

1  
2  
3  
4  
5  
6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
7 IN AND FOR THE COUNTY OF MARICOPA  
8

9 **IN RE THE GENERAL**  
10 **ADJUDICATION OF ALL RIGHTS**  
11 **TO USE WATER IN THE GILA**  
12 **RIVER SYSTEM AND SOURCE**

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

Contested Case No. **W1-106**

**CASE MANAGEMENT ORDER AND**  
**ORDER AMENDING THE COURT**  
**APPROVED MAILING LIST**

**AND**

**INSTRUCTIONS FOR INDIVIDUAL**  
**WELL OWNER OBJECTIONS**

16  
17 **CONTESTED CASE NAME:** *In re Subflow Technical Report, Verde River*  
18 *Watershed*

19 **TECHNICAL REPORTS INVOLVED:** Arizona Department of Water Resources,  
20 *Technical Report Concerning De Minimis Domestic, Stockpond, and Stock and Wildlife*  
21 *Watering Uses in The Verde River Watershed, August 2022; Subflow Zone Delineation*  
22 *Report for Verde River Mainstem & Sycamore Canyon, December 2021; and Subflow*  
23 *Zone Delineation Report for the Remainder of the Verde River Watershed, April 2023.*

24 **DESCRIPTIVE SUMMARY:** Case management order regarding notice and  
25 amending the court approved mailing list to remove parties not meeting the statutory  
26 requirements. Including instructions for individual well owners who would like to  
27 object to the inclusion of wells in the subflow zone.

28 **NUMBER OF PAGES:** 14

**I. Instructions For Individual Well Owner Objections**

As this case moves through the adjudication process, a review of the case file revealed that many objections filed with respect to the technical reports were not valid

1 technical objections to the reports they were filed against. However, some of the  
2 objections relating to the determination of individual wells either drawing subflow or  
3 being of a de minimis use may be appropriately filed at a later date. The Court provides  
4 the following guidance to claimants to assist with properly addressing their wells as part  
5 of this adjudication:

6       A. The technical reports are not final rulings. There are three **proposed** technical  
7 reports currently being evaluated by the Court:

- 8               • *ADWR Technical Report on de minimis Claims in the Verde River*  
9               *Watershed* (published August 2022) which proposes a methodology to  
10              expedite the evaluation of rights claimed for appropriable water for  
11              domestic uses, stockponds, and stock and wildlife watering within  
12              certain minimal amounts.
- 13              • *Subflow Zone Delineation Report for Verde River Mainstem &*  
14              *Sycamore Canyon* (published December 2021) which delineates the  
15              proposed subflow zone for the for Verde River Mainstem & Sycamore  
16              Canyon
- 17              • *Subflow Zone Delineation Report for the Remainder of the Verde River*  
18              *Watershed* (published April 2023) which delineates the proposed  
19              subflow zone for the for Remainder of the Verde River Watershed not  
20              part of the Mainstem or Sycamore Canyon

21       None of these reports have yet been recommended to the Adjudication Judge  
22       for approval. Prior to such a recommendation, each report will go through a  
23       short proceeding where parties will present evidence either for or against the  
24       technical recommendations of the report. Currently under review are potential  
25       **procedures only. No individual water rights will be adjudicated as part of**  
26       **these report proceedings.** Final recommendations on any of the reports are  
27       not expected until late in 2024.  
28

- 1
- 2 **B.** You may get notice of the report even if your well is not within the subzone
- 3 delineation based upon the geographical area ADWR is required to send
- 4 notice.
- 5 **C.** Subflow is a legal term and the subflow zone must be delineated according to
- 6 specific legal and technical (geologic) criteria. The delineation takes no rights
- 7 and is not a “rezoning.” Wells that are within the final subflow zone will have
- 8 an opportunity to demonstrate to the Court the depth at where the well is
- 9 pumping water.
- 10 **D.** All wells that could potentially be pumping surface water through the subflow
- 11 are subject to the adjudication process. Having documentation does not
- 12 exempt you from the process. Reviewing such documentation, along with
- 13 other historical information and legal claims, is precisely the responsibility of
- 14 the Adjudication Court when determining the extent and priority of the rights
- 15 of all persons to use water in any river system and source.
- 16 **E.** If you want to object to a specific well pumping from the subflow, or that a
- 17 well should be included in a de minimis proceeding, the appropriate time to
- 18 make those objections are when your specific well or Statement of Claimant
- 19 (“SOC”) is listed in the Hydrographic Survey Report (“HSR”) for your area.
- 20 The estimated publication dates for the preliminary HSRs for the Verde
- 21 Watershed are as follows:
- 22 – Sycamore Subwatershed March 6, 2026
- 23 – Lower Verde Valley subwatershed September 3, 2027
- 24 – Little Chino subwatershed March 9, 2029
- 25 – Big Chino subwatershed March 9, 2029
- 26 **F.** Arizona law requires objections include specificity regarding the
- 27 recommendations in the report you are objecting to. Simply stating you
- 28 “object to the science” does not supply sufficient detail or specificity. Any

documentation provided must also address the specific issue under objection.

G. There are multiple technical reports for the Verde River Watershed. When reviewing deadlines for reports or court actions, please be sure you are looking at the correct report's proceedings schedule.

To ensure due process is met while also controlling the complexity of the filings, the Court is providing the following Case Management Orders:

## II. Updates to the Court Approved Mail List

Under Arizona law, any person or entity who has filed a Statement of Claimant in an adjudication may file an objection to a report prepared by Arizona Department of Water Resources for that adjudication. Based on their earlier representations, the parties listed below were added to the Court-approved mailing list for this proceeding pending the appropriate filing of a Statement of Claimant. A review of the public records of Arizona Department of Water Resources conducted on January 23, 2024, did not show that a Statement of Claimant has been filed for any of the three named parties.

**THEREFORE, IT IS ORDERED** the objections filed by these individuals will be dismissed and their names removed from the CAML.

Harold Cowles  
Carl Hendrickson  
Brian Murphy

Additionally, the objections filed by the parties listed below did not meet the statutory requirement of **specifically** addressing a recommendation included in any of the three reports listed above.

**THEREFORE, IT IS FURTHER ORDERED** that in accordance with Arizona Revised Statutes Section 45-256(B), the following objections are dismissed with prejudice for failure to address with specificity any recommendations from ADWR

1 regarding the *Technical Report Concerning De Minimis Domestic, Stockpond, and Stock*  
2 *and Wildlife Watering Uses in The Verde River Watershed*, August 2022; *Subflow Zone*  
3 *Delineation Report for Verde River Mainstem & Sycamore Canyon* December 2021; or  
4 *Subflow Zone Delineation Report for the Remainder of the Verde River Watershed*, April  
5 2023:

6	Starr Bennett	Kamille Mulcaire
7	John Brink	Yolanda Moneglia
8	Toni M. Brown	Owens Trust/ David J. Owens
9	Larry Bullard	Marcus & Twyla Petropoulos
10	Rita M. Cantu	Resolution Copper Mining
11	Henry D. And Barbara A. Cuomo	Randall L. Russell
12	Cuomo Kelsch Ranch LLC	William Sasser
13	Michele Guy	Todd V. Scantlebury
14	Wolfgang Koehler	Justine Schaible
15	Kathleen Henkel	Fran Scurei
16	Maria Gibson	Nancy Shiew
17	Irving John Goulette	Greg Stowe
18	Marjorie Kish	Robert G. Sumner
19	Kristie L. Kreutzfeld	The 7's Ranch LLC
20	Morgan Joseph Langan	Town of Prescott Valley
21	Johnnie L. Martin	Terrence Sullivan & Sheila Victorino
22	Maryland S. McKinney	
23	Vito T. Greco & Colleen Corrigan Greco	
24	Kathy Masters-Jaeckel & Lawrence J. Jaeckel	
25	Lewallen Family Trust – Gary W. and Katharine S. Lewallen	

26 All parties listed above shall receive a copy of this Order and will then be removed from  
27 the Court-Approved Mailing List. Parties who have continued interested in the  
28 proceedings may review all Court documents at the General Stream Adjudication  
website:

[www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication)

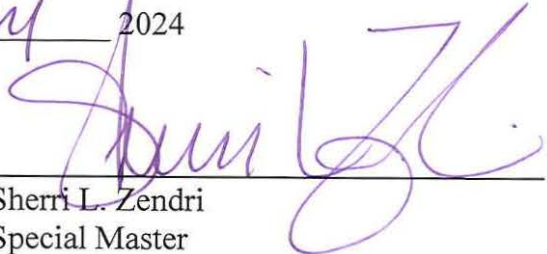
Alternatively, parties may contact Emily Natale, Judicial Assistant for the General  
Stream Adjudication, at emily.natale@jbazmc.maricopa.gov, and request to be added to  
a courtesy email list and receive courtesy copies of Court orders via email.

1 **III. Filing of Discovery Documents Under the Rules for Proceedings Before the**  
2 **Special Master**

3 The Court recognizes that since the Court promulgated the current Rules for  
4 Proceedings Before the Special Master ("Rules"), Rule 5 of the Arizona Rules of Civil  
5 Procedure was amended to eliminate the requirement that parties file with the Clerk of  
6 Court "all papers . . . required to be served upon a party." As a result, Section 18.01 of  
7 the Rules shall not apply to contested case W1-106.

8 **THEREFORE, IT IS ORDERED THAT** the parties to this contested case are  
9 not required to file with the Clerk of Court the original of every paper otherwise filed in  
10 this contested case per Section 18.01.

11  
12  
13 Signed this 31<sup>st</sup> day of January 2024

14  
15  
16   
17 Sherri L. Zendri  
18 Special Master  
19  
20  
21

22 The original of the foregoing was delivered  
23 to the Clerk of the Maricopa County Superior  
24 Court on January 31, 2024 for  
25 filing and distributing a copy to all persons  
26 listed on the Court approved mailing list for  
27 this contested case.

28   
Emily Natale

Court Approved Mailing List  
In re Subflow Technical Report, Verde River Watershed, Case No. W1-106  
W1-106 (96 Names)  
Prepared by the Special Master  
1/31/2024

---

Alexander B. Ritchie  
San Carlos Apache Tribe  
Office of the Attorney General  
PO Box 40  
San Carlos, AZ 85550

Carla A. Consoli  
May Potenza Baran & Gillespie  
P.C  
1850 N. Central Avenue, 16th  
Floor  
Phoenix, AZ 85004

Andrew J. Corimski  
U. S. Army Legal Services  
Environmental Law Division  
9275 Gunston Road  
Fort Belvoir, VA 22060

Carlos D. Ronstadt  
Law Office of Carlos D.  
Ronstadt, PLLC  
7000 North 16th Street, Suite  
120, No. 510  
Phoenix, AZ 85020-5547

Brandon R & Natasha M.  
Pacheco  
Pacheco Brandon & Natasha  
Living Trust  
19400 N. Lower Territory Rd.  
Prescott, AZ 86305

Charles L. Cahoy, Asst. City  
Attorney  
Phoenix City Attorney's Office  
200 W. Washington 13th Flr.  
Phoenix, AZ 85003

Brian Murphy  
PO Box 2  
Sedona, AZ 86339

Clerk of the Superior Court  
Maricopa County  
Attn: Water Case  
601 West Jackson Street  
Phoenix, AZ 85003

Burch & Cracchilo, P.A.  
1850 North Central, Suite 1700  
Phoenix, Az 85004

Cottonwood Ditch Association  
Peter Andrew Groseta,  
President  
PO Box 445  
Cottonwood, AZ 86326

Carl Hendrickson  
1112 Woburn Green  
Bloomfield Hills, MI 48302

Cuomo Kelsch Ranch LLC  
221 N. Roper Lane  
Payson, AZ 85541

D. Brown, J Brown, A. Brown  
G Perkins, & B. Heiserman  
Brown & Brown Law Offices  
P.C.  
PO Box 1890  
St. Johns, AZ 85936

Daniel Brenden /Peter Muthig  
Maricopa County Attorney's  
Office  
222 North Central Avenue, Ste.  
1100  
Phoenix, AZ 85004

Daniel D. Haws  
U. S. Army  
Environmental Attorney  
2387 Hatfield Street  
Fort Huachuca, AZ 85613

Daniel F. McCarl  
U.S. Department of Justice  
ENRD  
Indian Resources Section  
999 18th Street, So Terrace,  
Suite 370  
Denver, CO 80202

Dara Mora  
Liberty Utilities, Inc.  
1225 West Frontage Road  
Rio Rico, AZ 85648

David F. Jacobs, Carrie J.  
Brennan  
and Kevin P. Crestin  
Arizona Attorney General  
Natural Resources Section  
2005 North Central  
Phoenix, AZ 85004

David Gehlert  
United States Department of  
Justice  
Environment & Natural  
Resources Division  
999 18th Street, South Terrace  
Ste 370  
Denver, CO 80202

David J. Owens  
Owens Trust  
7127 N. 66th Street  
Paradise Valley, AZ 85253

Diandra D. Benally  
Fort McDowell Yavapai Nation  
Legal Department  
P. O. Box 17779  
Fountain Hills, AZ 85269-7779

Duane C. Wyles  
205 Farm Circle Drive  
P. O. Box 1537  
Cornville, AZ 86325-1537

Emily Jurmu  
City of Peoria, City Attorney  
Office  
8401 West Monroe Street,  
Room 280  
Peoria, AZ 85345-6560

Eric C. Anderson & Karen Tyler  
City of Scottsdale  
City Attorney's Office  
3939 N. Drinkwater Blvd.  
Scottsdale, AZ 85251



Eric L. Hiser & Luke Erickson  
Hiser Joy  
5080 N. 40th Street,, Suite 245  
Phoenix, AZ 85018

Irving John Goulette  
389 West Burnt Point Trail  
Payson, AZ 85541

Frances Scurei  
32105 N. 168th Street  
Rio Verde, AZ 85263

J. B. Weldon, M. A. McGinnis,  
M. K. Foy  
Salmon, Lewis & Weldon  
2850 E. Camelback Rd. Suite  
200  
Phoenix, AZ 85016

Greg Stowe  
26321 N. Vineyard Lane  
Paulden, AZ 86334

Jacob Kavkewitz  
Pima County Attorney's Office  
Civil Division  
32 N. Stone Avenue, Ste 2100  
Tucson, AZ 85701

Gregory L. Adams  
Central Arizona Water  
Conservation District  
P. O. Box 43020  
Phoenix, AZ 85080-3020

Jason Simon  
Lewis Roca Rothgerber  
Christie L.L.P.  
One South Church Avenue,  
Ste. 2000  
Tucson, AZ 85701-1611

Harold Cowles  
PO Box 2800-177  
Carefree, AZ 85377

Javier Ramos & Sunshine  
Manuel  
Gila River Indian Community  
Office of the General Counsel  
P. O. Box 97  
Sacaton, AZ 85147

Henry D. & Barbara A. Cuomo  
231 N. Roper Lane  
Payson, AZ 85541

Jenny J. Winkler  
City Attorney  
821 N. Main St.  
Cottonwood, AZ 86326

Jeremiah Weiner, Kent  
Millward,  
Brett J. Stavin, & Lauren  
Mulhern  
ROSETTE, LLP.  
120 S. Ash Avenue, Suite 201  
Tempe, AZ 85281

Joe P. Sparks and Laurel A.  
Herrmann  
The Sparks Law Firm, P.C.  
7503 First Street  
Scottsdale, AZ 85251-4573

John Brink  
7522 139th St Ct E  
Puyallup, WA 99373

John C. Lacy and Paul M.  
Tilley  
2525 East Broadway Blvd,  
Suite 200  
Tucson, AZ 85716-5303

John C. Lemaster  
CLARK HILL PLC  
3200 North Central Ave., Suite  
1600  
Phoenix, AZ 85012

John D. Burnside  
Snell & Wilmer, L. L. P.  
One E. Washington Street,  
Suite 2700  
Phoenix, AZ 85004-2556

Johnnie L. Martin  
7215 E. Knobby Lane  
Prescott Valley, AZ 86315

Joseph Young, Chris Resare,  
& Matthew Podracky  
City of Prescott Legal  
Department  
221 S. Cortez St.  
Prescott, AZ 86303

Josh Edelstein Phoenix Field  
Solicitor  
Office of the Solicitor  
U.S. Department of the Interior  
Sandra Day O'Connor U.S.  
Courthouse  
401 W. Washington St., Ste.  
404, SPC 44  
Phoenix, AZ 85003

Judy Mikeal  
San Pedro NRCD  
P. O. Box 522  
St. David, AZ 85630

Justine Schaible  
4001 E. Perkenville Road  
Chino Valley , AZ 86232

Kamille Mulcaire  
9535 E. Mulcaire Rd.  
Cornville, AZ 86325

Kathleen Henkel  
1870 E. Pointer Trail  
Paulden, AZ 86334

L. Richard Mabery  
L. Richard Mabery, P.C.  
234 North Montezuma Street  
Prescott, AZ 86301

Kathy Masters-Jaeckel &  
Lawrence Jaeckel  
30 Serendipity Trail  
Sedona, AZ 86336

L. William Staudenmaier  
Snell & Wilmer, L. L. P.  
One E. Washington Street  
Suite 2700  
Phoenix, AZ 85004

Kelly Schwab & Daniel L.  
Brown  
City of Chandler  
City Attorney's Office  
Mail Stop 602, P. O. Box 4008  
Chandler, AZ 85244-4008

Larry Bullard  
1580 S. Grandview Rd  
Cornville, AZ 86325

Kimberly R. Parks and Karen J.  
Nielsen  
Arizona Department of Water  
Resources  
1110 West Washington, Suite  
310  
Phoenix, AZ 85007

Lauren Caster & Bradley Pew  
Fennemore Craig, P.C.  
2394 East Camelback Road  
Ste 600  
Phoenix, AZ 85016-3429

KLUMP RANCHES, L.L.C.  
c/o Wayne D. Klump  
P. O. Box 357  
Bowie, AZ 85605

Lee Storey  
TSL Law Group, PLC  
8767 E. Via De Ventura, Suite  
126  
Scottsdale, AZ 85258

Kristie L. Kreutzfeld  
3075 E. Martin Way  
Cottonwood, AZ 86326

Lewallen Family Trust  
Gary W., Katharine S. Lewallen  
1101 S. Crown Key Ave.  
Gilbert, AZ 85233

Lucas J. Narducci  
Snell & Wilmer, L.L.P.  
One E. Washington Street,  
Suite 2700  
Phoenix, AZ 85004-2556

Merrill C. Godfrey  
Akin Gump Straus Hauer &  
Feld LLP  
2001 K Street, N.W.  
Washington, DC 20006

M'Leah Woodard and Leigh  
Sellari  
United States Department of  
Agriculture  
P. O. Box 586  
Albuquerque, NM 87103-0586

Messrs Kaffer, Davidson and  
Funkhouser  
Davidson & Kaffer PLLC  
8700 E Pinnacle Peak Rd,#  
221 POB 27500  
Scottsdale, AZ 85147

Marcus & Twyla Petropoulos  
24520 N. Patricia Road  
Paulden, AZ 86334

Michele Guy  
PO Box 2800-177  
Carefree, AZ 85377

Marjorie Kish  
1902 N. Montezuma Heights  
Rd.  
Camp Verde, AZ 86322

Morgan Joesph Langan  
PO Box 741  
Cornville, AZ 86325

Maryland S. McKinney  
PO Box 1244  
Paulden, AZ 86334

Nancy Shiew  
23755 N. Hwy 89  
Paulden, AZ 86334

Meghan H. Grabel & Elias J.  
Ancharski  
OSBORN MALEDON, P.A.  
2929 North Central Avenue,  
Ste. 2000  
Phoenix, AZ 85012

Nicholle Harris  
City of Avondale  
City Attorney  
11465 West Civic Center Drive  
Avondale, AZ 85323

R. Lee Leininger, David W.  
Gehlert  
U.S. Department of Justice  
Environment & Natural  
Resources Division  
Natural Resources Section  
999 18th Street, S. Terrace,  
Suite 370  
Denver, CO 80202

Randall L. Russell  
26338 N. Cabernet Ln.  
Paulden, AZ 86334

Rebecca M. Ross  
U. S Department of Justice  
P. O. Box 7611  
Ben Franklin Station  
Washington, D. 20044

Rita M. Cantu  
862 W. Gina Marie Blvd  
Paulden, AZ 86334

Robert B. Hoffman  
6035 North 45th Street  
Paradise Valley, AZ 85253

Robert G. Sumner  
1945 S. Loy Rd  
Cornville, AZ 86325

Roric V. Massey  
City of Goodyear  
Office of the City Attorney  
1900 N. Civic Sq  
Goodyear, AZ 85395-2012

Susan B. Montgomery, Robyn  
Interpreter,  
Montgomery & Interpreter PLC  
3301 E. Thunderbird Road  
Phoenix, AZ 85032

Sean Hood  
Fennemore Craig, P.C.  
2394 E Camelback Rd, St 600  
Phoenix, AZ 85016-3429

Sonia M. Blain & Janis L.  
Bladine  
Tempe City Attorney's Office  
21 E. Sixth Street #201  
Tempe, AZ 85281

Starr Bennett as Trustee  
Starr Bennett Living Trust  
PO Box 606  
Paulden, AZ 86334

Steve Wene  
Moyes Sellers & Sims  
1850 North Central Avenue,  
Suite 1100  
Phoenix, AZ 85004

Sherri L. Zendri  
Special Master  
Central Court Building, Ste 3A  
201 West Jefferson  
Phoenix, AZ 85003-2205

Terrence M. Sullivan Living  
Trust  
Sheila A. Victorino  
PO Box 212  
Cottonwood, AZ 86326

The 7's Ranch LLC  
23755 N. Hwy 89  
Paulden, AZ 86334

Todd V. Scantlebury  
2413 W Middle Verde Rd  
Camp Verde, AZ 86322

Toni M. Brown  
9905 E. Catalina Dr.  
Prescott Valley, AZ 86314

Tony Gioia  
P. O. Box 464  
Camp Verde, AZ 86322

Vito T. Greco  
Colleen Corrigan Greco  
1410 S. Mullen Way  
Prescott, AZ 86303

William H. Anger  
Engelman Berger, P.C.  
2800 N. Central Ave. Ste. 1200  
Phoenix, AZ 85004

William Sasser  
PO Box 793  
Seligman, AZ 86337

Wolfgang Koehler  
275 W. Eleanor Rd  
Paulden, AZ 86334

Yolanda Moneglia  
870 Sycamore Vista Dr. Chino  
Valley, AZ 86323

Yosef M. Negose  
U.S. Department of Justice -  
ENRD  
Indian Resources Section  
P.O. Box 7611  
Washington, DC 20044

Courtesy Copy  
Maria Gibson  
1912 S. Quarterhorse Ln.  
Camp Verde, AZ 86322