

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

3
4 IN RE THE GENERAL
5 ADJUDICATION OF ALL RIGHTS TO
6 USE WATER IN THE GILA RIVER
7 SYSTEM AND SOURCE

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

Contested Case No. W1-106

8 **ORDER GRANTING SALT RIVER**
9 **PROJECT'S MOTION FOR PARTIAL**
10 **SUMMARY JUDGMENT**
11 **REGARDING ENFORCEMENT**
12 **AGAINST SUMMARILY**
13 **ADJUDICATED USES**

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

16 **DESCRIPTIVE SUMMARY:** Order granting the Salt River Project's motion for
17 partial summary judgment regarding enforcement against summarily adjudicated uses.

18 **NUMBER OF PAGES:** 7

19 On February 22, 2024, the Salt River Project Agricultural Improvement and Power
20 District and Salt River Valley Water Users' Association (collectively "SRP") filed a motion
21 for partial summary judgment regarding enforcement against summarily adjudicated uses.
22 Responses were received from the United States, the Yavapai Apache Nation, the Tonto
23 Apache Tribe, the Town of Chino Valley, and the Arizona State Land Department, joining
24 with SRP regarding clarification that any rights summarily adjudicated in the Verde River
25 watershed as de minimis would remain subject to potential enforcement by senior water
26 right holders. The Court received no opposition to SRP's request.

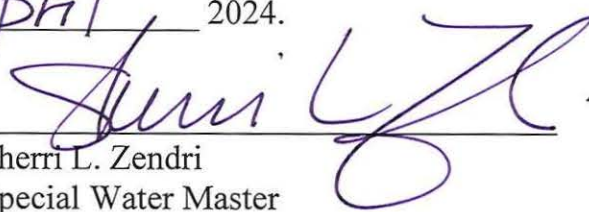
27 Once a proposed water right is included in the catalog of proposed rights and the
28 subsequent final decree, the right will be fully adjudicated and subject to enforcement.
29 Summarily adjudicated rights are not excluded from this process; they are simply entered
30 into the catalog with lesser initial scrutiny due to their minimal impact on downstream
31 potential rights. Thus, irrespective of whether a potential right is summarily adjudicated,

1 once a final decree is entered, all rights will be enforceable, and subject to the futile call
2 doctrine if otherwise applicable.

3 Having reviewed SRP's motion and all responses and replies, **IT IS ORDERED** that
4 the Motion is GRANTED.

5
6 **IT IS FURTHER ORDERED** that any summarily adjudicated water rights in the
7 Verde River Watershed will be subject to enforcement by the holders of senior water rights
8 in the same manner as rights that are not summarily adjudicated. Owners of summarily
9 adjudicated water rights will be permitted to assert the futile call doctrine in an enforcement
10 action to the extent that such doctrine would be otherwise applicable.

11
12 DATED this 24th day of April 2024.

13
14 
15 Sherri L. Zendri
16 Special Water Master
17

18 On April 24, 2024, the
19 original of the foregoing was delivered to the
20 Clerk of the Apache County Superior Court for
21 filing and distributing a copy to all persons
22 listed on the Court-approved mailing lists for
23 and to the Clerk of the Maricopa County
24 Superior court for filing and distributing a copy
25 to all persons listed on the Court-approved
26 mailing list for Case No. **W1-106**

27
28 
Emily Natale

Court Approved Mailing List
In re Subflow Technical Report, Verde River Watershed, Case No. W1-106
W1-106 (60 Names)
Prepared by the Special Master
4/24/2024

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