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

Contested Case No. **W1-106**

**ORDER SETTING TIME LIMITS
FOR ORAL ARGUMENTS**

CONTESTED CASE NAME: *In re Subflow Technical Report, Verde River Watershed*
HSR INVOLVED: None
DESCRIPTIVE SUMMARY: Order setting time limits for oral arguments scheduled September 6, 2023.
NUMBER OF PAGES: 11
DATE OF FILING: August 18, 2023

On December 30, 2021, the Arizona Department of Water Resources (“ADWR”) filed its Subflow Zone Delineation Report for the Verde Mainstem and Sycamore Canyon Subwatershed (“Subflow Report”). Among other parties, the Salt River Valley Water Users’ Association and the Salt River Project Agricultural Improvement and Power District

1 (collectively "SRP"), Freeport Minerals Corporation ("Freeport"), and the Arizona State
2 Land Department ("ASLD"), collectively the "Moving Parties," filed separate, timely
3 objections to the report. On June 15, 2023, the Moving Parties file a joint Motion for
4 Summary Judgment ("Motion") pursuant to Rule 56(a) of the Arizona Rules of Civil
5 Procedure ("AZRCP") regarding their objections to the Subflow Report. Pursuant to the
6 Minute Entry filed July 21, 2023, this Court scheduled oral arguments for Wednesday,
7 September 6, 2023.

8 **IT IS ORDERED** that the Moving Parties will have 20 minutes for each party (60
9 minutes total) for their arguments to be presented. Parties may yield unused time to each
10 other; however, no single party may exceed 40 minutes. ADWR will have 20 minutes to
11 reply. The Court, having read the pleadings and background references, provides the
12 following questions for the parties to consider when making their oral arguments:

- 13 1) Except for the specific references in Special Master Harris' 2017 Order for
14 Production of a Subflow Zone Delineation Technical Report for the Verde River
15 Watershed, under what legal theory is ADWR compelled to broaden Judge
16 Ballinger's 2005 and 2012 orders regarding ADWR's Subflow delineation for
17 the San Pedro River watershed to also include the Verde River Water shed?
18 2) Bartlett and Horseshoe Reservoirs are *impoundments* that store water. How are
19 subflow mapping requirements for *depletions* and *diversions* relevant?

19 Signed this 18 day of August 2023

20
21
22 Sherri L. Zendri
Special Water Master
23

1 The original of the foregoing was delivered to the
2 Clerk of the Maricopa County Superior Court on
3 August 18, 2023, for filing and
4 distributing a copy to all persons listed on the Court
5 approved mailing list for this case.

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Emily Natale

Court Approved Mailing List
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