-2025

Enclosures

# The United States of America,

On all to whom these presents shall come. Greeting:

PHOENIX 0443.

Homestead Certificate No.

Application

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at PHOENIX, ARIZONA, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of WILLIAM C. MCLACHLAN has been established and duly consummated, in conformity to law, for the SOUTH HALF OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION TWENTY-SIX IN TOWNSHIP TWELVE NORTH OF RANGE TEN EAST OF THE GILA AND SALT RIVER MERIDIAN, ARIZONA, CONTAINING ONE HUNDRED SIXTY ACRES;

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said WILLIAM C. MCLACHLAN

the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said WILLIAM C. MCLACHLAN

and to HIS heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, WILLIAM H. TAFT, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the twenty-first day of June, in the year of our Lord one thousand nine hundred and nine, and of the Independence of the United States the one hundred and thirty-third



By the President: Wm H. Taft

By W. W. Gray, Secretary.

J. W. [Signature]  
Recorder of the General Land Office.

Patent Number

Recorded 68819 . Vol. , Page

ARIZONA DEPARTMENT OF WATER RESOURCES  
PERMITTING UNIT

MAIL TO: 3550 North Central Avenue  
Phoenix, Arizona 85012-2105  
Telephone: (602) 771-8521  
Fax (602) 771-8699

(For office use only)  
Registry No: \_\_\_\_\_  
Date Filed: \_\_\_\_\_

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE OF ARIZONA

- 1. Claimant MATTHEW J. GOMO Telephone (602) 501-0658  
Address 8201 N. RIDGEVIEW DR. City PARADISE VALLEY State AZ Zip 85253
- 2. Type of water source and name: EAST VERDE RIVER  
a tributary to: \_\_\_\_\_ within the \_\_\_\_\_ watershed
- 3. \_\_\_\_\_ (for office use only)

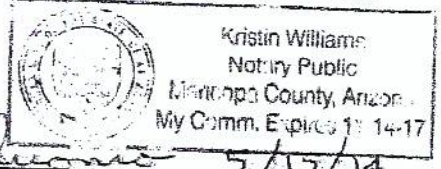
Type of Water Use(s) (e.g., Irrigation, domestic, stock)	Annual Use (list use amount for each type)	Acres Irrigated (irrigation use only)	Specific Months of Use (if not for entire year)
<u>DOMESTIC</u>	<u>253,000 GPA</u>	<u>N/A</u>	
<u>CROP</u>	<u>290,000 AFA</u>	<u>.6</u>	

- 4. Date the water was first used beneficially (month/day/year): JUNE 21, 1909
- 5. Location of point of water diversion: County GILA  
Parcel I.D. No. NW 1/4 SE 1/4 SW 1/4 Section 26, Township 12 N/S, Range 10 E/W
- 6. Location of place(s) of water use: County GILA  
Parcel I.D. No. 302-05-015 and/or Lot No. 32 and NE 1/4 SW 1/4, Section 26, Township 12 N/S, Range 10 E/W  
Parcel I.D. No. \_\_\_\_\_ and/or Lot No. \_\_\_\_\_ and \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, Section \_\_\_\_\_, Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W
- 7. Legal basis for the claim (attach any documents being filed in support of claim):  
PATENT # 68819,  
SRP LETTER DATED JUNE 22, 2011 AND MAPS

The information contained herein is true and correct to the best of my (our) knowledge.

STATE OF ARIZONA  
County of Maricopa

Matthew Gomo  
Signature(s)

  
Kristin Williams  
Notary Public  
Maricopa County, Arizona  
My Comm. Expires 11-14-17  
5/15/14

SUBSCRIBED AND SWORN to before me this 15 day of May, 2014.

My commission expires 11/19/17

Kristin Williams  
Notary Public

STATEMENT OF CLAIMANT FORM

FOR

IRRIGATION USE

RECEIVED

JUL 02 2015

ADJUDICATIONS

VERDE RIVER WATERSHED  
SUPERIOR COURT OF MARICOPA COUNTY

For Departmental Use Only

File No. 39
Date Filed
WEN

1. Claimant Name: MATTHEW J. CUOMO AKA CUOMO KELSCH RANCH  
 Claimant Address: 8201 N. RIDGEVIEW DR. City PARADISE VALLEY  
 State: AZ Zip Code 85253 Telephone (602) 501-0658

2. Basis of Claim:

- A.  Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act  
Registry No. 36-105573-0 & 36-105574-0
- B.  Appropriation Right acquired after June 12, 1919. Application No. \_\_\_\_\_  
Permit No. \_\_\_\_\_, or Certificate of Water Right No. \_\_\_\_\_
- C.  Decreed water right. Principal litigants, court, date and case no. \_\_\_\_\_
- D.  Right to withdraw groundwater. Grandfathered Right No. \_\_\_\_\_
- E.  Other, describe: \_\_\_\_\_

3. Source of Water:

- A.  Stream: name EAST VERDE RIVER, tributary to SALT RIVER
- B.  Spring: name \_\_\_\_\_, tributary to \_\_\_\_\_
- C.  Lake or Reservoir: name \_\_\_\_\_, tributary to \_\_\_\_\_
- D.  Groundwater.

4. Legal description of the Point of Diversion: (attach additional sheet if required)

NW 1/4 SE 1/4 SW 1/4, Section 26, Township 12 N, Range 10 E

5. If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:

N/A

6. Means of Diversion:

- A.  Instream pump.
- B.  Gravity flow into a ditch, canal or pipeline.
- C.  Well: Arizona Department of Water Resources Well Registration No. 55- \_\_\_\_\_
- D.  Other, describe: \_\_\_\_\_

7. Means of Conveyance:

- A.  Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: \_\_\_\_\_
- B.  Other, describe: \_\_\_\_\_

MAY 02 2022

**COPY**

MAY 02 2022



CLERK OF THE SUPERIOR COURT

DEPUTY CLERK

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FENNEMORE CRAIG, P.C.  
Sean T. Hood (No. 022789)  
Bradley J. Pew (No. 033876)  
2394 E. Camelback Road, Suite 600  
Phoenix, Arizona 85016-3429  
Telephone: (602) 916-5475  
[shood@fennemorelaw.com](mailto:shood@fennemorelaw.com)  
[bpew@fennemorelaw.com](mailto:bpew@fennemorelaw.com)  
*Attorneys for Freeport Minerals Corporation*

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

IN RE: THE GENERAL  
ADJUDICATION OF ALL RIGHTS  
TO USE WATER IN THE GILA  
RIVER SYSTEM AND SOURCE,

W-1, W-2, W-3 and W-4  
(Consolidated)

Contested Case No. W1-106

**FREEPORT MINERALS  
CORPORATION'S OBJECTIONS TO  
SUBFLOW TECHNICAL REPORT  
FOR THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

(Before Special Master Susan Ward Harris)

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

DESCRIPTIVE SUMMARY: Freeport Minerals Corporation objects to the Subflow Technical Report for the Verde Mainstem and Sycamore Canyon.

NUMBER OF PAGES: 4

DATE OF FILING: May 2, 2022

1 Pursuant to the Special Master's order dated July 30, 2021, Freeport Minerals  
2 Corporation ("Freeport") hereby submits its objections ("Objections") to the Arizona  
3 Department of Water Resources' ("Department" or "ADWR") December 2021 *Subflow*  
4 *Zone Delineation Report for the Verde River Mainstem and Sycamore Canyon*  
5 *Subwatershed* ("Report"). These Objections are supported by the Declaration of Rich  
6 Burtell ("Declaration"), which is attached as Exhibit 1 and incorporated herein in its  
7 entirety.

8 Freeport's Objections involve two issues:

9 First, ADWR's stream classification discussion does not include the details of its  
10 reach-by-reach analysis of Sycamore Creek. *See* Report at § 3; Declaration at § II. Freeport  
11 respectfully submits that, to assist the Special Master and the parties in understanding the  
12 stream classification for each reach of Sycamore Creek, ADWR should provide complete  
13 documentation of its analysis in a supplemental report.

14 Second, ADWR delineated the subflow zones associated with Horseshoe Reservoir  
15 and Bartlett Reservoir in a manner that runs afoul of the Special Master's instructions and  
16 *Gila IV*.<sup>1</sup> *See Order for Production of a Subflow Zone Delineation Technical Report for*  
17 *the Verde*, filed November 27, 2017, ("2017 Order") at pp. 2-4. Pursuant to *Gila IV*, the  
18 Special Master expressly instructed ADWR that "[t]he subflow zone will remain as narrow  
19 as the saturated Holocene alluvium." 2017 Order p. 3.<sup>2</sup> The Special Master also specified  
20 that "ADWR shall determine the subflow zone based on" predevelopment conditions  
21 existing prior to impacts from human activities. *Id.* at 4. However, ADWR delineated the  
22 subflow zones Horseshoe Reservoir and Bartlett Reservoir based on the artificial water  
23 levels caused by impoundments across the river. Report at § 5.2.1, p. 26. As a result,

24 \_\_\_\_\_  
25 <sup>1</sup> *In re the General Adjudication of All Rights to Use Water in the Gila River System and*  
*Source*, 198 Ariz. 330 (2000) ("*Gila IV*").


26 <sup>2</sup> The Special Master also instructed ADWR to apply setbacks as established in prior  
proceedings concerning the subflow zone of the San Pedro River. 2017 Order pp. 3-4.

1 ADWR has erroneously delineated subflow zones in these locations that are significantly  
2 broader than the saturated floodplain Holocene alluvium. *Id.* at App. D, Maps 3-4. Freeport  
3 respectfully submits that ADWR should revise its delineations in these locations to comply  
4 with the Special Master's 2017 Order and *Gila IV*. The Declaration outlines sources of  
5 information that ADWR might find useful for purposes of identifying the lateral extent of  
6 the floodplain Holocene alluvium. Declaration at ¶¶ 17-19.

7 Freeport expressly reserves the right to participate in every phase of these  
8 proceedings, including, without limitation, in connection with objections raised by other  
9 parties.

10 RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of May, 2022.

11 FENNEMORE CRAIG, P.C.

12  
13 By   
14 Sean T. Hood  
15 Bradley J. Pew  
16 Attorneys for Freeport Minerals Corporation  
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ORIGINAL of the foregoing filed  
this 2<sup>nd</sup> day of May, 2022, with:

Clerk of Maricopa County Superior Court  
Attn: Water Case  
601 West Jackson Street  
Phoenix, Arizona 85003-2205

COPY hand-delivered this 2<sup>nd</sup> day  
of May, 2022 to:

The Honorable Mark Brain  
125 W. Washington St.,  
Courtroom 002, Suite 002  
Phoenix, AZ 85003

Susan Ward Harris  
Special Master  
Central Court Building, Ste 3A  
201 West Jefferson  
Phoenix, AZ 85003-2205

COPY mailed this 2<sup>nd</sup> day of May, 2022  
to all persons appearing on the *Court Approved*  
*Mailing List In re Subflow Technical*  
*Report, Verde River Watershed W1-106,*  
dated March 10, 2022.

  
21067600.1

# **EXHIBIT 1**

**DECLARATION OF RICH BURTELL  
ON ADWR's DECEMBER 2021 SUBFLOW ZONE  
DELINEATION REPORT FOR THE VERDE RIVER  
MAINSTEM AND SYCAMORE CANYON SUBWATERSHED**

*In re The General Adjudication of the  
Gila River System and Source*

May 2022

*Prepared for:*  
**Freeport Minerals Corporation**  
333 North Central Avenue  
Phoenix, AZ 85004

*Prepared by:*  
**Plateau Resources LLC**  
4016 East Jojoba Road  
Phoenix, AZ 85044

---

**DECLARATION OF RICH BURTELL ON ADWR's DECEMBER  
2021 SUBFLOW ZONE DELINEATION REPORT FOR THE VERDE  
RIVER MAINSTEM AND SYCAMORE CANYON  
SUBWATERSHED**

**I. BACKGROUND**

1. I am a Registered Geologist (AZ No. 33746) and Principal at Plateau Resources, LLC ("Plateau") with degrees in hydrology and geology.

2. Before founding Plateau in February 2011, I worked at the Arizona Department of Water Resources ("ADWR" or "Department") for twelve years. While at ADWR, I managed the Adjudications Section and, as manager of that section, was involved with delineating subflow zones in the San Pedro River Watershed. During this period, I also oversaw surface geologic mapping by the Arizona Geologic Survey ("AZGS") along the Verde River and its major tributaries on behalf of the Department.

3. My education, experience, and expertise are detailed in my resume, included here as **Attachment A**.

4. I have been asked by Freeport Minerals Corporation ("Freeport") to review ADWR's December 2021 *Subflow Zone Delineation Report for the Verde River Mainstem and Sycamore Canyon Subwatershed* ("Subflow Technical Report"). The Department prepared its report in accordance with November 27, 2017 and July 30, 2021 orders from Special Master Harris ("2017 Order" and "2021 Order", respectively). The Special Master further ordered that objections to the Subflow Technical Report be filed by May 2, 2022.

5. This declaration provides my comments and recommendations regarding the Subflow Technical Report, focusing on the methodologies used by ADWR to characterize streamflow conditions and map the extent of Floodplain Holocene Alluvium (FHA).

6. In preparing this declaration, I reviewed: (a) the Subflow Technical Report; (b) the 2017 Order and 2021 Order; and, (c) the availability of historic geologic maps and aerial photographs in the area of Horseshoe and Bartlett reservoirs along the lower Verde River. If additional information becomes available between now and future subflow proceedings, I reserve the right to revise or supplement the opinions in this declaration accordingly.

7. The remainder of this declaration is organized into three sections – Characterizing Streamflow Conditions (Section II); Mapping FHA Associated with Horseshoe and Bartlett Reservoirs (Section III); and, Summary (Section IV).

**II. CHARACTERIZING STREAMFLOW CONDITIONS**

8. In her 2017 Order, Special Master Harris instructed ADWR to map subflow zones adjacent to perennial and intermittent streams in the Verde River Watershed, including:

*“(E)phemeral reaches of perennial and intermittent streams if (1) anthropogenic surface water diversions or groundwater pumping caused that portion of the perennial or intermittent stream to become ephemeral; and (2) a saturated zone exists beneath the ephemeral reach that is connected to the saturated zone beneath the adjoining perennial or intermittent reaches.”*

9. In Section 3.3 of the Subflow Technical Report, the Department states that the reach of Sycamore Canyon upstream of its last four miles lacked riparian vegetation, perennial flow and Holocene alluvium. As a result, a subflow zone was not mapped for this reach of the canyon.

10. To see where ADWR delineated a subflow zone along lower Sycamore Canyon, refer to Map 10 in Appendix D of their report (Subflow Zone Delineation Map Series).

11. Plateau recommends that the Department provide complete documentation regarding its stream classification analysis for each reach of Sycamore Canyon.

### III. MAPPING FHA ASSOCIATED WITH HORSESHOE AND BARTLETT RESERVOIRS

12. In Section 5.2.1 of the Subflow Technical Report, ADWR describes four variations in how it mapped FHA along the Verde River mainstem and Sycamore Canyon that differ from the methodology it used for the San Pedro River Watershed. The Department's fourth variation (“Lakes”) is of concern to Plateau:

*“Bartlett and Horseshoe reservoirs require different mapping than previously seen in the San Pedro. ADWR mapped the HCAF [Historic Composite Active Floodplain] to the high-water mark in aerial imagery. There is some surface water overlying bedrock in aerial imagery, so some of the lake will not be included in the subflow zone. This determination was based on the geologic maps provided by AZGS.”*

13. As described by Cook and others (2010, pp.5-6), AZGS took the following approach when mapping surface geologic conditions in the vicinity of the two reservoirs:

*“The Verde River is impounded by Horseshoe and Bartlett Dams northeast of Phoenix. Consequently, extensive areas (up to 2,722 and 2,815 acres respectively) upstream of each dam are seasonally inundated by standing water. The seasonal rise and fall of reservoir levels has altered natural tributary drainage patterns entering the former river bottom. Extensive lake sediment masks both the appearance and morphology of preexisting surficial piedmont and river deposits. Because the modern setting along the Verde River in these locales is standing water at times, control points were collected around the high water on*

*both reservoirs. Where possible when reservoir levels were low, limited surficial mapping was conducted below the high water line where landform shape was discernible. Further interpretation was made possible through use of high resolution aerial imagery taken at relatively low reservoir levels. The level of mapping detail presented below high water lines for each reservoir is significantly less than mapping outside reservoir boundaries as field and photo interpretations were less reliable due to overlying water and sediment.*

14. It is evident from the two preceding paragraphs, as well as Maps 3 and 4 in Appendix D of the Subflow Technical Report, that ADWR's subflow zones associated with Horseshoe and Bartlett reservoirs are primarily based on artificial lake levels, not surface geology. In Plateau's opinion, these delineations are therefore inconsistent with the 2017 Order. More specifically, the Special Master reminded ADWR in that order that subflow zones "will remain as narrow as the saturated floodplain Holocene alluvium" and instructed the Department to exclude from its delineations "the alluvial plains of a tributary aquifer or of an ephemeral stream..." Apparently, little to no effort was made by ADWR or AZGS to examine geologic conditions in the area before the two dams were constructed, or to identify non-FHA materials below the reservoirs after that time.

15. Plateau also believes that ADWR's subflow zone delineations near the reservoirs are inconsistent with Judge Goodfarb's June 1994 order. In that order, Judge Goodfarb concludes that the "weight of the evidence points to the saturated floodplain Holocene alluvium as the most credible 'subflow' zone. Its lateral and vertical limits have existed for some 10,000 or more years. It has far more stability of location than any other proposal..." (p.58)

16. Clearly, the high-water levels of Horseshoe and Bartlett reservoirs are not natural and may, in fact, change in the future depending on sedimentation rates, reservoir operating criteria, climatic conditions and dam renovations. As an example, Salt River Project ("SRP") is currently working with the Bureau of Reclamation ("BOR") and other partners to restore lost water storage capacity in Horseshoe Reservoir. One option being considered is raising the height of Bartlett Dam by 62 to 97 feet. This, in turn, would increase the high water level of Bartlett Reservoir and could change the associated subflow zone if ADWR were to delineate it after dam renovation. Further details on this project are provided by SRP in **Attachment B**.

17. To assess the extent of non-FHA materials within the Department's subflow zone for Horseshoe and Bartlett reservoirs, Plateau recommends that ADWR and/or AZGS review historic aerial photographs of the area prior to dam construction. According to BOR's "Projects and Facilities" website, Bartlett Dam was constructed between 1936 and 1939 and raised 21.5 feet between 1994 and 1996, while Horseshoe Dam was built from 1944 to 1946 and raised 4 feet in 1952. Based on those construction dates, aerial photos that pre-date 1936 would be the most useful.

18. Fortunately, aerial photos of both reservoir sites were taken in 1934 as part of the so-called Holmquist Survey completed on behalf of BOR. According to a recent (circa 2020) landowner guide entitled "Evaluating Surface Water Rights Filings in the Verde Valley, Arizona", this survey and presumably the associated

1934 aerial photos are available from SRP. **Attachment C** presents a copy of the landowner guide.

19. In addition to reviewing pre-dam aerial photos, Plateau recommends that ADWR and/or AZGS review any geologic and topographic mapping completed in support of dam site selection, design and construction. To date, Plateau has identified one report that may assist in interpreting the aforementioned aerial photos entitled "*Report on a Geological Reconnaissance of the Camp Creek and Bartlett Dam Sites on the Verde River, Arizona.*" A copy of this 1934 geology report by F.L. Ransome was obtained from SRP and, for reference, is included here as **Attachment D**. Note that the copy quality is not high and a better reproduction may be available from SRP.

#### IV. SUMMARY

20. ADWR did not map a subflow zone above the last four miles of Sycamore Canyon. Plateau recommends that the Department provide complete documentation concerning its stream classification for each reach of this stream.

21. ADWR's delineation of subflow zones for Horseshoe and Bartlett reservoirs was largely based on artificial lake levels. In Plateau's opinion, these delineations are inconsistent with Special Master Harris' 2017 Order and the June 1994 subflow order of Judge Goodfarb, and should be based on something more stable, namely surface geologic conditions.

22. Aerial photographs of both reservoir sites from before dam construction are obtainable. Plateau recommends that ADWR and/or AZGS review those 1934 photos in concert with available geologic and topographic maps from the period, including the 1934 Ransome report. Based on that review, the Department can identify and then remove any non-FHA material from its subflow zone delineations.

*I declare under penalty of perjury that the foregoing is true and correct.*



*Executed on this 2<sup>nd</sup> day of May 2022.*

---

RICH BURTELL

# **ATTACHMENTS**

**ATTACHMENT A**  
**Resume of Rich Burtell**

## **RICHARD THOMAS BURTELL**

4016 East Jojoba Road  
Phoenix, Arizona 85044  
602-327-7486  
plateauresources@gmail.com

### **EDUCATION**

- M.S. Hydrology, University of Arizona (1989)
- B.S. Geology, University of Pittsburgh (1986)

### **CERTIFICATION**

- Registered Geologist, Arizona (No. 33746)

### **SUMMARY**

Mr. Burtell is an environmental scientist with over 30 years of project and management experience. Areas of expertise include water rights and demand analyses; evaluation of surface and ground water resources; environmental compliance; contaminant hydrology; collection and analysis of environmental data including water, soil and rock samples; stream navigability and geomorphology assessments; remote sensing; and investigation of mine, fuel and waste storage facilities. Management duties have included supervision of staff and consultants, project planning and coordination, report preparation, and litigation support.

### **EMPLOYMENT**

- Plateau Resources LLC  
Principal and Owner  
Phoenix, AZ (2011-Present)
- Arizona Department of Water Resources  
Manager, Adjudications and Tech Support  
Phoenix, Arizona (1999-2011)
- Golden Environmental Management  
Senior Project Manager  
Tempe, Arizona (1998-1999)
- Montgomery Watson  
Supervising Hydrologist/ Geochemist  
Arizona and Colorado (1992-1998)
- Golder Associates Inc.  
Project Hydrologist/Geochemist  
Denver, Colorado (1990-1992)
- U.S. Geological Survey  
Staff Hydrologist/Geochemist  
Orlando, Florida (1989-1990)
- Phelps Dodge Inc.  
Hydrogeologist – Summer Intern  
Morenci, Arizona (1987)

### **CONTINUING EDUCATION/TRAINING**

- Springs Inventory and Assessment (Springs Stewardship Institute, 2018)
- Water Quality Sampling and Processing (USGS, 2017)
- Stream Restoration Design Techniques (DTW & Associates, 2016)
- Water Well and Pump Performance (American Ground Water Trust, 2013)
- Mine Geochemistry and Hydrology (EPA, 2013)
- Section 404 and GW Plume Workshops (Arizona Hydrological Society, 2012)
- Stream Restoration (Water Management Group, 2011)

*April 2022*

## **EXPERIENCE**

### **Project**

- Evaluation of ground and surface water resources including aquifer testing, model development and review and GW/SW interactions
- Water rights analysis and legal review
- Stormwater, Section 404, and mine exploration permits
- Preparation of Environmental Impact Statements and Aquifer Protection Permits
- Water demand determinations for agricultural, municipal, industrial, and riparian uses
- Phase I/II Environmental Site Assessments
- Remote sensing and surface mapping
- Contaminant hydrology and transport/ geochemical modeling
- Characterization of fuel and solid/ hazardous waste facilities
- Collection and analysis of hydrologic, geologic and water quality data

### **Management**

- Supervision of environmental staff (up to 15 geologists, hydrologists, GIS analysts and administrative assistants) and consultants
- Project planning and scheduling
- Proposal and report preparation including document publication
- Coordination with interdisciplinary teams, stakeholders and regulators
- Litigation support (expert testimony, technical advisor to court, and settlement negotiations)
- Third party and peer review
- Budget development and control

## **COMMITTEES**

- AZ Water Resources Development Commission (served on Water Supply and Demand Committee)
- Western Navajo-Hopi Water Supply (Kyl) Study
- Upper San Pedro Partnership (served on Technical Advisory Committee)

## **AWARDS/HONORS**

- Arizona Department of Water Resources
  - Supervisor of the year
  - Section of the year
  - Team and individual special achievement
- University of Arizona
  - Meritorious performance as teaching assistant
- University of Pittsburgh
  - Representative of graduating class
  - Tarr Award, Sigma Gamma Epsilon
  - Summa cum laude

## **PROFESSIONAL ORGANIZATIONS**

- Arizona Geological Society
- Arizona Hydrological Society
- Arizona Riparian Council
- Arizona Water Well Association
- Society for Mining, Metallurgy & Exploration
- National Ground Water Association

## **VOLUNTEERING**

- Wet-dry mapping, Agua Fria National Monument

### PUBLICATIONS/REPORTS SINCE 2006

- *Supplemental Hydrogeologic Analysis for the Red Mountain Mine in Mesa, Arizona (2021)*
- *Appropriation of Water Diverted from Wells in the San Pedro River Watershed (2020)*
- *Analysis of Baca Float's Protest of Application to Appropriate (2020)*
- *Hydrogeologic Assessment of the Red Mountain Mine, Mesa, Arizona (2020)*
- *Land Ownership Analysis for Parcel 222-04-002, Mohave County, Arizona (2018)*
- *Evaluation of Skull Valley Ranch Wells as a Water Supply for the Kirkland Mine (2018)*
- *January and April 2018 Declarations for SPRNCA Contested Case (2018)*
- *Hydrologic and Water Rights Analysis of SPRNCA Federal Reserved Rights Claims (2016)*
- *Hydrologic Analysis of RCWA Federal Reserved Right Claims (2016)*
- *Declaration on ADWR's April 2016 Progress Report Concerning Cone of Depression Tests for the San Pedro River Watershed (2016)*
- *Evaluation of Water Needs and Sources at Fort Huachuca (2015)*
- *Declarations on ADWR's 2015 Subflow Delineation Reports for the San Pedro River Watershed (2015)*
- *Declaration on the Non-Navigability of the Upper Salt River at and prior to Statehood (2015)*
- *Declaration on the Non-Navigability of the Verde River at and prior to Statehood (2014)*
- *Declaration on ADWR's 2014 Subflow Delineation Report for the San Pedro River Watershed (2014)*
- *Declaration on the Non-Navigability of the Upper Gila River at and prior to Statehood (2014)*
- *Water Demand and Conservation Assessment for the Town of Camp Verde (2014)*
- *Hydrologic Review of BLM's Federal Reserved Right Claims for Aravaipa Canyon Wilderness Area (2013)*
- *Declaration on the Non-Navigability of the Santa Cruz River at and prior to Statehood (2013)*
- *Declaration on the Non-Navigability of the San Pedro River at and prior to Statehood (2013)*
- *Unmetered Residential and Non-residential Well Use in the Sierra Vista Subwatershed (2013)*
- *Findings on the Relationship between Plaintiff's Water Pipeline and the Pyle Irrigation Ditch, Bonita Creek, AZ (2012)*
- *Estimated Water Demand and Conservation Potential of Domestic Wells in the Sierra Vista Subwatershed, Arizona (2012)*
- *Water Supply Options and Potential at the Fancher Mill Site (2011)*
- *Assessing Water Supply Vulnerability in a Water Scarce State: The Arizona Water Sustainability Evaluation (prepared with Kelly Lacroix and Linda Stitzer and presented at the XIV World Water Congress, 2011)*
- *Multi-Sector General Stormwater Permit Applications for the Ajo, Carlota, Fancher and Zonia Mines, Arizona (2011)*
- *Response to Comments and Objections Filed on ADWR's June 2009 Subflow Zone Delineation Report for the San Pedro River Watershed (2011)*
- *Land Ownership Within the San Pedro Riparian National Conservation Area (2010)*
- *Mapping of Holocene River Alluvium along the Verde River, Central Arizona (prepared in cooperation with the Arizona Geological Survey, 2010)*
- *Arizona Water Atlas, Volumes 1 through 8 (2006-2010)*
- *Catalog of Non-Exempt Registered Wells, Zuni Indian Water Rights Settlement (2009)*
- *Subflow Zone Delineation Report for the San Pedro River Watershed (2009)*
- *Preliminary Hydrographic Survey Report for the Hopi Indian Reservation (2008)*
- *Identification of Irrigated Lands in the Gila River Maintenance Area (2008)*
- *Review of the Settlement of Public Water Reserve No. 107 Claims in the San Pedro River Watershed (2007)*
- *Technical Assessment of the Tohono O'odham Nation, Gila River Indian Community, and Zuni Indian Tribe Water Rights Settlements (2006)*

## RECENT AND CURRENT PROJECTS

- Aquifer Protection Permit for a marble quarry near Dragoon, AZ (Alpha Calcit Arizona Ltd.)
- Aquifer testing, well siting, and ground-water quality analysis for the proposed Fancher gold mill near Salome, AZ (Luxcor Gold)
- Exploration permit for the Idaho gold placer claim near Prescott Valley, AZ (various investors)
- Geochemical characterization of impacted waters and storm water, and 404 permitting for the Zonia copper mine near Prescott, AZ (Redstone Resources Corporation)
- Geochemical characterization of water supplies for an irrigation district in Pinal County, AZ (MSIDD)
- Geomorphic and hydrologic evaluation of the Colorado River near Bullhead City, AZ (Arizona Series 5)
- Groundwater resource evaluation for a proposed industrial minerals mine near Kirkland, AZ (Kirkland Mining Company)
- Groundwater resource evaluation and water rights research for a proposed development near Payson, AZ (confidential client)
- Hydrologic analysis of a recreational lake in Sun City, AZ (Dawn Lake HOA)
- Hydrogeologic and well permitting support for reclamation of the St. Anthony uranium mine, NM (Pueblo of Laguna)
- Hydrogeologic and geochemical investigation for a gravel mine in Phoenix, AZ (Red Mountain Mine)
- Hydrogeologic assessment and water rights due diligence analysis for an agricultural property near Yuma, Arizona (confidential client)
- Irrigated acreage and well registration analysis for two small irrigators along the Upper Gila River (Franklin Irrigation District)
- Litigation of Bonita Creek water rights issues near Payson, AZ (various plaintiffs)
- Navigability assessment of major intrastate streams, AZ including expert testimony (Freeport Minerals Corporation)
- Review of federal reserved right claims for Aravaipa Canyon Wilderness Area, Fort Huachuca, Redfield Canyon Wilderness Area, and the San Pedro Riparian National Conservation Area, AZ including expert testimony (Freeport Minerals Corporation)
- Review of documentation supporting EPA's proposed rule regarding Waters of the U.S. (confidential client)
- Springs investigation along Oak Creek, AZ (confidential client)
- Subflow litigation support for the Gila General Stream Adjudication, AZ (Freeport Minerals Corporation)
- Subflow analysis for an investment property along the Gila River, AZ (confidential client)
- Surface water impacts analysis for the Trench Camp Project near Patagonia, AZ (Arizona Minerals Inc.)
- Traditional Navigable Water analysis for a reach of the Santa Cruz River, AZ (Rosemont Copper Company)
- Various state and federal water rights analyses, AZ (confidential client)
- Water rights analysis for a proposed placer mine along the Agua Fria River, AZ (confidential client)
- Water rights analysis related to the Huachuca City consolidated contested case, Gila River General Stream Adjudications (ASARCO LLC)
- Water rights analysis for a town in northeastern Arizona (confidential client)
- Water rights analysis for an irrigation district in Phoenix area (Roosevelt Irrigation District)
- Water rights analysis for a large ranch owner along the upper San Pedro River, AZ (confidential client)
- Water rights analysis for a small ranch owner along the lower San Pedro River, AZ (confidential client)
- Water rights analysis for two developers along the upper San Pedro River, AZ (confidential client)
- Water rights analysis for a developer along the Verde River, AZ (confidential client)
- Water rights analysis for a residential subdivision along Oak Creek, AZ (confidential client)

*April 2022*

### RECENT AND CURRENT PROJECTS (continued)

- Water rights analysis for various landowners along Oak Creek near Cornville, AZ (confidential clients)
- Water rights analysis for an investment property in Salt Lake City, UT (confidential client)
- Water rights analysis and litigation support for an irrigation district in southern Arizona (confidential client)
- Water rights and geochemical analysis for a small ranch owner along Oak Creek, AZ (confidential client)
- Water rights research for a mining property in southern Arizona (confidential client)
- Water rights research for a developer in Sedona, Arizona (confidential client)
- Water rights research for a small ranch along Spring Creek near Cornville, AZ (confidential client)
- Water rights research for a small ranch in Chino Valley, AZ (confidential client)
- Water rights research for a ranch along the Babocomari River, AZ (confidential client)
- Water rights support for the Hermosa Project (Arizona Minerals Inc)
- Water rights support and subflow zone analysis for a copper mine within the Salt River Watershed (confidential client)
- Water rights settlement support, NM (Pueblo of Laguna)
- Water supply evaluation of the Arctic Ice and Water company, AZ (various investors)
- Water recharge analysis for the Camp Verde area (LS Stitzer Consulting LLC)
- Water use evaluation for the town of Camp Verde, AZ (Western Resource Advocates)
- Water use evaluation and analysis of conservation potential for domestic wells in the Sierra Vista Subwatershed, AZ (City of Sierra Vista and Western Resource Advocates)
- Well use evaluation for communities in the Verde Valley, AZ (Western Resource Advocates)
- WOTUS and Section 404 analysis for a small ranch near Pine, Arizona (confidential client)

### DEPOSITION AND TRIAL TESTIMONY DURING PAST FOUR YEARS

- April 2021 – trial in *Town of Huachuca Contested Case No. W1-11-0245* (Gila River Adjudication)
- February 2021 – deposition in *Town of Huachuca Contested Case No. W1-11-0245* (Gila River Adjudication)
- November 2019 – trial in *State of Arizona v. Series 5, CV2017-015782* (Maricopa County Superior Court)
- March 2019 – trial in *SPRNCA Contested Case No. W1-11-232* (Gila River Adjudication)
- February 2019 – deposition in *State of Arizona v. Series 5, CV2017-015782* (Maricopa County Superior Court)
- November 2018 – deposition in *SPRNCA Contested Case No. W1-11-232* (Gila River Adjudication)
- June and July 2017 – depositions in *SPRNCA Contested Case No. W1-11-232* (Gila River Adjudication)

April 2022

**ATTACHMENT B**  
**SRP Description of Horseshoe Restoration**  
**Project**

# Sediment issue resolution at Horseshoe Dam and Reservoir

Solving water storage and climate challenges is critical to Arizona's future. SRP is leading the way.

## The challenge

The Verde River watershed covers nearly 7,000 square miles across central and northern Arizona. As snow melts and rain falls, sediment and debris make their way into the Verde River and are carried downstream to Horseshoe Dam and Reservoir.

Horseshoe Reservoir water storage capacity



### What's a watershed?

A watershed is an area of land where rainwater and melted snow all drain to the same place. There are three watersheds that feed the Salt and Verde rivers, which flow into SRP-managed reservoirs.

#### RELATED

[Horseshoe Dam and Reservoir](#)

Horseshoe Dam and Reservoir is the first major water storage facility on the Verde River. As the river slows and pools, large amounts of the sediment settle in the reservoir. SRP estimates that settled sediment directly lowers the reservoir's water storage capacity by 1,000 acre-feet per year on average. A sediment survey conducted in 2012 at Horseshoe Reservoir found that about 45,749 acre-feet of capacity had been lost since the dam was constructed in the 1940s. In our arid desert environment, it's critical that we maintain the storage capacity of our water reservoirs — the water we're able to capture during wet periods can be used later during dry periods.

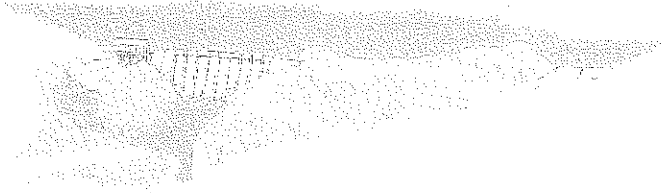
SRP's reservoir system has enabled safe and reliable water supplies for residents, businesses and farms in the Valley of the Sun for more than a century — even in times of drought. With climate change expected to bring more severe dry and wet periods to Arizona, water storage capacity along the Verde River is key to making sure SRP has the resources to reliably deliver water for the next century.

## The proposed solution

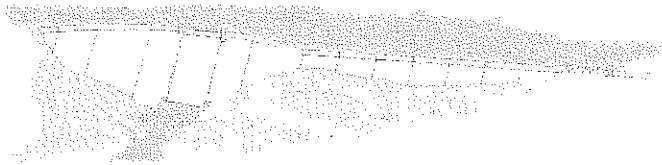
SRP is working with the Bureau of Reclamation and other partners to find cost-effective solutions that would restore lost water storage capacity at Horseshoe Reservoir while also adding additional capacity for future use.

One of the most promising options would involve raising the height of Bartlett Dam between 62 and 97 feet, similar to changes made to Roosevelt Dam in the 1990s. The enlarged Bartlett Reservoir would increase the total water storage capacity on the Verde River. In fact, the increased water yield (60,000–115,000 acre-feet) would be enough water to serve an additional 180,000–345,000 households in the Valley every year. This option would provide easier access to water in Central Arizona and reduce our reliance on nonrenewable water supplies like groundwater.

## Existing Bartlett Dam



## Modified Bartlett Dam



If this change were made to Bartlett Dam, SRP would find new ways to use Horseshoe Reservoir. The reservoir could help us manage flooding and sediment inflow, create a protective barrier for native and endangered fish, and create more natural habitat for wildlife.

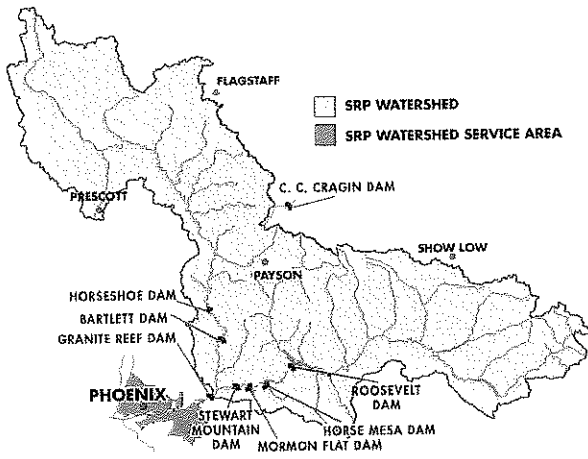
The options we're exploring would increase the total water storage capacity on the Verde River between 145,000 and 352,000 acre-feet. These changes would not only solve the sediment issue, but also help address the impacts of climate change on the Verde River system and central Arizona by improving access to renewable surface water supplies.


## Next steps

Over the next several years, a feasibility study of these options, including an environmental review, is expected to take place. The findings of the study will be used to make recommendations to the U.S. Congress about the best approach.

Finding viable and cost-effective solutions to the water capacity and climate challenges we face is critical to Arizona's future. SRP's proposed solution would ensure that enough Verde River water is stored and can be responsibly managed to meet the needs of people in the Valley for generations to come. Just as important, these projects would help ensure a reliable mix of water supplies for those outside of SRP's water service area.

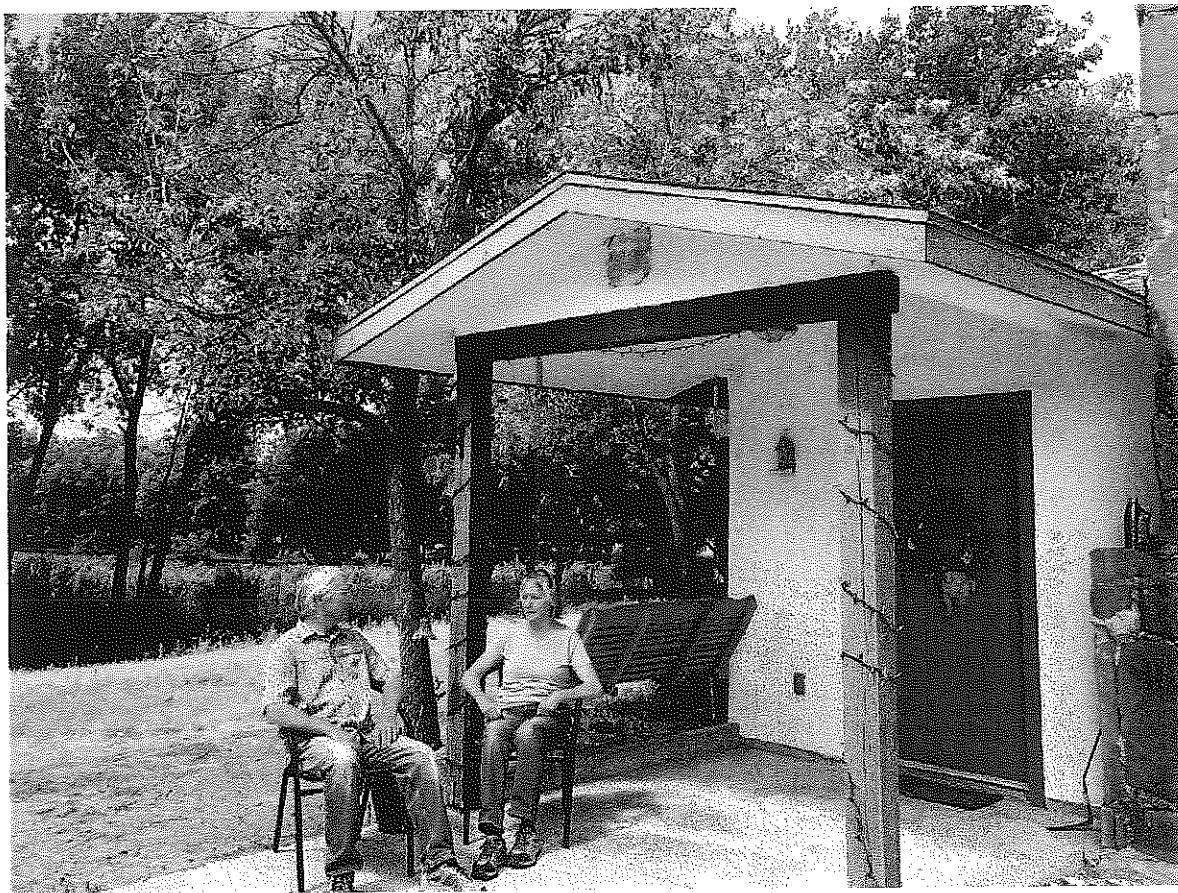
## SRP watersheds and facilities



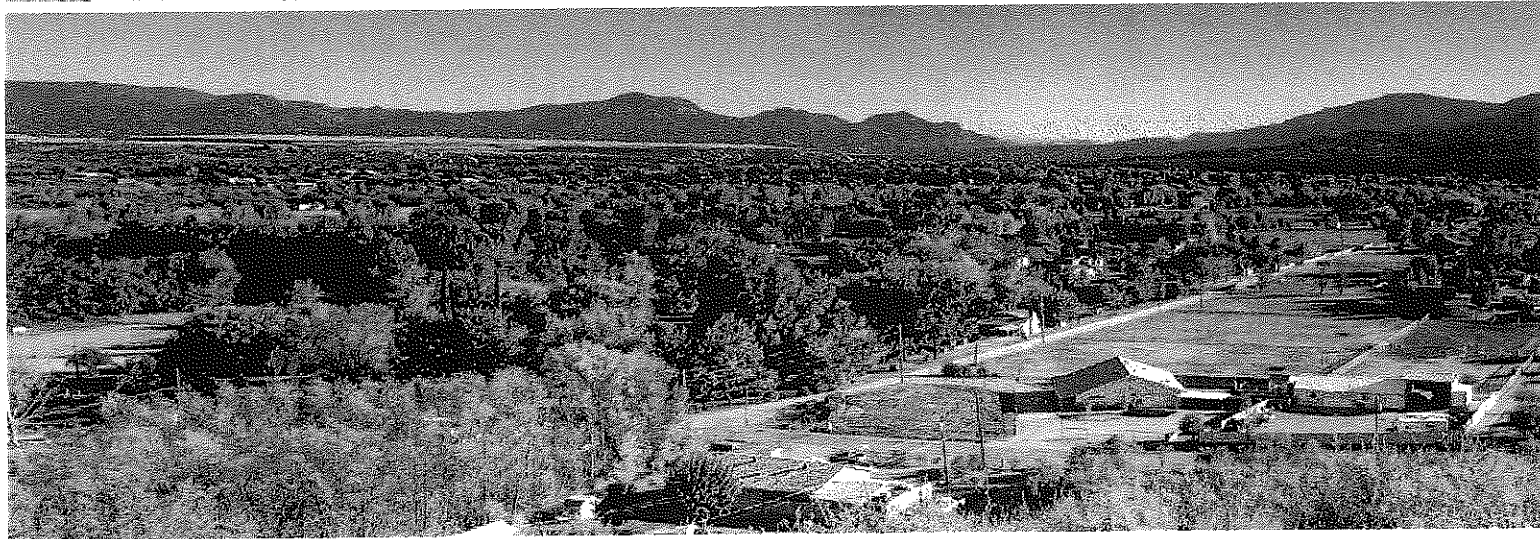
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**ATTACHMENT C**  
**Verde Valley Landowner Guide**



Buying  
or  
Selling?



# Evaluating Surface Water Right Filings in the Verde Valley, Arizona

A landowner's guide to understanding surface water documentation



Before buying property in the Verde Valley that may have surface water use, it is important to learn about the details of that property's water right Filings and supporting documentation. (See companion piece, *Understanding Surface Water Rights in the Verde Valley*.)

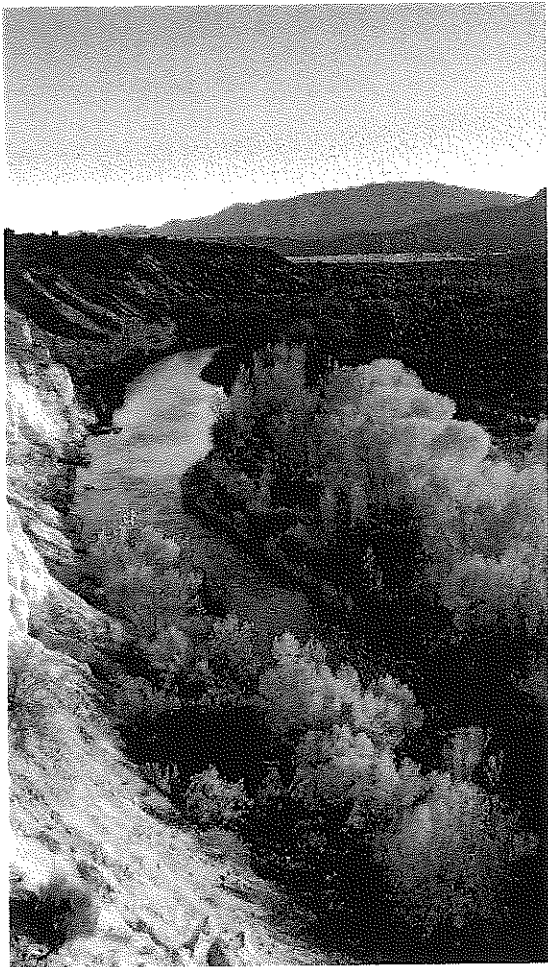
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Overview	3
Researching Water Right Filings	4
Historic Water Use	6
Ditch Company Information	8
Recent Water Use Information	9
Administrative Process for Assign Surface Water Right Filings	10
Seeking Professional Advice	11



In Arizona and the Verde Valley, a surface water right is typically required in order to divert and use surface water. Surface water includes water from rivers, streams, washes, lakes, and springs, but legally it can also include some underground water withdrawn from a well. Water rights have not been fully “adjudicated,” or their extent and priority established, in the Verde Valley or much of Arizona. The **Gila River General Stream Adjudication** is a court case involving thousands of claimants that has been ongoing for decades. It will determine the final validity and attributes of individual water rights in a large area of the state that includes the Verde watershed.

Until the adjudication is complete, there remains a lack of certainty about the details of a property’s water right or its seniority relative to others’ rights. Until then, water users typically have a “Claim” in the adjudication to a surface water right associated with their property. This Claim (also called a Statement of Claimant or SOC) and supporting documentation can be evaluated by potential buyers in order to better understand how and whether surface water may be used on the property. (See *Understanding Surface Water Rights in the Verde Valley*.)



# Researching Water Rights Filings

It is important to research and evaluate the water right Claim for a piece of property (also called a Statement of Claimant—see below) as well as other water rights filings and documentation. Records of surface water right Claims and other filings can be obtained from the Arizona Department of Water Resources (ADWR), the state agency that oversees water resources and rights in Arizona. Information can be obtained by searching the online database or by calling the Department. Available filings may include the following.

## Claim or Statement of Claimant (“39”)

A Statement of Claimant (SOC)—which we refer to as a “Claim” in this document—is a filing that describes a legal claim, under oath, to a water right in the ongoing adjudication. Statements of Claimant have a “39” two-digit prefix in ADWR records. **Water users must have a Claim to participate in the adjudication and have their water right adjudicated.** New Claims can still be filed and old Claims can be amended. Claims must be supported by additional documentation that makes up the “basis” of the Claim. Often a WRRRA Filing (36) is the basis for a Claim to a pre-1919 water right, and a certificate of water right is the basis of a post-1919 water right. (For more information about water rights, Claims, and the 1919 Water Code, see companion piece, *Understanding Surface Water Rights in the Verde Valley.*)

## Water Right Registration Act Filing (“36”)

Water Rights Registration Act (WRRRA) Filings are intended to document historic appropriations of surface water, especially appropriations under the common law prior to the adoption of the 1919 Arizona Water Code. WRRRA Filings have a “36” two-digit prefix in ADWR records. Despite their similar name, they are not adjudication Claims. A WRRRA Filing can be part of the documentation that is the basis of a Claim in the adjudication.



## RESOURCES

ADWR website: [www.azwater.gov](http://www.azwater.gov)

For **surface water records**, go to “Imaged Records” section. Under “Live Queries,” some searches can be performed by name or parcel number.

For more information about the adjudication and Statements of Claimant (“Claims”) visit:

<https://new.azwater.gov/adjudications>  
and

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/faq.asp>

### Application to Appropriate ("33")

Since adoption of the 1919 Arizona Water Code, a person has been required to apply for and obtain a permit and certificate to appropriate surface water. Applications for new uses are documented with a "33" prefix in ADWR records. (Older records sometimes have a "4A" or "3R" prefix.) Applications are the first step in obtaining a permit and then a certificate of water right (see sidebar) as required under Arizona law since adoption of the Water Code.

### Notice of Intention to Drill ("55")

Arizona state law requires well owners and well drillers to obtain a notice of intention to drill prior to any well-drilling activity. A notice is not an entitlement or permit to use water and does not constitute a water right. When a notice is issued, ADWR sends the landowner a "new use summons" informing them that the water use from the well may be subject to a water rights adjudication and encourages the landowner to file a Claim in the adjudication. A "55" will likely not be considered adequate by itself as the basis of a Claim in the adjudication. The adjudication Special Master is considering this issue at the time of writing.

**These state filings listed above by themselves do not constitute water rights.** However they are important documents that should be researched in order to understand a Claim to a water right in the adjudication.



SEE ADWR FAQ: Should I file an SOC if I use water from a well?  
<https://new.azwater.gov/adjudications/new-use-summons-faq>

## ADWR PERMITS AND CERTIFICATES



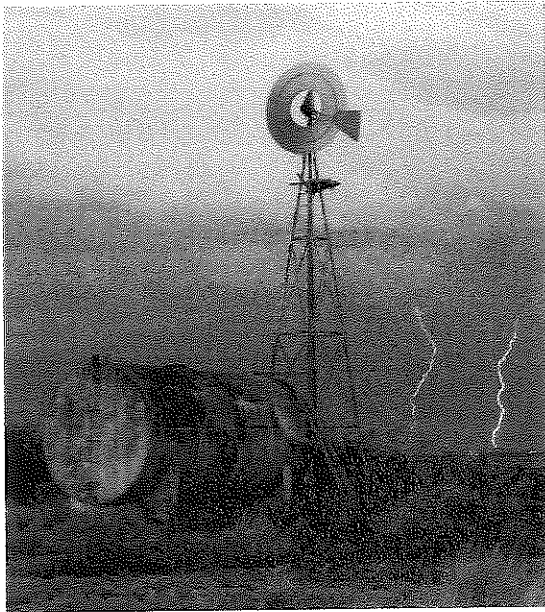
### Permit to Appropriate Surface Water.

Issued by ADWR, a permit grants a person who files an Application to Appropriate (see main text) state authorization to proceed with the appropriation of surface water. A permit allows a user to construct necessary works, take steps to apply the water to beneficial use, and perfect the application. It does not establish a water right. A permit must be certificated in order to establish a water right.

### Certificate of Water Right.

A certificate of water right is granted after successful appropriation of surface water under the statutory procedures first established in 1919. Holders of certificates must still file a Claim in the adjudication. A certificated right is "junior" to existing water rights with priority dates earlier than the priority date in the certificate. Certificated water rights are more recent than, and thus junior to, pre-1919 rights.





# Historic Water Use

Because the priority of a surface water right is established when surface water is first used on a piece of property, it is important to learn about when water was first used, on which acres, in what quantity, and for what purpose.

Historic documents such as land patents, irrigation survey maps, and government reports are key pieces of evidence that help water users understand the history of water use on a parcel. There have been various efforts over the years in the Verde Valley to map, describe, and quantify the extent of irrigation and other water uses. A few examples include:

## Latimer Survey (1908)

Yavapai County Surveyor, Park W. Latimer prepared a map showing the agricultural lands and ditches in the Verde Valley. This survey provides evidence of what lands were irrigated prior to the enactment of the 1919 Arizona Water Code.

## Phelps Survey (1920)

The H.D. Phelps survey mapped areas of cultivation in the Middle and Upper Verde Valley in conjunction with a lawsuit concerning smelter smoke damage to crops. This survey is particularly valuable since it represents a picture of land use near the time of the 1919 Water Code.

## Holmquist Survey & Fairchild Aerial Photography (1934)

In the 1930s, the U.S. Bureau of Reclamation requested a survey of the lands in the Verde Valley as part of a dam site study; this became known as the Holmquist Survey. This survey included 1934 aerial photographs of the Verde Valley. The combination of the irrigation survey and the photographs make this a good source for identifying irrigation and other water use types.



## BE EDUCATED ABOUT THE DIFFERENCE BETWEEN:

### Casual statements about water rights

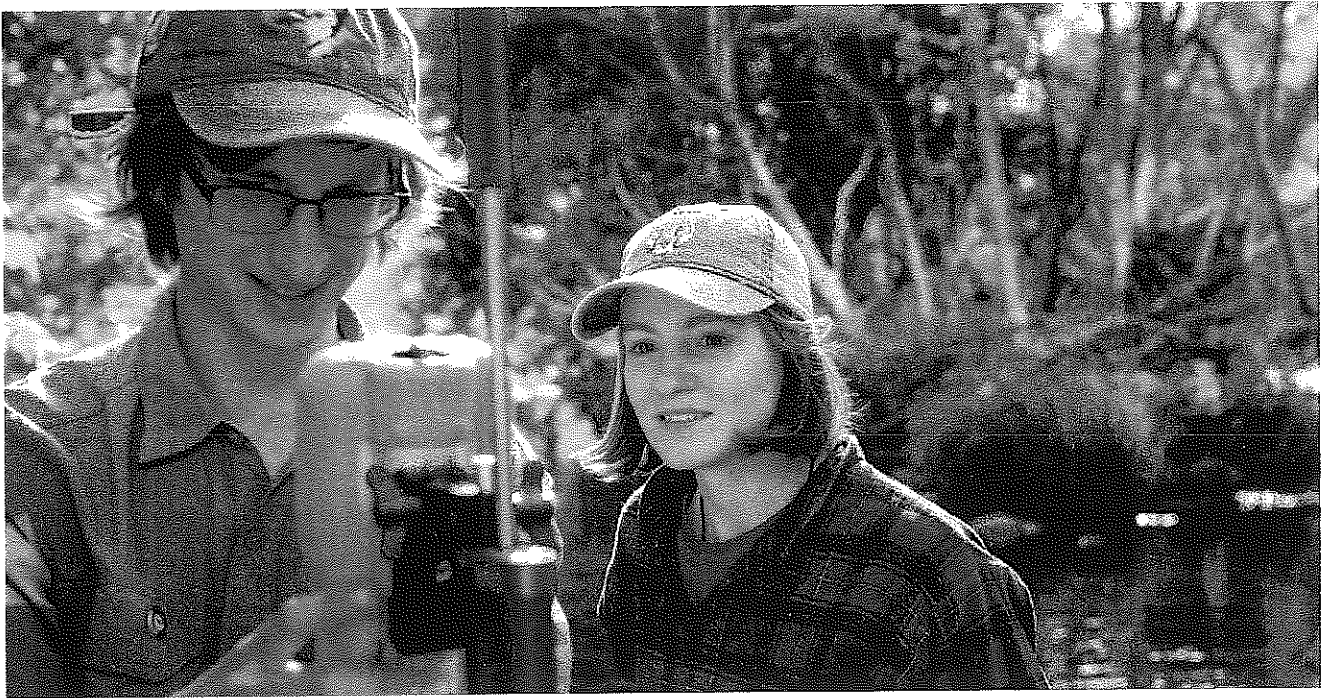
For example, statements that a property has "grandfathered water rights," "pre-statehood rights," or "on demand" or "unlimited" irrigation do not have legal meaning. You will need to clarify what is meant.

### Water rights Claims

Claims ('39s') are not water rights. They are filings required to participate in the process to determine water rights.

### Documentation supporting Claims

Every Claim must be supported by other water right filings and documentation that are the "basis" of the Claim and justify the quantity, priority date, and other attributes of the Claim. A well-supported Claim is important in demonstrating to the adjudication court that a water right should be recognized.



### Hayden Survey (1940)

In 1940 T.A. Hayden, a Salt River Project engineer, prepared a survey of irrigated lands in the Upper Verde River Watershed. This detailed report incorporated previously completed surveys, identified relevant water right filings, and estimated the dates of appropriation. This survey also included a general map of irrigation in the Upper Verde River Watershed. The Salt River Project (SRP) has made this survey available to the public to help further the understanding of water rights in the Verde Valley. (See link below.)

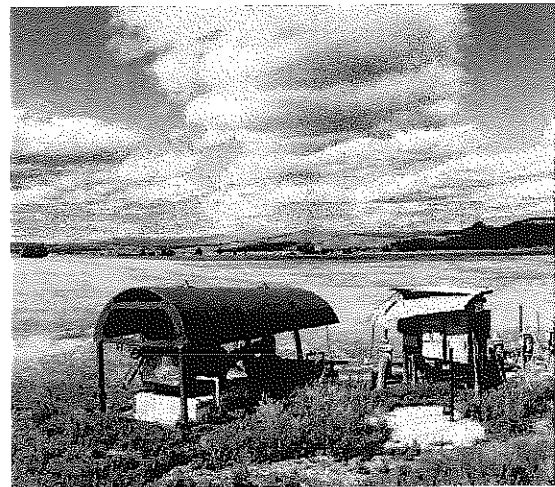
**If buying a property, you should ask the seller for any available information about historic water use.** The Hayden Survey is available online at <http://uair.library.arizona.edu/item/293817>. SRP also has access to additional information including the above surveys and can often provide information to landowners or buyers.

Finally, lawyers and other professionals may also be able to help you locate and interpret information about historic water use.

### WHERE TO GO FOR MORE INFORMATION



- ADWR (see p.1)
- Historic documents
- Salt River Project ([WatershedConnection.com](http://WatershedConnection.com))
- Ditch company or other irrigation or water provider
- Water attorney



# Ditch Company Information

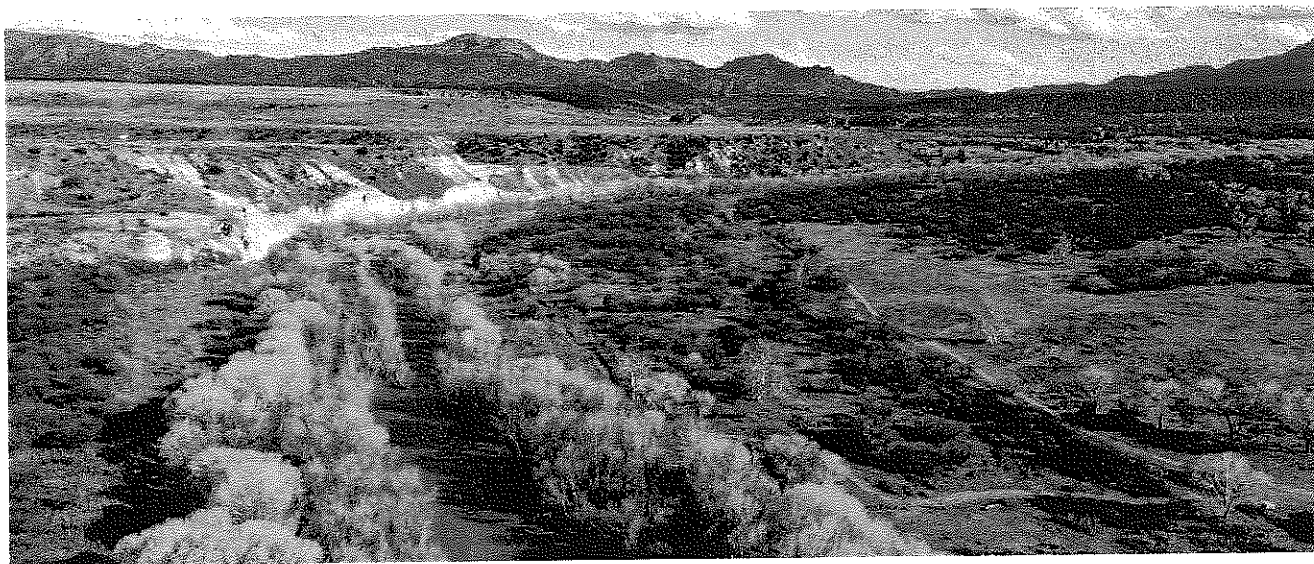
If water is delivered to a piece of property through an irrigation ditch, then the property owner is usually part of a local “ditch company” or association that manages the ditch. A ditch company is a private organization—sometimes formally incorporated, and sometimes more informal—run by landowners to jointly manage water deliveries through an irrigation ditch.

When considering buying a piece of irrigated property, you will want to inquire about membership in the ditch company, the amount of any annual dues payment, and how the ditch operates. You may also want to verify that membership and dues payments associated with the parcel you are looking at are up-to-date. (For more information about ditches and ditch companies, ask the seller which ditch company the property is associated with if applicable. Some ditch companies have information available online.)

## ARE DITCH SHARES WATER RIGHTS?



It is important to understand that “ditch shares” represent a property owner’s interest in the ditch company that delivers water. **A ditch share is not the same thing as a water right.**



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# Recent Water Use Information

Because actual water use on a property should be supported by and match up to a well-supported surface water right Claim, it is important to understand how water is currently being used on a piece of property, including how much water is being used, on what part of the property, and for what purpose.

Also, because it may be possible to forfeit or abandon a water right because of non-use, buyers may wish to ask for an "affidavit of use" from a seller to help document past water use on the piece of property. This is a statement, notarized and made under oath, about the seller's knowledge of past water use.



## SOME QUESTIONS TO ASK WHEN BUYING REAL ESTATE



- Is the parcel currently irrigated? (And what are the details?)
- What documentation is there about the history of water use on this parcel? (Details?)
- Is there an adjudication Claim (SOC or "39" filing) for the parcel?
- What is the basis of the Claim? Is documentation provided? What other information supports the Claim?
- Do the quantities and uses claimed correspond to current uses? Do locations of use match up?
- What other state water rights filings exist for the parcel?
- Are those state filings current? (Claimant, location of use, etc.)
- What summaries, appraisals, or agreements are there regarding the water rights or use on the property?
- From what ditch does the property receive surface water? How does it operate? Are membership and dues current? How do neighboring landowners work together on water and ditch issues?



# Administrative Process to Assign Surface Water Rights Filings

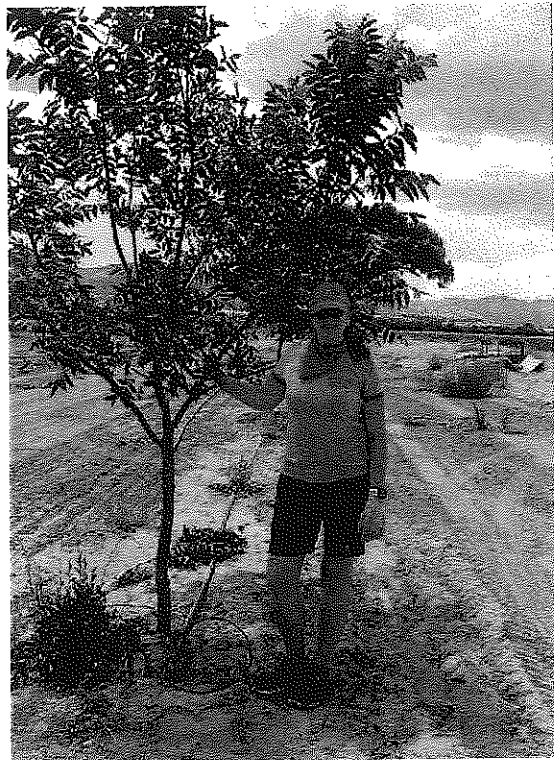
Water rights are “appurtenant” or “attached” to the land and so are conveyed as part of real estate transactions. It is important to document a change in ownership with both the Arizona Department of Water Rights (ADWR) and the Gila River General Stream Adjudication court by filing the appropriate forms with ADWR as described below.

## To Assign a Claim (SOC or “39”)

The Superior Court has directed that any person who has filed a Claim (SOC or “39”) shall notify the Arizona Department of Water Resources, within thirty days of the change, of any of the following changes regarding that person or concerning that person’s Claim: (1) a change in that person’s address; (2) an assignment of the statement of claimant form to another person; (3) a transfer to another person of all or part of the land for which a water right has been claimed; and (4) a transfer to another person of all or part of the water right claimed, if the claimed water right has been severed and transferred to another parcel of land. **A court-approved “assignment” form can be obtained from ADWR.**

## To Assign Other Filings

The Arizona Department of Water Resources maintains a registry of applications, permits, and certificates of water rights. An *Application for Request for Assignment and Reissuance of Permits and Certificates* should be filed by any person who conveys real property to which a water right, claim, or filing is associated in order to assign the water right, claim, or filing to the new owner. **This form may also be obtained from ADWR.**



## WHEN TO AMEND OR ASSIGN EXISTING FILINGS OR PREPARE NEW FILINGS WITH ADWR

- Ownership changes or land subdivision
- Change in address
- Someone else is responsible for the Claim but is not keeping it current
- Landowner desires autonomy for pursuing their own Claim
- Landowner wants to update the Claim or supplement it with information they have collected

*To make a new or amended filing, consult with ADWR and/or a water attorney. To transfer ownership of filings, see content to the left.*



# Seeking Professional Advice

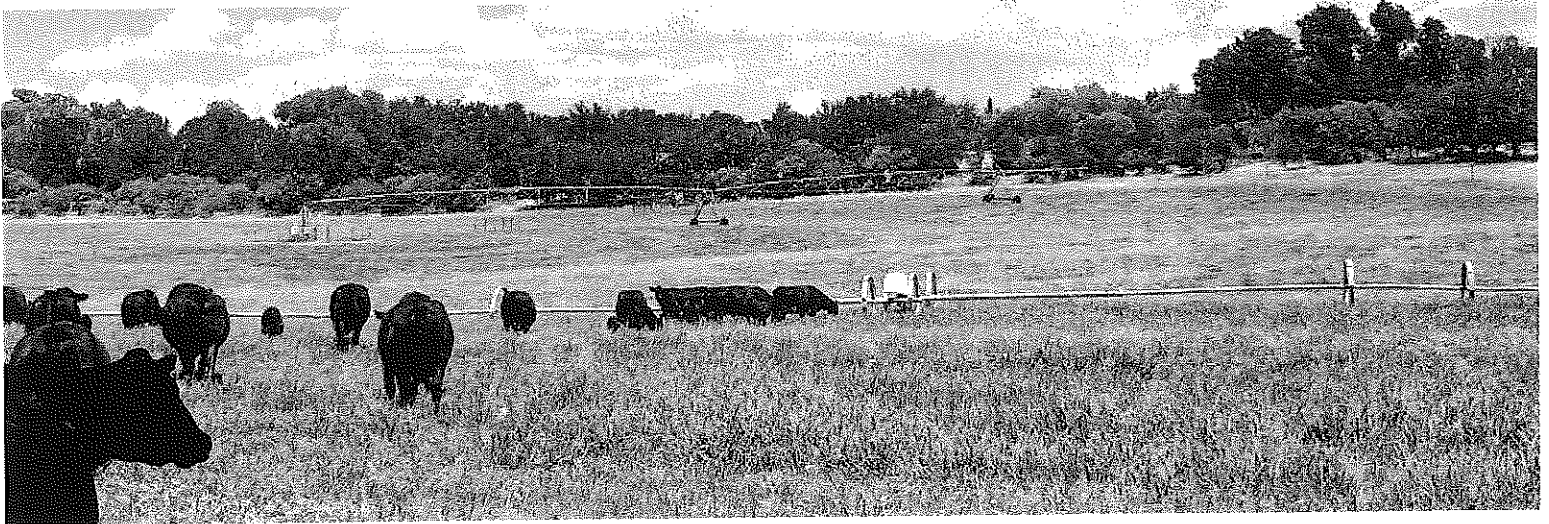
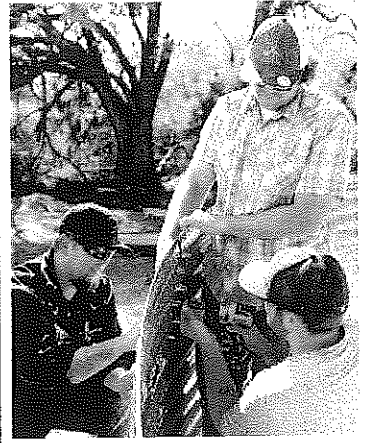
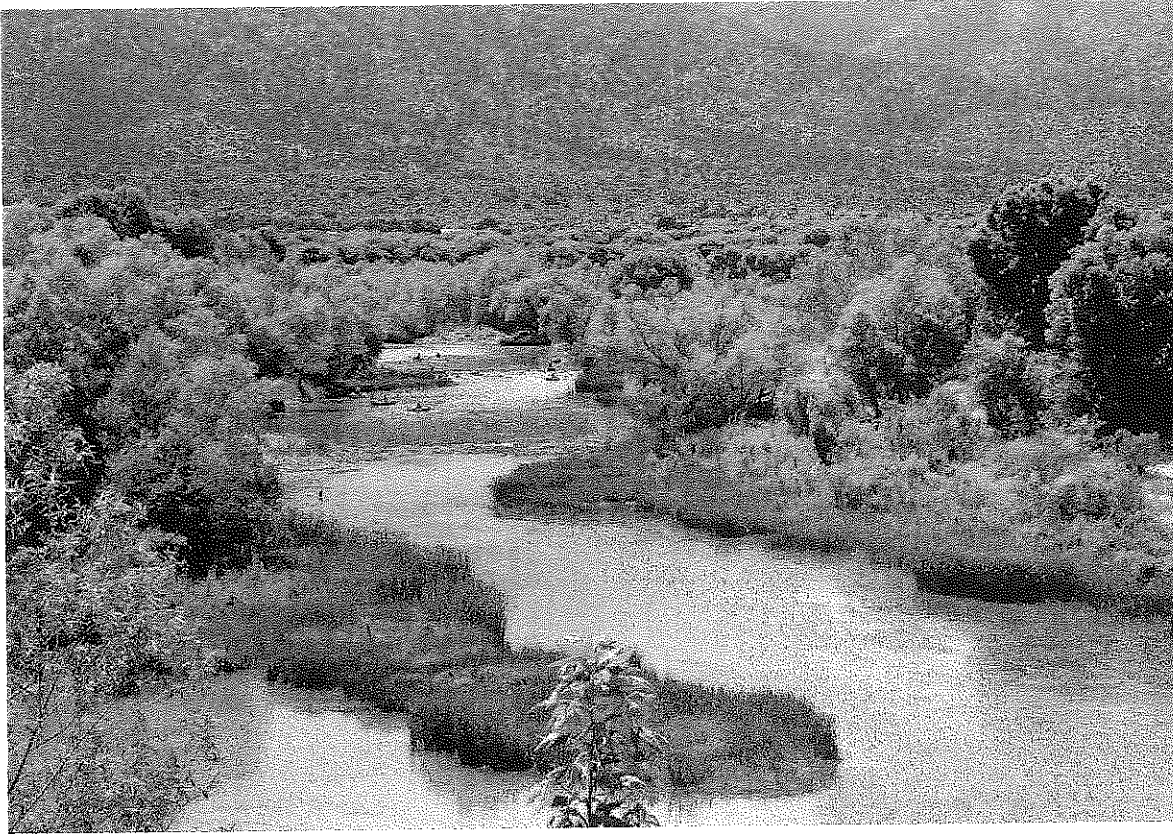
A water right Claim in the adjudication (SOC or "39") is not itself a water right, however, it is needed to assert a claim for a water right. Having current and accurate information in the Claim and other water right filings is necessary to establish a water right and is crucial for helping current and future landowners understand how much water may be used on the property, what the priority is for that use, on what lands, and for what purpose. It is therefore important to keep these filings updated, and to evaluate them when purchasing property. It can also be important to understand the property's water use history and related documentation prior to purchasing a piece of property. A water rights lawyer or other professional can help address questions specific to a piece of property that you own or are considering buying.

## KNOW WHEN TO SEEK ADVICE FROM A WATER ATTORNEY



These are some of the occasions when a potential real estate buyer may wish to seek advice from a qualified attorney:

- When the water rights are a significant component in the value of a real estate transaction
- When the use of water on the property impacts the activities that take place on the property (agriculture, horse pasture, etc.)
- When the seller has little information about the water rights for the property
- When the property has been or is involved in water rights litigation
- When the buyer wants assistance understanding and evaluating the water rights Claim for a piece of property



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The information presented herein is intended to be strictly informative and does not constitute legal advice. Anyone having questions about specific water rights issues should consult with an attorney.

**ATTACHMENT D**  
**1934 Ransome Geology Report**

224745

REPORT ON A  
GEOLOGICAL RECONNAISSANCE OF THE  
CAMP CREEK AND DAUNTLET DAM SITES  
ON THE VERDE RIVER, ARIZONA

by

F. L. Ransome

June 7, 1934

JUL 25 1978

J. L. SWARTZ

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Frederick Leslie Ransome  
Consulting Geologist  
1201 N. California St.  
Pasadena, California

June 1E, 1934

Mr. R. F. Walter,  
Chief Engineer,  
U. S. Bureau of Reclamation,  
Denver, Colorado

My dear Mr. Walter:

I submit herewith my report on the

Bartlett and Camp Creek dam sites on the

Verde River, Arizona.

Yours very truly,

F. L. RANSOME

FLR:LR

Consulting Geologist

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- III.  
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## Introduction

The examination of the Camp Creek and Bartlett dam sites, on which this report is based, was made on May 24 and 25, 1934. The Camp Creek diversion site (sometimes referred to as the Sturdevant site) is situated about 8 miles north of Fort McDowell, a short distance upstream from the mouth of Camp Creek. The Bartlett site is about 13 miles upstream from Fort McDowell.

## General Geology

The essential geological conditions along the generally nearly north-south course of Verde River between the two dam sites are simple. On the east, the rock is granite, probably of pre-Cambrian age. On the west is a thick series of conglomeratic beds which, as a whole, dip gently west and lap up over the granite. The overlap is irregular, as the old erosion surface, upon which the conglomeratic beds were deposited, is uneven. East of the general line of contact between the two rocks, isolated patches of the conglomerate have been left by erosion as caps on some of the ridges and peaks (See Plate I, A). A part of the irregularity is probably due to normal faulting, whereby conglomerate on the west has been dropped against granite to the east. (See Plate V).

The granite is of two principal varieties. One of these is coarsely crystalline, with crystals of orthoclase up to about 3 inches in length. This rock is well exposed in the canyon just downstream from the Bartlett site. It is very massive, with only a moderate number of joints and weathers in large rounded masses. (See Plate IV, A.). The finer-grained granite is unusually fine-textured, hard and dense. It weathers in smaller, more blocky fragments than the coarse granite and is traversed

by more abundant joints, which, for the most part are nearly vertical.

This is the prevalent variety at the dam sites.

The two kinds of granite are intimately associated and could be separately mapped only by very detailed work, on large-scale topographic maps. Such mapping does not appear to be practically necessary. At both sites, except in the stream channel, the granite is practically bare. Weathering is superficial and, in most places, excavation of from 5 to 10 feet will probably reach fresh rock. In the spillway saddles, at the Bartlett site, the erosion has not kept pace with the weathering, and it may be necessary to go to a depth of 20 feet to reach rock sufficiently fresh to constitute satisfactory foundation material.

The sequential relation of the two granites was not ascertained (no is intrusive into the other, and such evidence as could be gathered in a reconnaissance indicated that the coarse granite is intrusive into the finer grained variety. This, however, has not been conclusively established. The finer-grained granite is clearly cut by pegmatite dikes which may possibly be offshoots from the coarse granite.

Both varieties of granite are excellent material for dam foundations.

The conglomeratic material, which is probably of late Tertiary or early Quaternary age, consists largely of basaltic or andesitic debris in blocks up to about 18 inches in diameter. Fragments of other rocks are less abundantly mingled with the volcanic fragments. The rock fragments are only partially rounded by movement in water and many are decidedly angular. The material is thus not a true conglomerate, but is a breccia-conglomerate or what has been called a fanglomerate, from the fact that it is the kind of material characteristic of the stony alluvial fans which streams, in arid regions, deposit at the mouths of their canyons. Assoc

with the typical fanglomerate are occasional layers of tuff and of coarse volcanic sandstone or grit. In the lower part of the formation occur occasional bodies of basaltic lava. Some of these are plainly intrusive into the fanglomerate, as dikes. Some may possibly be flows, altho they do not appear to be extensive in horizontal directions.

The fanglomerate is well cemented by calcium carbonate to a hard rock, as may be seen near the mouth of Camp Creek. (See Plate II, B). Such rock constitutes an excellent foundation for a dam and will probably stand with no timbering in tunnels up to at least 15 feet in diameter.

No important faults were actually detected in the region. If, as previously suggested, some normal faulting has taken place, there is no indication that these faults are recent or active. On the right bank of the Verde, a few hundred yards downstream from the Bartlett site, a huge mass of the coarse granite, weighing many tons, has been left by erosion balanced on a small base (See Plate IV, A). This affords evidence that the region has been free from serious seismic disturbance for hundreds of thousands of years.

#### Camp Creek Site.

At the Camp Creek site, the left abutment (Plate IIb) is a precipitous bluff of granite which is mainly the fine-grained variety. This bluff constitutes an excellent abutment for a dam of at least 100 feet in height. The rock is considerably jointed, but probably only moderate stripping would be required to prepare this abutment. The exact amount of material to be removed would have to be ascertained by driving a few short tunnels.

The right abutment, for a height of about 80 feet above the river (See Plates I and V) is composed of massive, hard, fine-grained granite,

wholly satisfactory character. Above 60 feet, however, the ground rises westward with a gentle slope which culminates in a ridge about 1800 feet in altitude. This ridge is composed of fanglomerate. The gentle slope between the ridge and the granite is covered by loose rock debris, which probably is not more than 20 feet thick and rests on fanglomerate. These relations are shown in Plate V.

The contact between the fanglomerate and the granite is not well exposed but appears to have a rather steep dip to the west and is suspected to be a fault. It may possibly, however, represent original deposition of the fanglomerate against a steep slope of granite (See Plate V).

Obviously, a dam at this site, if more than 60 feet in height, will require an extension or embankment to the west. This presents no geological difficulty. The fanglomerate is an excellent foundation. The amount of loose material to be removed will have to be ascertained by a few short drill-holes or shafts. A little excavation, a short distance downstream from the site would show whether the contact between the fanglomerate and the granite is a fault. There appears to be no gouge or soft material at the contact and a fault, if present, would not be seriously objectionable. If excavation should reveal much loose or soft material at the contact, it may be necessary to carry a cut-off plug down into the fault for about 50 feet, but this is not expected. Probably a slight deepening of the cut-off at the contact will be all that is requisite.

In conclusion, the foundation at the Camp Creek site is satisfactory and would suffice for a dam 800 feet or more in height. The height of dam here is limited, not by geology but by topography and cost. The depth to bed-rock in the river channel is not yet known but probably does not exceed 65 feet. That the alluvium here is not unusually thick is suggested by an outcrop of granite that projects thru it, as may be seen in Plate I, A.

Bartlett Site.

Geological conditions at the Bartlett dam site, (See Plates III and VI), are very simple, as the rock is all granite, of good quality. At the main site, the rock is practically all of the fine-grained type. Joints, generally transverse to the canyon and nearly vertical, (See Plate III, B) are fairly abundant but, except where opened by weathering, are close or tight, and do not constitute an objectionable feature. Drilling has shown that the depth to bedrock is in the neighborhood of 65 feet.

The plans appear to call for a dam about 250 feet in height above ordinary stream surface or to elevation 1850 on the Beckman and Linden topographic map, (Plate VI) on the 100-foot scale. This appears to be about the topographic limit of the site, altho there are no geological conditions to prohibit a considerably higher dam. Thus, if the engineer can reconcile an additional height of 20 feet with the topography, and bring this within practical limits of cost, there is nothing in the geology to prevent such increase. The foundation rock is entirely adequate.

The proposed plan calls for three supplementary spillway dams in saddles south of the main dam and a wing across a saddle north of the river (See Plate VI). These saddles are all in granite. That north of the river is the fine-grained variety while the three south of the river are mainly in the coarse granite. Weathering has probably extended deeper in these saddles than in the main abutments, and it may be necessary to excavate as much as 20 feet to reach fresh rock. The foundation rock is entirely adequate for the structures proposed, or for considerably higher ones. Here, as at the main dam, it is topography and cost, not geology, that impose the limit.

No faulting of any importance was found near the Bartlett dam. One or two joints show evidence of slight movement along them, but this is a wholly minor feature, of no practical importance.

### Exploration

At both sites, drilling in the river bottom should be planned to show the contours of the bed-rock to the satisfaction of the engineers. The 3 holes already drilled at the Bartlett site (See Plate VII) may be enough for this purpose, at that site. Somewhere under each dam, however, one hole should be put down about 100 feet in the granite to make sure that no nearly horizontal fault or crush zone underlies the site. No such fault or zone is expected, but it is well to be certain that there is at least 100 feet of undisturbed granite below the river bottom. Other deep drill holes in granite are not considered necessary.

Sufficient pits or tunnels should be run into each abutment to ascertain how much rock should be removed to expose fresh, sound material. Similarly, pits or drill holes should be put into ascertain the depth of the weathered zone in the saddles to be occupied by the spillways and by the northern arm of the main Bartlett site dam. About 3 pits or short drill holes should be put down to bed-rock under the western wing of the Camp Creek site dam. A little trenching should be done to expose the granite-anglomerate contact where it comes out on the right bank of the river, between the Camp Creek dam site, and the Salt River Valley Water Users' gaging station, downstream from the site.

The exploratory work suggested can easily be located, without geological aid, when adequate topographic maps of the site become available.

General Conclusion

The Bartlett and Camp Creek dam sites are entirely practical and safe for dams up to any height that the topography will permit.

Respectfully submitted,

F. L. HANSOME

Pasadena, California  
June, 7, 1934

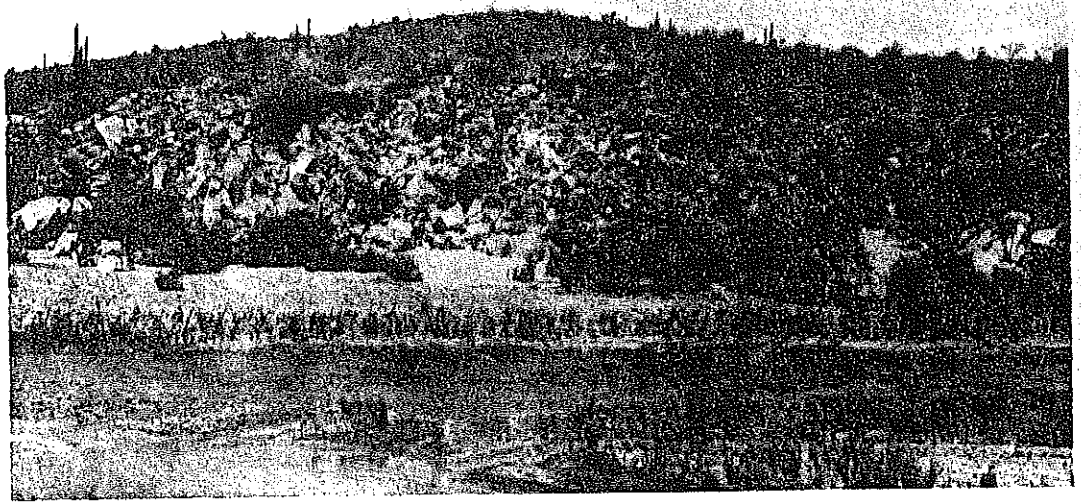
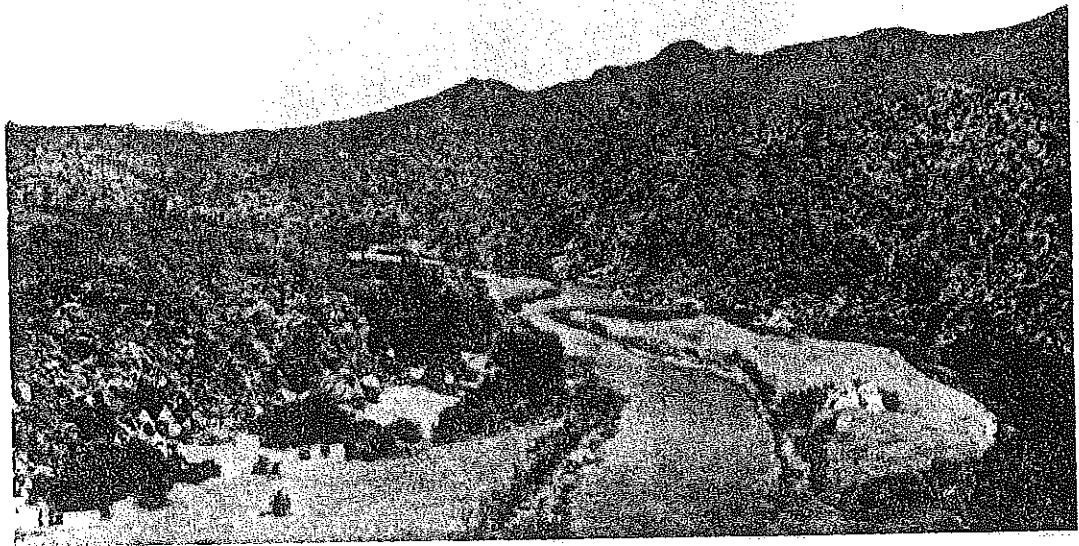
Consulting Geologist

Description of Plate I.

A. General view of the Camp Creek diversion site, looking upstream. On the right (left bank) the rock is granite. On the skyline, are knobs of conglomerate, resting on granite. On the left (right bank) is a steep bluff of granite, above which appears the toe of a smooth slope underlain by conglomerate.

B. View of the right abutment of the Camp Creek site, from the left abutment,

This shows the same granite bluff as in A. From the top of the bluff a gentle slope rises to the 1800-foot hill on the skyline. This hill is conglomerate.



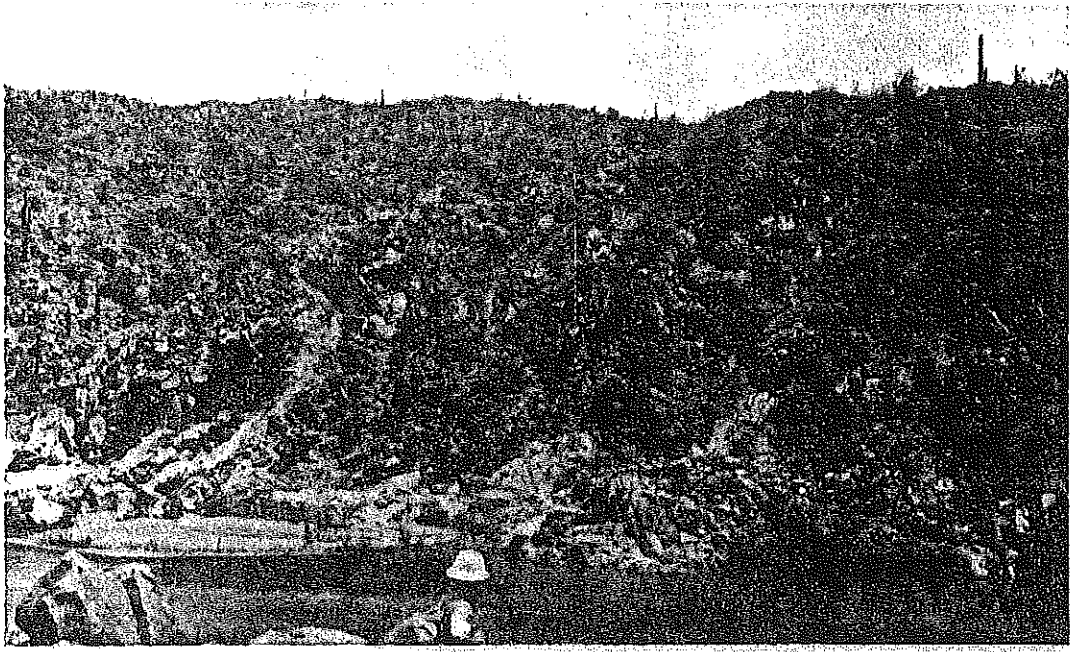
Description of Plate II

A. Camp Creek diversion site. Left abutment as seen from  
the right abutment.

The rock is mostly fine-grained granite, with rather  
abundant joints.

B. Fonglomerate, Camp Creek, near mouth.

Angular or subangular fragments of basalt and andesite,  
firmly cemented.



Description of Plate III.

A. General view of the Bartlett dam site, looking upstream.

The rock is all granite, that of the actual abutments being chiefly the fine-grained variety. Coarse granite appears in the left foreground.

B. The left abutment at the Bartlett site.

Note moderate jointing, with major joints nearly vertical and transverse to the river.

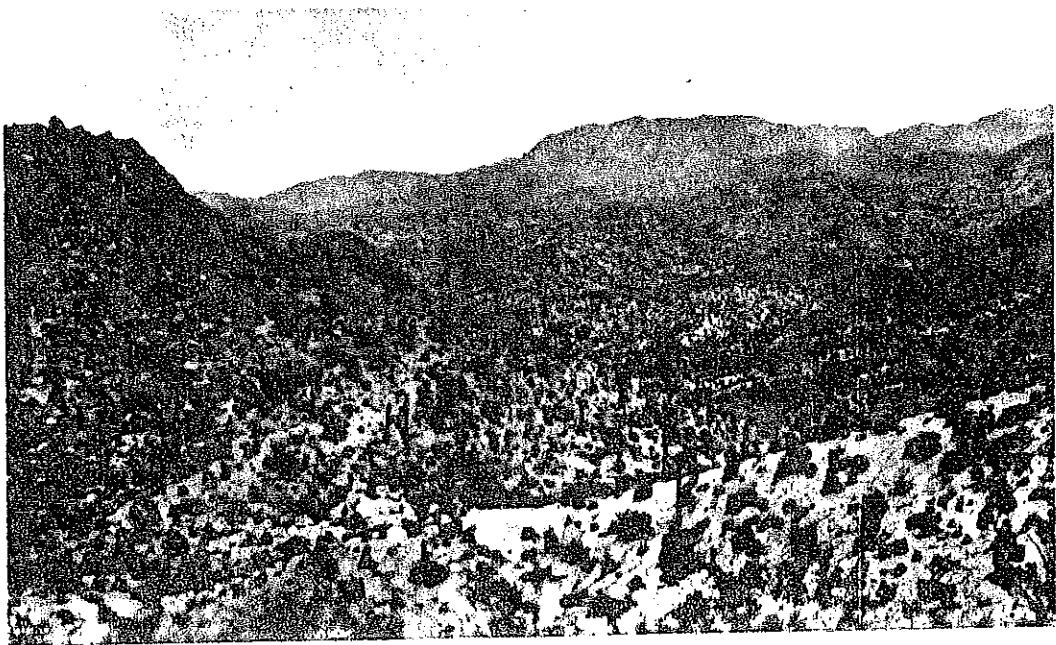


Description of Plate IV.

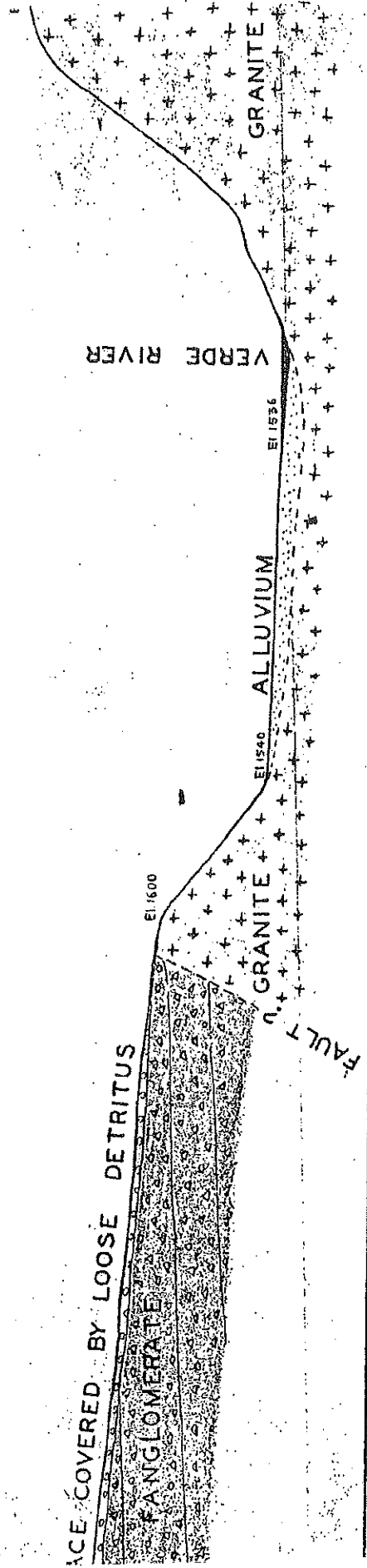
A. Balanced rock, of coarse granite, Right bank, a few hundred yards down-stream from the Bartlett site,

B. Saddle of spillway No. 1, looking northeast,

The rock in the foreground and in the saddle is chiefly coarse granite. The hill beyond the saddle, to the left, is the more blocky fine-grained granite. This is fairly typical of all the spillway saddles.



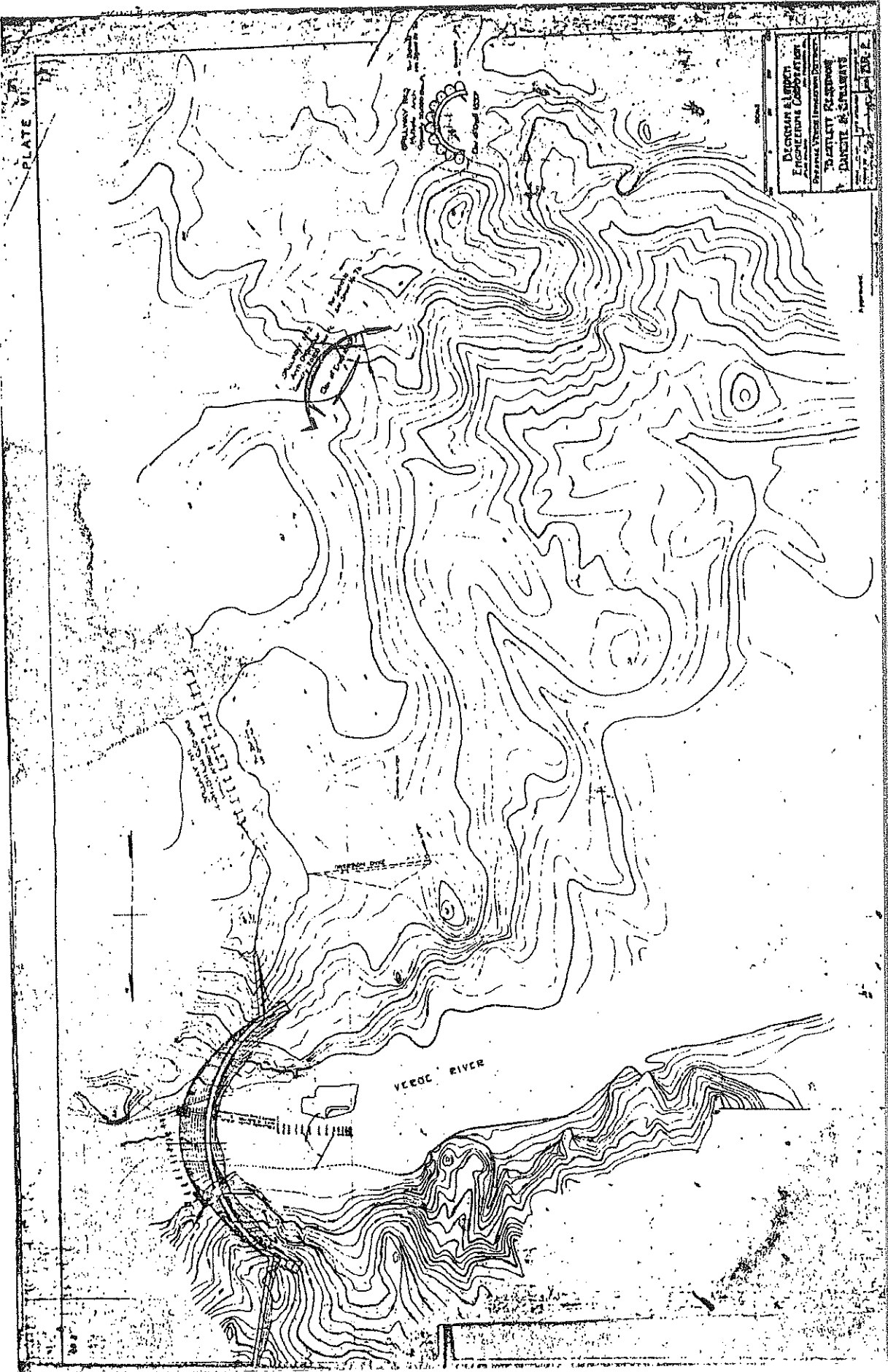
PLAT

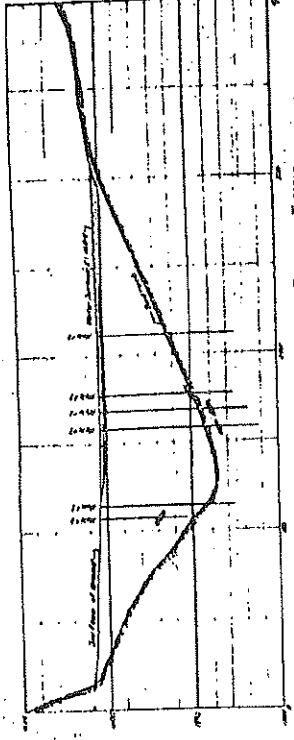
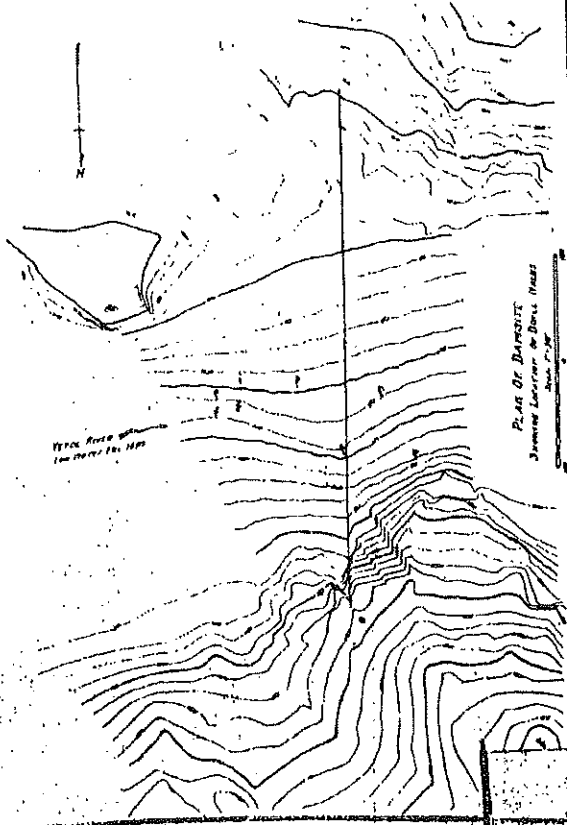


CROSS-SECTION AT CAMP CREEK DIVERSION SITE. HORIZONTAL AND VERTICAL SCALE AB. 1/4"

PLATE VI

DEGGAN & LUDEN  
ENGINEERS & ARCHITECTS  
GENERAL ENGINEERS AND ARCHITECTS  
1000 UNIVERSITY BUILDING  
DUNDEE, ONTARIO  
DATE: 1912  
SCALE: 1" = 100'





Station	Grade	Vertical Curve	Horizontal Curve	Notes
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DEPARTMENT OF THE ARMY  
 ENGINEERING CORPORATION  
 WASHINGTON, D. C.  
 DISTRICT OF COLUMBIA  
 DISTRICT ENGINEERING OFFICE  
 DISTRICT OF COLUMBIA

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

**IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE**

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Maria Gibson

Mailing Address 1912 S Quarterhorse Ln, Camp Verde, AZ 86322

Telephone No. 407-446-8104

Statement of Claimant No. 39-

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

My objection to the report stating my water well is taking from the sub-flow of the

Verder is contradicted by the well logs filled for wells registered +55-913598. The well

log shows the water is taken from the limestone aquafer below the clay layer. Water

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was not encountered prior to penetrating the confirming layer, which does not occur in  
sub-flow. This is not an alluvial formation well.

**CERTIFICATE OF SERVICE**

On this 5th day of March, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

***Via First Class Mail or Hand Delivery:***  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022**.

  
\_\_\_\_\_  
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) \_\_\_\_\_

Mailing Address of Representative \_\_\_\_\_  
\_\_\_\_\_

Telephone Number of Representative \_\_\_\_\_

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

COURT OF THE SPECIAL MASTER  
Arizona General Stream Adjudication

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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W-3 (Upper Gila)  
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(Consolidated)

APR 12 2022

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Irving John Goulette

Mailing Address 389 West Burnt Point Trail

Payson, AZ. 85541

Telephone No. 928-978-2163

Statement of Claimant No. 39-36-105440

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

Sheet G shows Bonita Creek which is where I live. As with other areas (like

Washington Park, etc) we are in the middle of what is known as the Diamond Rim

Fault Zone. The New Mexico Geological Society (Spencer R. Titley 1962) states

1 the continuity of the rim zone is broken. "The resulting pattern is that of a fault  
2 mosaic." My objection is that calling ground water subflow is that SRP will have  
3 control as if it was surface water without proof that it will ever be surface water.  
4 Proof in point is here in Bonita Creek. The creek flows from an aquifer under the  
5 rim where it becomes surface water for about 2 miles and then goes into Bonita  
6 Creek Fault, never to reappear. (Continued on attachment)

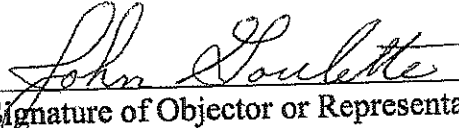
8 **CERTIFICATE OF SERVICE**

9  
10 On this 29 day of March, 2022, I certify that the original Objection and  
11 two copies were sent by first class mail, or hand delivered, to:

12 **Via First Class Mail or Hand Delivery:**

13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

15 If you mail your objection to the court, please allow additional time for mailing, so that  
16 your objection will be received by the court by **May 2, 2022.**

17  
18   
19 Signature of Objector or Representative

20 If this objection is being submitted by a Representative of the Objector, please provide the  
21 following information below or by attachment:

22 Name of Representative (printed) \_\_\_\_\_

23 Mailing Address of Representative \_\_\_\_\_  
24 \_\_\_\_\_

25 Telephone Number of Representative \_\_\_\_\_  
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## Objection Continuation

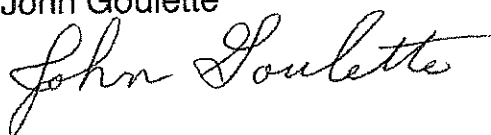
SRP likes to say that Bonita Creek is a continuation to Cold Springs by way of subflow, hence part of the East Verde River. This is not true and SRP knows it because they spent thousands of dollars testing in the mid 1970's. SRP spent 7 days 24 hours a day dumping Thorazine Dye into the creek fault with no positive results. William L. Warsaw the lead watershed specialist for SRP during that time stated after all the testing was done that they had no idea as to where Bonita Creek water flowed. I am sure that their hydrologist Helpenny knew of the faults that reached down into Star Valley and may have tested the water in well #1. I, along with others, have attempted to get the test results from SRP but have been denied. SRP's lawyer Buchwalter replied that I would not be receiving the test results as it was lawyer/client privilege. SRP has the same board members for both entities which make them a public company. SRP can not be trusted so to give them the authority to control ground water as though it was surface water is wrong. If a well is pulling water from the ground than it is ground water and not surface water. Rain drops are surface water and then become ground water in aquifers, underground rivers, etc. Will these now or in the future be considered subflow and under SRP's authority?

I am sure that SRP would like to control all ground water and surface water, but it was given only surface water that flows into the Salt and Verde Rivers. To say that the subflow is part of the rivers is not proven as it may end up in an aquifer or underground river.

I strongly object to subflow being considered as surface water. Your maps are not proof that a well is pumping subflow/surface water. What is known is that wells are bringing up water from underground. This ground water should not be controlled by SRP, which is what this is all about.

The aquifer/ground water under Phoenix is slowly drying up and this is because SRP has stopped the natural flow of water. I understand the need to control floods, but that does not mean stopping the natural flow of water through Phoenix during normal conditions.

Respectfully,  
John Goulette



PRINT

APR 27 2022

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**OBJECTION TO THE SUBFLOW  
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AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Vito T Greco & Colleen Corrigan Greco

Mailing Address 1410 S Mullen Way, Prescott AZ 86303

Telephone No. 928-925-5996

Statement of Claimant No. 39-141359 & 39-54913

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

Objectors, Vito and Collen Greco ( " Objectors"), are objecting to the Subflow Zone Delineation Report For The Verde River Mainstream And Sycamore Canyon Subwatershed

(the " Report " ) in totality, but with specificity to pages 5-10.

1 Please see separate attachment included as a part of this document, that shall be incorporated  
2 herewith, which defined the immediate objections in more detail with reasoning.

3 Note Exhibit "A" through Exhibit "D" are also included hereto.

4 All rights reserved.  
5  
6  
7

8 **CERTIFICATE OF SERVICE**

9  
10 On this 22<sup>nd</sup> day of April, 2022, I certify that the original Objection and  
11 two copies were sent by first class mail, or hand delivered, to:

12 **Via First Class Mail or Hand Delivery:**

13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
15 601 W. Jackson Street  
16 Phoenix, Arizona 85003

17 If you mail your objection to the court, please allow additional time for mailing, so that  
18 your objection will be received by the court by **May 2, 2022**.

19   
Signature of Objector or Representative

20 If this objection is being submitted by a Representative of the Objector, please provide the  
21 following information below or by attachment:

22 Name of Representative (printed) \_\_\_\_\_

23 Mailing Address of Representative \_\_\_\_\_  
24 \_\_\_\_\_

25 Telephone Number of Representative \_\_\_\_\_  
26 \_\_\_\_\_

**Separate Attachment with Exhibits to Case No. W1-106  
STATEMENT OF OBJECTION**

Objectors, Vito and Colleen Greco (“**Objectors**”), are objecting to the Subflow Zone Delineation Report For The Verde River Mainstream And Sycamore Canyon Subwatershed (the “**Report**”) in totality, but with specificity to pages 5 - 10. This attachment is to be included with the formal Objection document mailed on April 22, 2002 (the “**Attachment**”). This Attachment is to be incorporated with such Objection and defines the immediate objections in more detail with reasoning. Note Exhibit “A” through Exhibit “D” are also included hereto. All rights reserved.

**Objection 1: OBJECTORS ARE EXEMPT FROM THE NEW BOUNDARY ZONING BECAUSE THEIR FIRST FILING FOR ITS WELL STATEMENT OF CLAIMANT (SOC) WAS IN 1989.**

The Objectors argue that the well at issue (See *Exhibit “A” - Well Registry Information*) is outside of the new zone regulations, as per grandfather protection rights, because the Objectors already had such rights as of, or before, 1989. This is evidenced by the two (2) SOC forms that were formally filed as early as 1989 (See *Exhibit “C” – Statement of Claimant*). The Objectors’ filed for such SOC’s on November 7, **1989**/SOC No. 39-54913 and on July 28, **2014**/SOC No. 39-141359.

SOC No. 39-54913 was filed prior to the ADWR Geological surveys performed in 2007, 2008, and 2021, and also prior to the November 27, 2017, Verde River SubFlow Order. The July 28, 2014 SOC filing, No. 39-141359, was made before the November 27, 2017, Verde River SubFlow Order. This demonstrates the Objectors have been proactive to preserve any and all water and property rights and believe such filings should preserve all rights as they stand before such Report was filed.

Thus, Objectors are requesting to be adjudicated from the court’s jurisdiction because the dates of its SOC filings were made before the rezoning of the Report, and respectfully request for all such rights to remain as is, with no changes whatsoever.

**Objection 2: METHODS FOR DETERMINING THE NEW BORDER ARE TOO BROAD AND NOT REASONABLE FOR MOST OF THE SOUTHWEST PRESCOTT AREA, WHERE OBJECTORS ARE LOCATED, DUE TO HIGHER ELEVATION AND DISTANCE AWAY FROM THE WATER SOURCE.**

Objectors believe that the Report conveniently includes ALL of Prescott. However, the terrain of Prescott has many various types of topography including elevation. The methods of determining the borders of the Verde Valley SubFlow Zone are unreasonable due to the elevation and distance from the water source location at issue.

Regarding distance, the Objectors property is located approximately twenty-eight (28) miles away from the Verde River Subflow Zone (See *Exhibit “B” – Proof of Distance and Elevation from Sub Flow Zone*) which is the farthest away from the water source at issue and the majority of other well owners.

Moreover, regarding elevation, Objectors believe the Northern part of Prescott may be reasonable to be included in the new zone because the Northern part of the city is at approximately 5,000 ft elevation. However, the Southern part of the city, of which the Objector’s well is located, is at a 5,940 ft elevation. It is a known fact that water does not run uphill [*emphasis added*]. Objectors believe having its well be included in such zoning is an overreach of the extension of the Subflow Border Lines and should not include certain areas where elevation is substantially higher, including Southwest Prescott.

Thus, because of the its proximity away from the new zone and elevation considerations, Objectors are respectfully requesting that the well boundaries of the new zone be refined and narrowed accordingly, and that the well on Objectors property be adjudicated from the court's jurisdiction.

**Objection 3: IT IS MORE PROBABLE THAN NOT THAT THE WELL AT ISSUE IS NOT PUMPING SUBFLOW, BUT RATHER GROUNDWATER DUE TO LAND TOPOGRAPHY**

Per Page 2 of the Notice (*See Exhibit "D" – Excerpt of Notice of Publication of Subflow Zone*), if a well owner can show that it is more probable than not that the well is pumping ground water, the well can be adjudicated from the court's jurisdiction.

Here, the Objector's dispute its well usage as being subflow, and believe the well should be identified as a pumping groundwater. Subflow is water that flows underground through gravel and sand, but it exists so close to a surface stream that it is actually a part of that surface stream, rather than part of a separate groundwater source.

The Objectors terrain, located off of Copper Basin, is very different than other areas of the proposed zone extension [*emphasis added*]. The Copper Basin area consists of rock and granite that includes granodiorite, granodiorite porphyry, quartz diorite, amphibolite, aplite, and schist, copper ore, lead, malachite and azurite, NOT gravel and sand. In addition, as mentioned in Objection 3 above, the Objector's well is twenty-eight (28) miles away from the river, literally one of the farthest well locations from the water source within the new proposed zone (*See Exhibit "B" – Proof of Distance and Elevation from Sub Flow Zone*).

Moreover, the location of the Objector's well is at a higher elevation than the water source. The Northern part of Prescott is at approximately 5,000ft elevation, where the Southern part, of which the Objectors' well is located, is at a 5,940ft elevation.

It is not logical reasoning to believe that water from the source at issue would travel twenty-eight (28) miles underground, through solid ground, and uphill. Here, again, Objector's believe being included in such new zoning area is an overreach of the extension of the Subflow Border Lines.

Thus, due to the Earth's topography in the Copper Basin area and distance from the water source, it is more probable than not that the well on Objector's property is in fact pumping ground water and its well should be adjudicated from the court's jurisdiction of this new zone.

**Objection 4: OBJECTORS OBJECT TO REPORT IN TOTALITY**

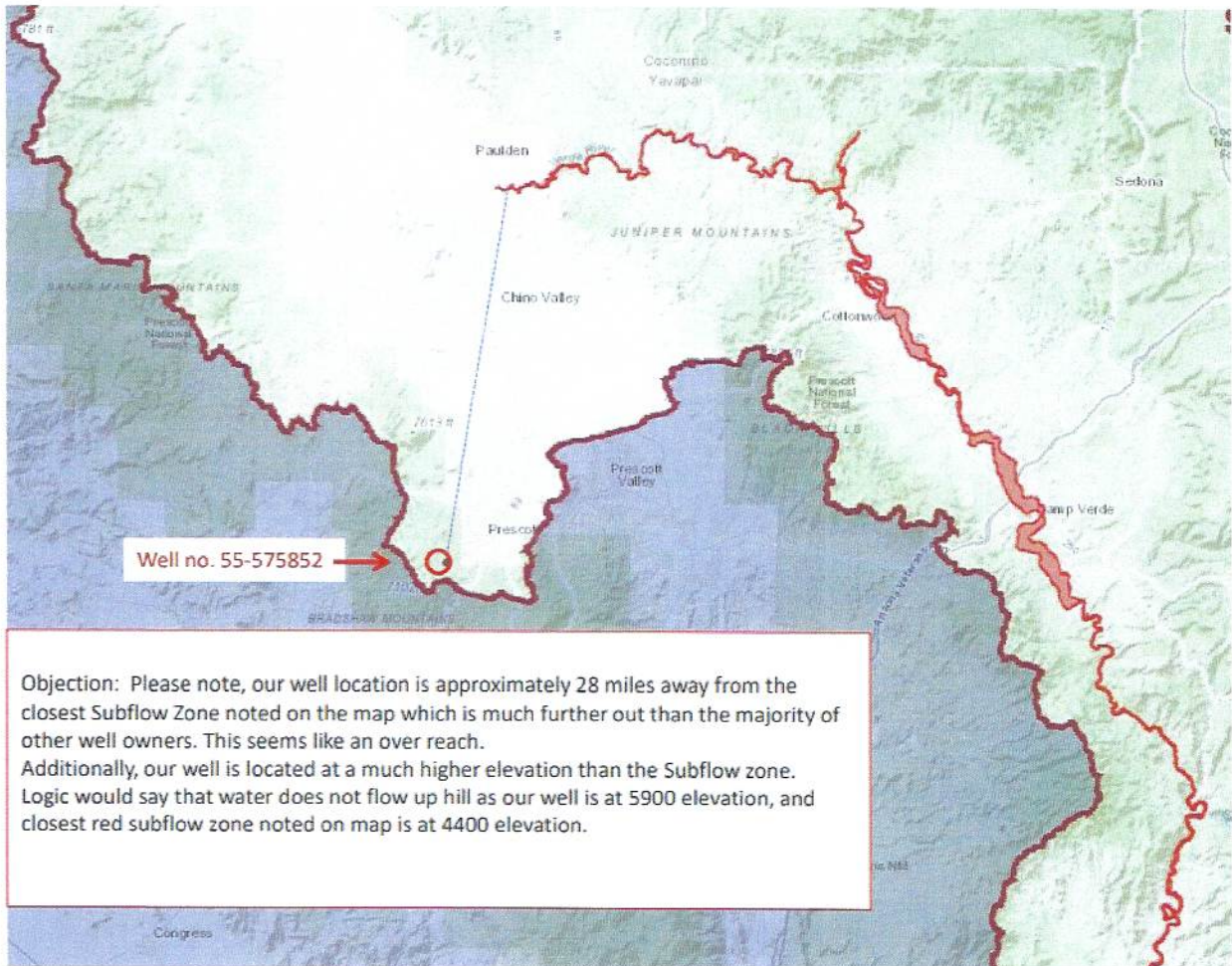
Objectors are objecting to the report in totality. Objectors are not professional geologists or geophysicists but landowners and are reserving all rights to object to other issues that may arise past, present, or future.

Thus, Objectors are requesting to reserve all rights relating to this matter here and in the future.

**Exhibit "A" – Well Registry Information- Well No. 55-575852**

<a href="#">Search</a> <a href="#">Map</a> <a href="#">Data Export</a> <a href="#">Well Registry Help</a> <a href="#">Email</a>		Well Registry Information	
Registration Number		55- 575852	
General	Construction	Status	Owner
Driller		Pump Data	
<b>Well Information</b>			
Site Type	W - WELL	Well Type	E - EXEMPT
Replaces Well		55-	
<b>Location Information</b>			
Cadastral	B13002907CCA	Book	108
Map	21	Parcel	226L
Latitude		Longitude	
<b>Basin and County Information</b>			
Basin	PRESCOTT AMA	Sub Basin	1 - LITTLE CHINO
Watershed	05 - VERDE RIVER		
AMA/INA	B - PRESCOTT AMA	County	13 - YAVAPAI
<b>Site Uses</b>		<b>Water Uses</b>	
Site Use 1	WATER PRODUCTION	Water Use 1	DOMESTIC
Site Use 2		Water Use 2	
Site Use 3		Water Use 3	
<b>GWSI Well Information</b> <a href="#">What is this?</a>			
GWSI Site ID	No corresponding GWSI well	GWSI Local ID	No corresponding GWSI well

**Exhibit "B" – Proof of Distance and Elevation from Sub Flow Zone**



**Exhibit "C" – Statement of Claimant**

Statement of Claimant No. 39-141359 (filed on July 28, 2014)  
Statement of Claimant No. 39-54913 (filed on November 7, 1989)

QUERY BY WELL REG NO AS BASIS OF CLAIM  
Drag a column header and drop it here to group by that column

Data from: 4/15/2022  
Using parameters: WELL = 523957:

Refresh

WATERSHED	FILE NO	NAME	NAME2	BASIS OF CLAIM
05	39-54913	KETCHNER, MICHAEL		55-523957
05	39-141359	GRECO, VITO T & COLLEEN CORRIGAN		55-523957

## Exhibit "D" – Excerpt From Notice of Publication of Subflow Zone

### I. Purpose of This Notice

The Arizona Department of Water Resources (ADWR) is sending this notice to persons who have filed claims for water rights within the Verde River watershed. Persons receiving this notice have the opportunity to review the Subflow Zone Delineation Report for the Verde River Mainstem and Sycamore Canyon Subwatershed (Subflow Zone Report) that ADWR is filing with the court presiding over the Gila River adjudication proceedings as described at the following website:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/Index.asp>

In Arizona, most wells are presumed to be pumping percolating groundwater.<sup>1</sup> However, wells located inside the lateral boundaries of the subflow zone of a river are presumed to be pumping underground water known as subflow, unless a well owner can show that it is more probable than not that the well is pumping groundwater.<sup>2</sup> Subflow is part of the surface stream, and wells pumping subflow are subject to the same rules of appropriation as the surface stream itself.<sup>3</sup> Certain wells located outside the boundaries of the subflow zone may also be subject to the adjudication court's jurisdiction based on projected impacts of the well's pumping.<sup>4</sup>

<sup>1</sup> *In re Gen. Adjudication of All Rights to Use Water in Gila River Sys. & Source ("Gila IV")*, 198 Ariz. 330, 335, 9 P.3d 1069, 1074 (2000).

<sup>2</sup> See Findings of Fact and Conclusions of Law Regarding the Evidentiary Hearing Held August 31 to September 3, 2015 in *In re the Revised Subflow Delineation for the San Pedro River Watershed* filed July 13, 2017 at 3.

<sup>3</sup> *Maricopa Cty. Mun. Water Conservation Dist. No. 1 v. Southwest Cotton Co.*, 39 Ariz. 65, 97, 4 P.2d 369, 380-81 (1931).

<sup>4</sup> Wells located outside the boundaries of the subflow zone having cones of depression that cause 0.1 foot of drawdown or more at the subflow zone boundary under steady-state conditions are subject to the jurisdiction of the adjudication court, even if only part of the well's production is appropriable water. See, *In re Gen. Adjudication of All Rights to Use Water in Gila River Sys. & Source ("Gila II")*, 175 Ariz. 382, 391, 857 P.2d 1236, 1245 (1993).

05/03/2022 8:00am  
M. Antelo, Deputy



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

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Kathy + Lawrence Jaackel

Mailing Address see attached documents, 6 pages

Telephone No. \_\_\_\_\_

Statement of Claimant No. 39- \_\_\_\_\_

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

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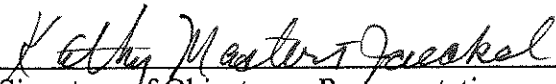
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**CERTIFICATE OF SERVICE**

On this 29 day of April, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022**.

  
\_\_\_\_\_  
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) \_\_\_\_\_

Mailing Address of Representative \_\_\_\_\_

Telephone Number of Representative \_\_\_\_\_

Kathy Mastes-Jaeckel and Lawrence Jaeckel  
Former address: 2130 Red Rock Loop Road,  
Now: 30 Serendipity Trail, Sedona, AZ 86336  
Land line: 928203-4178, Cell: 602-509-1223

Original Parcel # before land boarder was slightly changed: 408-30-041F  
Current Parcel # 408-30-041G  
Statement of Claimant # 39-141558  
Two capped wells but only one 500 FT. well in use.  
Latest well registration # 55-223797- September 3, 2014

Original well thought to have been drilled for Erwin Schuerman in the early 1900s was #55-80980. To our knowledge, there was no well department set up at that time so nothing needed to be reported. It was later recorded in 1979.

We object to to being sent an objection form regarding being included in a Subflow zone adjudication without giving us any information on what this is all about.

Second, after spending a great deal of time, I found out that Sedona, where our home is located is not currently a part of this court case, W1-106 but will be identified as an area under scrutiny next year, 2023.

#### OBJECTIONS:

\*It took an act of congress (A PATENT), #04403 and #05867, December 22, 1913 signed by Woodrow Wilson, to legally give the original settlers, which is now a portion of our land, the legal right to build homes, plant crops and raise cattle in the late 1800s and 1900s; namely the 160 acres owned by the Schuerman, Loy, Armijo and Dumas families in our location. Photos of the original crops and fruit trees on this land attached. Ditch rights were also legally given. Those ditches have had water in them this entire time. Rain has continued to fall on this land to replenish the creek and aquifers and support the family's crops, fruit tree indigenous trees and fauna. We have settled on this same land with the same water, ditch and land rights.

- I could not find anywhere that the word subflow has been scientifically stated and accepted as a geological way to determine exactly what surface water is now or will be effected in my lifetime or our children's lifetimes or their children's lifetimes.
- Bruce Babbitt stated while he spoke to us in Sedona that you were only wanting to "Manage" (control) the wells drilled in the flood zone. This is not true.
- There are hundreds of wells drilled within a mile of Oak Creek that are 300 to 600 feet deep. Two of ours have been capped and we only have one in use. Our last well was drilled 500 ft. down.
- When Oak Creek is flooding during monsoon season it isn't any deeper than ten feet and usually it is two to three feet deep in most sections. If we are drawing from 500 feet deep and we are a third of a mile away from Oak Creek, how can the De Minimis use of our water effect other people downstream or people drawing from aquifers that

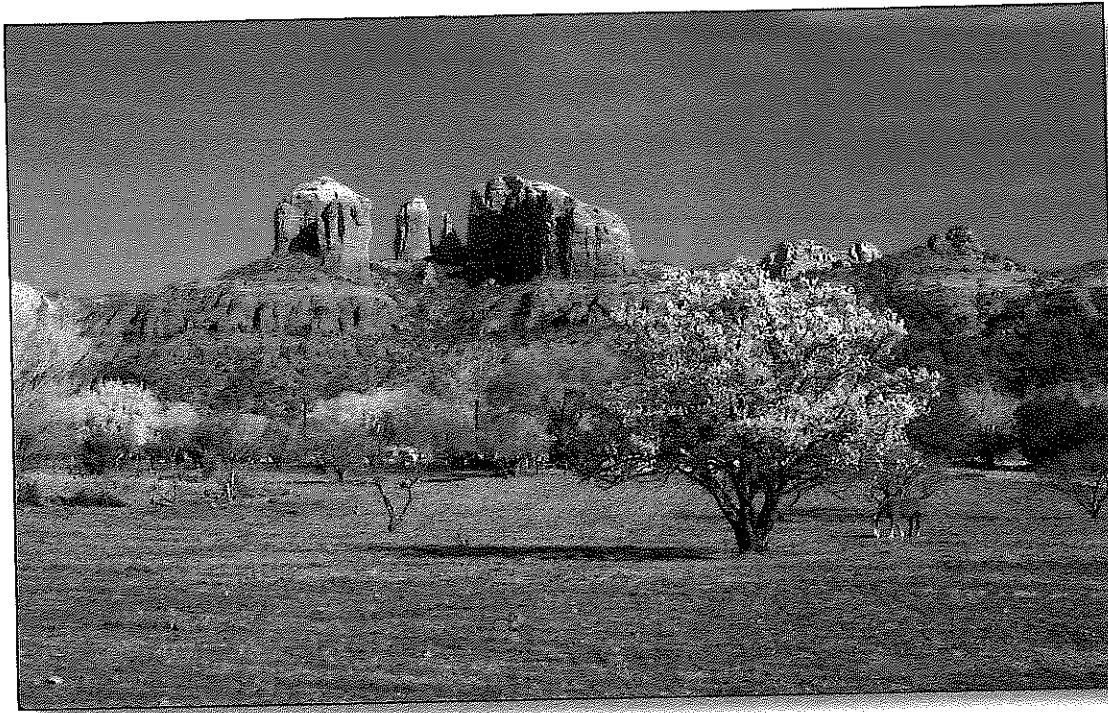
are closer to the surface? People that are upstream and have homesteaded here are  
"First in Time, First in Right". We are on the land of the original homesteaders.

Please see attached supporting documents

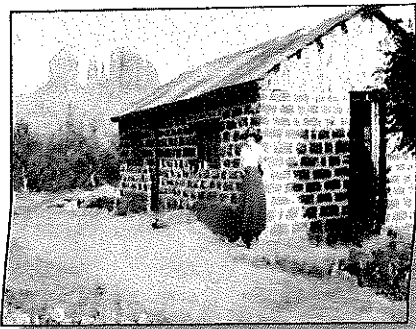
*Kathy M. Jaeckel*  
Kathy and Lawrence Jaeckel

*Lawrence Jaeckel*

Submitted: April 29, 2022

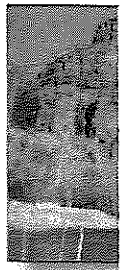
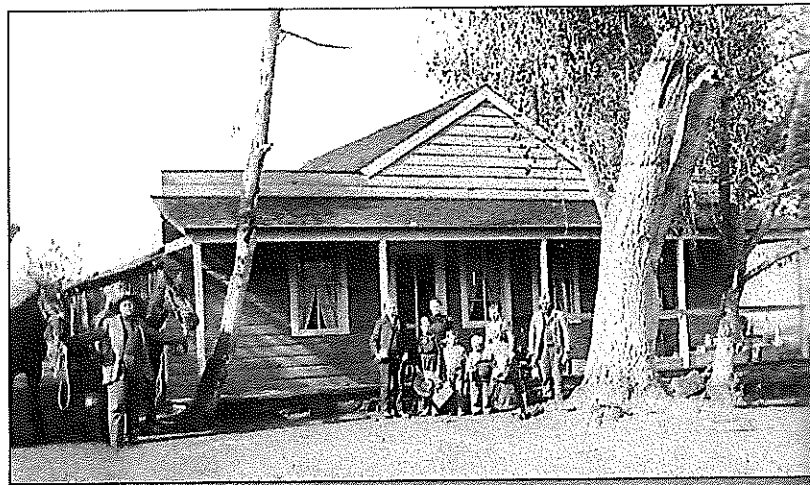


Schuerman Farm with Fruit Trees and Horse  
(Circa 1982) (Courtesy Bob Clemenz Photography)



Second Schuerman Home  
(Courtesy Sedona Heritage Museum)

Schuermans' First Homestead  
(Courtesy Sedona Heritage Museum)



Beach at R  
(Courtesy)

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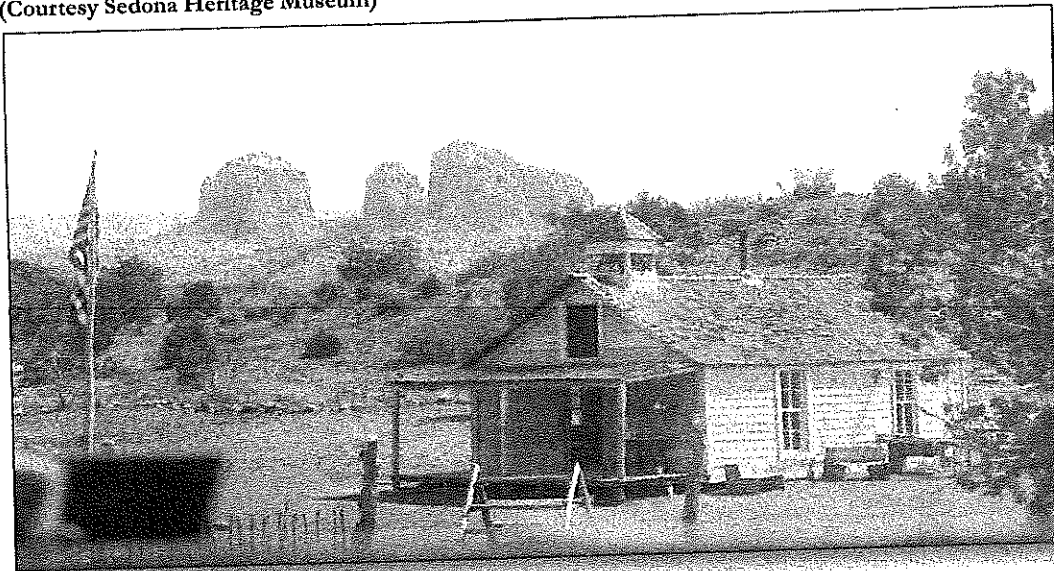
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In 1915, Arizona passed a prohibition law five years before Congress did. Prohibition obviously had an adverse effect on people like the Schuermans, who derived some of their income from making and selling wine. Henry was arrested in 1918 for selling two barrels of wine. He was fined \$300 and sentenced to county prison for six months. However, after neighbors interceded on his behalf, the governor commuted Henry's sentence, and he was released after two months.

Henry died in 1920 and Dorette, in 1940. Erwin, their oldest son and the first in line to inherit the homestead, died in 1929. Erwin's widow, Mabel, remarried in 1936. Her second husband, Albert Thompson, was born on the neighboring Dumas Ranch and attended Red Rock School. When Erwin and Mabel's son Fred turned 21 in 1948, Mabel signed the Schuerman property over to him.

Fred Schuerman continued running the farm. He had grown up there along with his cousin Sherman Loy, the son

The Schoolhouse on Loy Lane  
(Courtesy Sedona Heritage Museum)



Red Rock Country Along the Loop Road

of Erwin's sister Frieda. The two young cousins dutifully performed the chores assigned to them, and they delighted in fishing in Oak Creek and in hunting coyote, muskrats, bobcats and rabbits. They sometimes sold the pelts of the animals they caught for a dollar each, considerably more than the price that fruits and vegetables from the farm could command.

Eventually, the Schuerman vineyards became the home of a small trailer park, which Fred Schuerman ran. Some parcels of the land were also sold off. In 2003, a developer with promises to preserve the old Schuerman house bought the remaining 53 acres of the original farm. Despite the promise to preserve the historic house, it was bulldozed. Although Fred Schuerman received part of the proceeds from the sale, the developer eventually went bankrupt, still owing him the remainder of the sale.

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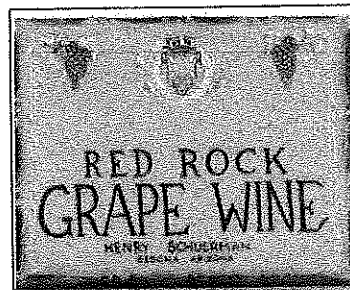
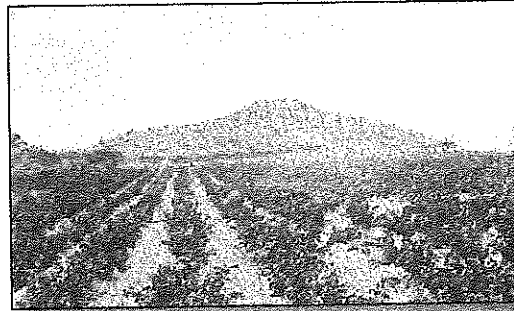
Sherman Loy  
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of \$800. The 160 acres that Henry had acquired were advertised as a farm with a cabin and an irrigation ditch located in a scenic area. The following is an excerpt from the deed to the property:

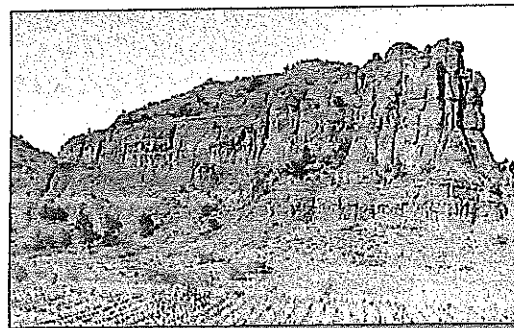
*[The property is] situated ... on Oak Creek... about 25 miles up said creek from its junction with the Verde River. The said land or ranch being in edge of what is known as the Red Rock country and is about three miles down said Oak Creek from what is known as the James ranch in what was formerly known as "Oak Flat." The said land or ranch also being about eight miles north of Ben Baker's ranch at the foot of the Mogollon Mountains, and is the location made by the parties of the first part about the year 1878, and occupied by them as a home. Also the log houses thereon, and other improvements, water ditches or canals, waters flowing through said canals or ditches, water rights, dams, rights of way, tenements, hereditaments, rights, privileges, immunities and appurtenance unto said land or ranch....*

Henry and Dorette traveled for five days by wagon from Prescott to Red Rock country; the roads were nothing more than cow trails. Upon arrival in 1885, they found that Red Rock country had no schools, churches, or stores. They didn't want to stay, but they could not give the land away, either. There simply were no takers. Neither of them had any experience in farming. Henry was a baker by trade, and Dorette was a town girl; nonetheless, they decided to try to make the best of the rural lifestyle in which they found themselves. They began by raising some chickens and a few cows, growing vegetables and strawberries, and planting an orchard of apple and peach trees. They decided to add a vineyard, which eventually led to their making a

wine that sold under the label Red Rock Grape Juice, Cornville. The label was later changed to Red Rock Grape Wine, Henry Schuerman, Sedona, Arizona. In 1880, to ensure that they would have water to irrigate their farm, the Schuer-



Schuerman Vineyards, Wine Bottle Label and Farm at the Foot of Schuerman Mountain (Courtesy Sedona Heritage Museum)



mans had filed a claim to water rights under the name of the Court House Ditch Association (later called the Red Rock Ditch Association). The inlet for the ditch was eventually built to run off Oak Creek at the nearby Dumas Ranch (now called Crescent Moon Ranch), which

Henry Schue with the Dur 1940s, some of land had b tion at that ti but by the 19

The United V stepped up m in the late 18 some 25 mile country, provi Schuermans' p from a tent ci some evoluc community, or newspaper in 1 the best tow

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# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at

Phoenix, Arizona,

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

**Erwin Schuerman**

has been established and duly consummated, in conformity to law, for the northeast quarter of the northwest quarter of the southwest quarter, the south half of the northwest quarter of the northwest quarter of the southwest quarter, the northeast quarter of the northwest quarter of the southwest quarter, the north half of the southwest quarter of the northwest quarter of the southwest quarter, the southwest quarter of the southwest quarter of the northwest quarter of the southwest quarter, the south half of the northwest quarter of the northeast quarter of the southwest quarter, the north half of the northeast quarter of the northwest quarter, the southwest quarter of the northeast quarter of the northwest quarter, and the west half of the northwest quarter of Section twenty-six and the south half of the southeast quarter of the northeast quarter of Section twenty-seven in Township seventeen north of Range five east of the Gila and Salt River Meridian, Arizona, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made

Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-NINTH**

(SEAL)

day of

**OCTOBER**

In the year of our Lord one thousand

nine hundred and

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05/03/2022 8:00am  
M. Antelo, Deputy

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

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Marjorie Kish  
Mailing Address 1902 N. Montezuma Heights Rd.  
Camp Verde, AZ 86322  
Telephone No. 928-567-7024  
Statement of Claimant No. 39- 55768

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

Well # 55-534775 not showing on subflow  
map, on the ADWR's website. Please let my  
mother enjoy her final days in peace! not fighting  
Beauracrats.

1 We have been a part of Camp Verde since 1966.  
2 We use our water ~~judicious~~ wisely. Stop the urban  
3 sprawl! There are 3 5000sq ft. homes being  
4 built right now adjacent to us. Why? Why new  
5 golf courses, or homes? Why are farmers and ranchers  
6 being pushed out for new housing developments?  
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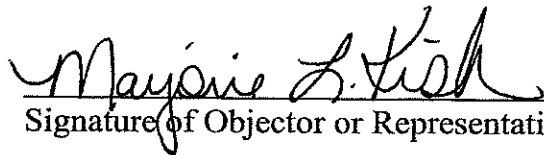
9 **CERTIFICATE OF SERVICE**

10 On this 24 day of April, 2022, I certify that the original Objection and  
11 two copies were sent by first class mail, or hand delivered, to:

12 **Via First Class Mail or Hand Delivery:**

13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
15 601 W. Jackson Street  
16 Phoenix, Arizona 85003

17 If you mail your objection to the court, please allow additional time for mailing, so that  
18 your objection will be received by the court by **May 2, 2022**.

19   
Signature of Objector or Representative

20 If this objection is being submitted by a Representative of the Objector, please provide the  
21 following information below or by attachment:

22 Name of Representative (printed) \_\_\_\_\_

23 Mailing Address of Representative \_\_\_\_\_  
24 \_\_\_\_\_

25 Telephone Number of Representative \_\_\_\_\_  
26 \_\_\_\_\_

39- \_\_\_\_\_ filed in the \_\_\_\_\_ watershed.

39- \_\_\_\_\_ filed in the \_\_\_\_\_ watershed.

Type of legal document enclosed to establish a change of ownership:

- Recorded Deed (date, file number, county)
- Tax Parcel Notice (date, county) 12/17/2006, Yavapai
- Other (date, description) \_\_\_\_\_

ASSIGNOR (seller):

Mr. and Mrs. John Kish

Name (printed or typed)

2313 W. Weldon

Address

Phoenix, Arizona 85045

(602) 979-5054

Telephone

Norma L. Kish

Signature

ASSIGNEE (buyer):

Norma L and John J Kish

Name (printed or typed)

1902 Montezuma Hts

Address

Camp Verde, Arizona 86320

(928) 547-7024

Telephone

John J Kish

Signature

STATE OF ARIZONA )

County of Yavapai )

The foregoing instrument was  
acknowledged and signed before  
me this 1<sup>st</sup> day of

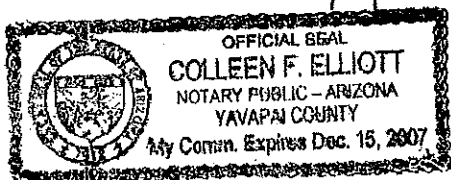
Sept, 20 06

by Norma Kish

Colleen F Elliott

Notary Public

My commission expires: 12/15/2007



STATE OF ARIZONA )

County of Yavapai )

The foregoing instrument was  
acknowledged and signed before  
me this 1<sup>st</sup> day of

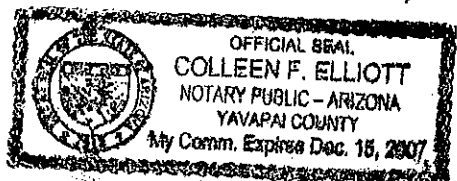
Sept, 20 06

by John Kish

Colleen F Elliott

Notary Public

My commission expires: 12/15/2007



STATEMENT OF CLAIMANT

"39"

ASSIGNMENT

Gila River Adjudication  
SUPERIOR COURT OF MARICOPA COUNTY

By court order, a statement of claimant must be assigned whenever there is a change in ownership of land for which the claim for a water right was made, or there is a change in ownership of the water right that is either not appurtenant to land or that has been transferred from one parcel of land to another. This form is to be used to assign statements of claimant ("39s") filed in the general adjudication of the Gila River System and Source, which includes the Salt River, San Pedro River, Upper Gila River, Verde River, Agua Fria River, Lower Gila River and Upper Santa Cruz River watersheds. After the assignment is completed, the new owner will be substituted as a party in the Gila River adjudication.

General Instructions

Each side of this form must be completed, signed by each buyer and seller, and notarized. The name, address and phone number for each buyer and seller must also be provided. If necessary, additional copies of this form may be attached.

A copy of a legal document that establishes that a change of ownership has occurred must be submitted with this form. This requirement may be satisfied by providing either a copy of a duly recorded deed, a copy of the county assessor's tax parcel notice, or other similar document.

More than one statement of claimant may be assigned on a single form if the assignors (sellers) and assignees (buyers) are identical. Otherwise, a separate form must be submitted. For example, if the ownership of the land or the water right is subdivided and conveyed to different buyers, then a separate form must be completed for each of the different buyers.

After this form is completed, please submit it to the **Arizona Department of Water Resources, Attention: Adjudications, 500 North 3<sup>rd</sup> Street, Phoenix, AZ 85004.** The Department will record the assignment and forward this form to the Superior Court of Maricopa County. If you have any questions regarding this form, please contact the Arizona Department of Water Resources at (602) 417-2442 or (800) 352-8488.

ASSIGNMENT

The undersigned parties hereby notify the Superior Court of Maricopa County of the assignment of the following statements of claimant:

39- 55768 filed in the Verde watershed.

39- \_\_\_\_\_ filed in the \_\_\_\_\_ watershed.

39- \_\_\_\_\_ filed in the \_\_\_\_\_ watershed.

Run Date: 06/26/2006

# AZ DEPARTMENT OF WATER RESOURCES

## WELL REGISTRY REPORT - WELLS55

Location A 14.0 5.0 19 B B B Well Reg.No 55 - 534775 AMA NOT WITHIN ANY AMA OR INA

Registered Name KISH, JOHN & NORMA,  
2313 W WELDON  
PHOENIX AZ 85015

File Type NEW WELLS (INTENTS OR APPLICATIONS)  
Application/Issue Date 03/19/1992

Owner OWNER  
Driller No. 394  
Driller Name KM DRILLING INC  
Driller Phone 928-567-3633  
County YAVAPAI

Well Type EXEMPT  
SubBasin VERDE VALLEY  
Watershed VERDE RIVER  
Registered Water Uses DOMESTIC  
Registered Well Uses WATER PRODUCTION  
Discharge Method NONE  
Power NO POWER CODE LISTED

Intended Capacity GPM 30.00

Well Depth 300.00  
Pump Cap. 0.00  
Draw Down 0.00

Case Diam 6.00  
Case Depth 115.00  
Water Level 250.00  
Acres Irrig 0.00

Tested Cap 0.00  
CRT C  
Log X  
Finish STEEL - PERFORATED OR SLOTTED  
CASING

Contamination Site: NO - NOT IN ANY WQARF SITE

Comments

### Current Action

Action Comment:

### Action History

4/9/1992 750 WELL LOG RECEIVED

Action Comment:

4/9/1992 755 WELL CONSTRUCTION COMPLETED

Action Comment:

**COPY**

MAY 04 2022



CLERK OF THE SUPERIOR COURT  
M. ANTELO  
DEPUTY CLERK

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

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IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Kristie L. KREUTZFELD  
Mailing Address 3075 E. MARTIN WAY  
COTTONWOOD, AZ 86326  
Telephone No. 928.254.9325  
Statement of Claimant No. 39- See Enclosed

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

There was "groundwater" at 60 feet  
when the well was drilled that the  
driller referred to as "artesian"

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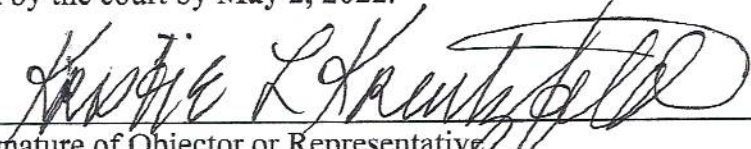
However the well is @ at 200 feet depth which I argue is not surface or subsflow to the Verde but true ground water.

**CERTIFICATE OF SERVICE**

On this 2 day of May, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022.**

  
\_\_\_\_\_  
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) \_\_\_\_\_  
Mailing Address of Representative \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number of Representative \_\_\_\_\_

RE017747199US Trust  
Morgan Joseph Langan, Trustee  
Post Office Box 741  
Cornville, Arizona  
United States of America  
Telephone: 928 649-1921  
E-mail: morganlangan@yahoo.com

MAY 02 2022

**In the Superior Court of Arizona,  
In and for County of Maricopa**

RE 017 747 199 US Trust,  
Morgan Joseph Langan

*Intervenor,*

v.

Arizona Department of Water Resources

Case Name:

*In re Subflow Technical Report, Verde River*

**Case No. W1-106**

**Notice of Claim**

**Special Master Susan Ward Harris**

Notice of Claim is hereby lodged to protect private rights, contractual obligations and historical use of Oak Creek water. Legal title to the land and beneficial use of the water was acquired from the United States of America upon delivery of land patent #791. Intervenor holds paramount, alodial title under declaration of land patent instrument #2017-0010938 as recorded upon the public record of Yavapai County.

The Notice of Publication filed in this case states that this case regards the general adjudication of **all rights** to use water in the Gila River System. Intervenor's contract with the United States of America is prior in time to the existence of the "System" and the State of Arizona. Intervenor shows that jurisdiction over intervenor's contractual rights, duties and obligations to use Oak Creek water has never been grant to the State of Arizona or this court.

Intervenor's rights to the beneficial use of Oak Creek water includes a share of the Point Willow Ditch, which existed prior to the State of Arizona. Intervenor also operates a well, 175 foot in depth, pumping groundwater percolating from the land.

Therefor by this notice of claim and the facts presented, intervenor objects to this adjudication that would impair the obligations of contracts regarding the use of the waters identified above. Intervenor's private land and private property shall be excluded from this adjudication or an order to show cause be issued to prove inclusion.

By: 

Morgan Joseph Langan, Intervenor

#### Certificate of Mailing

I hereby certify that the foregoing Notice of Claim was deposited in the first class U.S. Mail this 26<sup>th</sup> day 4<sup>th</sup> month, 2022 for delivery to:

Honorable Mark H. Brain  
Judge of the Superior Court  
Old Courthouse  
125 West Washington, Ste 002  
Phoenix Arizona 85003

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





05/03/2022 8:00am  
M. Antelo, Deputy

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

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Johnnie L. Martin

Mailing Address 7215 E. Knobby Lane Prescott Valley, Az. 86315

Telephone No. 760-310-8122

Statement of Claimant No. 39-

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

I am filing an objection to the Subflow Technical Report, Case No. W1-106.

My private well, located at 7215 E. Knobby Lane, Prescott Valley, Az. 86315,

is exempt from all metering, regulation and adjudication of water rights due to

1 the Groundwater Act of 1980. This Act states: private wells, withdrawing 35 gallons  
2 per minute or less from the Prescott Valley Aquafur, are "exempt" from regulation.

3 Excerpt from the Groundwater Act of 1980: "These water users don't have to monitor  
4 or report water use or comply with any conservation program." Therefore, I will  
5 retain my water rights to my private well, as registered.  
6

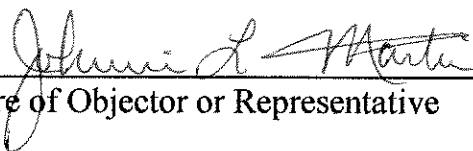
7  
8 **CERTIFICATE OF SERVICE**

9 On this 28 day of April, 2022, I certify that the original Objection and  
10 two copies were sent by first class mail, or hand delivered, to:

11  
12 **Via First Class Mail or Hand Delivery:**

13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
15 601 W. Jackson Street  
16 Phoenix, Arizona 85003

17 If you mail your objection to the court, please allow additional time for mailing, so that  
18 your objection will be received by the court by **May 2, 2022**.

19   
Signature of Objector or Representative

20 If this objection is being submitted by a Representative of the Objector, please provide the  
21 following information below or by attachment:

22 Name of Representative (printed) \_\_\_\_\_

23 Mailing Address of Representative \_\_\_\_\_  
24 \_\_\_\_\_

25 Telephone Number of Representative \_\_\_\_\_  
26

APR 27 2022



IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Maryland S. McKinney

Mailing Address PO Box 1244

Paulden, Arizona 86334

Telephone No. 928-710-0591

Statement of Claimant No. 39-56852 and 39-56853

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

Entire Report; In my opinion the Subflow Zone Delineation Report is not substantiated by enough scientific knowledge and evidence.

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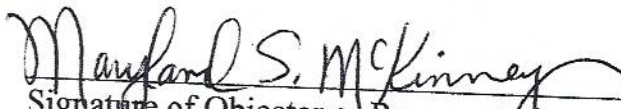
**CERTIFICATE OF SERVICE**

On this 17<sup>th</sup> day of April, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**

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

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022**.

  
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) \_\_\_\_\_

Mailing Address of Representative \_\_\_\_\_

Telephone Number of Representative \_\_\_\_\_

MAY 04 2022

**COPY**

MAY 02 2022



CLERK OF THE SUPERIOR COURT  
M. ANTELO  
DEPUTY CLERK

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

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed)

*Kamille Mulcaire*

Mailing Address

*9535 E Mulcaire Rd  
Cornville AZ 86325*

Telephone No.

*928 300 9283*

Statement of Claimant No. 39-

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

*I have learned from my attorney that  
because I have surface water  
rights, I should be protected from*

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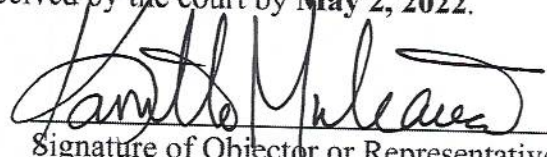
losing my right to withdraw water  
water from the sub-flow.  
My water rights are through  
the Dickerson Ditch

**CERTIFICATE OF SERVICE**

On this 26<sup>th</sup> day of April, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

*Via First Class Mail or Hand Delivery:*  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022.**



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) \_\_\_\_\_

Mailing Address of Representative \_\_\_\_\_

Telephone Number of Representative \_\_\_\_\_

APR 27 2022



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

**IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE**

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Owens Trust Owens, David J.

Mailing Address 7127 N 66th Street, Paradise Valley, AZ 85253

Telephone No. 602-909-0333

Statement of Claimant No. 39-142500

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

Our well is located more than 200 feet away from the creek. We qualify for a

de minimis ruling. Useage is less than 1 acre ft. The creek is supplied by a spring.

We have a patent right from 6/21/09 #68819. Our well is 500ft deep.

We object to the science based on this ruling.

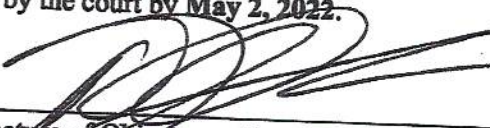
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**CERTIFICATE OF SERVICE**

On this 19th day of April, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

***Via First Class Mail or Hand Delivery:***  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022.**

  
\_\_\_\_\_  
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) David J Owens

Mailing Address of Representative 7127 N 66th St, Paradise Valley, AZ 85253

Telephone Number of Representative 602-909-0333

# EXHIBIT A



P.O. Box 52025  
Phoenix, AZ 85072-2025  
(602) 236-5900  
www.srpnet.com

June 22, 2011

Mr. Owens  
1309 E. Secretariat Dr.  
Tempe, AZ 85284

Re: Request for water use information on Verde Glen 3 parcels in Section 26, T12N R10E

Dear Mr. Owens:

Thank you for your request for historic water use information on Gila County parcels 302-05-017 and 018. Based on our records, there has been historic (pre-1919) water use on the above mentioned parcels. Our records also indicate that approximately 0.6 acres on each parcel was historically irrigated in 1909. Portions of the appropriate Gila County Assessor Plats for those areas are enclosed with parcels 302-05-017 and 302-05-018 highlighted. The area that was historically irrigated is noted by the cross-hatched lines. As can be seen, portions of parcels 017 and 018 are within that area.

AND 015

Please be aware that this is not a determination of the water rights; no such determination can be made by the Salt River Project. You should also be aware that all water uses in the Verde River Watershed are the subject of the Gila River General Stream Adjudication currently pending in the Superior Court of Maricopa County. This case will ultimately decide the nature, extent and relative priority of all water uses in the Gila River Basin.

If I can be of any further assistance, please call me at (602) 236-3027.

Sincerely,

A handwritten signature in cursive script that reads "Steve Westwood".

Steve Westwood  
Sr. Water Rights Analyst  
Mail Station PAB110  
PO Box 52025  
Phoenix AZ 85072-2025

Enclosures

EXHIBIT B

The United States of America,

PHOENIX 0443.

To all to whom these presents shall come, Greeting:

Homestead Certificate No. Application

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at PHOENIX, ARIZONA, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of WILLIAM C. MCLACHLAN has been established and duly consummated, in conformity to law, for the SOUTH HALF OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION TWENTY-SIX IN TOWNSHIP TWELVE NORTH OF RANGE TEN EAST OF THE GILA AND SALT RIVER MERIDIAN, ARIZONA, CONTAINING ONE HUNDRED SIXTY ACRES;

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said WILLIAM C. MCLACHLAN the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said WILLIAM C. MCLACHLAN

and to HIS heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, WILLIAM H. TAFT, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the twenty-first day of June, in the year of our Lord one thousand nine hundred and nine, and of the Independence of the United States the one hundred and thirty-third.

By the President: [Signature] Secretary. By [Signature] Recorder of the General Land Office.



Patent Number

Recorded 68819, Vol. , Page

# EXHIBIT C

2015.42.43

Some notes taken from a taped interview with the late Stan Roper by Rod Byers, U.S. Forest Service, Payson District.

Ropers arrived in 1945

Lon Greer said the Phoenix Technical College class made the waterwheel at the Waterwheel Camp Ground. It was never finished because they could not get water to it. They had planned for it to operate a gold ore mill. It was put there before the war.

The Greer cabin was south and due west of the wheel. There was a root cellar there, only the wall left later.

Greer had to have been there until '47 or '48, then he lost his leg in surgery.

One couple or another moved in, and tried to garden. Then two brothers named Wright (sb- father and son?) took over. After they left the cabin was taken out. It disappeared sometime between 1950 and 1955.

There were other cabins in the area - Teal, Slack.

2nd Crossing = Wright house, built by "an Indian from Oklahoma" who got Bud White to built it for him on the flat there.

Wright sold cabin and fruit trees to a couple., who moved them to Gisela (after the Forest Service closed out the mining claim.) The chimney stood until it fell.

At the 3rd Crossing (Whispering Pines) there was only a corral when Ropers came, and an old granary south of the present water co. in Whispering Pines.

Cold Springs - Roper knows little of it. Dam there remodeled many times; could not hold the flow. Found where ranchers had put in a large hog pen.

Ropers place had once been a bean farm. People had been there 20 or 30 years before Roper, and when returned said it had certainly filled in with thicket since they had been there.

A rock with carving on it at edge of river - circle, top= Health-Wealth, "1933" under that, and a 5 point star under that - in which is carved "US Army 1917-1919, 33rd Div." Roper said it was carved by "some guy who camped there for a summer" according to what he heard. (sb- speculate it a CCC officer).

At Ropers, there was a limestone or sandstone wall by creek where many matts were in the rock by the falls, north of his house. His house was standing there when they bought the place, but needed to be rebuilt - reassembled on new foundation near creek (it had been on higher ground when they got it). The lumber had been cut roughly by an old saw mill there, where "the roads joined." It had been a

## EXHIBIT C

steam mill, with two boilers that leaked.

There was an irrigation ditch that was very old on Roper's property, "before McLacklin." There was a 16 foot waterwheel on the property with shed, built by Dr. Baker. Baker's cabin was near a rock with a cave on the east side of river. The cabin had been brought down from the Pieper Fish hatchery, hauled by Baker in his old Packard sedan.

Baker had built the stone house (in the fork of the Control Road and Rim Road). When FS made him tear it down, he moved up to the Fish Hatchery [See Pieper notes]. It was too wet for him. Matteson let him build on his property, and he moved the cabin down from the Hatchery. Baker an PhD engineer from Detroit. Roper thought he might be related to the Baker Automobile. He and his brother had bought a yacht and sailed around the world, and then sold it to the Reynolds Tobacco heirs. So Baker had lots of money

Roper used Baker's waterwheel one summer. It ran a 6 volt generator sending power to his cabin. One night it stopped while running (froze up?), water came over the wheel and covered everything with ice by the next morning. It was not used again. It was not big enough for controls to regulate the gate (flow). It took more HP to operate a gate than the wheel could produce. Baker had the wheel hooked up to operating a drill press and other tools in his shop. But he could not control the power either.

Roper spoke of the old school (Rim Rock) on the lower road that went up to the CCC camp. On the top was a ranch house (Haughts?), which had two fireplaces. He said he heard that from Boardman.

Matteson had 20 acres and Roper 140 of the homestead there.

Bill Miller owned Rim Trial (Belluzzi) the Spade Ranch (Webber) and Whispering Pines. Brinkerhoff had put up the money for them. Bill Miller sold Webber property to the Boy Scouts and developed Geronimo Estates.

Brinkerhoff had two adopted kids who had inherited the Rim Trail property.

It was Bill Miller who talked Roper into sub-dividing.

# EXHIBIT C

8. Place(s) of Use, Annual Water Use and Claimed Priority Date(s): (attach additional sheet if required)

County: Gila

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
<u>NE 1/4, SW 1/4</u>	<u>26</u>	<u>12N N/S</u>	<u>10E E/W</u>	<u>.6</u>	<u>0.9AF</u>	<u>6/21/09</u>
		<u>N/S</u>	<u>E/W</u>			
		<u>N/S</u>	<u>E/W</u>			

9. Claimed Right:

- A. Maximum Flow Rate: 40  cubic-feet per second  
 gallons per minute  
 Arizona miner's inches
- B. Annual Volume of Water Use: 0.9 acre-feet
- C. Storage Right: None acre-feet

10. Attach photographs, maps or sketches necessary to show the point(s) of diversion, storage reservoir(s), means of conveyance and place(s) of use.

11. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant \_\_\_\_\_

12. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Call for directions 841-5169

13. Additional comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(attach additional sheet if required)

14. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

15. Notarized Statement:

I (We), \_\_\_\_\_  
 the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

(seal)

My Commission Expires: \_\_\_\_\_

Notary Public

Approved Personnel for the Department of Water Resources

# EXHIBIT D

W-2

For Departmental Use Only

## STATEMENT OF CLAIMANT FORM FOR IRRIGATION USE

File No. 39

Date Filed:

WFN

### VERDE RIVER WATERSHED SUPERIOR COURT OF MARICOPA COUNTY

1. Claimant Name: Stanley R. Mayberry  
Claimant Address: Star Route Box 303 City Payson  
State: Arizona Zip Code 85019 Telephone 474-5184
2. Basis of Claim:
  - A.  Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-39194
  - B.  Appropriation Right acquired after June 12, 1919. Application No. \_\_\_\_\_  
Permit No. \_\_\_\_\_, or Certificate of Water Right No. \_\_\_\_\_
  - C.  Decreed water right. Principal litigants, court, date and case no.: \_\_\_\_\_
  - D.  Right to withdraw groundwater.
  - E.  Other, describe: \_\_\_\_\_
3. Source of Water:
  - A.  Stream: name East Verde River, tributary to Verde River
  - B.  Spring: name \_\_\_\_\_, tributary to \_\_\_\_\_
  - C.  Lake or Reservoir: name \_\_\_\_\_, tributary to \_\_\_\_\_
  - D.  Groundwater.
4. Legal description of the Point of Diversion: (attach additional sheet if required)  
N.E. 1/4, N.W. 1/4, Section 26, Township 12N, Range 10E E/W
5. If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:  
None
6. Means of Diversion:
  - A.  Instream pump.
  - B.  Gravity flow into a ditch, canal or pipeline.
  - C.  Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. \_\_\_\_\_
  - D.  Other, describe: \_\_\_\_\_
7. Means of Conveyance:
  - A.  Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: \_\_\_\_\_
  - B.  Other, describe: \_\_\_\_\_

~~APR 27 2022~~



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

**IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE**

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Owens Trust Owens, David J.

Mailing Address 7127 N 66th Street, Paradise Valley, AZ 85253

Telephone No. 602-909-0333

Statement of Claimant No. 39-141237

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

Our ditch right have been in continuous use since 1909, see SRP Exhibit A.

Our Patent is from 6/21/09 Patent #68819, see Exhibit B. Appropriation Rights

6/12/1919, see Exhibit C. Registry No. 36-39194, see Exhibit D. SRP Letter of

continuous use, see Exhibit A. We Disagree with your science presented.


1 Our farm has been in continuous use for over 100+ years. Our farm has been in  
2 continuous use for over 100+ years. Per Mr Roper's testimony, Exhibit C. there was an  
3 irrigation ditch that was very old on Ropers Property before McLachlan.  
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9 **CERTIFICATE OF SERVICE**

10 On this 19th day of April, 2022, I certify that the original Objection and  
11 two copies were sent by first class mail, or hand delivered, to:

12 ***Via First Class Mail or Hand Delivery:***  
13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
15 601 W. Jackson Street  
16 Phoenix, Arizona 85003

17 If you mail your objection to the court, please allow additional time for mailing, so that  
18 your objection will be received by the court by May 2, 2022.

19   
Signature of Objector or Representative

20 If this objection is being submitted by a Representative of the Objector, please provide the  
21 following information below or by attachment:

22 Name of Representative (printed) David I Owens

23 Mailing Address of Representative 7127 N 66th St, Paradise Valley, AZ 85253

24  
25 Telephone Number of Representative 602-909-0333  
26

# EXHIBIT A



P.O. Box 52025  
Phoenix, AZ 85072-2025  
(602) 236-5900  
www.srpnet.com

June 22, 2011

Mr. Owens  
1309 E. Secretariat Dr.  
Tempe, AZ 85284

Re: Request for water use information on Verde Glen 3 parcels in Section 26, T12N R10E

Dear Mr. Owens:

Thank you for your request for historic water use information on Gila County parcels 302-05-017 and 018. Based on our records, there has been historic (pre-1919) water use on the above mentioned parcels. Our records also indicate that approximately 0.6 acres on each parcel was historically irrigated in 1909. Portions of the appropriate Gila County Assessor Plats for those areas are enclosed with parcels 302-05-017 and 302-05-018 highlighted. The area that was historically irrigated is noted by the cross-hatched lines. As can be seen, portions of parcels 017 and 018 are within that area.

AND 015

Please be aware that this is not a determination of the water rights; no such determination can be made by the Salt River Project. You should also be aware that all water uses in the Verde River Watershed are the subject of the Gila River General Stream Adjudication currently pending in the Superior Court of Maricopa County. This case will ultimately decide the nature, extent and relative priority of all water uses in the Gila River Basin.

If I can be of any further assistance, please call me at (602) 236-3027.

Sincerely,

A handwritten signature in cursive script that reads "Steve Westwood".

Steve Westwood  
Sr. Water Rights Analyst  
Mail Station PAB110  
PO Box 52025  
Phoenix AZ 85072-2025

Enclosures

EXHIBIT B

The United States of America,

PHOENIX 0443.

So all to whom these presents shall come, Greeting:

Homestead Certificate No. }  
Application }

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at PHOENIX, ARIZONA, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of WILLIAM C. MCLACHLAN has been established and duly consummated, in conformity to law, for the SOUTH HALF OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION TWENTY-SIX IN TOWNSHIP TWELVE NORTH OF RANGE TEN EAST OF THE GILA AND SALT RIVER MERIDIAN, ARIZONA, CONTAINING ONE HUNDRED SIXTY ACRES;

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General;

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said WILLIAM C. MCLACHLAN the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said WILLIAM C. MCLACHLAN

and to HIS heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premisses hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, WILLIAM H. TAFT, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the twenty-first day of June, in the year of our Lord one thousand nine hundred and nine, and of the Independence of the United States the one hundred and thirty-third.



By the President: Wm H Taft  
By W. W. Young, Secretary.  
J. W. [Signature], Recorder of the General Land Office.

Patent Number 68819  
Recorded . Vol. . Page

# EXHIBIT C

2016.42.43

Some notes taken from a taped interview with the late Stan Roper by Rod Byers, U.S. Forest Service, Payson District.

Ropers arrived in 1945

Lon Greer said the Phoenix Technical College class made the waterwheel at the Waterwheel Camp Ground. It was never finished because they could not get water to it. They had planned for it to operate a gold ore mill. It was put there before the war.

The Greer cabin was south and due west of the wheel. There was a root cellar there, only the wall left later.

Greer had to have been there until '47 or '48, then he lost his leg in surgery.

One couple or another moved in, and tried to garden. Then two brothers named Wright (sb- father and son?) took over. After they left the cabin was taken out. It disappeared sometime between 1950 and 1955.

There were other cabins in the area - Teal, Slack.

2nd Crossing = Wright house, built by "an Indian from Oklahoma" who got Bud White to build it for him on the flat there.

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A rock with carving on it at edge of river - circle, top= Health-Wealth, "1933" under that, and a 5 point star under that - in which is carved "US Army 1917-1919, 33rd Div." Roper said it was carved by "some guy who camped there for a summer" according to what he heard. (sb- speculate it a CCC officer).

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## EXHIBIT C

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There was an irrigation ditch that was very old on Roper's property, "before McLacklin." There was a 16 foot waterwheel on the property with shed, built by Dr. Baker. Baker's cabin was near a rock with a cave on the east side of river. The cabin had been brought down from the Pieper Fish hatchery, hauled by Baker in his old Packard sedan.

Baker had built the stone house (in the fork of the Control Road and Rim Road). When FS made him tear it down, he moved up to the Fish Hatchery [See Pieper notes]. It was too wet for him. Matteson let him build on his property, and he moved the cabin down from the Hatchery. Baker an PhD engineer from Detroit. Roper thought he might be related to the Baker Automobile. He and his brother had bought a yacht and sailed around the world, and then sold it to the Reynolds Tobacco heirs. So Baker had lots of money

Roper used Baker's waterwheel one summer. It ran a 6 volt generator sending power to his cabin. One night it stopped while running (froze up?), water came over the wheel and covered everything with ice by the next morning. It was not used again. It was not big enough for controls to regulate the gate (flow). It took more HP to operate a gate than the wheel could produce. Baker had the wheel hooked up to operating a drill press and other tools in his shop. But he could not control the power either.

Roper spoke of the old school (Rim Rock) on the lower road that went up to the CCC camp. On the top was a ranch house (Haughts?), which had two fireplaces. He said he heard that from Boardman.

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Bill Miller owned Rim Trail (Belluzzi) the Spade Ranch (Webber) and Whispering Pines. Brinkerhoff had put up the money for them. Bill Miller sold Webber property to the Boy Scouts and developed Geronimo Estates.

Brinkerhoff had two adopted kids who had inherited the Rim Trail property.

It was Bill Miller who talked Roper into sub-dividing.

# EXHIBIT C

8. Place(s) of Use, Annual Water Use and Claimed Priority Date(s): (attach additional sheet if required)  
 County: Gila

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
<u>NE 1/4, SW 1/4</u>	<u>26</u>	<u>12N</u> N/S	<u>10E</u> E/W	<u>.6</u>	<u>0.9AF</u>	<u>6/21/09</u>
		N/S	E/W			
		N/S	E/W			

9. Claimed Right:

- A. Maximum Flow Rate: 40  cubic-feet per second  
 gallons per minute  
 Arizona miner's inches
- B. Annual Volume of Water Use: 0.9 acre-feet
- C. Storage Right: None acre-feet

10. Attach photographs, maps or sketches necessary to show the point(s) of diversion, storage reservoir(s), means of conveyance and place(s) of use.

11. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant \_\_\_\_\_

12. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Call for directions 841-5169

13. Additional comments: \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
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(attach additional sheet if required)

14. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

15. Notarized Statement:

I (We), \_\_\_\_\_  
 the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

(seal)

My Commission Expires: \_\_\_\_\_

Notary Public

# EXHIBIT D

W-2

For Departmental Use Only

## STATEMENT OF CLAIMANT FORM FOR IRRIGATION USE

File No. 39
Date Filed:
WFN

VERDE RIVER WATERSHED  
SUPERIOR COURT OF MARICOPA COUNTY

1. Claimant Name: Stanley R. Mayberry  
Claimant Address: Star Route Box 303 City Payson  
State: Arizona Zip Code 85019 Telephone 474-5184
2. Basis of Claim:
  - A.  Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-39194
  - B.  Appropriation Right acquired after June 12, 1919. Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_ or Certificate of Water Right No. \_\_\_\_\_
  - C.  Decreed water right. Principal litigants, court, date and case no.: \_\_\_\_\_
  - D.  Right to withdraw groundwater.
  - E.  Other, describe: \_\_\_\_\_
3. Source of Water:
  - A.  Stream: name East Verde River, tributary to Verde River
  - B.  Spring: name \_\_\_\_\_, tributary to \_\_\_\_\_
  - C.  Lake or Reservoir: name \_\_\_\_\_, tributary to \_\_\_\_\_
  - D.  Groundwater.
4. Legal description of the Point of Diversion: (attach additional sheet if required)  
N.E. 1/4, N.W. 1/4, Section 26, Township 12N, Range 10E, E/W
5. If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:  
None
6. Means of Diversion:
  - A.  Instream pump.
  - B.  Gravity flow into a ditch, canal or pipeline.
  - C.  Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. \_\_\_\_\_
  - D.  Other, describe: \_\_\_\_\_
7. Means of Conveyance:
  - A.  Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: \_\_\_\_\_
  - B.  Other, describe: \_\_\_\_\_

APR 27 2022



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

**IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE**

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Owens Trust Owens, David J.

Mailing Address 7127 N 66th Street, Paradise Valley, AZ 85253

Telephone No. 602-909-0333

Statement of Claimant No. 39-141238

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

Our ditch right have been in continuous use since 1909, see SRP Exhibit A.

Our Patent is from 6/21/09 Patent #68819, see Exhibit B. Appropriation Rights

6/12/1919, see Exhibit C. Registry No. 36-39194, see Exhibit D. SRP Letter of

continuous use, see Exhibit A. We Disagree with your science presented.

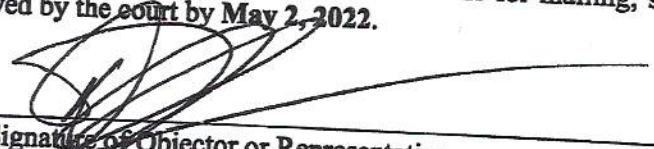
1 Our farm has been in continuous use for over 100+ years. Our farm has been in  
2 continuous use for over 100+ years. Per Mr Roper's testimony, Exhibit C. there was an  
3 irrigation ditch that was very old on Ropers Property before McLachlan.  
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8

9 **CERTIFICATE OF SERVICE**

10 On this 19th day of April, 2022, I certify that the original Objection and  
11 two copies were sent by first class mail, or hand delivered, to:

12 ***Via First Class Mail or Hand Delivery:***  
13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
15 601 W. Jackson Street  
16 Phoenix, Arizona 85003

17 If you mail your objection to the court, please allow additional time for mailing, so that  
18 your objection will be received by the court by **May 2, 2022**.

19   
Signature of Objector or Representative

20 If this objection is being submitted by a Representative of the Objector, please provide the  
21 following information below or by attachment:

22 Name of Representative (printed) David J Owens

23 Mailing Address of Representative 7127 N 66th St, Paradise Valley, AZ 85253  
24

25 Telephone Number of Representative 602-909-0333  
26

# EXHIBIT A



P.O. Box 52025  
Phoenix, AZ 85072-2025  
(602) 236-5900  
www.srpnet.com

June 22, 2011

Mr. Owens  
1309 E. Secretariat Dr.  
Tempe, AZ 85284

Re: Request for water use information on Verde Glen 3 parcels in Section 26, T12N R10E

Dear Mr. Owens:

Thank you for your request for historic water use information on Gila County parcels 302-05-017 and 018. Based on our records, there has been historic (pre-1919) water use on the above mentioned parcels. Our records also indicate that approximately 0.6 acres on each parcel was historically irrigated in 1909. Portions of the appropriate Gila County Assessor Plats for those areas are enclosed with parcels 302-05-017 and 302-05-018 highlighted. The area that was historically irrigated is noted by the cross-hatched lines. As can be seen, portions of parcels 017 and 018 are within that area.

AND 015

Please be aware that this is not a determination of the water rights; no such determination can be made by the Salt River Project. You should also be aware that all water uses in the Verde River Watershed are the subject of the Gila River General Stream Adjudication currently pending in the Superior Court of Maricopa County. This case will ultimately decide the nature, extent and relative priority of all water uses in the Gila River Basin.

If I can be of any further assistance, please call me at (602) 236-3027.

Sincerely,

A handwritten signature in cursive script that reads "Steve Westwood".

Steve Westwood  
Sr. Water Rights Analyst  
Mail Station PAB110  
PO Box 52025  
Phoenix AZ 85072-2025

Enclosures

EXHIBIT B

The United States of America,

PHOENIX 0443.

To all to whom these presents shall come, Greeting:

Homestead Certificate No. \_\_\_\_\_

Application \_\_\_\_\_

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at PHOENIX, ARIZONA, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of WILLIAM C. MCLACHLAN has been established and duly consummated, in conformity to law, for the SOUTH HALF OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION TWENTY-SIX IN TOWNSHIP TWELVE NORTH OF RANGE TEN EAST OF THE GILA AND SALT RIVER MERIDIAN, ARIZONA, CONTAINING ONE HUNDRED SIXTY ACRES;

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said WILLIAM C. MCLACHLAN the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said WILLIAM C. MCLACHLAN

and to HIS heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, WILLIAM H. TAFT, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the \_\_\_\_\_ twenty-first \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, in the year of our Lord one thousand nine hundred and \_\_\_\_\_ nine \_\_\_\_\_, and of the Independence of the United States the one hundred and \_\_\_\_\_ thirty-third \_\_\_\_\_.



By the President: Wm. H. Taft  
By W. W. Young, Secretary.  
J. W. [Signature], Recorder of the General Land Office.

Patent Number

Recorded 68819, Vol. \_\_\_\_\_, Page \_\_\_\_\_

# EXHIBIT C

2015.42.43

Some notes taken from a taped interview with the late Stan Roper by Rod Byers, U.S. Forest Service, Payson District.

Ropers arrived in 1945

Lon Greer said the Phoenix Technical College class made the waterwheel at the Waterwheel Camp Ground. It was never finished because they could not get water to it. They had planned for it to operate a gold ore mill. It was put there before the war.

The Greer cabin was south and due west of the wheel. There was a root cellar there, only the wall left later.

Greer had to have been there until '47 or '48, then he lost his leg in surgery.

One couple or another moved in, and tried to garden. Then two brothers named Wright (sb- father and son?) took over. After they left the cabin was taken out. It disappeared sometime between 1950 and 1955.

There were other cabins in the area - Teal, Slack.

2nd Crossing = Wright house, built by "an Indian from Oklahoma" who got Bud White to build it for him on the flat there.

Wright sold cabin and fruit trees to a couple., who moved them to Gisela (after the Forest Service closed out the mining claim.) The chimney stood until it fell.

At the 3rd Crossing (Whispering Pines) there was only a corral when Ropers came, and an old granary south of the present water co. in Whispering Pines.

Cold Springs - Roper knows little of it. Dam there remodeled many times; could not hold the flow. Found where ranchers had put in a large hog pen.

Ropers place had once been a bean farm. People had been there 20 or 30 years before Roper, and when returned said it had certainly filled in with thicket since they had been there.

A rock with carving on it at edge of river - circle, top= Health-Wealth, "1933" under that, and a 5 point star under that - in which is carved "US Army 1917-1919, 33rd Div." Roper said it was carved by "some guy who camped there for a summer" according to what he heard. (sb- speculate it a CCC officer).

At Ropers, there was a limestone or sandstone wall by creek where many matts were in the rock by the falls, north of his house. His house was standing there when they bought the place, but needed to be rebuilt - reassembled on new foundation near creek (it had been on higher ground when they got it). The lumber had been cut roughly by an old saw mill there, where "the roads joined." It had been a

## EXHIBIT C

steam mill, with two boilers that leaked.

There was an irrigation ditch that was very old on Roper's property, "before McLacklin." There was a 16 foot waterwheel on the property with shed, built by Dr. Baker. Baker's cabin was near a rock with a cave on the east side of river. The cabin had been brought down from the Pieper Fish hatchery, hauled by Baker in his old Packard sedan.

Baker had built the stone house (in the fork of the Control Road and Rim Road). When FS made him tear it down, he moved up to the Fish Hatchery [See Pieper notes]. It was too wet for him. Matteson let him build on his property, and he moved the cabin down from the Hatchery. Baker an PhD engineer from Detroit. Roper thought he might be related to the Baker Automobile. He and his brother had bought a yacht and sailed around the world, and then sold it to the Reynolds Tobacco heirs. So Baker had lots of money

Roper used Baker's waterwheel one summer. It ran a 6 volt generator sending power to his cabin. One night it stopped while running (froze up?), water came over the wheel and covered everything with ice by the next morning. It was not used again. It was not big enough for controls to regulate the gate (flow). It took more HP to operate a gate than the wheel could produce. Baker had the wheel hooked up to operating a drill press and other tools in his shop. But he could not control the power either.

Roper spoke of the old school (Rim Rock) on the lower road that went up to the CCC camp. On the top was a ranch house (Haughts?), which had two fireplaces. He said he heard that from Boardman.

Matteson had 20 acres and Roper 140 of the homestead there.

Bill Miller owned Rim Trail (Belluzzi) the Spade Ranch (Webber) and Whispering Pines. Brinkerhoff had put up the money for them. Bill Miller sold Webber property to the Boy Scouts and developed Geronimo Estates.

Brinkerhoff had two adopted kids who had inherited the Rim Trail property.

It was Bill Miller who talked Roper into sub-dividing.

# EXHIBIT C

8. Place(s) of Use, Annual Water Use and Claimed Priority Date(s): (attach additional sheet if required)  
 County: Gila

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
<u>NE 1/4, SW 1/4</u>	<u>26</u>	<u>12N</u> N/S	<u>10E</u> E/W	<u>.6</u>	<u>0.9AF</u>	<u>6/21/09</u>
		N/S	E/W			
		N/S	E/W			

9. Claimed Right:

- A. Maximum Flow Rate: 40  cubic-feet per second  
 gallons per minute  
 Arizona miner's inches
- B. Annual Volume of Water Use: 0.9 acre-feet
- C. Storage Right: None acre-feet

10. Attach photographs, maps or sketches necessary to show the point(s) of diversion, storage reservoir(s), means of conveyance and place(s) of use.

11. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant \_\_\_\_\_

12. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Call for directions 841-5169

13. Additional comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(attach additional sheet if required)

14. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

15. Notarized Statement:

I (We), \_\_\_\_\_  
 the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

(seal)

My Commission Expires: \_\_\_\_\_

Notary Public

Authorized Person for the Department of Water Resources

# EXHIBIT D

W-2

## STATEMENT OF CLAIMANT FORM FOR IRRIGATION USE

For Departmental Use Only

File No. 39-

Date Filed:

WFN

### VERDE RIVER WATERSHED SUPERIOR COURT OF MARICOPA COUNTY

1. Claimant Name: Stanley R. Mayberry  
Claimant Address: Star Route Box 303 City Payson  
State: Arizona Zip Code 85019 Telephone 474-5184
2. Basis of Claim:
  - A.  Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-39194
  - B.  Appropriation Right acquired after June 12, 1919. Application No. \_\_\_\_\_  
Permit No. \_\_\_\_\_, or Certificate of Water Right No. \_\_\_\_\_
  - C.  Decreed water right. Principal litigants, court, date and case no.: \_\_\_\_\_
  - D.  Right to withdraw groundwater.
  - E.  Other, describe: \_\_\_\_\_
3. Source of Water:
  - A.  Stream: name East Verde River, tributary to Verde River
  - B.  Spring: name \_\_\_\_\_, tributary to \_\_\_\_\_
  - C.  Lake or Reservoir: name \_\_\_\_\_, tributary to \_\_\_\_\_
  - D.  Groundwater.
4. Legal description of the Point of Diversion: (attach additional sheet if required)  
N.E.M, N.W. 1/4, Section 26, Township 120N N/S, Range 108E/W
5. If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:  
None
6. Means of Diversion:
  - A.  Instream pump.
  - B.  Gravity flow into a ditch, canal or pipeline.
  - C.  Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. \_\_\_\_\_
  - D.  Other, describe: \_\_\_\_\_
7. Means of Conveyance:
  - A.  Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: \_\_\_\_\_
  - B.  Other, describe: \_\_\_\_\_



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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

OFFICE OF THE SPECIAL MASTER  
Arizona General Stream Adjudication

APR 20 2022

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

Case No. W1-106

OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED

Special Master Susan Ward Harris

OBJECTOR

Name (printed) Marcus <sup>and</sup> Twyla Petropoulos  
Mailing Address 24520 N. Patricia Road  
Paulden, AZ 86334  
Telephone No. 928-710-7329  
Statement of Claimant No. 39- 548796

STATEMENT OF OBJECTION

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

Claimants access to information is limited by the  
report not being released until April 30, 2023. Claimant  
cannot complete Discovery by March 17, 2023 as instructed

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by the Court.

**CERTIFICATE OF SERVICE**

On this 14<sup>th</sup> day of April, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022.**

J. Petropoulos  
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) \_\_\_\_\_

Mailing Address of Representative \_\_\_\_\_

\_\_\_\_\_

Telephone Number of Representative \_\_\_\_\_

APR 20 2022

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) WILLIAM SASSER

Mailing Address P.O. Box 783

SELIGMAN, AZ 86337

Telephone No. 619-985-0339

Statement of Claimant No. 39-

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

WELL HEAD IS ON HILLTOP AT 5392 FT WHICH IS APPROX. 130 FT ABOVE  
SURROUNDING GROUND LEVEL. WELL DRILLER CHOSE THAT LOCATION TO  
POSITION THE WELL HEAD BETWEEN TWO NATURAL CATCH BASINS.

1 WELL DEPTH IS 330 FT WITH THE PUMP AT 227 FT. DEPTH. THIS WOULD  
2 PLACE THE WELL HEAD ONLY 75 FT BELOW SURROUNDING GROUND LEVEL.  
3 OTHER WELLS DRILLED ON LOWER PROPERTIES ARE 600 TO 1300 FT DEEP.  
4 TO ME THIS WOULD INDICATE THE WELL DRILLER WAS RIGHT THAT THIS  
5 IS REPERCULATED WATER VS. SUBTERRAINIAN BASIN WATER. THESE  
6 WATER RIGHTS SHOULD ALSO BE GRANDFATHERED IN.

7  
8 **CERTIFICATE OF SERVICE**

9  
10 On this 11 day of APRIL, 2022, I certify that the original Objection and  
11 two copies were sent by first class mail, or hand delivered, to:

12 **Via First Class Mail or Hand Delivery:**  
13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
15 601 W. Jackson Street  
16 Phoenix, Arizona 85003

17 If you mail your objection to the court, please allow additional time for mailing, so that  
18 your objection will be received by the court by **May 2, 2022.**

19 *William Lasser*  
20 Signature of Objector or Representative

21 If this objection is being submitted by a Representative of the Objector, please provide the  
22 following information below or by attachment:

23 Name of Representative (printed) \_\_\_\_\_  
24 Mailing Address of Representative \_\_\_\_\_  
25 Telephone Number of Representative \_\_\_\_\_  
26

COPY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

W-1 (Salt)  
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Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Todd V Scantlebury  
Name (printed) \_\_\_\_\_  
2413 W Middle Verde Rd  
Mailing Address \_\_\_\_\_  
Camp Verde, AZ 86322  
\_\_\_\_\_  
928.567.3164  
Telephone No. \_\_\_\_\_  
Statement of Claimant No. 39- \_\_\_\_\_

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

Please see attached and note that filing of objection was delayed by a medical emergency. Thank you

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**CERTIFICATE OF SERVICE**

30 April

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022**.

  
\_\_\_\_\_  
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) \_\_\_\_\_

Mailing Address of Representative \_\_\_\_\_

Telephone Number of Representative \_\_\_\_\_

Todd and Diane Scantlebury, subject property S02-T14N-R04E, Yavapai County parcel# 403-12-008, address: 2413 W Middle Verde Rd, Camp Verde, AZ. 86322. The property is a small farm.

The subject well is 55-621709, cadastral A14004002000, originally drilled 1/1/1962 with change of ownership 9/10/2001 (Todd & Diane Scantlebury). **Please note that well #55-599344 - listed as belonging to Scantlebury, with an NOI and Drilling Authority issued in summer 2003 - was never drilled, does not exist and is, therefore, not part of the delineation consideration.**

Well 55-621709 location and characteristics:

- Located 34.633977, -111.895647, approximately 65-feet northeast and above the OK Ditch (1876 irrigation ditch) and 1,400-feet NE of the Verde River, as the crow flies. See Figure 1.
- Located immediately southwest of the property's sole residence and in clay soil, as is all soil on the farm until the bottom of the pasture (near 100-yr flood level) and the beginning of meanderland, where soil becomes sandy/ porous.
- Well elevation, at surface, is approximately 3,175-feet, 20-ft above the 100-Year River Flood level (3,150-ft) for this area\*, and more than 30-ft above Verde River surface level.
- On April 21, 2004, ADWR Hydrologist John M. Rasmann sounded the approximately 60' well to have a water depth of 35.3-feet, with source water under pressure so that water level rose to approximately 15-feet. Again, on Feb 25, 2022, Mark Adams of ADWR Field Services sounded the water level at 49'.

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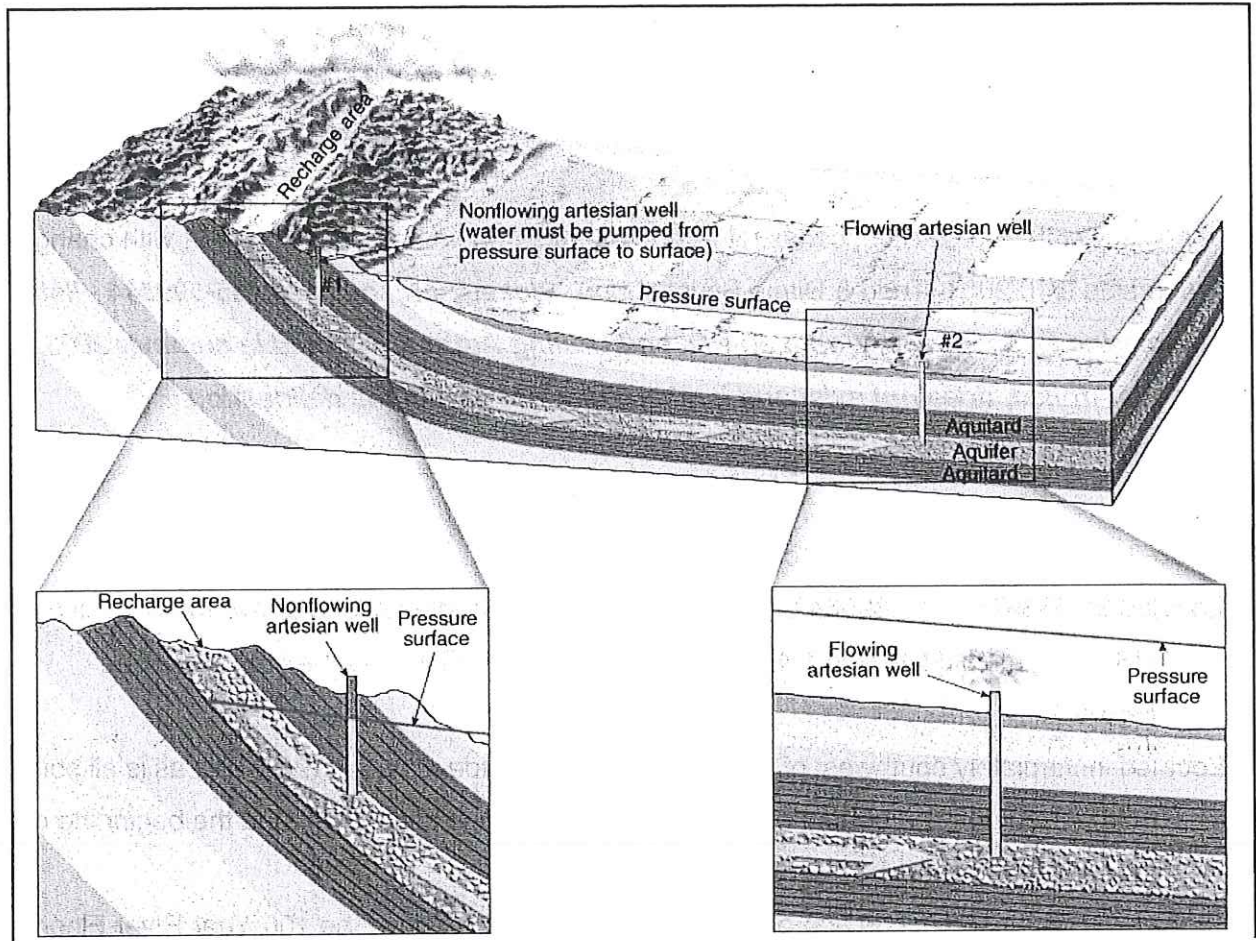


Figure 1 - Artesian Well

Arguments for well 55-621709 being outside the Subflow Delineation Report for the Verde River (and Sycamore Canyon) Subwatershed (SDRVRS):

- In order to be under pressure, i.e., "semi-artesian," the well's source water must originate from a recharge area above the farm, not the Verde River. See Figure 1. The Verde Formation, immediately adjacent to and north of the subject property and well, contains several types of rock, but some are indeed aquifers. Its lower lithologies tend to be more "aquiferous" and are likely sources for the well.
- If the well were sampling from sub-flow connected to the Verde River, the surface of the River would be at the same level/ elevation as the water in the well, and the well level would fluctuate with the level of the river. See Figure 2. However, the well level is above the river level and does not fluctuate with River, e.g., in the 2004 sample, well level was 35'

with River flowing 115 cfs; in 2022 well level was 49' with River at 160 cfs - NOT a linked relationship.

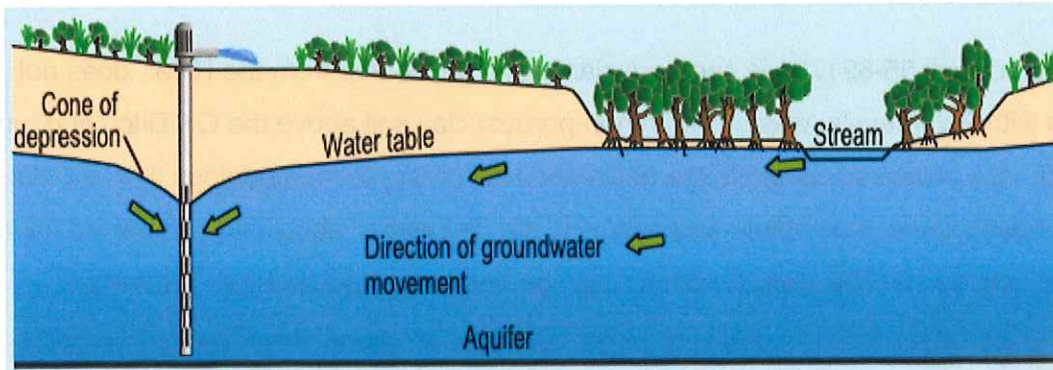


Figure 2 - Example of well sampling from surface water

- Clay soil deposits that cover the property and well site extend southeast toward the River and meanderland (20-feet below the well surface) where porous, sandy surface soils begin and continue to slope down to the River. Constructed in 1876, the OK Ditch (surface irrigation) was dug adjacent to the bedrock Verde Formation contour and within the clay deposits to provide a gentle (minimal drop), flow and a non-porous, clay bottom to contain the irrigation ditch. Clay to sand transitions occur below the OK Ditch, where flatter, alluvial deposits form the fields that have been farmed since the late 1800's. (Tail water from surface irrigation of these fields is, therefore, returned to the Verde River.)
- The proposed SDRVRS delineation appropriately follows the OK Ditch for most of its course through Middle Verde but diverges into higher terrain (to the north) near subject well 55-621709. Hydrologically and for consistency's sake - for both surface and sub-flow delineations - it would make more sense for the delineation to follow and not (inexplicably) diverge from the OK Ditch.
- Well 55-621709 is above (to the northeast of) the OK Ditch, as are most, if not all, older wells in the area.
- ADWR filed for an SDRVS extension\*\* in order to gather enough information to complete the SDRVS. Given counter arguments from SRP, the Court did not grant the approximately 3-year (2024) extension requested by ADWR but ordered that the report be finished by the end of 2021. Given this history and the admission in ADWR's scientific methodology that "professional judgment" was used, in part, to arrive at the delineation, one must conclude that the delineation contains some hasty, subjective and, possibly, arbitrary



APR 27 2022

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

**IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE**

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Nancy Shiew

Mailing Address 23755 N Hwy 89

Paulden, AZ 86334

Telephone No. (928)636-0388

Statement of Claimant No. ~~39~~ Well registration # 55-553511

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

Given information in Notice of Publication submitted to the  
Court December 30, 2021:

Discovery between parties must be completed Mar. 27, 2023



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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
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OF ALL RIGHTS TO USE WATER IN  
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W-1 (Salt)  
W-2 (Verde)  
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(Consolidated)

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Salt River Project (see Attachment A for full name of objector)

Mailing Address c/o Salmon, Lewis & Weldon, PLC

2850 E. Camelback Road, Suite 200, Phoenix, Arizona 85016

Telephone No. (602) 801-9060

Statement of Claimant No. 39- numerous. See Attachment A

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

See Attachment A

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**CERTIFICATE OF SERVICE**

On this 2nd day of May, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**

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

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) Charles Podolak

Mailing Address of Representative c/o Salmon, Lewis & Weldon, PLC

2850 East Camelback Road, Suite 200, Phoenix, Arizona 85016

Telephone Number of Representative (602) 801-9060

1 John B. Weldon, Jr., 003701  
2 Mark A. McGinnis, 013958  
3 Michael K. Foy, 032736  
4 **SALMON, LEWIS & WELDON, P.L.C.**  
5 2850 East Camelback Road, Suite 200  
6 Phoenix, Arizona 85016  
7 (602) 801-9060  
8 jbw@slwplc.com  
9 mam@slwplc.com  
10 mkf@slwplc.com

11 *Attorneys for Salt River Project Agricultural*  
12 *Improvement and Power District and Salt River*  
13 *Valley Water Users' Association*

14 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

15 **IN AND FOR THE COUNTY OF MARICOPA**

16 IN RE: THE GENERAL  
17 ADJUDICATION OF ALL RIGHTS  
18 TO USE WATER IN THE GILA  
19 RIVER SYSTEM AND SOURCE

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

Contested Case No. W1-106

20 **ATTACHMENT "A" TO SALT RIVER**  
21 **PROJECT'S OBJECTIONS TO**  
22 **SUBFLOW ZONE DELINEATION**  
23 **REPORT FOR VERDE MAINSTEM**  
24 **AND SYCAMORE CANYON**  
25 **SUBWATERSHED**

(Assigned to the Hon. Mark H. Brain)

(Referred to Special Master Susan Ward  
Harris)

26 Contested Case Name: *In re Subflow Technical Report, Verde River Watershed.*

27 Descriptive Summary: SRP submits its objections to the Arizona Department of Water Resources' Subflow Zone Delineation Report for the Verde Mainstem and Sycamore Canyon Subwatershed.

Statement of Claimant Nos.: 39-05-50053 through -50055; 39-07-1040, -1041, -1206, -1207, -1998, -11951 through -11955; 39-11-1976, -1977, -1978, -2217, -2219 through -2223, -2225, -4844 through -4846, -17557; 39-L8-35152, -35157, -35158, -35212, -35213, -35216 through -35218, -132301 through -132309, and -133295.

1           Date of Filing: May 2, 2022.

2           Number of Pages: 13 + 14 (attachments) = 27.

3           On December 30, 2021, the Arizona Department of Water Resources (“ADWR”) filed  
4 its Subflow Zone Delineation Report for the Verde River Mainstem and Sycamore Canyon  
5 Subwatershed (“Mainstem Report”). Pursuant to the Special Master’s Order dated July 30,  
6 2021, the Salt River Valley Water Users’ Association and the Salt River Project Agricultural  
7 Improvement and Power District (collectively, “SRP”) hereby submit their objections to the  
8 Mainstem Report.

9           As a general matter, SRP concurs with the recommendations presented in the  
10 Mainstem Report. SRP retained an expert hydrologist to review the Mainstem Report (Jon  
11 Ford of LRE Water), and Mr. Ford’s analysis confirmed that ADWR generally has developed  
12 and accurately applied an appropriate methodology for delineating the lateral extent of the  
13 subflow zone.<sup>1</sup> Accordingly, SRP’s objections to the Mainstem Report are intended to  
14 address only three discrete issues rather than to broadly critique ADWR’s methodologies or  
15 conclusions. Those issues are as follows:

16           1.       Unlike the San Pedro Watershed, the Verde Mainstem includes two large  
17 surface reservoirs (Bartlett and Horseshoe) that did not exist under predevelopment  
18 conditions. SRP’s objections to ADWR’s methodology for addressing the subflow zone in  
19 the area that is now inundated by those two reservoirs are set forth in Section I, *infra*.

20           2.       A typographical error appears to exist on page 23 of the Mainstem Report. For  
21 purposes of clarity, the Court should direct ADWR to correct that error. *See* Section II, *infra*.

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<sup>1</sup> *See generally* Affidavit of Jon Ford, attached hereto as **Exhibit 1**. The attached affidavit is intended only to confirm that these objections (and SRP’s relative lack of objections) are based on Mr. Ford’s analysis of the Mainstem Report. The affidavit is not intended to provide a comprehensive recitation of Mr. Ford’s opinions regarding the Mainstem Report, nor is it intended to address any objections that other parties might raise. SRP expressly reserves its right to disclose additional affidavits, reports, or memoranda from Mr. Ford or other experts in any subsequent proceedings regarding other parties’ objections to the Mainstem Report.

1           3.       SRP recognizes that the Mainstem Report is intended to address only the Verde  
2 Mainstem and Sycamore Canyon, but Figure 3-1 of the report appears to foreshadow the  
3 tributaries that ADWR intends to investigate for inclusion in its forthcoming delineation  
4 report for the remainder of the Verde Watershed. Based on the contents of Figure 3-1, it  
5 appears that ADWR might not have considered all of the relevant data regarding the  
6 predevelopment conditions of Big Chino Wash, Little Chino Wash, and Granite Creek. The  
7 Court should direct ADWR to consider all relevant data to determine whether those tributaries  
8 were perennial or intermittent (as opposed to ephemeral) under predevelopment conditions.  
9 Furthermore, for purposes of judicial efficiency as discussed below, the Court also should  
10 direct ADWR to perform or procure geologic mapping for any tributaries for which the  
11 predevelopment condition might reasonably be disputed among the parties. *See* Section III,  
12 *infra*.

13           SRP's objections with respect to the subflow zone delineation for Verde Mainstem and  
14 Sycamore Canyon (#1 and #2 above) are discrete and relatively minor. Therefore, SRP does  
15 not believe that discovery or an evidentiary hearing likely is necessary for the purpose of  
16 addressing those two issues. Although an evidentiary hearing might be necessary to address  
17 issues relating to #3 above in subsequent proceedings involving the upcoming ADWR report  
18 for the remainder of the Verde Watershed, no evidentiary hearing on those issues is likely  
19 necessary or appropriate at this time.

20 **I.       Bartlett and Horseshoe Reservoirs**

21           The Adjudication Court has previously addressed the time period that should be used  
22 to delineate the lateral extent of the subflow zone.<sup>2</sup> In particular, "a proper analysis of  
23 subflow require[s] consideration of stream conditions 'prior to widespread diversion and  
24 depletion of Arizona's stream flows.'" *Id.* at 20-21 (quoting Minute Entry, Case No. W1-103  
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26 <sup>2</sup> *See* Order Re: Report of the Special Master of the Arizona Department of Water Resources'  
27 Subflow Technical Report, San Pedro River Watershed and Motion for Approval of Report,  
Case No. W1-103, at 18-24 (Sept. 28, 2005) ("2005 Subflow Order").

1 (Jan. 22, 2002)). The focus on “predevelopment conditions” exists to ensure that ADWR  
2 “outline[s] the subflow zone without having to be concerned that human generated water  
3 diversions or depletions might artificially divest jurisdiction over water right claims this Court  
4 is charged with adjudicating.” *Id.* at 24. At the same time, it is appropriate for ADWR to  
5 take a “practical approach and adopt the earliest predevelopment timeframe for which  
6 accurate and reliable data is available.” *Id.* at 21. Under this practical approach, ADWR  
7 “may find the appropriate predevelopment period differs even within various watersheds due  
8 to the quantity and quality of available data.” *Id.*

9         The Mainstem Report covers two large surface reservoirs (Bartlett and Horseshoe) that  
10 did not exist under predevelopment conditions. In the Mainstem Report, ADWR recognized  
11 that “Bartlett and Horseshoe reservoirs required different mapping than previously seen in the  
12 San Pedro” and explained that “ADWR mapped the HCAF<sup>3</sup> to the high-water mark in aerial  
13 imagery.” *See* Mainstem Report, at 26; *see also id.* at 32. The subflow zone maps for these  
14 reservoirs appear to track the modern water line rather than attempting to delineate the lateral  
15 extent of the saturated floodplain Holocene alluvium prior to construction of the dams that  
16 created these reservoirs. *See id.*, App’x E at Maps 3 and 4 of 13 (depicting proposed subflow  
17 zone near Bartlett and Horseshoe Reservoirs, respectively). The surficial mapping that  
18 accompanies the proposed subflow delineation also appears to reflect present-day conditions  
19 around Bartlett and Horseshoe Reservoirs, as opposed to predevelopment conditions. *See id.*,  
20 App’x B at B-1 (identifying “the surficial geology map units” for the Verde River as  
21 including “Qy1,” which denotes “[m]odern lake and marsh sediments – Underlying geology  
22 buried by lake or marsh sediments (Pecks Lake, Horseshoe and Bartlett Reservoirs).”).

23 ...

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25 <sup>3</sup> “HCAF” is an acronym for “Historic Composite Active Floodplain.” The HCAF is  
26 important to ADWR’s delineation of its proposed subflow zone because “[i]n general, the  
27 subflow zone is delineated by combining the [HCAF] with the floodplain Holocene alluvium  
boundary (“FHA”), which includes setbacks as directed by the Court.” *See* Mainstem Report,  
at 12.

1 To be strictly consistent with the 2005 Subflow Order, ADWR perhaps would need to  
2 use the conditions that existed prior to construction of Bartlett and Horseshoe Dams  
3 (predevelopment conditions) to delineate the lateral extent of the subflow zone near those  
4 reservoirs. *See generally* 2005 Subflow Order. However, the 2005 Subflow Order recognizes  
5 that “the quantity and quality of available data” could affect ADWR’s attempts to delineate  
6 the subflow zone based on predevelopment conditions. *See id.* at 21. Bartlett and Horseshoe  
7 Dams were constructed in the 1930s and 1940s, so detailed geologic mapping likely is not  
8 available in those areas for the period prior to that construction. Because those areas have  
9 been inundated by those reservoirs for more than seventy years, it also is unlikely that any  
10 such geologic mapping has been performed during that period. Thus, SRP does not object to  
11 ADWR’s reliance upon modern data relating to the high-water mark for the areas that are now  
12 inundated by those reservoirs in delineating the subflow zone.<sup>4</sup>

13 If ADWR is going to map that area based upon the presence of the reservoirs,  
14 however, it should use accurate water elevation data to delineate the high-water mark and  
15 consistently apply that data across the entirety of the two reservoirs. Based on SRP’s review  
16 of ADWR’s mapping, it appears that the water elevations that ADWR applied are inaccurate  
17 and internally inconsistent. *See* Mainstem Report, App’x E at Maps 3 and 4 of 13 (depicting  
18 a subflow zone that does not encompass the entirety of Bartlett and Horseshoe Reservoirs).  
19 To assist with remedying this deficiency, accurate data representing the water elevation for  
20 the “top of active conservation pool” for Bartlett and Horseshoe Reservoirs is attached hereto  
21 as **Exhibit 2**. In addition, SRP obtained GIS elevation data for Bartlett and Horseshoe  
22 Reservoirs that reflect the water line for the top of the active conservation pools. That GIS  
23 data is being hand delivered to ADWR on a thumb drive along with these objections. Any  
24 other interested parties may obtain that GIS data by requesting it from the undersigned  
25 counsel for SRP.

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26  
27 <sup>4</sup> It also is unlikely that SRP or any other party will be drilling wells beneath the high-water  
marks of those reservoirs in the future.

1 **II. Correction of Typographical Error**

2 Near the bottom of Page 23 of the Mainstem Report, ADWR cites Figure 5-2 to  
3 illustrate the “peninsula” of Holocene alluvium it observed at River Mile 51. Figure 5-2 does  
4 not depict any such peninsula. It appears that ADWR’s reference to Figure 5-2 is a  
5 typographical error and that ADWR intended to reference Figure 5-3, which appears on Page  
6 25. The Court should direct ADWR to correct that typographical error to avoid future  
7 confusion.

8 **III. Figure 3-1**

9 Figure 3-1 of the Mainstem Report is captioned as “Predevelopment and Present-Day  
10 Perennial and Intermittent Streams in the Verde River Watershed & AZGS Mapped Geology  
11 (2010, 2021).” The body of the report states: “Figure 3-1 includes the extent of the AZGS  
12 geologic mapping as contracted by ADWR in 2008 and 2021 for Sycamore Canyon and the  
13 Verde River.” *See* Mainstem Report, at 14 (bolding in original).

14 As set forth below, based upon Figure 3-1 and language of Section 3.3 of the  
15 Mainstem Report, it appears that ADWR might intend to map the subflow zone for the  
16 remainder of the Verde Watershed without first considering all relevant historic sources that  
17 address the predevelopment condition of Big Chino Wash, Little Chino Wash, and Granite  
18 Creek. ADWR must examine all relevant historic evidence to determine whether a now-  
19 ephemeral tributary nevertheless has a subflow zone due to its being historically perennial or  
20 intermittent.

21 **A. The “Ephemeral Stream” Exception**

22 In *Gila IV*, the Supreme Court of Arizona considered whether the Adjudication Court  
23 “properly determined what underground water constitutes ‘subflow’ of a surface stream, thus  
24 making it appropriable . . . .” 198 Ariz. at 333, 9 P.3d at 1072. The Adjudication Court’s  
25 order had determined, among other things, that subflow requires a saturated geologic unit and  
26 that subflow must “be a part of the surrounding floodplain of the stream basin.” *Id.* at 337, 9  
27 P.3d at 1076. That floodplain “must be the alluvial plain of a perennial or intermittent stream

1 and *not* an ephemeral stream . . . .” *Id.* (emphasis original, internal quotation marks omitted).  
2 Thus, this Court concluded that “[a] ‘subflow’ zone is adjacent [to] and beneath a perennial or  
3 intermittent stream and not an ephemeral stream.” *Id.* at 338, 9 P.3d at 1077. The Supreme  
4 Court affirmed the Adjudication Court’s order “in all respects.” *Id.* at 344, 9 P.3d at 1083.

5 The determination of whether a watercourse is ephemeral, for purposes of the  
6 “ephemeral stream” exclusion, includes a temporal element.<sup>5</sup> In the 2005 Subflow Order, this  
7 Court recognized an exception to the ephemeral stream exclusion for “streams  
8 that would legitimately be categorized as ephemeral, but only because of the effect of surface  
9 water diversions or groundwater pumping.” *Id.* at 23. The Court offered the following  
10 explanation of that exception:

11 The exception requires, in effect, that these streams be considered in a  
12 predevelopment state. That is, if one assumes away the effects of diversions  
13 and pumping, would the subject streams share the characteristics of an adjacent  
14 intermittent or perennial stream? If the answer is “yes,” they can be included  
15 within the subflow zone due to their predevelopment attributes. Instead of an  
16 admonition to use only current conditions, the ephemeral stream exception is  
17 evidence that the Goodfarb Order contemplated that ADWR would outline the  
subflow zone without having to be concerned that human generated water  
diversions or depletions might artificially divest jurisdiction over water right  
claims this Court is charged with adjudicating.

18 *Id.* at 23-24 (emphasis added). Accordingly, a stream lacks a subflow zone only if that stream  
19 was ephemeral during the “predevelopment state” that preceded modern surface diversions  
20 and pumping. *See id.*

21 The Special Master recognized the “predevelopment state” principle when ordering  
22 ADWR to begin preparing a delineation report in the Verde Watershed.<sup>6</sup> In the Verde  
23 Subflow Order, the Special Master directed ADWR to prepare a technical report for perennial  
24 and intermittent streams in the Verde River Watershed. *Id.* at 2. However, the Special Master  
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26 <sup>5</sup> *See* 2005 Subflow Order.

27 <sup>6</sup> *See* Order for Production of a Subflow Zone Delineation Technical Report for the Verde  
River Watershed, Case No. W1-106 (Nov. 27, 2017) (“Verde Subflow Order”).

1 specifically directed ADWR to include “the subflow zone of ephemeral reaches of perennial  
2 and intermittent streams if: (1) anthropological surface water diversions or groundwater  
3 pumping caused that portion of the perennial or intermittent stream to become ephemeral; and  
4 (2) a saturated zone exists beneath the ephemeral reach that is connected to the saturated zone  
5 beneath the adjoining perennial or intermittent reaches.” *Id.*

6 Based upon prior filings by SRP and various other parties, SRP expects that the nature  
7 of certain tributaries in their “predevelopment state” might be an issue of contention among  
8 the parties when the subflow delineation report for the remainder of the Verde Watershed is  
9 issued. At some future stage of the proceedings, that issue might require an evidentiary  
10 hearing.

11 The first step of the ADWR’s subflow delineation process is to prepare or procure  
12 geologic mapping for the relevant watercourses. Given the time involved in procuring such  
13 mapping,<sup>7</sup> SRP suggests that ADWR should err on the side of caution by procuring geologic  
14 mapping for any tributary for which the question of whether it was perennial, intermittent, or  
15 ephemeral under predevelopment conditions might reasonably be subject to dispute among  
16 the parties. If ADWR has not taken at least that initial step of procuring the geologic mapping  
17 for a tributary that the Court later determines to have been perennial or intermittent under  
18 predevelopment conditions, ADWR would need to repeat that part of its process with respect  
19 to that tributary after the Court’s ruling. The need to backtrack and perform such additional  
20 technical work at a relatively late stage would further slow the progress toward a Court-  
21 approved subflow delineation. The lack of an approved delineation would, in turn, delay the  
22 adjudication of claims in the Verde River Watershed.

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24 <sup>7</sup> *See, e.g.*, Arizona Department of Water Resources’ Request for Extension of Time (April 2,  
25 2021) (requesting twenty-three additional months to obtain geologic mapping from the AZGS  
26 and prepare its subflow delineation report); Arizona Department of Water Resources’  
27 Response to Proposals Made by the Salt River Project and the United States in Open Court on  
June 10, 2021 Re Subflow Zone Report Deadlines, at 2 (July 2, 2021) (stating that it was  
“very unlikely” that AZGS “would be able to complete the necessary mapping in time for  
ADWR to issue a partial Subflow Zone Report by December 31, 2021”).

1           Conversely, no delay would result from ADWR procuring geologic mapping for a  
2 tributary that is later determined to have been ephemeral under predevelopment conditions. If  
3 the geologic mapping was in place for that tributary, the belated delineation of the subflow  
4 zone of that tributary would be significantly expedited, thus reducing any delay associated  
5 with finalizing the subflow zone delineation and facilitating progress toward adjudicating  
6 claims in the watershed.

7           **B.       Classification of Streams in Figure 3-1**

8           As required under *Gila IV*, the 2005 Subflow Order, and the Verde Subflow Order,  
9 ADWR correctly notes that a stream may have a subflow zone under the “ephemeral stream  
10 exception” even if that stream currently is ephemeral. *See* Mainstem Report, at 13. To that  
11 end, as discussed above, Figure 3-1 of the Mainstem Report purports to depict  
12 “Predevelopment and Present-day Perennial and Intermittent Streams in the Verde River  
13 Watershed and AZGS Mapped Geology.” *See id.* at iii & Fig. 3-1. ADWR states that it  
14 “consulted Brown et al. 1981, Freethy et al. 1986, TNC 2010, and Turner and List 2007  
15 when developing methodologies for identifying and classifying streams” as perennial,  
16 intermittent, or ephemeral. *See id.* at 13 n.31; *see also id.* at 14 (“The sources used for the  
17 stream determinations are listed on Figure 3-1.”).

18           While ADWR is correct to consult the sources listed in Figure 3-1 as part of its efforts  
19 to ascertain historic stream conditions, the sources that ADWR relies upon are inadequate  
20 standing alone. This Court has previously held that, when determining whether a stream was  
21 intermittent or perennial under predevelopment conditions, ADWR should “consider a wide  
22 variety of resources (e.g., historical data, scientific reports, aerial photography, and field  
23 studies) when attempting to locate all the streams within a watershed . . . .” 2005 Subflow  
24 Order, at 24. Various additional sources that are not mentioned by ADWR also address the  
25 predevelopment conditions of Big Chino Wash, Little Chino Wash, and Granite Creek.  
26 Representative samples of that evidence are briefly discussed below. In accordance with the  
27 2005 Subflow Order, ADWR should consider a “wide variety” of evidence to make its

1 determinations regarding predevelopment streamflows, including the evidence discussed  
2 below.

3 **C. Additional Tributaries Potentially Subject to the “Ephemeral Stream”**  
4 **Exception**

5 Based on the context, it appears that ADWR intends to use Figure 3-1 to determine  
6 which Verde tributaries should have a subflow zone despite their currently being ephemeral.  
7 *See* discussion, *supra*. Figure 3-1 does not indicate the existence of perennial or intermittent  
8 reaches for any part of Big Chino Wash and includes only portions of Little Chino Wash and  
9 Granite Creek. As set forth below, historic evidence demonstrates that Big Chino Wash was  
10 not ephemeral under predevelopment conditions. The historic evidence also demonstrates  
11 that several reaches of Little Chino Wash and Granite Creek were intermittent or perennial  
12 under predevelopment conditions.

13 1. Big Chino Wash

14 SRP previously addressed the Big Chino in its Response to ADWR’s Request for  
15 Extension of Time and Motion for Reconsideration of Order Granting Request for Extension  
16 of Time, which SRP filed in this case on April 21, 2021 (“Continuance Response”). Rather  
17 than restate those arguments, SRP hereby incorporates by reference Section II(B) of the  
18 Continuance Response. As set forth in the Continuance Response, a variety of USGS  
19 analyses, surveyor comments, newspaper articles, and litigation filings confirm that the Big  
20 Chino was intermittent or perennial until as recently as 1950. Therefore, the Big Chino  
21 should be included in ADWR’s upcoming delineation report for the remainder of the Verde  
22 Watershed.

23 2. Little Chino Wash

24 In a prior filing, ADWR stated that it intended to evaluate approximately four miles of  
25 Little Chino Wash that it described as “South of Paulden, flows to Sullivan Lake.”<sup>8</sup> In Figure

26 \_\_\_\_\_  
27 <sup>8</sup> *See* ADWR’s Request for Extension of Time, Case No. W1-106, at Table 1 (page 2 of 5)  
(April 2, 2021) (“Extension Request”).

1 3-1, an unlabeled area of approximately four miles is highlighted in the location of Little  
2 Chino Wash. To the extent that ADWR plans to consider only four miles of Little Chino  
3 Wash for subflow delineation, the delineation likely would omit at least two stream miles that  
4 were perennial under predevelopment conditions and, therefore, should have a subflow zone.

5 Under predevelopment conditions, there was “a 6-mi perennial reach in Little Chino  
6 Creek” that originated “at Del Rio Springs.”<sup>9</sup> As explained by the USGS, “[p]erennial flow  
7 apparently was once but is no longer continuous from Del Rio Springs via what is now  
8 Sullivan Lake (the topographical confluence of Big and Little Chino Valleys) to the mouth of  
9 Granite Creek.”<sup>10</sup> Although “[p]erennial flow in the Verde River historically began near Del  
10 Rio Springs,” “year-round flow to Sullivan Lake via Little Chino Creek had disappeared by  
11 the early 1970s.”<sup>11</sup> ADWR also has confirmed that Del Rio Springs “provides essentially  
12 permanent baseflow conditions in Little Chino Creek below the springs.”<sup>12</sup> Thus, ADWR  
13 should investigate, at a minimum, the six-mile reach of the Little Chino that was historically  
14 perennial.

### 15 3. Granite Creek

16 In Table 3-1, ADWR appears to depict portions of Granite Creek as intermittent or  
17 perennial under predevelopment conditions. This is consistent with ADWR’s prior statement  
18 that it intends to conduct approximately 28 miles of subflow mapping along Granite Creek  
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20 <sup>9</sup> Laurie Wirt, *The Verde River Headwaters, Yavapai County, Arizona*, Open File Report  
21 2004-1411-A, Ch. A at A17 (USGS 2005), *available at* <https://on.doi.gov/3roP6qW> (last  
22 accessed April 13, 2022).

23 <sup>10</sup> *See* Wirt & Hjalmanson, *Sources of Springs Supplying Base Flow to the Verde River*  
24 *Headwaters, Yavapai County, Arizona*, Open File Report 99-0378, at 6 (USGS 2000),  
*available at* <https://on.doi.gov/3KJIUCH> (last accessed April 13, 2022) (internal citations  
omitted).

25 <sup>11</sup> Wirt, *supra*, at A11; *see also id.* at A16-A17.

26 <sup>12</sup> ADWR Modeling Report No. 9, *Hydrogeology and Simulation of Groundwater Flow,*  
27 *Prescott Active Management Area*, at 27 (Sept. 1995), *available at* <https://bit.ly/3rnFQ6s> (last  
accessed April 13, 2022).

1 from “Prescott to southeast of Paulden.” *See* Extension Request, at Table 1. It also is  
2 consistent with the USGS’s observation that, even today, there are “several intermittent  
3 reaches” of Granite Creek near Prescott.<sup>13</sup> There is extensive historic documentation  
4 regarding the predevelopment conditions of Granite Creek. As examples of that evidence,  
5 SRP refers ADWR to Wirt, *supra*; Wirt & Hjalmarson, *supra*; Geology of the Prescott and  
6 Paulden Quadrangles, Arizona;<sup>14</sup> and Annual Reports of the Department of the Interior.<sup>15</sup>

7 **IV. Conclusion**

8 For the foregoing reasons, SRP requests that the Court direct ADWR to, prior to  
9 finalizing its Mainstem Report (1) use accurate data to plot the high-water line in the vicinity  
10 of Bartlett and Horseshoe Reservoirs and (2) correct the typographical error on Page 23. *See*  
11 Sections I & II, *supra*.

12 Furthermore, with respect to its upcoming report on the subflow delineation for the  
13 remainder of the Verde Watershed, the Court should direct ADWR to (1) consider all relevant  
14 historical information, including the documents referenced herein, to determine  
15 predevelopment conditions for Big Chino Wash, Little Chino Wash, and Granite Creek and  
16 (2) prepare or procure geologic mapping for any tributaries that might reasonably be  
17 determined to have been perennial or intermittent under predevelopment conditions. *See*  
18 Section III, *supra*.

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24 <sup>13</sup> *See* Wirt & Hjalmarson, *supra*, at 21.


25 <sup>14</sup> Medora H. Krieger, Geology of the Prescott and Paulden Quadrangles, Arizona, Geological  
26 Survey Professional Paper 467, at 114-15, 118 (1965), *available at* <https://bit.ly/37ib9ZK> (last  
accessed April 14, 2022).

27 <sup>15</sup> Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1903,  
Miscellaneous Reports, Part II, at 351-52 (1903).

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DATED this 2nd day of May, 2022.

SALMON, LEWIS & WELDON, P.L.C.

By:   
John B. Weldon, Jr.  
Mark A. McGinnis  
Michael K. Foy  
2850 East Camelback Road, Suite 200  
Phoenix, Arizona 85016  
Attorneys for SRP

ORIGINAL of the foregoing hand-delivered  
this 2nd day of May, 2022 to:

Clerk of the Superior Court  
Maricopa County  
Attn: Water Case  
601 West Jackson Street  
Phoenix, AZ 85003

AND COPY hand-delivered this 2nd day of  
May, 2022 to:

Susan Ward Harris  
Special Master  
Central Court Building, Ste. 3A  
201 West Jefferson  
Phoenix, AZ 85003-2205

Arizona Department of Water Resources  
Legal Division  
Kimberly P. Parks  
Janet L. Miller  
1110 W. Washington Street, Suite 310  
Phoenix, AZ 85007

AND COPY mailed to all persons appearing on  
the Court-approved mailing list in Case No.  
W1-106, dated March 10, 2022.

  
\_\_\_\_\_

# **EXHIBIT 1**



### **Purpose of Affidavit**

5. I am familiar with issues relating to groundwater and subflow in Arizona, in part as a result of my work for the Salt River Valley Water Users' Association and the Salt River Project Agricultural Improvement and Power District (collectively, "SRP").

6. I have reviewed a copy of the December 30, 2021 technical report submitted to the Gila River Adjudication Court by the Arizona Department of Water Resources ("ADWR") relating to the determination of the lateral extent of the subflow zone along the mainstem of the Verde River and Sycamore Canyon Creek in the Verde Watershed. That report is entitled "Subflow Zone Delineation Report for the Verde River Mainstem and Sycamore Canyon Subwatershed" ("Mainstem Report"). My review of the Mainstem Report included all tables, figures, and appendices. The purpose of this affidavit is to present a general summary of my review of the Mainstem Report. This affidavit is not intended to necessarily present all of my specific technical opinions regarding the Mainstem Report, nor is it intended to address opinions or critiques that other parties might submit regarding the Mainstem Report.

7. The statements contained in this Affidavit are made based upon my own personal knowledge and upon work performed by me or by the staff at LRE under my direct supervision.

### **Subflow Experience**

8. I served as a consulting groundwater hydrology expert on behalf of SRP in the 1987 proceedings before Judge Goodfarb of the Maricopa County Superior Court regarding the interaction of groundwater and surface water, which resulted in the Arizona Supreme Court's opinion in *In re General Adjudication of All Rights to Use Water in the Gila River System and Source*, 175 Ariz. 382, 857 P.2d 1236 (1993) ("*Gila II*").

9. I also served as a consulting groundwater hydrology expert for SRP in the subsequent proceedings before Judge Goodfarb regarding "subflow," which resulted in the Arizona Supreme Court's opinion in *In re the General Adjudication of All Rights to Use Water in the Gila River System and Source*, 198 Ariz. 330, 9 P.3d 1060 (2000) ("*Gila IV*").

10. I served as SRP's groundwater hydrology expert in proceedings regarding the Subflow Zone Delineation Report that ADWR prepared in 2009 for the San Pedro Watershed, including providing testimony at the evidentiary hearing that was held in August and September of 2015 regarding ADWR's proposed delineation.

11. I served as SRP's groundwater hydrology expert in proceedings regarding the cone of depression test to be applied for purposes of determining the extent of the Adjudication Court's jurisdiction, including providing testimony at the evidentiary hearing that was held in March 2018 for purposes of determining the appropriate cone of depression test.

12. I also am serving as SRP's groundwater hydrology expert in the ongoing proceedings to develop a "depletion test" to determine the extent to which wells that are located outside of the subflow zone are withdrawing appropriable water.

13. I served as a testifying groundwater hydrology expert for SRP in the evidentiary hearing held before Special Master Harris in February 2021 with respect to the delineation of the vertical boundaries of the subflow zone in the San Pedro Watershed for purposes of depletion modeling.

14. Based on my work in these proceedings and my training and education, I have developed, in addition to my knowledge of groundwater and geology, an extensive knowledge of the tests and methodologies that are used to delineate subflow zones on Arizona streams in a manner that complies with *Gila II*, *Gila IV*, and the orders issued by the Gila River Adjudication Court to implement those decisions.

#### **Opinions re Mainstem Report**

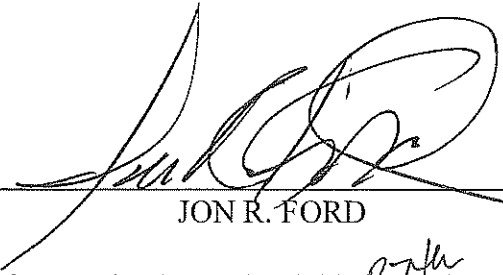
15. I am familiar with the orders that Special Master Harris has issued with respect to the delineation of the subflow zone in the Verde Watershed, including the November 27, 2017 "Order for Production of a Subflow Zone Delineation Technical Report for the Verde River Watershed," the minute entry filed March 4, 2020, and the July 30, 2021 "Order Granting Request for Extension in Part and Denying Request in Part and Order Setting Schedule."

16. The focus of my review of the Mainstem Report was determining (1) whether ADWR employed a technically sound and reliable methodology for delineating the subflow zone, and (2) whether ADWR accurately and reasonably applied its methodology.

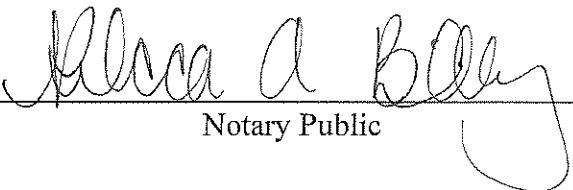
17. I generally agree with ADWR's approach to delineating the subflow zone within the area covered by the Mainstem Report. It is my professional opinion that ADWR has developed procedures to comply with *Gila II*, *Gila IV*, and the Adjudication Court's prior rulings with respect to the delineation of the subflow zone. It is my opinion that, if implemented, ADWR's methodology will lead to a reasonable and technically sound delineation of the subflow zone.

18. My opinion is that in addition to developing an appropriate methodology, ADWR has accurately applied its delineation methodology to the Verde Mainstem and Sycamore Canyon. If adopted, the subflow zone as depicted in Appendix E to the Mainstem Report (Subflow Zone Delineation Map Series) would represent a technically sound delineation.

19. In addition to reviewing the portions of the Mainstem Report that were specific to the delineation of the subflow zone for the Verde Mainstem and Sycamore Canyon, I also reviewed Figure 3-1 of the Mainstem Report, as well as the discussion of Figure 3-1 that appears on pages 13 and 14 of the Mainstem Report. Figure 3-1 of the Mainstem Report purports to depict "Predevelopment and Present-day Perennial and Intermittent Streams in the Verde River Watershed & AZGS Mapped Geology." The Mainstem Report states at Page 13 that ADWR "consulted Brown et al. 1981, Freethey et al. 1986, TNC 2010, and Turner and List 2007 when developing methodologies for identifying and classifying streams" that are depicted in Figure 3-1. In addition to these sources identified by ADWR, there are various additional studies and historic materials that address the predevelopment conditions of the Big Chino Wash, Little Chino Wash, and Granite Creek, among other Verde tributaries. Therefore, it is my opinion that ADWR has not considered a sufficiently wide variety of resources in its efforts to classify the predevelopment conditions of all Verde tributaries.

  
\_\_\_\_\_  
JON R. FORD

SUBSCRIBED AND SWORN TO before me by Jon R. Ford this 27<sup>th</sup> day of  
April, 2022.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
11/16/2022

REBECCA ANN BAILEY  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20184044501  
MY COMMISSION EXPIRES 11/16/2022

# **EXHIBIT 2**



MENU

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## PROJECTS & FACILITIES

*Reclamation / Projects & Facilities / Dams / Bartlett Dam*

PROJECTS & FACILITIES

### Bartlett Dam



State: Arizona

Region: Lower Colorado Basin Region

#### Related Documents

#### Related Facilities

Select a Project ▾

Select a Dam ▾

#### Related Links

National Forest Service - Managing Partner

Overview	Details
----------	---------

## GENERAL

Project	Salt River
Dam Type	Multiple Arch/Buttress
Location	48 miles northeast of Phoenix, Arizona
Longitude	-111.631856
Latitude	33.81825
Reservoir	Bartlett Lake
Original Construction	1936-1939
National ID Number	AZ10308
Base Width	7.5 feet (base of arches)
Watercourse	Verde River
Modified Construction	1994-1996

## DIMENSIONS

Crest Elevation	1821 ft
Top Parapet (Elevation)	1824.5 ft
Structural Height	308.5 ft
Hydraulic Height (Normal Operating Depth at Dam)	188.0 ft
Crest Length	823 ft
Top of Active Conservation Pool (Elevation)	1798 ft
Volume of Dam Construction Materials	223,773 cu-yds (post-modifications)
Streambed at Dam Axis	1540 feet
Crest Width	4.5 ft (top of arches)
Top of Dead Storage Pool (Elevation)	1610 ft (bottom elevation of sluiceway slide gate outlets)

## HYDRAULICS & HYDROLOGY

Spillway Type	Service
Auxiliary Spillway	Yes
Auxiliary Spillway Capacity at Elevation	261,700 cfs at 1821.0 ft
Spillway Capacity at Elevation	287,500 cfs at 1821.0 ft
Uncontrolled Spillway Capacity at Elevation	261,700 cfs at 1821.0 ft
Outlet Works Capacity at Elevation	2400 cfs at 1798.0 ft
Drainage Area	6,160 sq mi
Hydrometeorological Report (HMR)	HMR 49
Maximum Water Surface Elevation	1821.0 ft
Normal Water Surface Elevation	1798.0 ft
Total Water Storage at Elevation	178,000 af at 1798.0 ft

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## Contact

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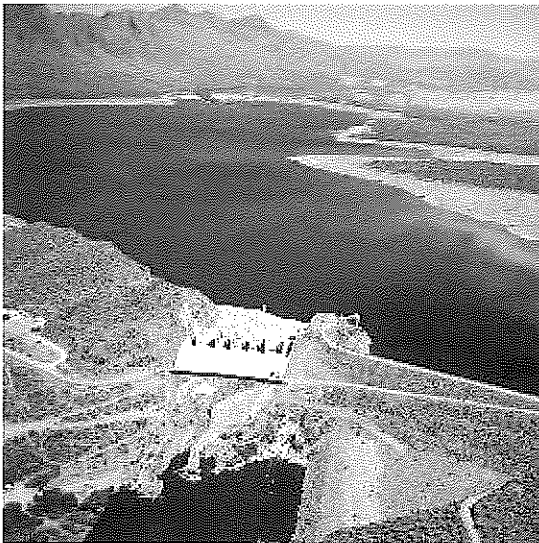
MENU

## PROJECTS & FACILITIES

*Reclamation / Projects & Facilities / Dams / Horseshoe Dam*

PROJECTS & FACILITIES

### Horseshoe Dam



State: Arizona

Region: Lower Colorado Basin Region

#### Related Documents

#### Related Facilities

Select a Project ▾

Select a Dam ▾

#### Related Links

[Horseshoe Reservoir on Recreation.gov](#)

Overview	Details
----------	---------

## GENERAL

Project	Salt River
Dam Type	Zoned Rockfill Embankment
Location	58 miles northeast of Phoenix, AZ
Longitude	-111.708939
Watercourse	Verde River
Reservoir	Horseshoe
Original Construction	1944-1946
National ID Number	AZ10310
Latitude	33.9834
Modified Construction	1949, 1952, 1993
Base Width	619 ft

## DIMENSIONS

Top Parapet (Elevation)	2055.0 ft
Structural Height	202.0 ft
Crest Length	1652.0 ft (with spillways 1994 ft)
Crest Width	16.0 ft
Top of Active Conservation Pool (Elevation)	2026.0 ft
Volume of Dam Construction Materials	1,595,780 cu-yds
Spillway Crest Elevation	2000.0 ft
Streambed at Dam Axis	1894.9 ft
Crest Elevation	2052.0 ft
Hydraulic Height (Normal Operating Depth at Dam)	157.0 ft
Top of Dead Storage Pool (Elevation)	1915.0 ft (Tunnel intake elevation)

## HYDRAULICS & HYDROLOGY

Spillway Type	Gate concrete ogee crest
Auxiliary Spillway	Yes
Auxiliary Spillway Capacity at Elevation	240,000 cfs at 2051.5 ft
Total Water Storage at Elevation	131,500 af at 2026.0 ft
Uncontrolled Spillway Capacity at Elevation	558,000 cfs at 2051.5 ft
Outlet Works Capacity at Elevation	2200.0 cfs at 2026.0 ft
Drainage Area	5630 sq mi
Hydrometeorological Report (HMR)	HMR 49
Maximum Water Surface Elevation	2051.9 ft
Normal Water Surface Elevation	2026 ft

---

## Contact

### OWNER

**Title:** Area Office Manager  
**Organization:** Phoenix Area Office  
**Address:** 6150 West Thunderbird Road  
**City:** Glendale, AZ 85306-6200  
**Fax:** 623-773-6480  
**Phone:** 623-773-6200

### OPERATOR

**Organization:** Area Office Manager  
**Address:** Phoenix Area Office  
**City:** Phoenix, AZ 85306-6200  
**Phone:** 623-773-6200

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APR 20 2022

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. WI-106

OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED

Special Master Susan Ward Harris

OBJECTOR

Name (printed) Starr Bennett, trustee Starr Bennett Trust <sup>Living</sup>

Mailing Address PO Box 606 Paulden, Az 86334

Telephone No. (928) 636-5500 cell (928) 899-0432

Statement of Claimant No. 59-525743

STATEMENT OF OBJECTION

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page

I received 2 letters from ADWR off the Maricopa Superior Court approved Mailing List. My property and wells are located in Court Ordered

2023 Second study. I am selling my property and transferring my wells in June 2022. I am objecting now to allow/provide access for new owners, Cory and Shanti Rade, 21640 N. Juniper Ridge, Paulden, Az 86334, to receive Court Proceedings and 2023 studies, to continue with process, if they want. Kindly provide easy cancellation if they don't want to pursue further.

CERTIFICATE OF SERVICE

On this 14 day of April, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail or Hand Delivery:  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by May 2, 2022.

*Stan Bennett, trustee*

Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment.

Name of Representative (printed) \_\_\_\_\_

Mailing Address of Representative \_\_\_\_\_

Telephone Number of Representative \_\_\_\_\_

Run Date: 11/27/2007

# AZ DEPARTMENT OF WATER RESOURCES

## WELL REGISTRY REPORT - WELLS55

Location B 17.0 2.0 4 A A A Well Reg.No 55 - 525743 AMA NOT WITHIN ANY AMA OR INA

Registered Name STARR BENNETT LIVING TRUST PO 606 PAULDEN AZ 86334  
File Type NEW WELLS (INTENTS OR APPLICATIONS)  
Application/Issue Date 08/23/1989

Owner OWNER  
Driller No. 331  
Driller Name C.E.T., INC.  
Driller Phone 928-636-2803  
County YAVAPAI  
Parcel No. 306-40-327A  
Intended Capacity GPM 300.00  
Well Type NON-EXEMPT  
SubBasin BIG CHINO  
Watershed VERDE RIVER  
Registered Water Uses IRRIGATION  
Registered Well Uses WATER PRODUCTION  
Discharge Method METER  
Power ELECTRIC MOTOR 1 - 5 HP

Well Depth 298.00 Case Diam 8.00 Tested Cap 100.00  
Pump Cap. 100.00 Case Depth 298.00 CRT X  
Draw Down 0.00 Water Level 145.00 Log X  
Acres Irrig 10.00 Finish STEEL - PERFORATED OR SLOTTED CASING

Contamination Site: NO - NOT IN ANY WQARF SITE

Comments

Current Action

10/12/2004 860 CHANGE OF WELL OWNERSHIP  
Action Comment: DH

Action History

7/11/1989 805 COMPLETION REPORT RECEIVED  
Action Comment:  
7/11/1989 750 WELL LOG RECEIVED  
Action Comment:  
7/11/1989 755 WELL CONSTRUCTION COMPLETED  
Action Comment:

STATEMENT OF CLAIMANT

"39"

ASSIGNMENT

Gila River Adjudication

SUPERIOR COURT OF MARICOPA COUNTY

By court order, a statement of claimant must be assigned whenever there is a change in ownership of land for which the claim for a water right was made, or there is a change in ownership of the water right that is either not appurtenant to land or that has been transferred from one parcel of land to another. This form is to be used to assign statements of claimant ("39s") filed in the general adjudication of the Gila River System and Source, which includes the Salt River, San Pedro River, Upper Gila River, Verde River, Agua Fria River, Lower Gila River and Upper Santa Cruz River watersheds. After the assignment is completed, the new owner will be substituted as a party in the Gila River adjudication.

GENERAL INSTRUCTIONS

Each side of this form must be completed, signed by each buyer and seller, and notarized. The name, address and phone number for each buyer and seller must also be provided. If necessary, additional copies of this form may be attached.

A copy of a legal document that establishes that a change of ownership has occurred must be submitted with this form. This requirement may be satisfied by providing either a copy of a duly recorded deed, a copy of the county assessor's tax parcel notice, or other similar document.

More than one statement of claimant may be assigned on a single form if the assignors (sellers) and assignees (buyers) are identical. Otherwise, a separate form must be submitted. For example, if the ownership of the land or the water right is subdivided and conveyed to different buyers, then a separate form must be completed for each of the different buyers.

After this form is completed, please submit it to the Arizona Department of Water Resources, Attention: Adjudications, P.O. Box 36020, Phoenix, AZ 85067-6020. The Department will record the assignment and forward this form to the Superior Court of Maricopa County. If you have any questions regarding this form, please contact the Arizona Department of Water Resources at (866) 246-1414.

ASSIGNMENT

The undersigned parties hereby notify the Superior Court of Maricopa County of the assignment of the following statements of claimant:

39- <sup>55</sup>525743 <sup>priority Date</sup> 10/10/89 filed in the verde watershed.

39- 55-525215 <sup>Priority Date</sup> 8/15/89 filed in the verde watershed.

39- \_\_\_\_\_ filed in the \_\_\_\_\_ watershed.

39- \_\_\_\_\_ filed in the \_\_\_\_\_ watershed.

39- \_\_\_\_\_ filed in the \_\_\_\_\_ watershed.

reacknowledged 9/10/2020  
No Warranty Deed until Payoff #B

Payoff schedule 12/2022 #B

Type of legal document enclosed to establish a change of ownership:

- Recorded Deed (date, file number, county) \_\_\_\_\_
- Tax Parcel Notice (date, county) \_\_\_\_\_
- Other (date, description) \_\_\_\_\_

**ASSIGNOR (seller):**

**ASSIGNEE (buyer):**

Steve A Bennett, trustee  
Name (printed or typed)

\_\_\_\_\_  
Name (printed or typed)

PO Box 606  
Address

\_\_\_\_\_  
Address

Pawden, Az 86334

(928) 899-0437  
Telephone

( ) \_\_\_\_\_  
Telephone

Steve A. Bennett  
Signature

\_\_\_\_\_  
Signature

STATE OF ARIZONA )  
County of YAVAPAI )

STATE OF ARIZONA )  
County of \_\_\_\_\_ )

The foregoing instrument was  
acknowledged and signed before  
me this 10 day of  
July, 2020  
by \_\_\_\_\_

The foregoing instrument was  
acknowledged and signed before  
me this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_  
by \_\_\_\_\_

Annie Wagner

Annie Wagner  
Notary Public

\_\_\_\_\_  
Notary Public

My commission expires: April 15 2024

My commission expires: \_\_\_\_\_





Arizona Department of Water Resources  
Adjudications Administrative Support  
1110 West Washington Street, Suite 310  
Phoenix, Arizona 85007

*Didin 2002*

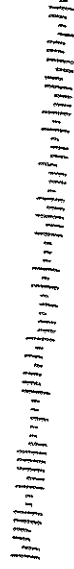
BENNETT, BYARD  
PO BOX 606  
PAULDEN, AZ 86334-0606

12/31/2002



411-158

86334



APR 20 2022

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. W1-106

OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED

Special Master Susan Ward Harris

OBJECTOR

Name (printed) *Starr Bennett, trustee Living Trust*

Mailing Address *PO Box 606 Pinalden Az 86334*

Telephone No. *(928) 636-5500 cell (928) 899-0432*

Statement of Claimant No. *39-525215*

STATEMENT OF OBJECTION

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

*I received 2 letters from ADWR from the Maricopa County Superior Court approved mailing list. My property and wells are located in Court Ordered*

2023 Second study. I am selling my property  
and transferring my wells in June 2022. I am  
objecting now to allow/provide access for new  
owners, Cary and Shanti Rade, 21640 N. Juniper Ridge  
Paulden Az 86334, to receive Court Proceedings  
and 2023 studies, to continue process, if they want  
Kindly provide easy way to cancel for them if they  
don't go on.

CERTIFICATE OF SERVICE

On this 14 day of April, 2022, I certify that the original Objection and  
two copies were sent by first class mail, or hand delivered, to

Via First Class Mail or Hand Delivery:

Clerk of the Maricopa Superior Court  
Att: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that  
your objection will be received by the court by May 2, 2022.

  
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the  
following information below or by attachment.

Name of Representative (printed)

Mailing Address of Representative

Telephone Number of Representative

Run Date: 11/27/2007

# AZ DEPARTMENT OF WATER RESOURCES

## WELL REGISTRY REPORT - WELLS55

Location B 17.0 2.0 4 A B A

Well Reg.No  
55 - 525215

AMA NOT WITHIN ANY AMA OR INA

Registered Name STARR BENNETT LIVING TRUST  
PO 606

PAULDEN AZ 86334

File Type NEW WELLS (INTENTS OR APPLICATIONS)  
Application/Issue Date 07/10/1989

Owner OWNER  
Driller No. 331  
Driller Name C.E.T., INC.  
Driller Phone 928-636-2803  
County YAVAPAI

Well Type NON-EXEMPT  
SubBasin BIG CHINO  
Watershed VERDE RIVER  
Registered Water Uses DOMESTIC  
Registered Well Uses WATER PRODUCTION  
Discharge Method BUCKET - BARREL - STOPWATCH  
Power ELECTRIC MOTOR 1 - 5 HP

Intended Capacity GPM 60.00

Well Depth 298.00  
Pump Cap. 60.00  
Draw Down 0.00

Case Diam 8.00  
Case Depth 298.00  
Water Level 145.00  
Acres Irrig 12.00

Tested Cap 60.00  
CRT X  
Log X  
Finish STEEL - PERFORATED OR SLOTTED  
CASING

Contamination Site: NO - NOT IN ANY WQARF SITE

Comments

### Current Action

11/19/2004 860 CHANGE OF WELL OWNERSHIP  
Action Comment: cl

### Action History

11/10/2004 855 CHANGE OF WELL LEGAL DESCRIPTION  
Action Comment: OLD LEGAL DESC: B(17.0-2.0) 4 AAA  
11/10/2004 855 CHANGE OF WELL LEGAL DESCRIPTION  
Action Comment: cl  
7/20/1989 750 WELL LOG RECEIVED.  
Action Comment:  
7/20/1989 805 COMPLETION REPORT RECEIVED  
Action Comment:  
7/20/1989 755 WELL CONSTRUCTION COMPLETED  
Action Comment:

**STATEMENT OF CLAIMANT**

**"39"**

**ASSIGNMENT**

**Gila River Adjudication  
SUPERIOR COURT OF MARICOPA COUNTY**

By court order, a statement of claimant must be assigned whenever there is a change in ownership of land for which the claim for a water right was made, or there is a change in ownership of the water right that is either not appurtenant to land or that has been transferred from one parcel of land to another. This form is to be used to assign statements of claimant ("39s") filed in the general adjudication of the Gila River System and Source, which includes the Salt River, San Pedro River, Upper Gila River, Verde River, Agua Fria River, Lower Gila River and Upper Santa Cruz River watersheds. After the assignment is completed, the new owner will be substituted as a party in the Gila River adjudication.

**GENERAL INSTRUCTIONS**

Each side of this form must be completed, signed by each buyer and seller, and notarized. The name, address and phone number for each buyer and seller must also be provided. If necessary, additional copies of this form may be attached.

A copy of a legal document that establishes that a change of ownership has occurred must be submitted with this form. This requirement may be satisfied by providing either a copy of a duly recorded deed, a copy of the county assessor's tax parcel notice, or other similar document.

More than one statement of claimant may be assigned on a single form if the assignors (sellers) and assignees (buyers) are identical. Otherwise, a separate form must be submitted. For example, if the ownership of the land or the water right is subdivided and conveyed to different buyers, then a separate form must be completed for each of the different buyers.

After this form is completed, please submit it to the **Arizona Department of Water Resources, Attention: Adjudications, P.O. Box 36020, Phoenix, AZ 85067-6020**. The Department will record the assignment and forward this form to the Superior Court of Maricopa County. If you have any questions regarding this form, please contact the Arizona Department of Water Resources at (866) 246-1414.

**ASSIGNMENT**

The undersigned parties hereby notify the Superior Court of Maricopa County of the assignment of the following statements of claimant:

39- <sup>55</sup>525743 <sup>Priority Date</sup> 10/10/89 filed in the Verde watershed.

39- 55-525215 <sup>Priority Date</sup> 8/15/89 filed in the Verde watershed.

39- \_\_\_\_\_ filed in the \_\_\_\_\_ watershed.

39- \_\_\_\_\_ filed in the \_\_\_\_\_ watershed.

39- \_\_\_\_\_ filed in the \_\_\_\_\_ watershed.

Type of legal document enclosed to establish a change of ownership:

- Recorded Deed (date, file number, county) \_\_\_\_\_
- Tax Parcel Notice (date, county) \_\_\_\_\_
- Other (date, description) \_\_\_\_\_

**ASSIGNOR (seller):**

**ASSIGNEE (buyer):**

Name (printed or typed) \_\_\_\_\_

Name (printed or typed) \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Telephone \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

STATE OF ARIZONA )

STATE OF ARIZONA )

County of YAVAPAI )

County of \_\_\_\_\_ )

The foregoing instrument was acknowledged and signed before me this 10 day of

The foregoing instrument was acknowledged and signed before me this \_\_\_\_\_ day of

July, 2020

\_\_\_\_\_, 20\_\_\_\_

by Annie Wagner

\_\_\_\_\_

Annie Wagner  
Notary Public

\_\_\_\_\_  
Notary Public

My commission expires: April 15 2024

My commission expires: \_\_\_\_\_





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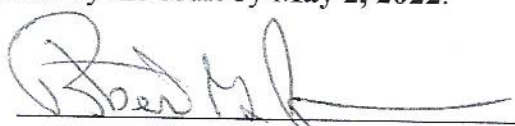
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**CERTIFICATE OF SERVICE**

On this \_\_\_\_ day of \_\_\_\_\_, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) \_\_\_\_\_

Mailing Address of Representative \_\_\_\_\_

\_\_\_\_\_

Telephone Number of Representative \_\_\_\_\_



05/03/2022 8:00am  
M. Antelo, Deputy

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

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

W-1 (Salt)  
W-2 (Verde)  
W-3 (Upper Gila)  
W-4 (San Pedro)  
(Consolidated)  
  
Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR** SHEILA A VICTORINO

Name (printed) Terrence M. SULLIVAN Living TR

Mailing Address PO Box 212  
COTTONWOOD, AZ 86326

Telephone No. 928-300-2397

Statement of Claimant No. 39- \_\_\_\_\_

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

After visiting with our  
attorney about this action  
we have learned that


1 since we have surface  
2 water rights we should be  
3 protected from losing our right  
4 to withdraw water from the sub-flow.  
5 Our water rights are thru the  
6 Cottonwood Ditch Association.  
7

8 **CERTIFICATE OF SERVICE**

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10 On this 27 day of April, 2022, I certify that the original Objection and  
11 two copies were sent by first class mail, or hand delivered, to:

12 **Via First Class Mail or Hand Delivery:**  
13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
15 601 W. Jackson Street  
16 Phoenix, Arizona 85003

17 If you mail your objection to the court, please allow additional time for mailing, so that  
18 your objection will be received by the court by **May 2, 2022**.

19   
20 Signature of Objector or Representative

21 If this objection is being submitted by a Representative of the Objector, please provide the  
22 following information below or by attachment:

23 Name of Representative (printed) SHEILA ANN VICTORINO  
24 Mailing Address of Representative PO Box 212  
COTTONWOOD, AZ 86326  
25 Telephone Number of Representative 928-300-2397  
26



APR 27 2022

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

**IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE**

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) The 7's Ranch LLC

Mailing Address 23755 N. Hwy. 89

Paulden, Az 86334

Telephone No. (928) 636-0388

Statement of Claimant No. 39-55-235835 Well registration

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

Given the information in Notice of Publication submitted to  
the court December 30, 2021:

Discovery between parties must be completed Mar. 27, 2023

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However remainder of watershed report will not be issued until April 30, 2023

Claimant will not have applicable information to review in watershed report that is released after discovery

**CERTIFICATE OF SERVICE**

On this 22 day of April, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022.**

Nancy Shiew - The 7's Ranch LLC  
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) Nancy Shiew  
Mailing Address of Representative 23755 N. Hwy 89  
Paulden, AZ 86334  
Telephone Number of Representative (928) 636-0388

MAY 02 2022

**COPY**

MAY 02 2022



CLERK OF THE SUPERIOR COURT  
M. ANTELO  
DEPUTY CLERK

1 Lee A. Storey (011989)  
lee@tsllawgroup.com  
2 Alexandra M. Arboleda (016673)  
alex@tsllawgroup.com  
3 Luke R. Erickson (037333)  
luke@tsllawgroup.com  
4 TSL LAW GROUP PLC  
8096 N. 85<sup>th</sup> Way, Suite 105  
5 Scottsdale, Arizona 85258  
Telephone: (602) 803-8811  
6 *Attorneys for Town of Prescott Valley*

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

8 **IN AND FOR THE COUNTY OF MARICOPA**

9 **IN RE: THE GENERAL**  
10 **ADJUDICATION OF ALL RIGHTS TO**  
11 **USE WATER IN THE GILA RIVER**  
12 **SYSTEM AND SOURCE**

Civil Nos.: W-1, W-2, W-3 and W-4  
Contested Case W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Assigned to Hon. Special Master Harris

14  
15 **OBJECTOR**

16 Name: Town of Prescott Valley  
17 Mailing Address: TSL Law Group, 8096 N. 85<sup>th</sup> Way, Ste. 105, Scottsdale, AZ 85258  
18 Telephone No.: (602) 803-8811  
19 Statement of Claimant No.: 39-142330

20 **STATEMENT OF OBJECTION**

21 1. The Town of Prescott Valley ("Town") is not providing technical  
22 comments regarding Arizona Department of Water Resources ("ADWR") methodology  
23 for delineating the subflow zone in the Verde River mainstem and the Sycamore  
24 subwatershed at this time.

25 2. Notwithstanding the foregoing, the Town reserves the right to file  
26 comments in this proceeding based on legal or technical comments that might be  
27 advanced by other parties and considered by AWDR or the Special Master regarding the  
28 delineation of the subflow zone in the Verde River mainstem and the Sycamore Canyon  
subwatershed; and



03/24/2022 3:00pm

M. Antelo, Deputy

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) LARRY BULLARD

Mailing Address 1580 S GRANDVIEW RD  
CORNVILLE, AZ 86325

Telephone No. 928-202-7276

Statement of Claimant No. 39- 56366

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

SEE ATTACHED PAGE

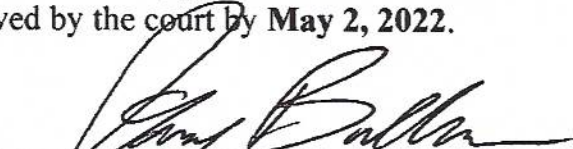
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**CERTIFICATE OF SERVICE**

On this 21 day of MARCH, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

*Via First Class Mail or Hand Delivery:*  
Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022**.

  
\_\_\_\_\_  
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) \_\_\_\_\_

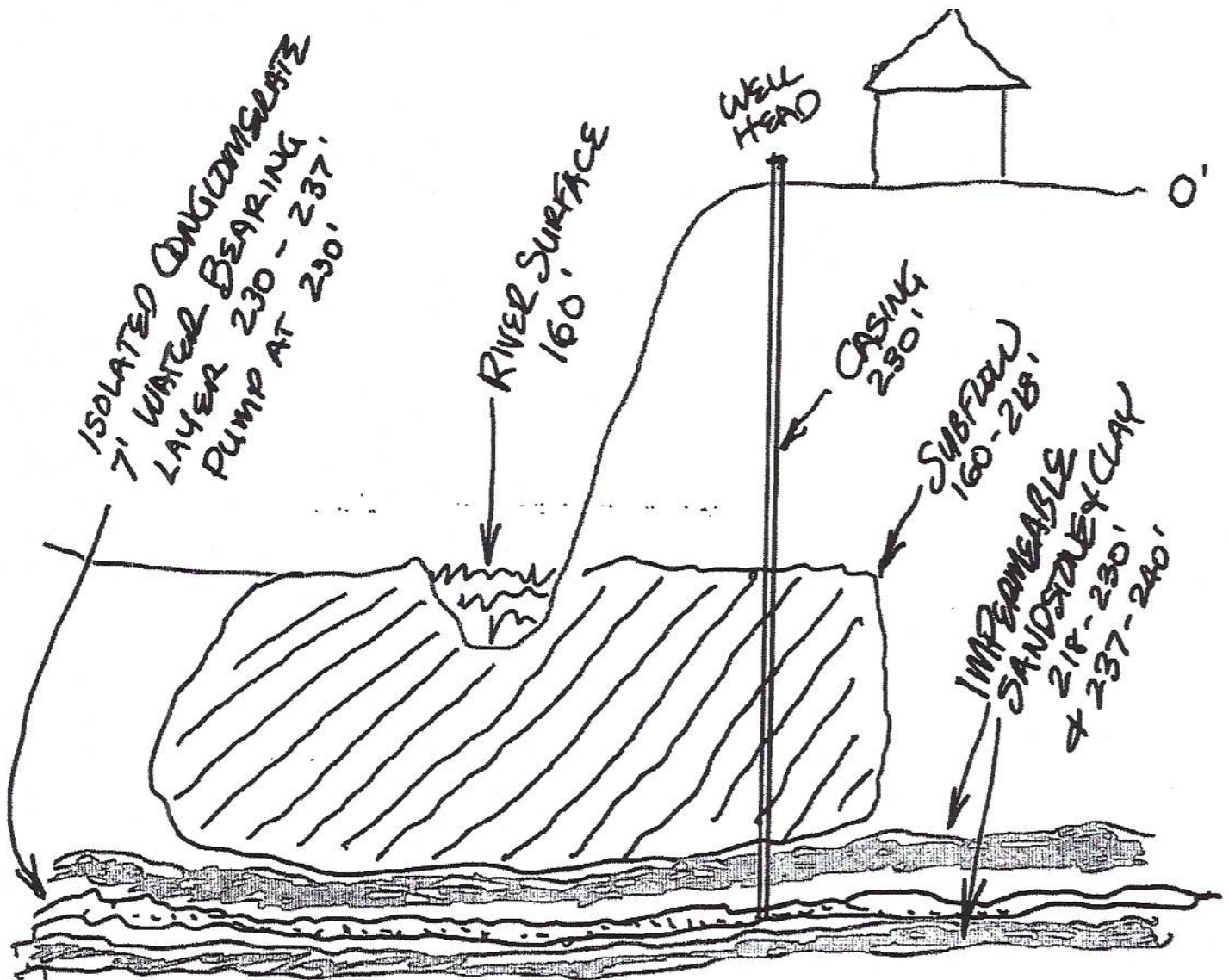
Mailing Address of Representative \_\_\_\_\_

Telephone Number of Representative \_\_\_\_\_

Responding to the ADWR letter to well owners dated 12-30-2021 page 2 line 10-14 why my well is "more probable than not" pumping from a source not connected to Oak Creek subflow even when I'm inside the designated boundry.

From my lot, the river surface is 160' below my well head. The saturated subflow extends to 218' making 58' of saturated sand and gravel. Below that is 12' of impermeable sandstone and clay. Below that a 7' conglomerate where my casing stops. This 7' makes a well that if pumped wide open for 1 hour will surge for lack of water. If the water was subflow one flowing hose bib would not start surging with so little flow.

Also we are located right beside the river definitely drilling through the subflow, however my static shut in water level is 218' not 160' as it would be if receiving water from the subflow. It was 218' when the well was drilled and remained 218' when the pump was replaced approx 10 years later. It is not logical to claim this well is pumping water from the river subflow.



LARRY BULLARD 29-56266

5-2-22 2:30pm

CHM, Deputy

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

**IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE**

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Desert Spice Tea, LLC

Mailing Address 14888 SR 25, Langley, Washington 98260

Telephone No. 425-754-7111

Statement of Claimant No. 39- 141128

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

See attached Statement of Objection

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**CERTIFICATE OF SERVICE**

On this 2nd day of May, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**

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

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022**.

Frederick E. Davidson

Digitally signed by Frederick E. Davidson  
Date: 2022.05.02 10:41:41 -07'00'

Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) Frederick E. Davidson

Mailing Address of Representative Davidson & Funkhouser, PLLC

P.O. Box 27500, Scottsdale, Arizona 85255

Telephone Number of Representative 480-205-1012

**STATEMENT OF OBJECTION**

**DESERT SPICE TEA, LLC**

**Well No. 55-903630**

**Statement of Claimant No. 39-141128**

Desert Spice Tea, LLC, is the owner of a parcel (the "Parcel") located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 32, Township 5 North, Range 6 East (*See, Exhibit "A"*), which is approximately 5 ½ miles due West of the Subflow Zone as reflected in Appendix C, Map 2 of 13, and Figure 3-1, of the Subflow Zone Delineation Report for The Verde River Mainstem and Sycamore Canyon Subwatershed (the "Report"). Well No. 55-903630 is located on the Parcel.

Pursuant to the definitions set forth in A.R.S. § 45-251(1-10), "General Adjudication" means an action for the judicial determination or establishment to the extent and priority of the rights of all persons to use water in any river system and source. [emphasis added]; a "Potential Claimant" means all persons claiming water rights or on whose behalf claims to water rights are asserted. [emphasis added]; and, "River System and Source" means all water appropriable under § 45-141. Appropriable water is defined as,

"The waters of all sources, flowing in streams, canyons, ravines or other natural channels, or in definite underground channels, whether perennial or intermittent, flood, waste or surplus water, and of lakes, ponds and springs on the surface..." A.R.S. § 45-141(A).

The foregoing definition is duplicated in A.R.S. § 45-101(9), wherein the same definition,

with one addition, is set forth as the meaning of "Surface Water". The one addition, is the inclusion of Central Arizona Project water within the definition of Surface Water.

A.R.S. § 45-101(5) distinguishes "Groundwater" from "Surface Water", as follows:

"'Groundwater' means water under the surface of the earth regardless of the geologic structure in which it is standing or moving. Groundwater does not include water flowing in underground streams with ascertainable beds and banks."

The differentiation between Surface Water and Groundwater is of immense importance, as only Surface Water can be appropriated. Maricopa County Water Conservation Dist. No. 1 et al. v. Southwest Cotton Co. et al., 39 Ariz. 65, 80, 4 P.2d 369, 375 (1931). The right to use Groundwater rests solely with the owner of the land on which the Groundwater is found and, as such, is not appropriable. Collier v. Arizona Dept. of Water Resources, 150 Ariz. 195, 722 P.2d 363 (App. 1986); Fourzan et al. v. Curtis et ux., 43 Ariz. 140, 29 P2d. 722 (1934).

Ownership and use of a well has long been acknowledged to be a transferable property right which dictates the use, development and value of real property. To that end, certainty of one's rights to use a well, and the preclusion of a well's water from appropriation, is of acute importance to every land owner served by a well, as the appropriation of one's water supply will most certainly have far-reaching impacts.

In, Southwest Cotton, 39 Ariz. at 105, 4 P.2d at 383, the Arizona Supreme Court specifically recognized this need for certainty, and stated, as follows:

"Surface waters are plainly visible, definitely ascertainable, and the effect

of their appropriation generally easily foreseen and understood by all. Subterranean waters are necessarily more or less uncertain as to their very existence, speculative as to their character, and frequently incapable of an immediate demonstration of the results of their appropriation....If **percolating waters are subject to the law of prior appropriation, and if appropriations of other subterranean waters may be established by mere surmise, inference or possibility, the field is open to interminable and uncertain litigation from which none will profit in the end but members of the legal profession....**" [emphasis added].

The 1994 Subflow Order, with regard to wells, further found as follows:

"All wells located in the lateral limits of the 'subflow' zone are subject to the jurisdiction of this adjudication no matter how deep or where these perforations are located. However, if the well owners prove the perforations are below **an impervious formation** which precludes "drawdown" from the floodplain alluvium, then that well will be treated as outside the 'subflow' zone." [Emphasis added].

"No well outside the lateral limits of the 'subflow' zone will be included in the jurisdiction of the adjudication unless the '**cone of depression**' caused by its pumping has now extended to the point where it reaches an adjacent 'subflow' zone, and by continual pumping will cause a loss of such 'subflow' as to affect the quantity of the stream." [Emphasis added].

"Finally, wells that, though pumping subflow, have a de minimus effect on the river system may be excluded from the adjudication based on rational guidelines for such an exclusion as proposed by DWR and adopted by the Adjudication Court."

Additionally, in the 1994 Subflow Order, Judge Goodfarb held that the subflow zone must be adjacent to and beneath a perennial or intermittent stream; but not an ephemeral stream, unless there is a saturated zone connected to similar zones beneath upper and lower stream segments (also known as the "ephemeral stream exception").

In *Gila IV*, 198 Ariz. 330, 9 P.3d 1069 (2000), the Arizona Supreme Court further

addressed the need for certainty, finding that,

“Underground waters are presumed to be percolating and, therefore, not appropriable as subflow. *Southwest Cotton*, 39 Ariz. at 85, 4 P.2d at 376. One who asserts that underground water is a part of a stream’s subflow must prove that fact by clear and convincing evidence. *Id.* If [the Department of Water Resources (DWR)] uses **the proper test** and relies on **appropriate criteria** for determining whether a well meets the test, its determination that a well is pumping appropriable subflow constitutes clear and convincing evidence. *Gila River II*, 175 Ariz. at 392, 857 P.2d at 1246. Thus, it is critical that any test used for determining the boundaries of a subflow zone be as accurate and reliable as possible. Otherwise, use of an inaccurate test to determine whether a well is pumping subflow would not satisfy the clear and convincing evidentiary standard and would improperly shift the burden to the groundwater user to show that its well is not pumping subflow. *See id.*, at 388-89, 857 P.2d at 1242-43.” [Emphasis added].

Notwithstanding the *Gila IV* Court’s recognition of the need for certainty, the Court conferred an extensive amount of latitude upon the Arizona Department of Water Resources (“ADWR”) in developing and applying the **proper test** and **appropriate criteria** for its determination that a well is pumping appropriable subflow, as such test will, according to the Court, satisfy the clear and convincing evidentiary standard. It is the Objector’s position that the referenced **proper test** and **appropriate criteria** must be clearly and succinctly described for the benefit of the well owner, and then applied objectively in order to preclude inaccuracies.

Although the Objector recognizes that the Subflow Technical Report for the remainder of the Verde River Watershed will be filed by 30 April 2023, it is extremely concerning that nowhere in the Report does the ADWR, clearly, succinctly or otherwise, describe what constitutes the **proper test** or the **appropriate criteria** to be used. This

information should be objective in its creation and application, and must be provided to the well owners so that a level of certainty can be ascertained by each well owner. It should have been included within the Report. Absent such information and resulting certainty, the lateral extent of the subflow zone is arbitrary at best; suggesting the possibility of an *ad hoc* application by the ADWR. Accordingly, the lateral extent of the subflow zone cannot be expanded to include wells until such time as the test and criteria are both established and determined to be proper and appropriate.

Underscoring this concern are two specific definitions which are lacking from the Report, despite admonitions from the *Gila IV* Court, more than twenty (20) years ago, as to their importance. Firstly, in addressing the “cone of depression” referenced in the 1994 Subflow Order, the Court found, as follows:

“The trial court did not attempt to establish a test for determining a well’s cone of depression because the court lacked pertinent evidence on that issue. Instead, the court recognized that each well must be separately evaluated ‘to compute drawdown at the ‘subflow’ zone’ and that whatever test ADWR finds is realistically adaptable to the field and whatever method is the least expensive and delay-causing, yet provides a high degree of reliability, should be acceptable.” *Gila IV*, 198 Ariz., at 343, 9 P.3d at 1082.

Simply put, the *Gila IV* Court directed the ADWR to develop a test for establishing a well’s cone of depression, recognizing that if not located under a perennial or intermittent stream, and only located under an ephemeral stream, the cone of depression is a factor to address in determining whether the well is included in the lateral extent of the subflow zone, i.e., has the well’s cone of depression reached the subflow zone. It appears

that after more than twenty (20) years, either the ADWR has not established the test, or it has been excluded from the Report. Accordingly, the lateral extent of the subflow zone cannot be properly ascertained without the development of a proper test and application of appropriate criteria.

Secondly, the 1994 Subflow Order initially addresses wells which are located in, but perforated below the saturated floodplain alluvium aquifer. The Order finds that those wells “are to be included in the ‘subflow’ component unless these perforations are proven by their owners to be below a confining zone of impermeable material such as clay as the inevitable ‘draw-down’ of the well must affect the “subflow zone” above the perforation.” While the Report and Gila IV generally restate the above limiting factor based upon an “impermeable” or “impervious” zone of material, the only specificity to an impermeable material referenced in the Report is “clay” (per the 1994 Subflow Order), and “cemented sand and gravel” (per, *Southwest Cotton*, 39 Ariz., at 98, 4 P.2d at 381).

Nowhere in the Report is there specificity or guidance as to the materials deemed by the ADWR to constitute impermeable or impervious materials which, if existing above the well, preclude the well as being within the lateral extent of the subflow zone. Further, there is no discussion of the relationship between a “cone of depression” and a “confining zone of impermeable material”. If the impermeable zone exists, how is it impacted, if at all, by a cone of depression? That question needs to be addressed in order to provide guidance as to whether a well is appropriable; and, thus no longer a vested property right

which can be relied upon by the land owner.

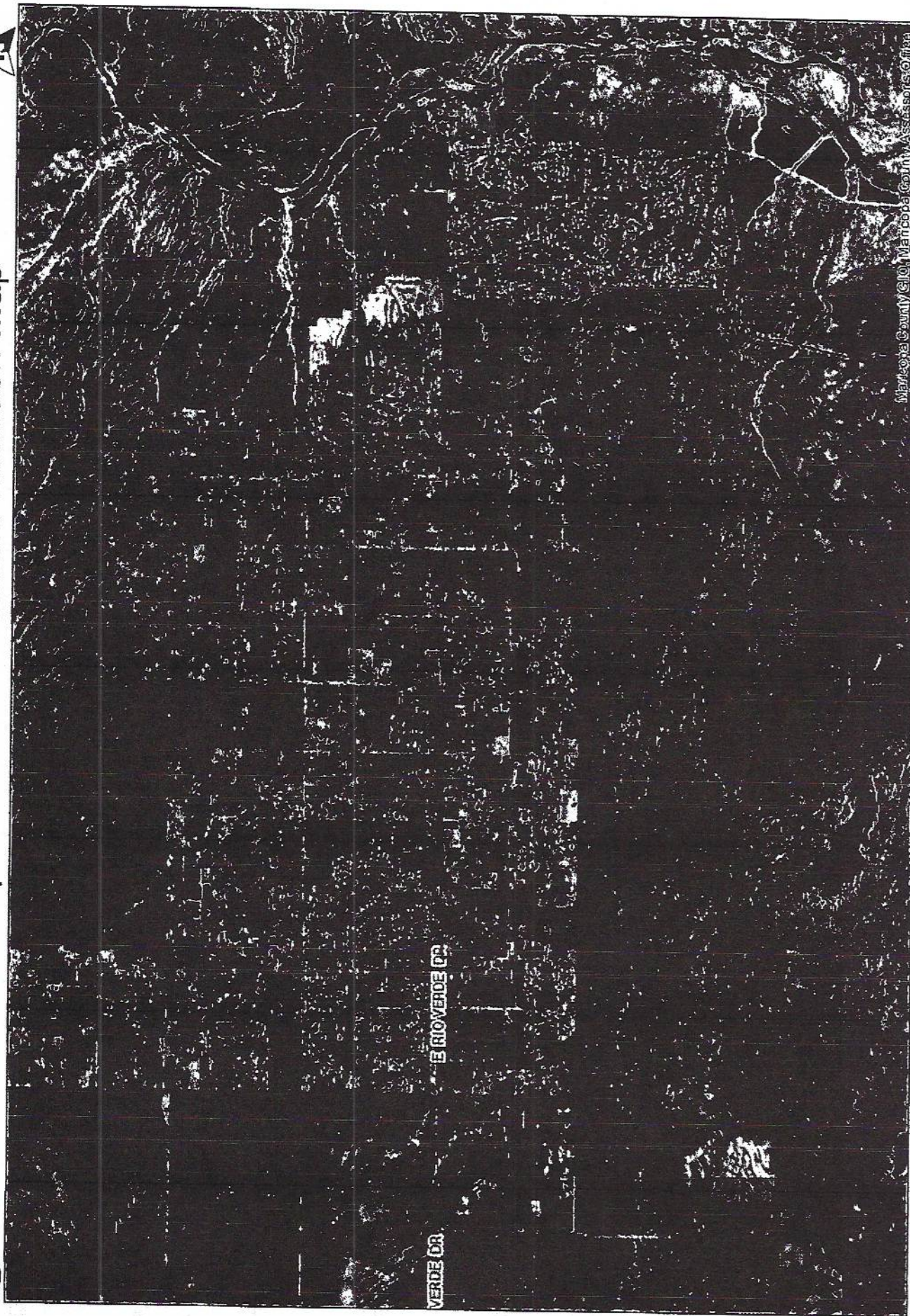
The Objector's concern rests from the position that its well is neither under a perennial, nor intermittent stream. And, as reflected in the well driller's report (*See, Exhibit "B"*), the well is located below a confining zone of impermeable material. However, without additional guidance, vis-a-vis the proper test, appropriate criteria, cone of depression, and impermeable materials, that should be included in the Report, as well as in the second installment due next year, the well's relationship to the lateral extent of the subflow zone cannot be easily ascertained. As such, the use and development of the Parcel, as well as disclosures that would be required in the event of a sale of the Parcel, all hang in the balance.

Accordingly, the Objector objects to the Report insofar as it lacks both specificity and clarity as to the above issues affecting the lateral extent of the subflow zone. To that end, it is respectfully suggested that the Report be revised to address those issues in order to alleviate the burden that is being placed upon each well owner within the Verde River Watershed due to the unknown potential of appropriation.

**EXHIBIT "A"**



# Desert Spice Parcel - Relative Location Map



# **EXHIBIT "B"**



Arizona Department of Water Resources  
 Records Management Section  
 500 N. 3rd Street ♦ Phoenix, Arizona 85004  
 (602) 417-2405 ♦ (800) 352-8488  
 www.water.az.gov

Well Driller Report  
 and  
 Well Log

- ♦ Review instructions prior to completing form
- ♦ This report should be prepared by the driller in detail and filed with the Department within 30 days following completion of the well.

\*\* PLEASE PRINT CLEARLY \*\*

FILE NUMBER A(5-8)32 BDB
WELL REGISTRATION NUMBER 55 - 803630
PERMIT NUMBER (IF ISSUED)

INFORMATION MANAGEMENT

SECTION 1. REGISTRY INFORMATION

<b>Well Owner</b>		<b>Location of Well</b>				
FULL NAME OF COMPANY, ORGANIZATION, OR INDIVIDUAL Puckett Development		WELL LOCATION ADDRESS (IF ANY)				
MAILING ADDRESS 3421 E. McDowell Rd		TOWNSHIP (N/S)	RANGE (E/W)	SECTION	160 ACRE	40 ACRE   10 ACRE
CITY / STATE / ZIP CODE Mesa, AZ, 85213		S N	6 E	32	NW 1/4	SE 1/4 NW 1/4
CONTACT PERSON NAME AND TITLE		LATITUDE		LONGITUDE		"N"   "W"
TELEPHONE NUMBER 480 924-2811		FAX		LAND SURFACE ELEVATION AT WELL Feet Above Sea Level		
METHOD OF LATITUDE / LONGITUDE (CHECK ONE)		<input type="checkbox"/> Hand-Held <input type="checkbox"/> USGS Quad Map <input type="checkbox"/> Conventional Survey <input type="checkbox"/> GPS <input type="checkbox"/> Survey-Grade				
COUNTY ASSESSOR'S PARCEL ID NUMBER		BOOK 219		MAP 39	PARCEL 170F	
COUNTY WHERE WELL IS LOCATED		MARICOPA				

SECTION 2. DRILLING AUTHORIZATION

<b>Drilling Firm</b>	
NAME ARIZONA BEEMAN DRILLING dba Morex Investments LLC	
DWR LICENSE NUMBER 380	
TELEPHONE NUMBER 480-883-2942	FAX

SECTION 3. WELL CONSTRUCTION DETAILS

DATE WELL CONSTRUCTION STARTED 01/07/06	DATE WELL CONSTRUCTION COMPLETED 09/09/06	IF FLOWING WELL, METHOD OF FLOW REGULATION <input type="checkbox"/> Valve <input type="checkbox"/> Other:
<b>Drill Method</b> CHECK ONE <input checked="" type="checkbox"/> Air Rotary <input type="checkbox"/> Bored or Augered <input type="checkbox"/> Cable Tool <input type="checkbox"/> Dual Rotary <input type="checkbox"/> Mud Rotary <input type="checkbox"/> Reverse Circulation <input type="checkbox"/> Driven <input type="checkbox"/> Jetted <input type="checkbox"/> Air Percussion / Odex Tubing <input type="checkbox"/> Other (please specify):	<b>Method of Well Development</b> CHECK ONE <input checked="" type="checkbox"/> Airlift <input type="checkbox"/> Bail <input type="checkbox"/> Surge Block <input type="checkbox"/> Surge Pump <input type="checkbox"/> Other (please specify):	<b>Method of Sealing at Reduction Points</b> CHECK ONE <input checked="" type="checkbox"/> None <input type="checkbox"/> Packed <input type="checkbox"/> Swedged <input type="checkbox"/> Welded <input type="checkbox"/> Other (please specify):
<b>Water Level Information</b>		
STATIC WATER LEVEL N/A Feet Below Land Surface		
DATE MEASURED		

Well Driller Report and Well Log

WELL REGISTRATION NUMBER  
55 - 903630

SECTION 4. WELL CONSTRUCTION DESIGN (AS BUILT) (attach additional page if needed)

Borehole			Installed Casing														
DEPTH FROM SURFACE		BOREHOLE DIAMETER (inches)	DEPTH FROM SURFACE		OUTER DIAMETER (inches)	MATERIAL TYPE (T)				PERFORATION TYPE (T)						SLOT SIZE IF ANY (inches)	
FROM (feet)	TO (feet)		FROM (feet)	TO (feet)		STEEL	PVC	ABS	IF OTHER TYPE, DESCRIBE	BLANK OR NONE	WIRE WRAP	SHUTTER SCREEN	MILLS KNIFE	SLOTTED	IF OTHER TYPE, DESCRIBE		
0	19	14 <sup>3</sup> / <sub>4</sub>	0	19	10 <sup>3</sup> / <sub>4</sub>	X				X							
19	760	8 <sup>1</sup> / <sub>2</sub>	0	595	5 <sup>1</sup> / <sub>2</sub>		X			X							
			595	645	5 <sup>1</sup> / <sub>2</sub>		X			X				X			.032
			645	635	5 <sup>1</sup> / <sub>2</sub>		X			X							
			635	715	5 <sup>1</sup> / <sub>2</sub>		X							X			.032
			715	735	5 <sup>1</sup> / <sub>2</sub>		X			X							
			735	755	5 <sup>1</sup> / <sub>2</sub>		X							X			.032

Installed Annular Material													
DEPTH FROM SURFACE		ANNULAR MATERIAL TYPE (T)										FILTER PACK	
FROM (feet)	TO (feet)	NONE	CONCRETE	NEAT CEMENT OR CEMENT GROUT	CEMENT-BENTONITE GROUT	BENTONITE			IF OTHER TYPE OF ANNULAR MATERIAL, DESCRIBE	SAND	GRAVEL	SIZE	
						GROUT	CHIPS	PELLETS					
0	19			X									

DEPTH OF BORING	760	Feet Below Land Surface	DEPTH OF COMPLETED WELL	755	Feet Below Land Surface
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Well Driller Report and Well Log

WELL REGISTRATION NUMBER  
55 - 903630

**SECTION 6. WELL SITE PLAN**

NAME OF WELL OWNER

Puckett Development

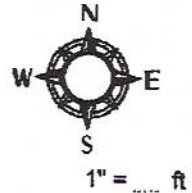
COUNTY ASSESSOR'S PARCEL ID NUMBER

BOOK  
219

MAP  
39

PARCEL  
170F

- ❖ Please draw the following: (1) the boundaries of property on which the well was located; (2) the well location; (3) the locations of all septic tank systems and sewer systems on the property or within 100 feet of the well location, even if on neighboring properties; and (4) any permanent structures on the property that may aid in locating the well.
- ❖ Please indicate the distance between the well location and any septic tank system or sewer system.



I state that this notice is filed in compliance with A.R.S. § 45-596 and is complete and correct to the best of my knowledge and belief.

DRILLING FIRM

ARIZONA BEEMAN DRILLING dba  
Morex Investments LLC

SIGNATURE OF QUALIFYING PARTY

DATE

1-23-06

03/11/2022 2:57 pm

M. Artale, Deputy

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
SOURCE

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

Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) KATHLEEN HENKEL

Mailing Address 1870 E POINTER TRAIL, PAULDEN AZ 86334

Telephone No. 928-606-5487

Statement of Claimant No. 39- B (18-2) 26 DDC

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

OUR PROPERTY IS NOT LOCATED WITHIN THE  
VERDE RIVER SUBFLOW AREA. WE ARE LOCATED  
IN TOWNSHIP 18 N RANGE 2 W SECTION 26.

1 See attached map with X on it, The well  
2 55-92083 is located on property APN 305-01-029B  
3 OR 1870 E Pointer Trail, Paulden AZ 86324  
4  
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6  
7

8  
9 **CERTIFICATE OF SERVICE**

10 On this 7 day of March, 2022, I certify that the original Objection and  
11 two copies were sent by first class mail, or hand delivered, to:

12 **Via First Class Mail or Hand Delivery:**  
13 Clerk of the Maricopa Superior Court  
14 Attn: Water Case  
15 601 W. Jackson Street  
16 Phoenix, Arizona 85003

17 If you mail your objection to the court, please allow additional time for mailing, so that  
18 your objection will be received by the court by **May 2, 2022.**

19 Kathleen Henkel  
Signature of Objector or Representative

20 If this objection is being submitted by a Representative of the Objector, please provide the  
21 following information below or by attachment:

22 Name of Representative (printed) \_\_\_\_\_  
23 Mailing Address of Representative \_\_\_\_\_  
24 \_\_\_\_\_  
25 Telephone Number of Representative \_\_\_\_\_  
26



T18N R1W

T17N R2W

T17N R1W

187

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5-2-22 2:30 pm  
Chf Deputy

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN  
THE GILA RIVER SYSTEM AND  
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W-1 (Salt)  
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Case No. W1-106

**OBJECTION TO THE SUBFLOW  
ZONE DELINEATION REPORT FOR  
THE VERDE RIVER MAINSTEM  
AND SYCAMORE CANYON  
SUBWATERSHED**

Special Master Susan Ward Harris

**OBJECTOR**

Name (printed) Watercrest, Inc.

Mailing Address 14888 SR 25, Langley, Washington 98260

Telephone No. 425-754-7111

Statement of Claimant No. 39- 141129

**STATEMENT OF OBJECTION**

Please reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

See attached Statement of Objection

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**CERTIFICATE OF SERVICE**

On this 2nd day of May, 2022, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

**Via First Class Mail or Hand Delivery:**

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

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **May 2, 2022**.

**Frederick E. Davidson** Digitally signed by Frederick E. Davidson  
Date: 2022.05.02 10:45:23 -07'00'

Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name of Representative (printed) Frederick E. Davidson

Mailing Address of Representative Davidson & Funkhouser, PLLC

P.O. Box 27500, Scottsdale, Arizona 85255

Telephone Number of Representative 480-205-1012

**STATEMENT OF OBJECTION**

**WATERCREST, INC.**

**Well No. 55-903629**

**Statement of Claimant No. 39-141129**

Watercrest, Inc., is the owner of a parcel (the "Parcel") located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 32, Township 5 North, Range 6 East (*See, Exhibit "A"*), which is approximately 5 ½ miles due West of the Subflow Zone as reflected in Appendix C, Map 2 of 13, and Figure 3-1, of the Subflow Zone Delineation Report for The Verde River Mainstem and Sycamore Canyon Subwatershed (the "Report"). Well No. 55-903629 is located on the Parcel.

Pursuant to the definitions set forth in A.R.S. § 45-251(1-10), "General Adjudication" means an action for the judicial determination or establishment to the extent and priority of the rights of all persons to use water in any river system and source. [emphasis added]; a "Potential Claimant" means all persons claiming water rights or on whose behalf claims to water rights are asserted. [emphasis added]; and, "River System and Source" means all water appropriable under § 45-141. Appropriable water is defined as,

"The waters of all sources, flowing in streams, canyons, ravines or other natural channels, or in definite underground channels, whether perennial or intermittent, flood, waste or surplus water, and of lakes, ponds and springs on the surface..." A.R.S. § 45-141(A).

The foregoing definition is duplicated in A.R.S. § 45-101(9), wherein the same definition,

with one addition, is set forth as the meaning of "Surface Water". The one addition, is the inclusion of Central Arizona Project water within the definition of Surface Water.

A.R.S. § 45-101(5) distinguishes "Groundwater" from "Surface Water", as follows:

"'Groundwater' means water under the surface of the earth regardless of the geologic structure in which it is standing or moving. Groundwater does not include water flowing in underground streams with ascertainable beds and banks."

The differentiation between Surface Water and Groundwater is of immense importance, as only Surface Water can be appropriated. Maricopa County Water Conservation Dist. No. 1 et al. v. Southwest Cotton Co. et al., 39 Ariz. 65, 80, 4 P.2d 369, 375 (1931). The right to use Groundwater rests solely with the owner of the land on which the Groundwater is found and, as such, is not appropriable. Collier v. Arizona Dept. of Water Resources, 150 Ariz. 195, 722 P.2d 363 (App. 1986); Fourzan et al. v. Curtis et ux., 43 Ariz. 140, 29 P.2d. 722 (1934).

Ownership and use of a well has long been acknowledged to be a transferable property right which dictates the use, development and value of real property. To that end, certainty of one's rights to use a well, and the preclusion of a well's water from appropriation, is of acute importance to every land owner served by a well, as the appropriation of one's water supply will most certainly have far-reaching impacts.

In, Southwest Cotton, 39 Ariz. at 105, 4 P.2d at 383, the Arizona Supreme Court specifically recognized this need for certainty, and stated, as follows:

"Surface waters are plainly visible, definitely ascertainable, and the effect

of their appropriation generally easily foreseen and understood by all. Subterranean waters are necessarily more or less uncertain as to their very existence, speculative as to their character, and frequently incapable of an immediate demonstration of the results of their appropriation....**If percolating waters are subject to the law of prior appropriation, and if appropriations of other subterranean waters may be established by mere surmise, inference or possibility, the field is open to interminable and uncertain litigation from which none will profit in the end but members of the legal profession....**" [emphasis added].

The 1994 Subflow Order, with regard to wells, further found as follows:

"All wells located in the lateral limits of the 'subflow' zone are subject to the jurisdiction of this adjudication no matter how deep or where these perforations are located. However, if the well owners prove the perforations are below **an impervious formation** which precludes "drawdown" from the floodplain alluvium, then that well will be treated as outside the 'subflow' zone." [Emphasis added].

"No well outside the lateral limits of the 'subflow' zone will be included in the jurisdiction of the adjudication unless the '**cone of depression**' caused by its pumping has now extended to the point where it reaches an adjacent 'subflow' zone, and by continual pumping will cause a loss of such 'subflow' as to affect the quantity of the stream." [Emphasis added].

"Finally, wells that, though pumping subflow, have a de minimus effect on the river system may be excluded from the adjudication based on rational guidelines for such an exclusion as proposed by DWR and adopted by the Adjudication Court."

Additionally, in the 1994 Subflow Order, Judge Goodfarb held that the subflow zone must be adjacent to and beneath a perennial or intermittent stream; but not an ephemeral stream, unless there is a saturated zone connected to similar zones beneath upper and lower stream segments (also known as the "ephemeral stream exception").

In *Gila IV*, 198 Ariz. 330, 9 P.3d 1069 (2000), the Arizona Supreme Court further

addressed the need for certainty, finding that,

“Underground waters are presumed to be percolating and, therefore, not appropriable as subflow. *Southwest Cotton*, 39 Ariz. at 85, 4 P.2d at 376. One who asserts that underground water is a part of a stream’s subflow must prove that fact by clear and convincing evidence. *Id.* If [the Department of Water Resources (DWR)] uses **the proper test** and relies on **appropriate criteria** for determining whether a well meets the test, its determination that a well is pumping appropriable subflow constitutes clear and convincing evidence. *Gila River II*, 175 Ariz. at 392, 857 P.2d at 1246. Thus, it is critical that any test used for determining the boundaries of a subflow zone be as accurate and reliable as possible. Otherwise, use of an inaccurate test to determine whether a well is pumping subflow would not satisfy the clear and convincing evidentiary standard and would improperly shift the burden to the groundwater user to show that its well is not pumping subflow. *See id.*, at 388-89, 857 P.2d at 1242-43.” [Emphasis added].

Notwithstanding the *Gila IV* Court’s recognition of the need for certainty, the Court conferred an extensive amount of latitude upon the Arizona Department of Water Resources (“ADWR”) in developing and applying the **proper test** and **appropriate criteria** for its determination that a well is pumping appropriable subflow, as such test will, according to the Court, satisfy the clear and convincing evidentiary standard. It is the Objector’s position that the referenced **proper test** and **appropriate criteria** must be clearly and succinctly described for the benefit of the well owner, and then applied objectively in order to preclude inaccuracies.

Although the Objector recognizes that the Subflow Technical Report for the remainder of the Verde River Watershed will be filed by 30 April 2023, it is extremely concerning that nowhere in the Report does the ADWR, clearly, succinctly or otherwise, describe what constitutes the **proper test** or the **appropriate criteria** to be used. This

information should be objective in its creation and application, and must be provided to the well owners so that a level of certainty can be ascertained by each well owner. It should have been included within the Report. Absent such information and resulting certainty, the lateral extent of the subflow zone is arbitrary at best; suggesting the possibility of an *ad hoc* application by the ADWR. Accordingly, the lateral extent of the subflow zone cannot be expanded to include wells until such time as the test and criteria are both established and determined to be proper and appropriate.

Underscoring this concern are two specific definitions which are lacking from the Report, despite admonitions from the *Gila IV* Court, more than twenty (20) years ago, as to their importance. Firstly, in addressing the “cone of depression” referenced in the 1994 Subflow Order, the Court found, as follows:

“The trial court did not attempt to establish a test for determining a well’s cone of depression because the court lacked pertinent evidence on that issue. Instead, the court recognized that each well must be separately evaluated ‘to compute drawdown at the ‘subflow’ zone’ and that whatever test ADWR finds is realistically adaptable to the field and whatever method is the least expensive and delay-causing, yet provides a high degree of reliability, should be acceptable.” *Gila IV*, 198 Ariz., at 343, 9 P.3d at 1082.

Simply put, the *Gila IV* Court directed the ADWR to develop a test for establishing a well’s cone of depression, recognizing that if not located under a perennial or intermittent stream, and only located under an ephemeral stream, the cone of depression is a factor to address in determining whether the well is included in the lateral extent of the subflow zone, i.e., has the well’s cone of depression reached the subflow zone. It appears

that after more than twenty (20) years, either the ADWR has not established the test, or it has been excluded from the Report. Accordingly, the lateral extent of the subflow zone cannot be properly ascertained without the development of a proper test and application of appropriate criteria.

Secondly, the 1994 Subflow Order initially addresses wells which are located in, but perforated below the saturated floodplain alluvium aquifer. The Order finds that those wells “are to be included in the ‘subflow’ component unless these perforations are proven by their owners to be below a confining zone of impermeable material such as clay as the inevitable ‘draw-down’ of the well must affect the “subflow zone” above the perforation.” While the Report and Gila IV generally restate the above limiting factor based upon an “impermeable” or “impervious” zone of material, the only specificity to an impermeable material referenced in the Report is “clay” (per the 1994 Subflow Order), and “cemented sand and gravel” (per, *Southwest Cotton*, 39 Ariz., at 98, 4 P.2d at 381).

Nowhere in the Report is there specificity or guidance as to the materials deemed by the ADWR to constitute impermeable or impervious materials which, if existing above the well, preclude the well as being within the lateral extent of the subflow zone. Further, there is no discussion of the relationship between a “cone of depression” and a “confining zone of impermeable material”. If the impermeable zone exists, how is it impacted, if at all, by a cone of depression? That question needs to be addressed in order to provide guidance as to whether a well is appropriate; and, thus no longer a vested property right

which can be relied upon by the land owner.

The Objector's concern rests from the position that its well is neither under a perennial, nor intermittent stream. And, as reflected in the well driller's report (*See, Exhibit "B"*), the well is located below a confining zone of impermeable material. However, without additional guidance, vis-a-vis the proper test, appropriate criteria, cone of depression, and impermeable materials, that should be included in the Report, as well as in the second installment due next year, the well's relationship to the lateral extent of the subflow zone cannot be easily ascertained. As such, the use and development of the Parcel, as well as disclosures that would be required in the event of a sale of the Parcel, all hang in the balance. .

Accordingly, the Objector objects to the Report insofar as it lacks both specificity and clarity as to the above issues affecting the lateral extent of the subflow zone. To that end, it is respectfully suggested that the Report be revised to address those issues in order to alleviate the burden that is being placed upon each well owner within the Verde River Watershed due to the unknown potential of appropriation.

**EXHIBIT "A"**



**EXHIBIT "B"**

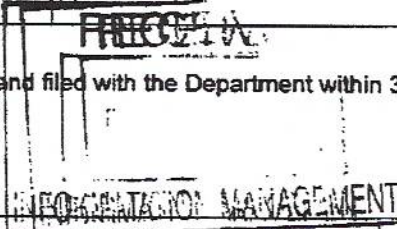


Arizona Department of Water Resources  
 Records Management Section  
 500 N. 3rd Street ♦ Phoenix, Arizona 85004  
 (602) 417-2405 ♦ (800) 352-8488  
 www.water.az.gov

Well Driller Report  
 and  
 Well Log

- ♦ Review instructions prior to completing form
- ♦ This report should be prepared by the driller in detail and filed with the Department within 30 days following completion of the well.

\*\* PLEASE PRINT CLEARLY \*\*



FILE NUMBER A(5-8)32 BBC
WELL REGISTRATION NUMBER 55 - 803828
PERMIT NUMBER (IF ISSUED)

SECTION 1. REGISTRY INFORMATION

<b>Well Owner</b>		<b>Location of Well</b>					
FULL NAME OF COMPANY, ORGANIZATION, OR INDIVIDUAL Sutherland, Donald		WELL LOCATION ADDRESS (IF ANY)					
MAILING ADDRESS 2228 N. Avoca		TOWNSHIP (N/S)	RANGE (E/W)	SECTION	160 ACRE	40 ACRE	10 ACRE
CITY / STATE / ZIP CODE Mesa, AZ, 85207		LATITUDE		"N	LONGITUDE		"W
CONTACT PERSON NAME AND TITLE		LAND SURFACE ELEVATION AT WELL Feet Above Sea Level					
TELEPHONE NUMBER 480 298-8310	FAX	METHOD OF LATITUDE / LONGITUDE (CHECK ONE)					
		<input type="checkbox"/> Hand-Held <input type="checkbox"/> USGS Quad Map <input type="checkbox"/> Conventional Survey <input type="checkbox"/> GPS <input type="checkbox"/> Survey-Grade					
		COUNTY ASSESSOR'S PARCEL ID NUMBER			PARCEL		
		BOOK 218	MAP 38	170F			
		COUNTY WHERE WELL IS LOCATED MARICOPA					

SECTION 2. DRILLING AUTHORIZATION

<b>Drilling Firm</b>	
NAME ARIZONA REEMAN DRILLING dba Morex Investments LLC	
DWR LICENSE NUMBER 360	
TELEPHONE NUMBER 480-983-2542	FAX

SECTION 3. WELL CONSTRUCTION DETAILS

DATE WELL CONSTRUCTION STARTED 1/10/06	DATE WELL CONSTRUCTION COMPLETED 1/12/06	IF FLOWING WELL, METHOD OF FLOW REGULATION <input checked="" type="checkbox"/> Valve <input type="checkbox"/> Other:
<b>Drill Method</b> CHECK ONE <input checked="" type="checkbox"/> Air Rotary <input type="checkbox"/> Bored or Augered <input type="checkbox"/> Cable Tool <input type="checkbox"/> Dual Rotary <input type="checkbox"/> Mud Rotary <input type="checkbox"/> Reverse Circulation <input type="checkbox"/> Driven <input type="checkbox"/> Jetted <input type="checkbox"/> Air Percussion / Odex Tubing <input type="checkbox"/> Other (please specify):	<b>Method of Well Development</b> CHECK ONE <input checked="" type="checkbox"/> Airlift <input type="checkbox"/> Bail <input type="checkbox"/> Surge Block <input type="checkbox"/> Surge Pump <input type="checkbox"/> Other (please specify):	<b>Method of Sealing at Reduction Points</b> CHECK ONE <input checked="" type="checkbox"/> None <input type="checkbox"/> Packed <input type="checkbox"/> Swedged <input type="checkbox"/> Welded <input type="checkbox"/> Other (please specify):
<b>Water Level Information</b>		
STATIC WATER LEVEL N/A Feet Below Land Surface		
DATE MEASURED		

Well Driller Report and Well Log

WELL REGISTRATION NUMBER  
55 - 903629

SECTION 4. WELL CONSTRUCTION DESIGN (AS BUILT) (attach additional page if needed)

Borehole			Installed Casing														
DEPTH FROM SURFACE		BOREHOLE DIAMETER (inches)	DEPTH FROM SURFACE		OUTER DIAMETER (inches)	MATERIAL TYPE (T)				PERFORATION TYPE (T)						SLOT SIZE IF ANY (inches)	
FROM (feet)	TO (feet)		FROM (feet)	TO (feet)		STEEL	PVC	ABS	IF OTHER TYPE, DESCRIBE	BLANK OR NONE	WIRE WRAP	SHUTTER SCREEN	MILLS KNIFE	SLOTTED	IF OTHER TYPE, DESCRIBE		
0	19	14 3/4	1	19	10 3/4	X				X							
17	760	8 1/2	0	610	5 1/2		X			X							
			610	710	5 1/2		X						X				.032
			710	730	5 1/2		X			X							
			730	750	5 1/2		X						X				.032

Installed Annular Material												
DEPTH FROM SURFACE		ANNULAR MATERIAL TYPE (T)							FILTER PACK			
FROM (feet)	TO (feet)	NONE	CONCRETE	NEAT CEMENT OR CEMENT GROUT	CEMENT-BENTONITE GROUT	BENTONITE			IF OTHER TYPE OF ANNULAR MATERIAL, DESCRIBE	SAND	GRAVEL	SIZE
						GROUT	CHIPS	PELETS				
0	19			X								

DEPTH OF BORING 760	Feet Below Land Surface	DEPTH OF COMPLETED WELL 750	Feet Below Land Surface
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Well Driller Report and Well Log

WELL REGISTRATION NUMBER

55 - 903629

**SECTION 6. WELL SITE PLAN**

NAME OF WELL OWNER

Sutherland, Donald

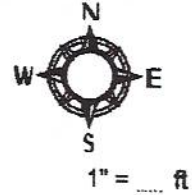
COUNTY ASSESSOR'S PARCEL ID NUMBER

BOOK  
219

MAP  
39

PARCEL  
170F

- ◆ Please draw the following: (1) the boundaries of property on which the well was located; (2) the well location; (3) the locations of all septic tank systems and sewer systems on the property or within 100 feet of the well location, even if on neighboring properties; and (4) any permanent structures on the property that may aid in locating the well.
- ◆ Please indicate the distance between the well location and any septic tank system or sewer system.



I state that this notice is filed in compliance with A.R.S. § 45-596 and is complete and correct to the best of my knowledge and belief.

DRILLING FIRM

ARIZONA BEEMAN DRILLING dba  
Morex Investments LLC

SIGNATURE OF QUALIFYING PARTY

DATE

1-23-06