



Arizona's General Stream Adjudications

WRRC Water Webinar

September 16, 2025

Jennifer Wendel
Associate Director, Arizona Adjudications Project



THE UNIVERSITY OF ARIZONA
JAMES E. ROGERS COLLEGE OF LAW

Natural Resource Use
& Management Clinic

Academics

[Academics & Student Resources](#)[Programs](#)[Academic Calendar](#)[Courses](#)[Degrees](#)[Clinical Programs](#)[BA/MLS Family Law Default Clinic](#)[Child and Family Law Clinic](#)[Civil Rights Restoration Clinic](#)[Community Immigration Law Placement Clinic](#)[Criminal Prosecution Clinic](#)

Natural Resource Use & Management Clinic



NATURAL
RESOURCE
USE &
MANAGEMENT
CLINIC

The Natural Resource Use and Management Clinic gives law students the opportunity to gain practical experience in



Academics

[Academics & Student Resources](#)[Programs](#)[Academic Calendar](#)[Courses](#)[Degrees](#)[Clinical Programs](#)[BA/MLS Family Law Default Clinic](#)[Child and Family Law Clinic](#)[Civil Rights Restoration Clinic](#)[Community Immigration Law Placement Clinic](#)[Criminal Prosecution Clinic](#)[Domestic Violence Law Clinic](#)[Education Advocacy Clinic](#)[Gender Justice Workshop](#)[Immigration Law Clinic](#)[Intellectual Property Clinic](#)

Arizona Adjudications Project

The Arizona Adjudications Project is an initiative of the University of Arizona's Natural Resource Use & Management Clinic. Claimants in Arizona's general stream adjudications with small water right claims may apply for limited legal representation.

Eligibility

To be eligible for assistance from the Arizona Adjudications Project, you must:

- Have a surface water right claim within Arizona's Gila River Adjudication or Little Colorado River Adjudication.
- Small land owner.

Arizona Adjudication Watersheds





Outline

1. Origin of Stream Adjudications

- Prior appropriation and the foundation of western water law
- Early water rights in Arizona
- Why do we need general stream adjudications?

2. Arizona's General Stream Adjudications

- Overview
- Current issues in Arizona's general stream adjudications

Foundations of western water law:

Riparian water rights

- **Common law origin**
- **Right to reasonable use of water as it flows along your property**
- **Equitable sharing of shortages**
- **Limits:**
 - Water can only be used on the land that borders the water source
 - No harm to neighboring users: cannot degrade the quality or quantity



Parham Mill (1826) by the English artist John Constable.

Foundations of western water law:

First water rights in the West



- Mission Garden in Tucson recognized as one of the oldest continuously cultivated agricultural sites in North America, dating back about 4,000 years
- Some of the oldest canal irrigation in the United States

Foundations of western water law:

First water rights in the West





Treaty of Guadalupe Hidalgo,
signed on February 2,
1848, officially ended the
Mexican-American War

Foundations of western water law: California Gold Rush and Prior Appropriation



Source: Museum of History &
Industry (MOHAI) Seattle



Source:
USGS

Foundations of western water law:

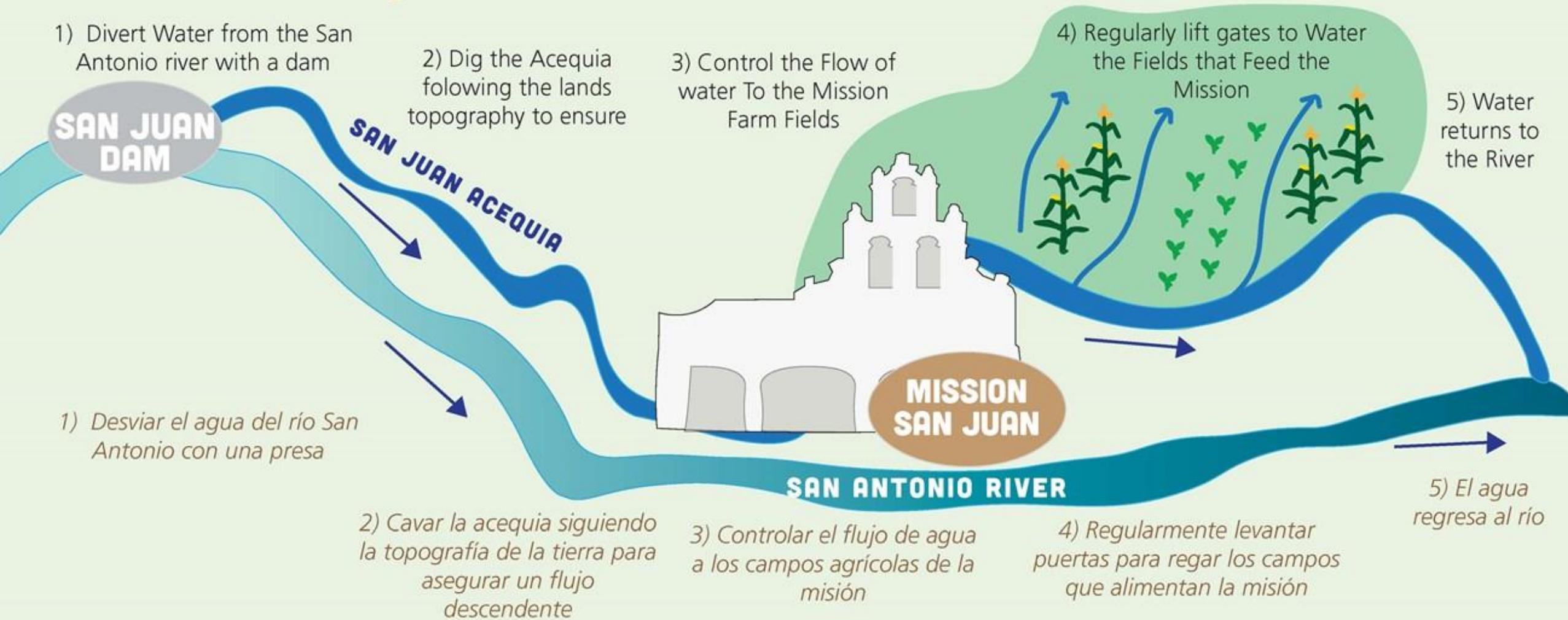
California Gold Rush and Prior Appropriation

- **Riparian rights could not apply**
 - Federal government owned much of the land (but water use was private). Landowner and water user were not the same.
 - Significant water use off-stream
 - “First in time, first in right” finders keepers law stimulated and protected economic development
 - Courts were new and had little power, they recognized the local governing laws



HOW DOES AN ACEQUIA WORK?

¿CÓMO FUNCIONA UNA ACEQUIA?

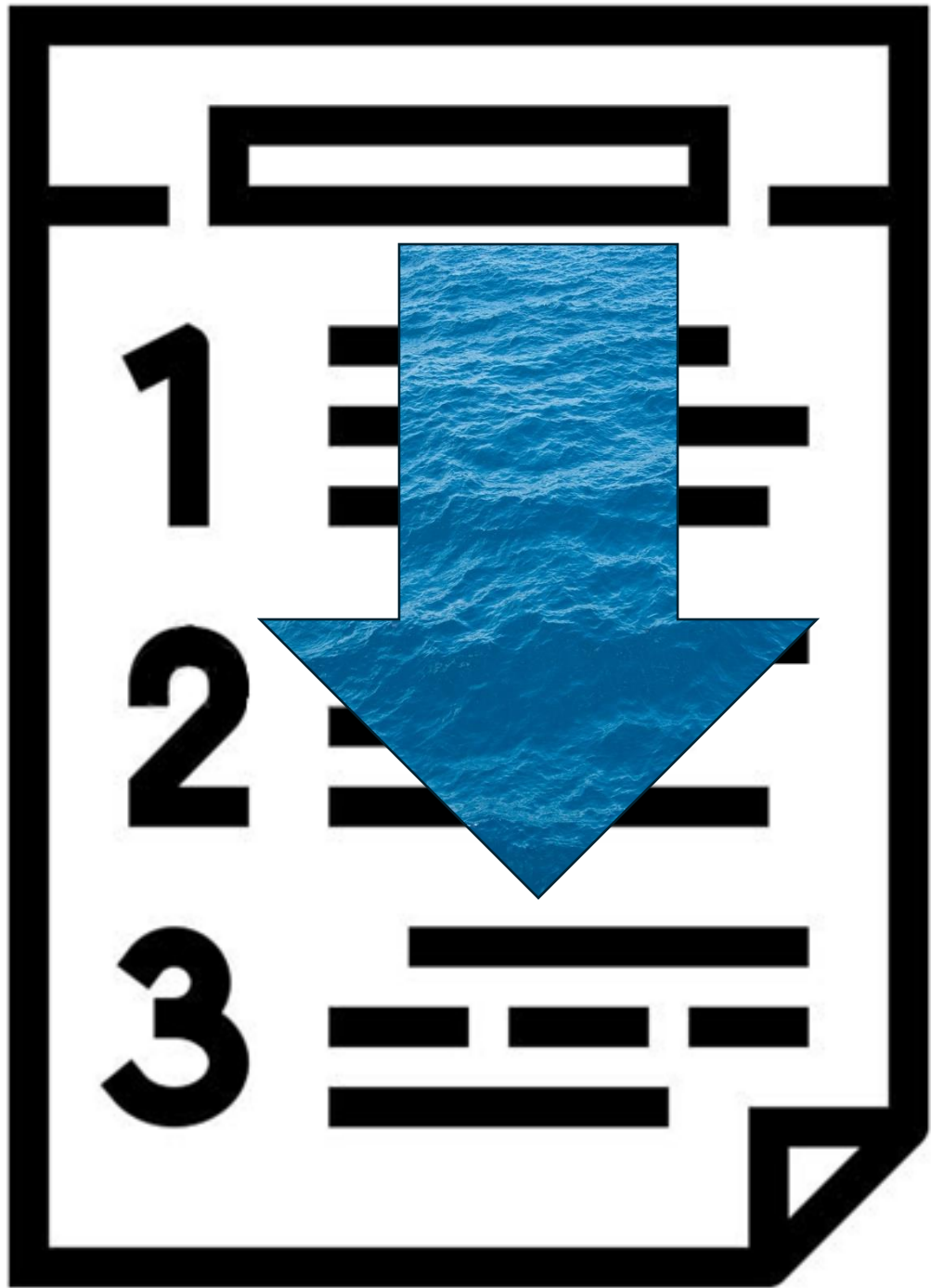


Foundations of western water law:

Irwin v. Philips, 5 Cal. 140 (1855)

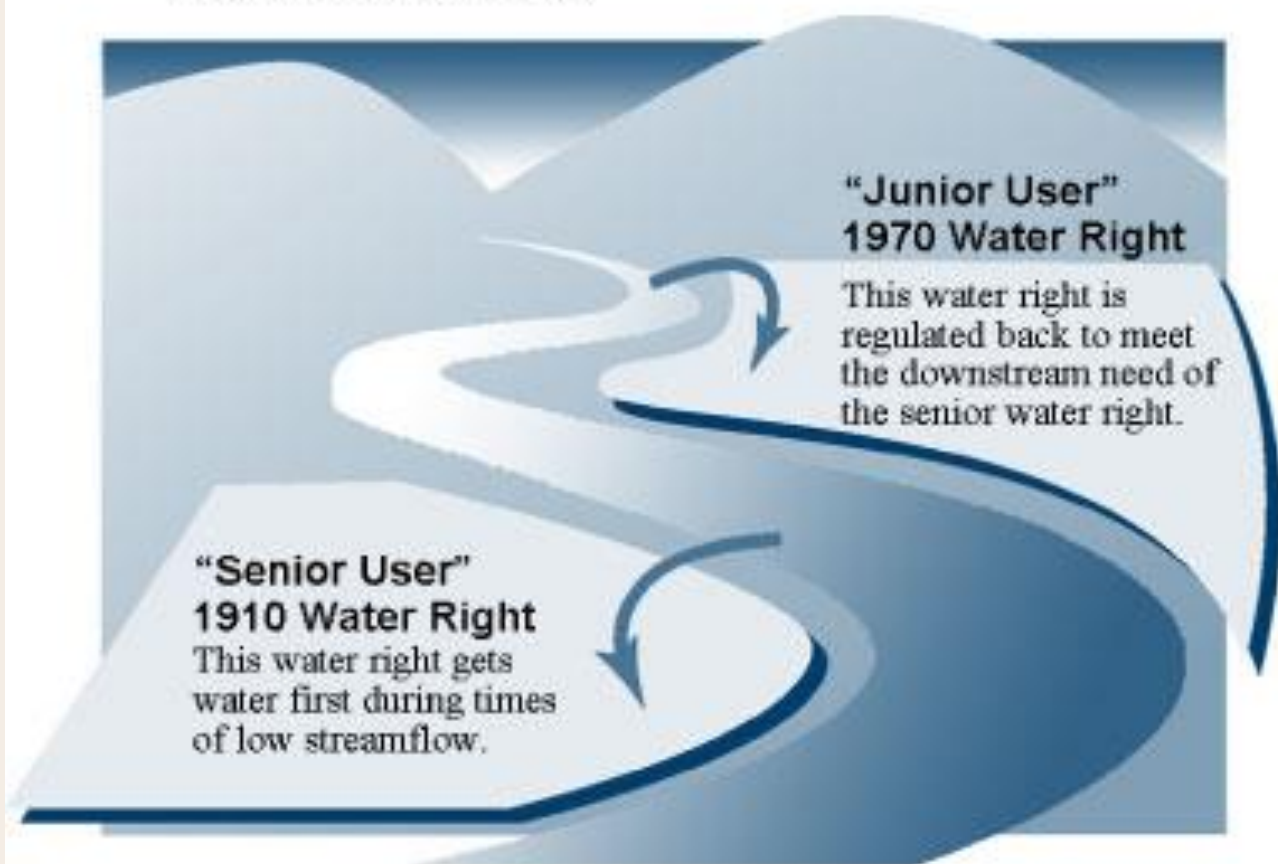
“This simply goes to prove what is the purpose of the argument, that however much the policy of the State, as indicated by her legislation, has conferred the privilege to work the mines, it has equally conferred the right to divert the streams from their natural channels, **and as these two rights stand upon an equal footing, when they conflict, they must be decided by the fact of priority upon the maxim of equity, *qui prior est in tempore potior est injure*. The miner, who selects a piece of ground to work, must take it as he finds it, subject to prior rights, which have an equal equity, on account of an equal recognition from the sovereign power.** If it is upon a stream the waters of which have not been taken from their bed, they cannot be taken to his prejudice; but if they have been already diverted, and for as high, and legitimate a purpose as the one he seeks to accomplish, he has no right to complain, no right to interfere with the prior occupation of his neighbor, and must abide the disadvantages of his own selection.”

He who is earlier in time is stronger in right, or more simply, "first in time, first in right."



Prior Appropriation: an example

"First in time, first in right"



An example of prior appropriation at work

Prior appropriation ensures that the first water user to obtain water rights has first access to water in times of shortage. If a "downstream" landowner has the earlier priority date (they initiated their water right in 1910) the "upstream" landowner may have to let the water pass unused to meet the needs of the senior, downstream water right holder.

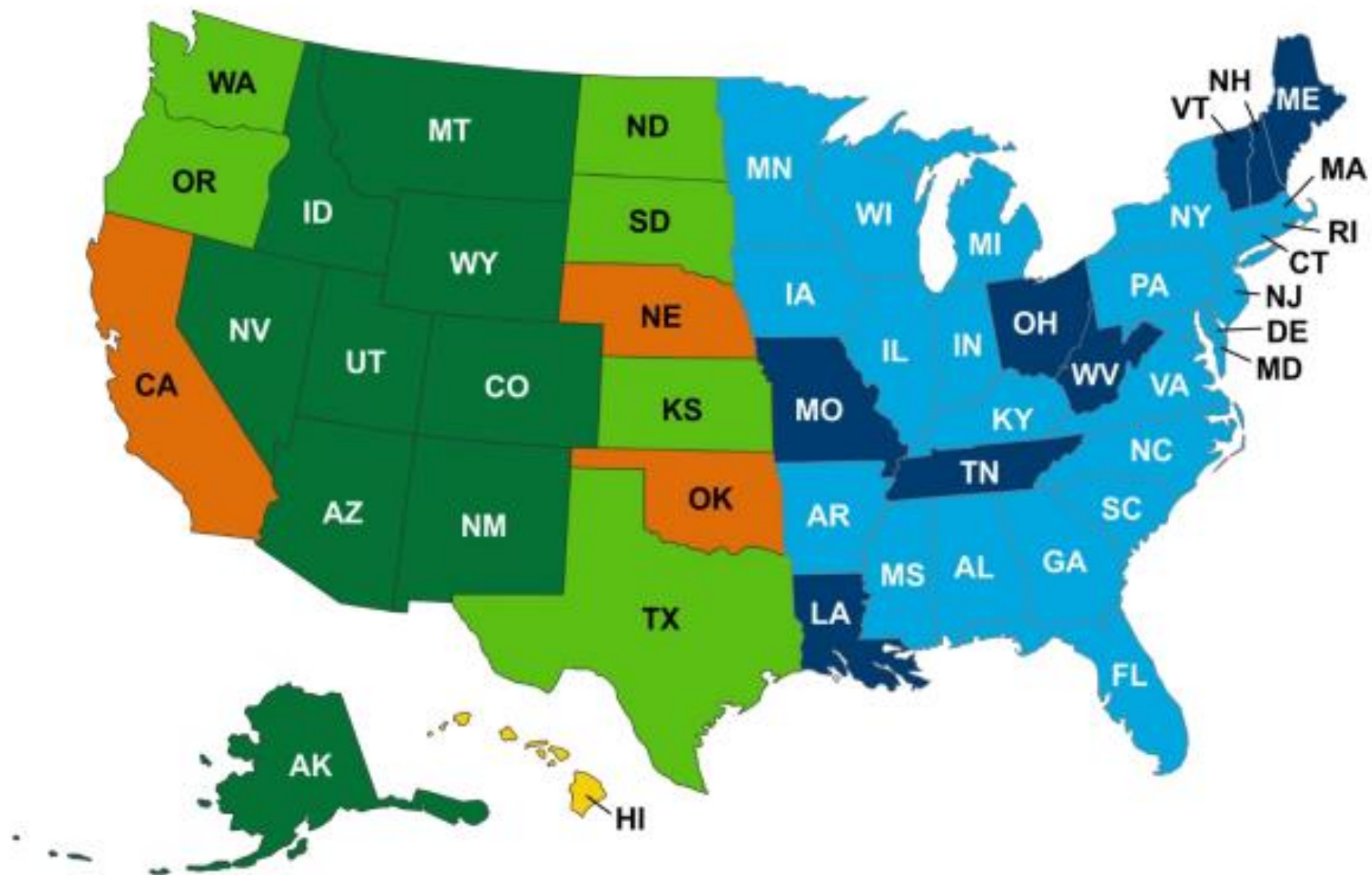
Foundations of western water law:

Elements of Prior Appropriation

1. Intent (and notice) to appropriate water
2. An actual diversion
3. Application of water to a beneficial use (domestic, stock, irrigation, wildlife, municipal, fish, recreation, water power, nonrecoverable storage) A.R.S. § 45-141(A)

The water right is appurtenant to, or tied to, the land on which it was developed.

Water rights are usufruct- you have the right to use water, subject to the laws regulating it

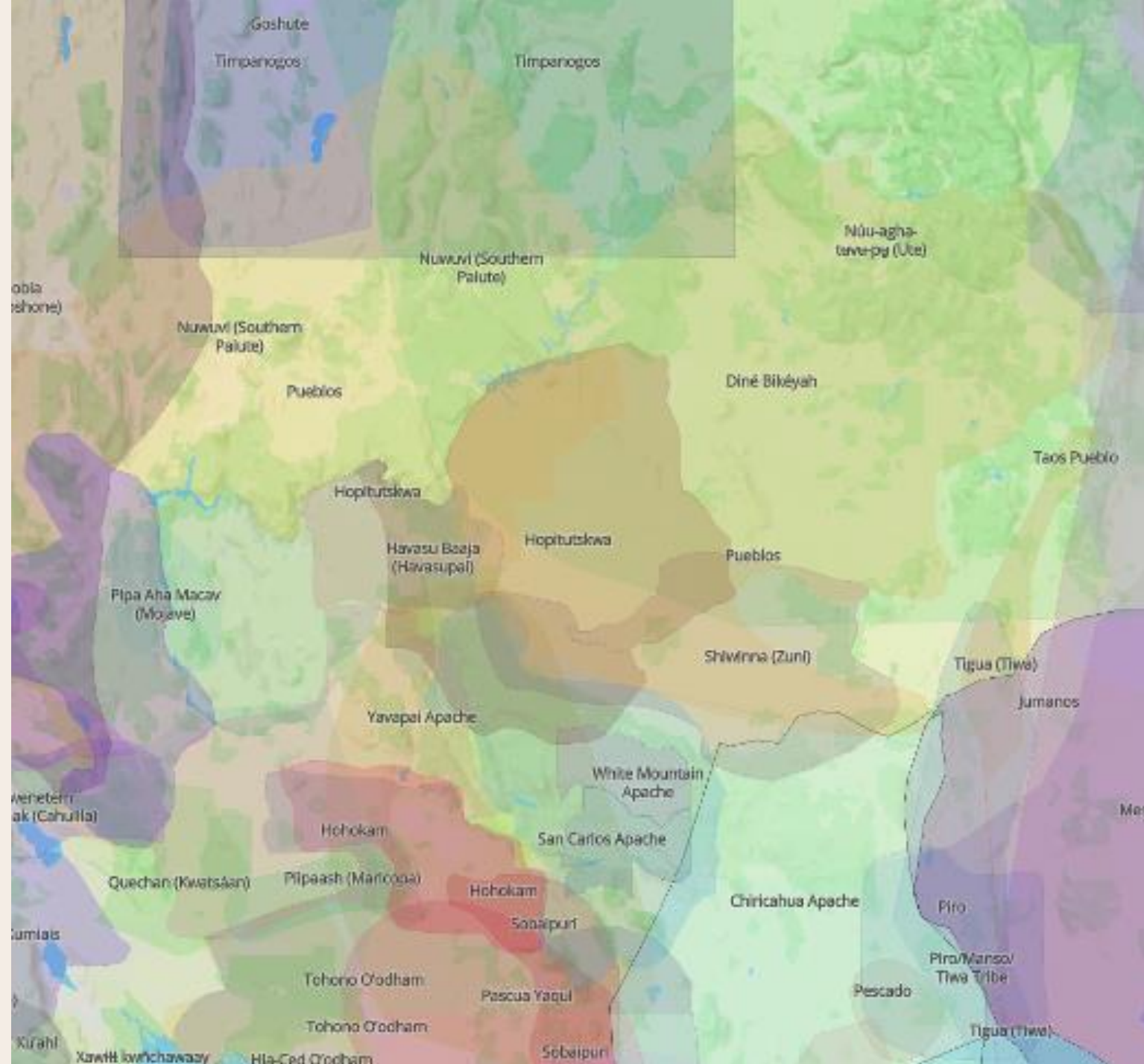


- | | |
|---|---|
| Pure Riparian | Pure Prior Appropriation |
| Regulated Riparian | Prior Appropriation, formerly Riparian |
| Mixed Riparian-Prior Appropriation | Other Doctrine |

Establishing Prior Appropriation Rights in Arizona

1. Indian water rights





“The fundamental history of the western region is one of massive land acquisitions and disposition along with the involuntary relocation of Native peoples to make way for Anglo-European adventurers and settlers.”

-John Thorson, former Special Master (judge) of Arizona’s general stream adjudications

INDIAN LAND FOR SALE

GET A HOME
OF
YOUR OWN
EASY PAYMENTS



PERFECT TITLE
POSSESSION
WITHIN
THIRTY DAYS

FINE LANDS IN THE WEST

IRRIGATED
IRRIGABLE

GRAZING

AGRICULTURAL
DRY FARMING

IN 1910 THE DEPARTMENT OF THE INTERIOR SOLD UNDER SEALED BIDS ALLOTTED INDIAN LAND AS FOLLOWS:

Location.	Acres.	Average Price per Acre.	Location.	Acres.	Average Price per Acre.
Colorado	5,211.21	\$7.27	Oklahoma	34,664.00	\$19.14
Idaho	17,013.00	24.85	Oregon	1,020.00	15.43
Kansas	1,684.50	33.45	South Dakota	120,445.00	16.53
Montana	11,034.00	9.86	Washington	4,879.00	41.37
Nebraska	5,641.00	36.65	Wisconsin	1,069.00	17.00
North Dakota	22,610.70	9.93	Wyoming	865.00	20.64

FOR THE YEAR 1911 IT IS ESTIMATED THAT **350,000 ACRES** WILL BE OFFERED FOR SALE

For information as to the character of the land write for booklet, "INDIAN LANDS FOR SALE," to the Superintendent U. S. Indian School at any one of the following places:

CALIFORNIA:
Hoopa.

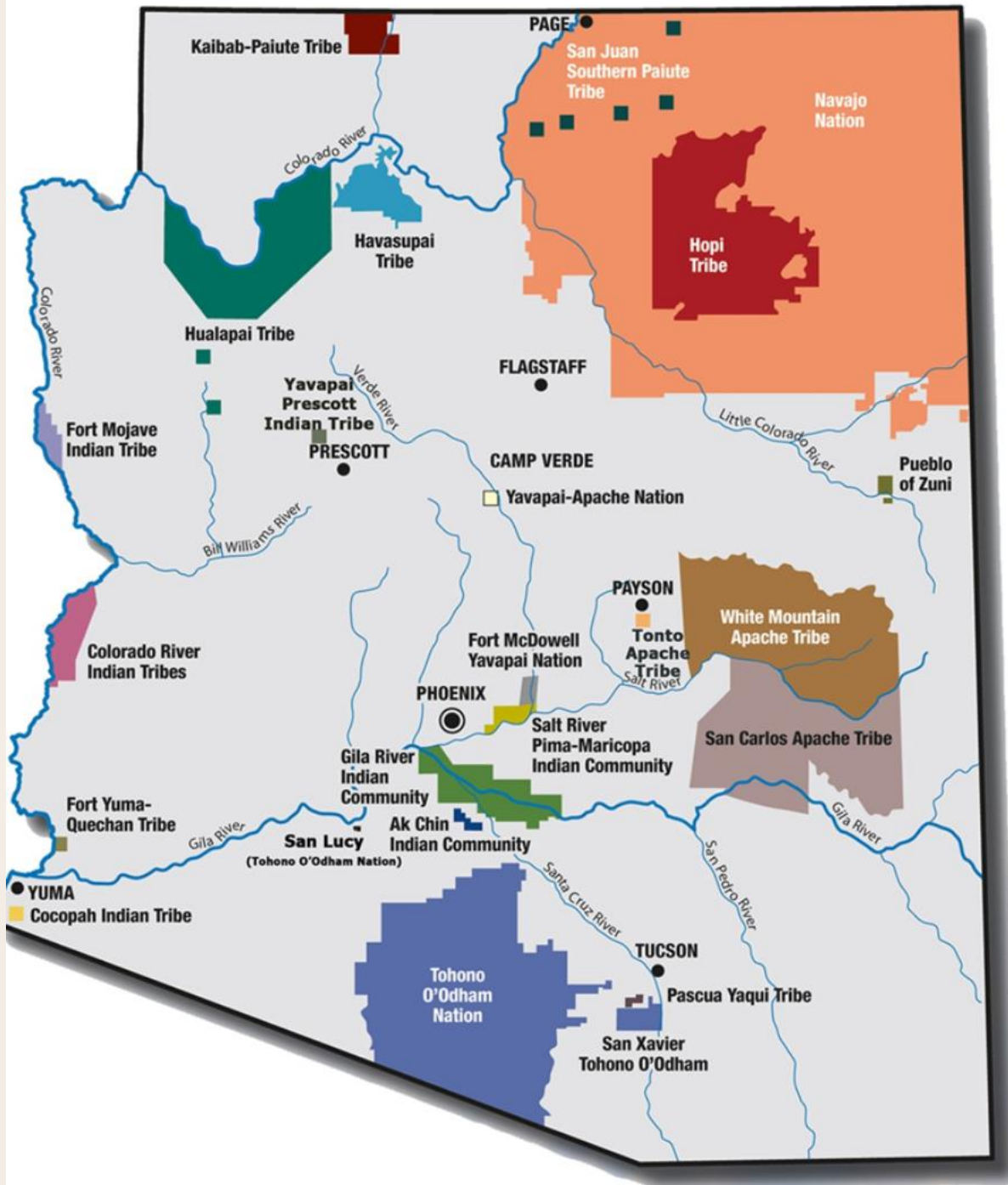
MINNESOTA:
Colgan.

NORTH DAKOTA:
Fort Totten.
Fort Yates.

OKLAHOMA—Con.
Sas and Fox Agency.
Shawnee.

SOUTH DAKOTA:
Cheyenne Agency.
Cotton Creek.

WASHINGTON:
Fort Simcoe.
Fort Sockale.



22 federally recognized
Tribes with federal
reserved water rights

Implied Federal Reserved Water Rights



- *Winters v. United States*, 207 U.S. 564 (1908)
- “The power of the government to reserve the waters and exempt them from appropriation under the state laws is not denied, and could not be.”
- **Purpose of the water:** “It is alleged with detail **that all of the waters of the river are necessary for all those purposes and the purposes for which the reservation was created**, and that, in furthering and advancing the civilization and improvement of the Indians, and to encourage habits of industry and thrift among them, **it is essential and necessary that all of the waters of the river flow down the channel** uninterruptedly and undiminished in quantity and undeteriorated in quality.”
- **Priority date** = date of reservation

Indian Water Rights Settlements in Arizona

Indian Tribes with Water Rights Settlements or Decrees

- | | |
|--|---|
| ▶ Ak-Chin Indian Community (Settled) | ▶ (Settled) |
| ▶ Cocopah Indian Tribe (Decreed) | ▶ Quechan Indian Tribe (Decreed) |
| ▶ Colorado River Indian Tribes (Decreed) | ▶ Salt River Pima-Maricopa Indian Community (Settled) |
| ▶ Fort McDowell Yavapai Nation (Settled) | ▶ White Mountain Apache Tribe (Settled) |
| ▶ Fort Mojave Indian Tribe (Decreed) | ▶ Yavapai-Prescott Indian Tribe (Settled) |
| ▶ Gila River Indian Community (Settled) | ▶ Hualapai Tribe |
| ▶ Pueblo of Zuni | |

Indian Tribes with Partial or No Water Rights Settlements

- | | |
|-------------------------------------|-----------------------------------|
| + Havasupai Tribe | + San Juan Southern Paiute Tribe |
| + Hopi Tribe | + Tohono O'odham Nation (Partial) |
| + Kaibab Band of Paiute Indians | + Tonto Apache Tribe |
| + Navajo Nation in AZ | + Yavapai-Apache Nation |
| + Pascua Yaqui Tribe | |
| + San Carlos Apache Tribe (Partial) | |

 Settlements have been introduced in Congress and are pending.

1. Implied reserved Indian water rights
2. Land patent settlements

HOMESTEAD ACT, 1862



asc

HOMESTEAD.

Land Office at *Brownville Mo*
January 20th 1868.

CERTIFICATE, }
No. 1 }

{ APPLICATION,
No. 1 }

It is hereby certified, That pursuant to the provisions of the act of Congress, approved May 20, 1862, entitled "An act to secure homesteads to actual settlers on the public domain,"

Daniel Herman has
made payment in full for *8 1/4 of NW 1/4 of NW 1/4 and SW 1/4 of NW 1/4* of
Section *Twentieth Sec (20)* in Township *fourth T*
of Range *five (5) E* containing *160* acres.

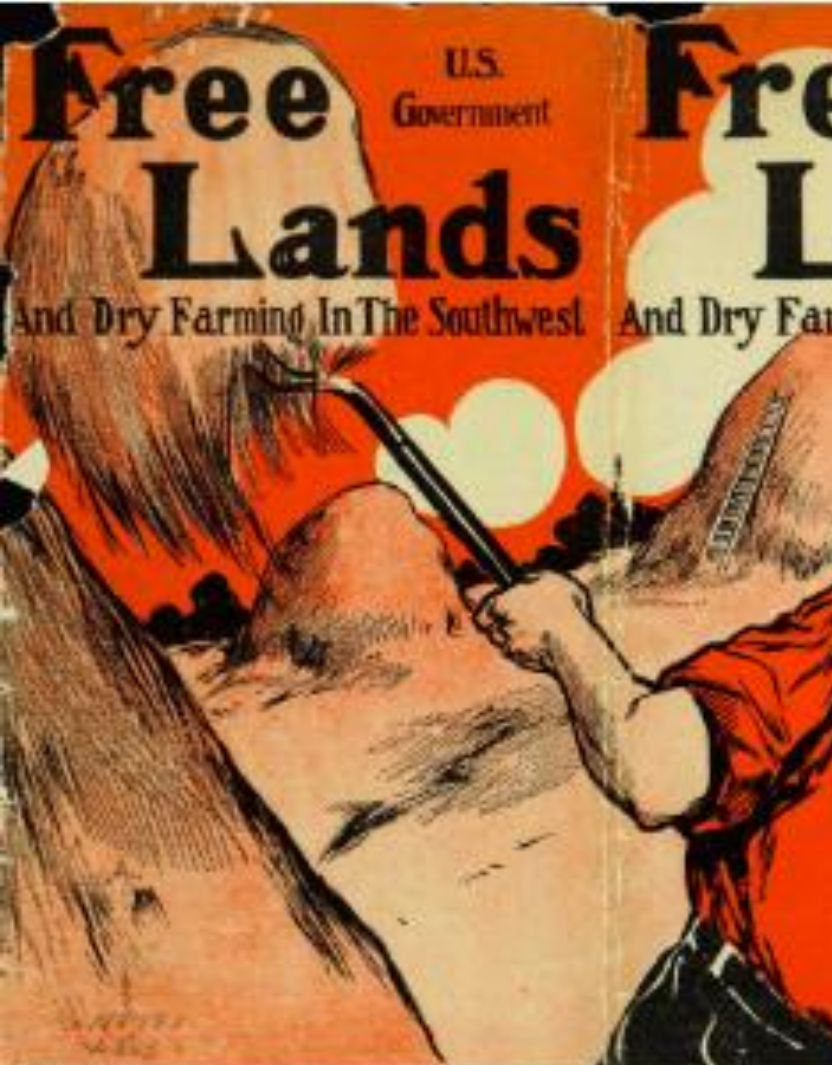
Now, therefore, be it known, That on presentation of this Certificate to the
COMMISSIONER OF THE GENERAL LAND OFFICE, the said *Daniel Herman*
shall be entitled to a Patent for the Tract of Land above described.

Henry M. Atkinson Register.



Free Lands U.S. Government **Free Lands**

And Dry Farming In The Southwest And Dry Farming



A Synopsis of the Homestead and Desert Land Laws of the United States

Issued by
General Consular Department
Anchorage, Alaska & Santa Fe N.M.
CHICAGO

Santa Fe **Santa Fe**

Cover of a brochure outlining the U.S. government's Homestead and Desert Land Laws, issued by the Anchorage University of Alaska's University Analytics and Institutional Research History of agriculture and rural life in

FREE LAND

To be had from the Government Under the
DESERT LAND ACT

Irrigation means:

RAIN { While the sun shines
When you want it
Where you want it
In quantity to suit



Grain Field, Mountain Home, Idaho



Jonathan Apples, Mountain Home, Idaho

A PERPETUAL WATER RIGHT

at a reasonable price
and on easy terms,
where the soil will produce
anything grown
in the temperate zone

For complete information write
to the Commercial Club
or the

Great Western Beet Sugar Co.
Mountain Home, Idaho
or to

The Virtue-Yerkes Co.
303-4-5-6 Boston Block
Seattle, Wash.



Large Irrigation Canal, Mountain Home, Idaho

Salt River Valley

ITS ATTRACTIONS
FOR

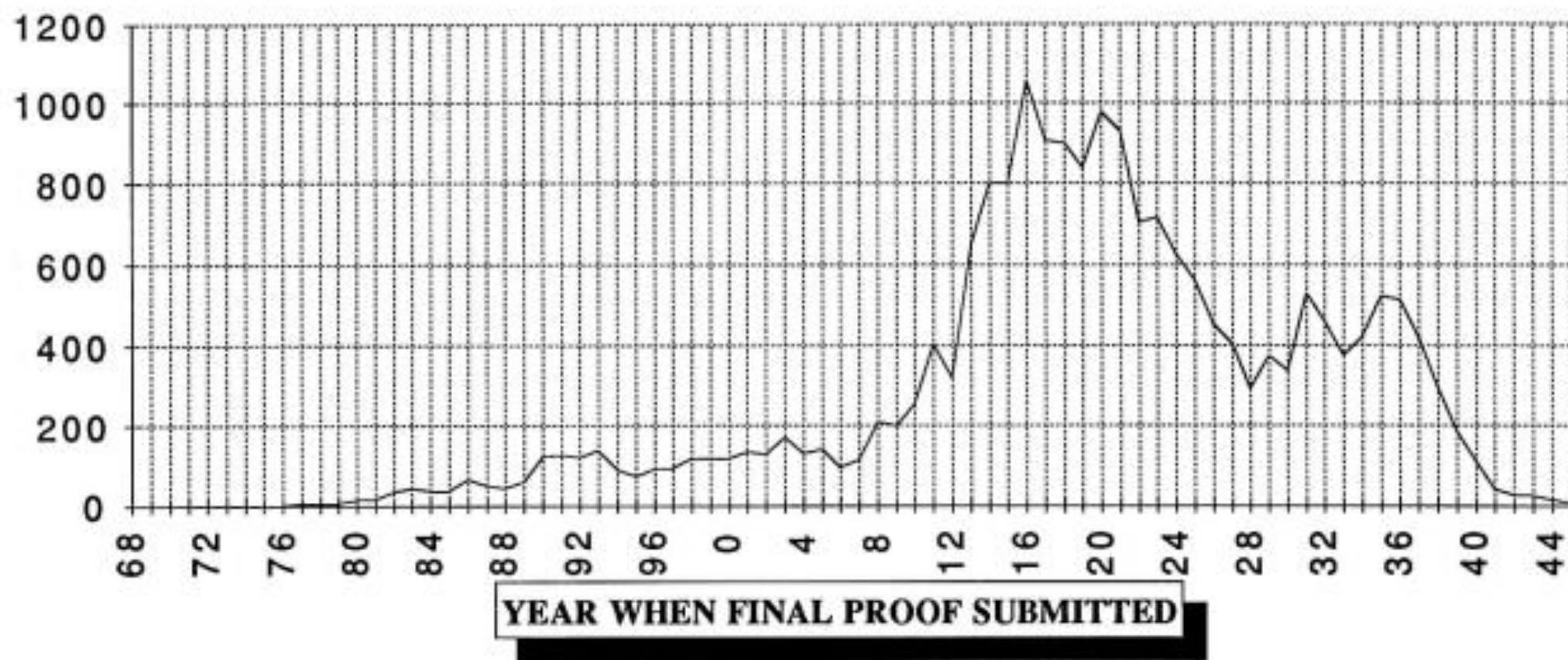
**The Capitalist
The Invalid
The Immigrant**

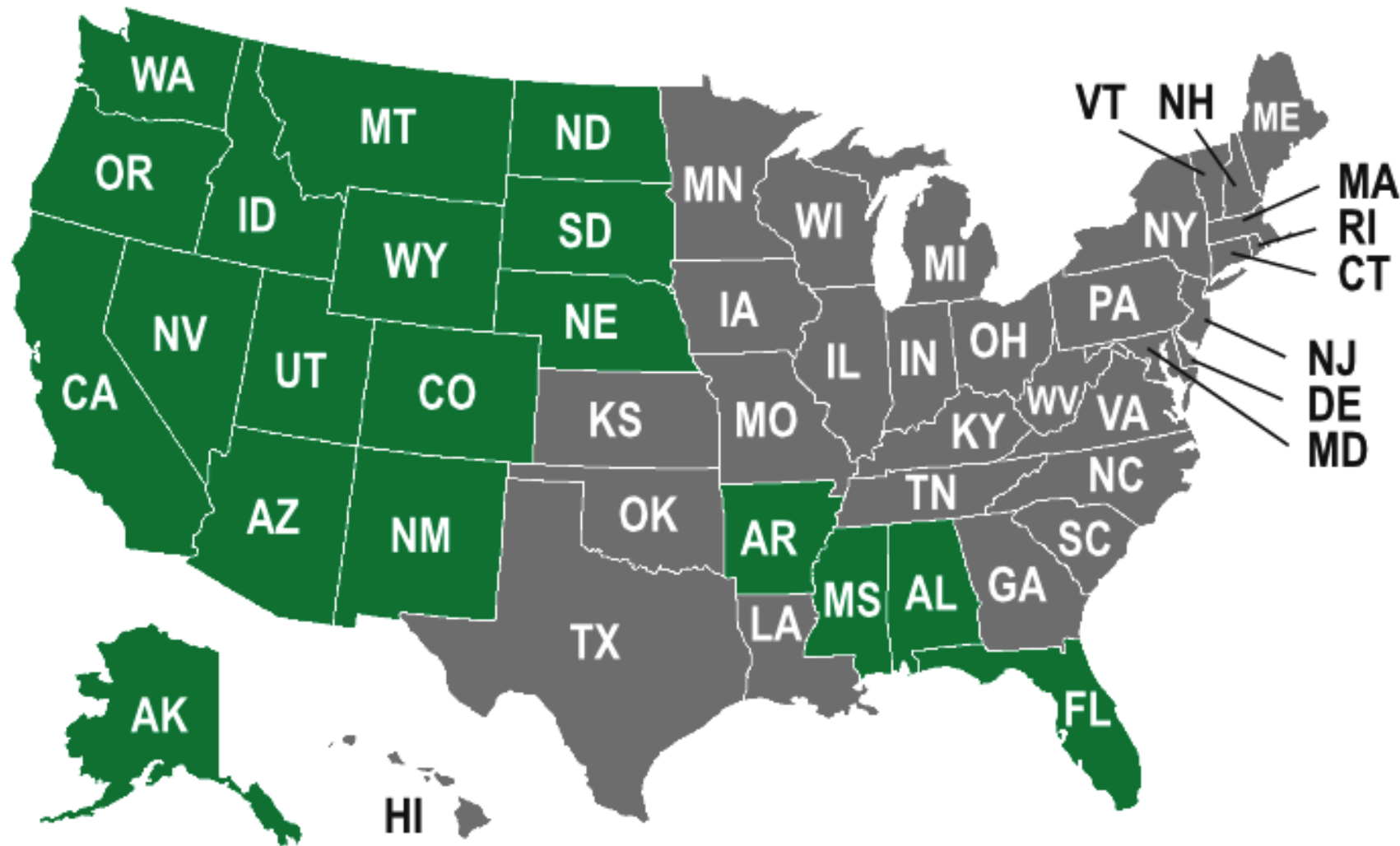



ISSUED BY THE

**Phoenix and Maricopa County
Board of Trade Phoenix, Arizona**

Figure 2:
Number of Successful Homestead Entries in Arizona,
by Year, 1868 to 1944





 States where mining may occur under the General Mining Law of 1872

1. Implied reserved Indian water rights
2. Land patent settlements
3. Mining



Non Indian Implied Federal Reserved Water Rights

Cappaert v. United States, 426 U.S. 128 (1976)

- “In determining whether there is a federally reserved water right implicit in a federal reservation of public land, **the issue is whether the Government intended to reserve unappropriated and thus available water. Intent is inferred** if the previously unappropriated waters are **necessary to accomplish the purposes for which the reservation was created.**”
- “...pumping on the Cappaerts' ranch be limited so that the mean water level of 3.0 feet below the copper washer...”

1. Implied reserved
Indian water
rights
2. Land patent
settlements
3. Mining
4. **Non-Indian
implied federal
reserved**



Public Law 100-696
100th Congress

An Act

To provide for the designation and conservation of certain lands in the States of Arizona and Idaho, and for other purposes.

Nov. 18, 1988
[S. 2840]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Arizona-Idaho Conservation Act of 1988".

Arizona-Idaho
Conservation
Act of 1988.

TITLE I—SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

ESTABLISHMENT OF SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

SEC. 101. (a) **ESTABLISHMENT.**—In order to protect the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the public lands surrounding the San Pedro River in Cochise County, Arizona, there is hereby established the San Pedro Riparian National Conservation Area (hereafter in this title referred to as the "conservation area").

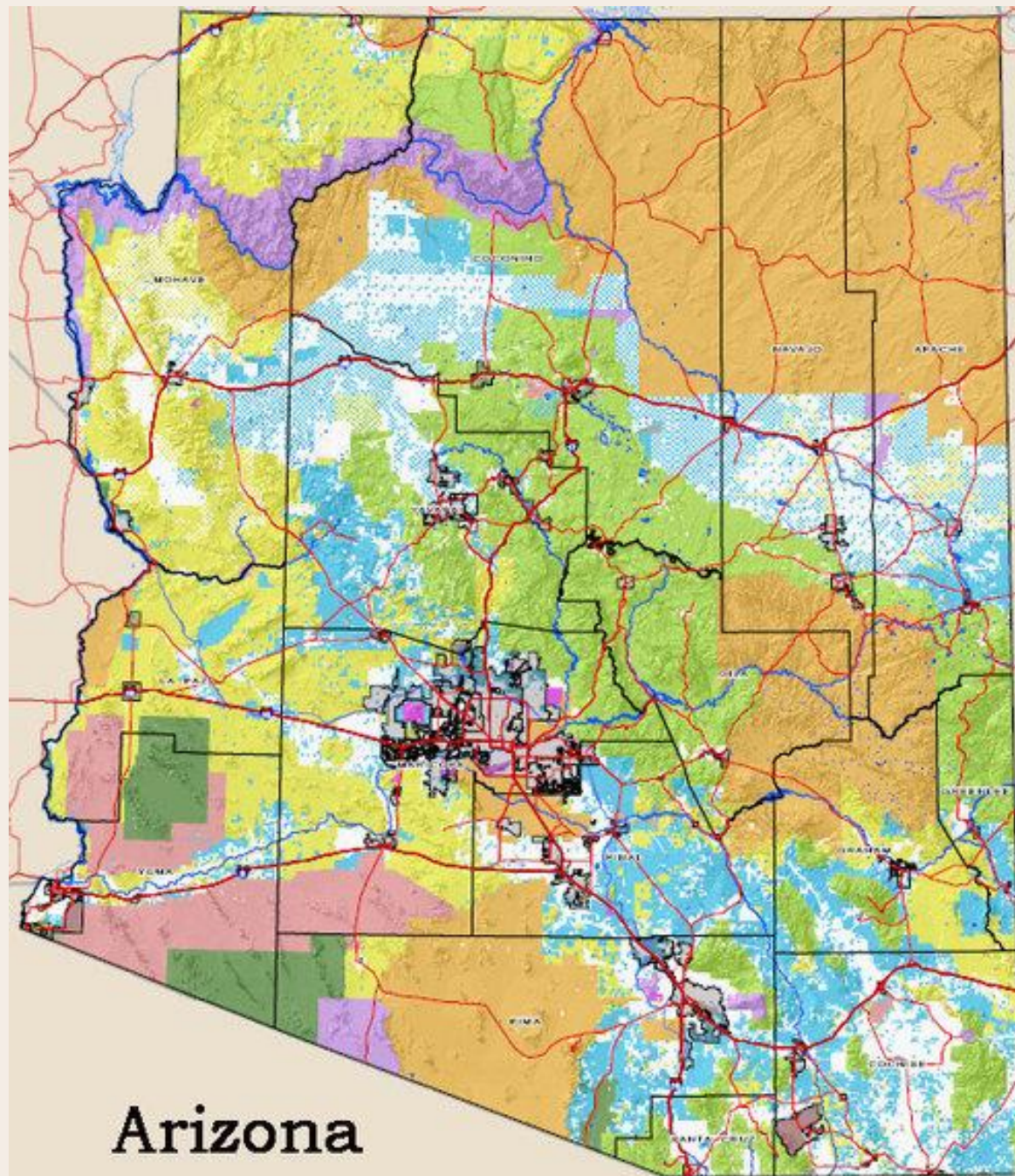
16 USC 460xx.

(b) **AREA INCLUDED.**—The conservation area shall consist of public lands as generally depicted on a map entitled "San Pedro Riparian National Conservation Area—Proposed" numbered AZ-040-OZ, dated January 1988, and consisting of approximately 56,431 acres.

mineral and geothermal leasing and an amendments thereto.

(d) **WATER RIGHTS.**—Congress reserves for the purposes of this reservation, a quantity of water sufficient to fulfill the purposes of the San Pedro Riparian National Conservation Area created by this title. The priority date of such reserve rights shall be the date of enactment of this title. The Secretary shall file a claim for the quantification of such rights in an appropriate stream adjudication.

(e) **ENFORCEMENT.**—Any person who violates any provision of this



Arizona

-  National Forest
-  Bureau of Land Mgt
-  National Park / Mon
-  National Wildlife Refuge
-  Native American
-  Military
-  State Trust
-  State / Local Park
-  Private
-  Other
-  City
-  County

McCarran Amendment 43 U.S.C. § 666 (1952)

Waives the United States' sovereign immunity for purposes of general stream adjudications.

Federal claims must be filed in state court.

Calendar No. 711
82D CONGRESS } SENATE } REPORT
1st Session } No. 755

AUTHORIZING SUITS AGAINST THE UNITED STATES TO ADJUDICATE AND ADMINISTER WATER RIGHTS

SEPTEMBER 17 (legislative day, SEPTEMBER 13), 1951.—Ordered to be printed

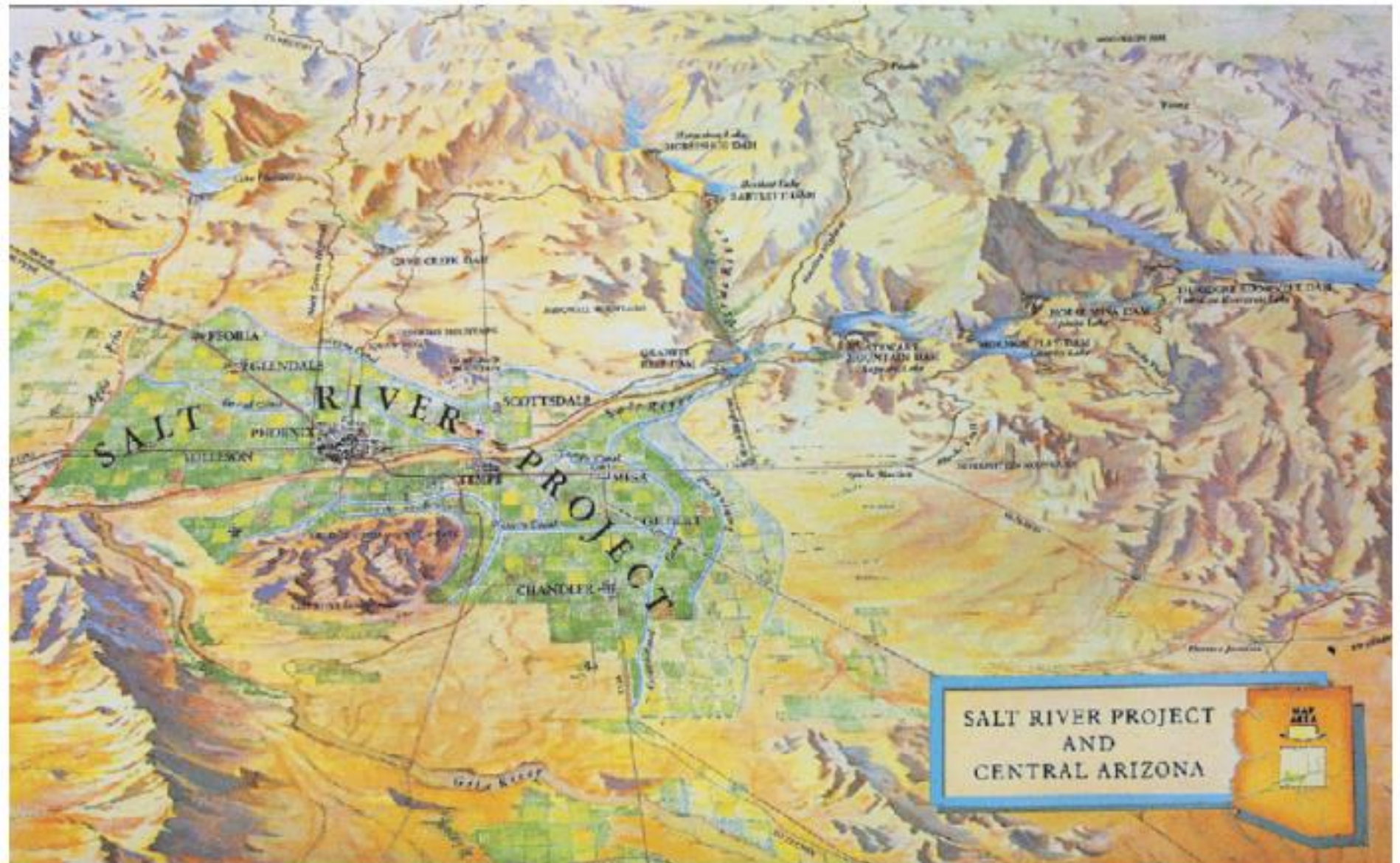
Mr. McCARRAN, from the Committee on the Judiciary, submitted
the following

REPORT

[To accompany S. 18]

The Committee on the Judiciary, to which was referred the bill (S. 18) to authorize suits against the United States to adjudicate and administer water rights, having considered the same, reports favorably thereon, with amendments, and recommends that the bill, as amended, do pass.

1. Implied reserved Indian water rights
2. Land patent settlements
3. Mining
4. Non-Indian implied federal reserved
5. Other water rights established via prior appropriation



Untitled map of the Salt River Project, 1934. Cartographer: T. A. Hayden. Courtesy Arizona State University Map Library.

Arizona, Laws, Statutes, etc.

WATER CODE

OF THE

State of Arizona

CHAPTER 164

Laws of 1919 -- Amended 1921

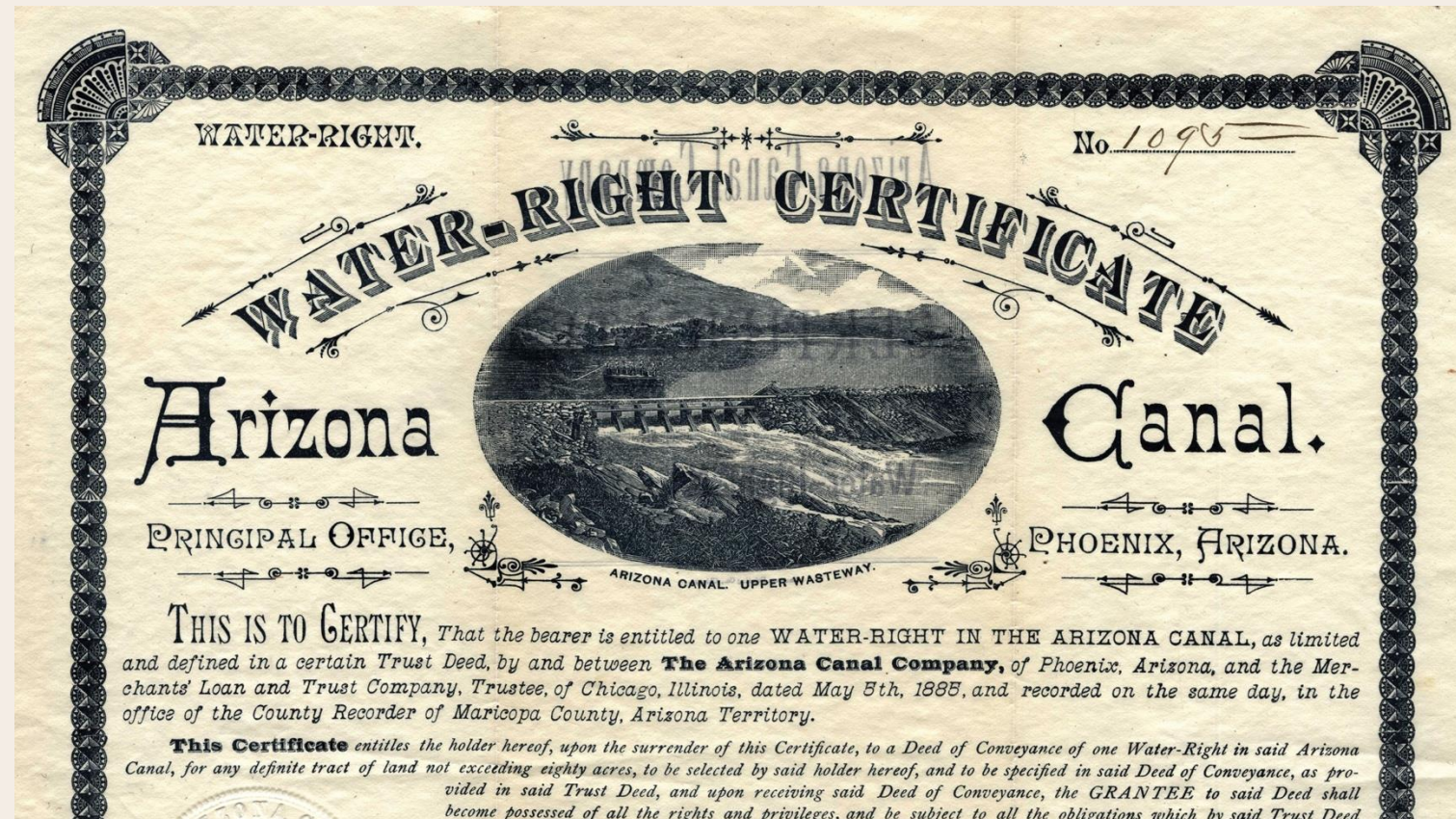
Chapter 64



Compiled in the Office of the
STATE WATER COMMISSIONER

June 10, 1921

Arizona Surface Water Code of 1919



Arizona Surface Water Code of 1919

Appropriable water is:

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 lakes, ponds and springs on the surface”

A.R.S. § 45-141(A)

Appropriable water is NOT:

Diffused surface water, percolating groundwater, effluent



ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER PERMITTING SECTION
MAIL TO: 1110 W. Washington Street, Suite 310
Phoenix, Arizona 85007
Telephone (602) 771-8621
Fax (602) 771-8689

(For office use only)

Registry No: _____

Date Filed: _____

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA
OR TO CONSTRUCT A RESERVOIR

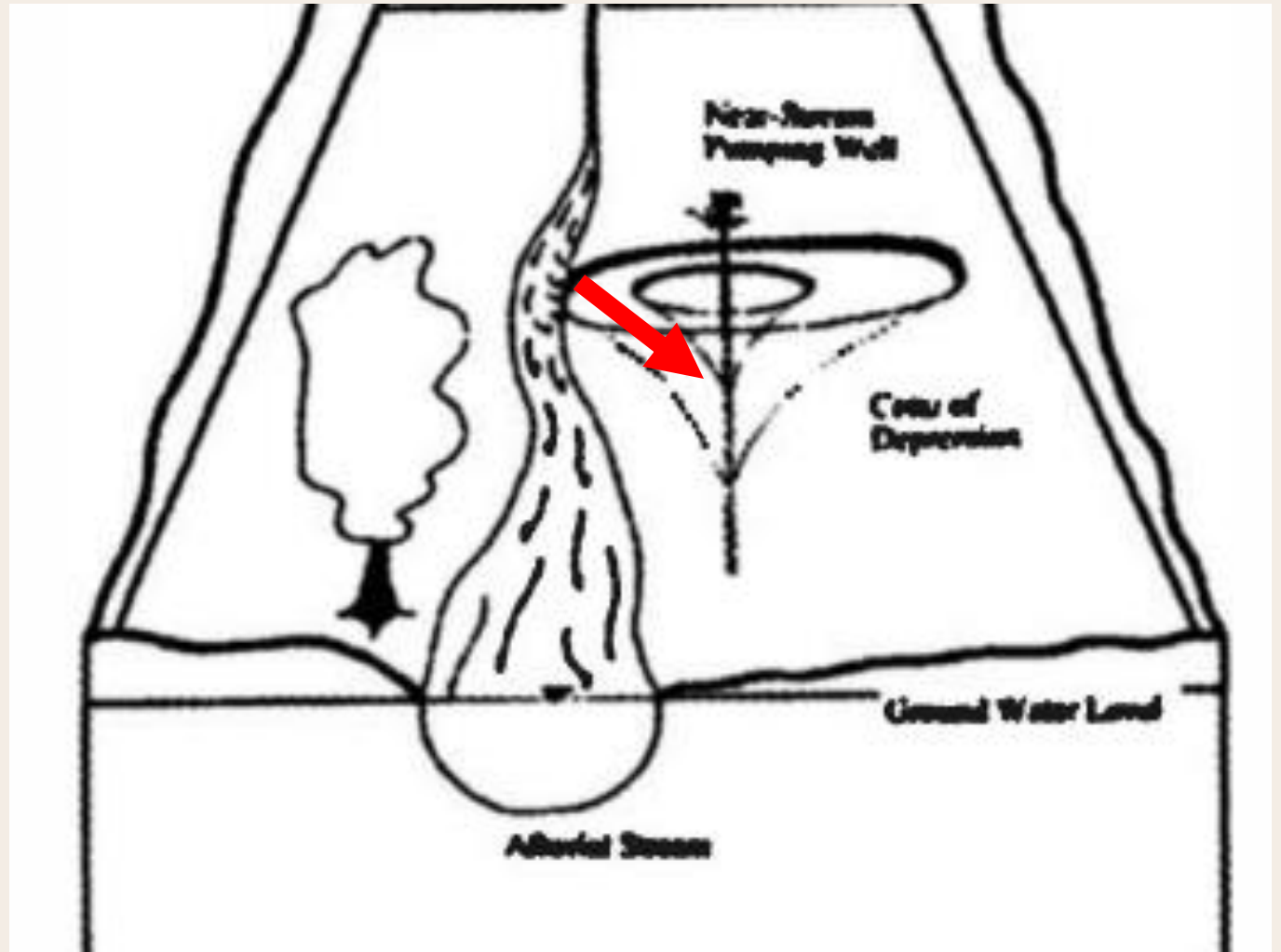
1. Applicant _____ Telephone _____
Address _____ City _____ State _____ Zip _____
2. Type of water source and name _____
a tributary to _____ within the _____ watershed
(for office use only)
3. Please circle proposed beneficial use(s) of water requested (see #13 for required attachments):
A. Domestic B. Municipal C. Irrigation D. Stockwatering E. Power
F. Mining G. Recreation H. Wildlife I. Groundwater Recharge
4. Amount of proposed beneficial water use (from worksheet or attachment):

Proposed Beneficial Use(s)	Amount & Measure (from worksheet)	Specific Months of Use (if not for entire year)

1. Implied reserved Indian water rights
2. Land patent settlements
3. Mining
4. Non-Indian implied federal reserved
5. Other water rights established via prior appropriation
6. **Certificated surface water rights**
7. **Old surface water permits that may not be accurate**

Subflow

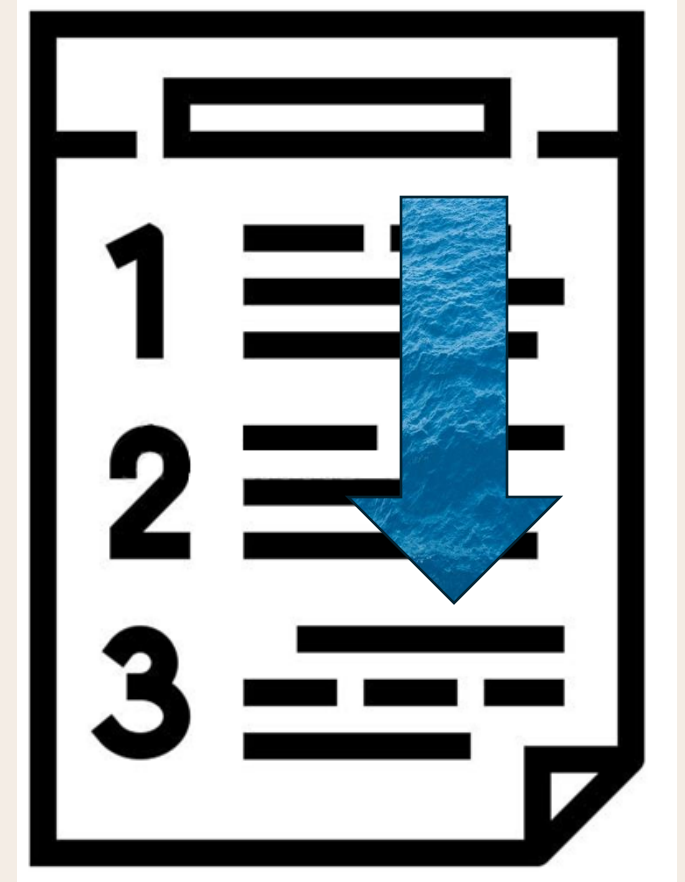
Wells pumping surface water need a surface water right and are subject to the adjudication.



Foundations of western water law:

Prior appropriation water rights

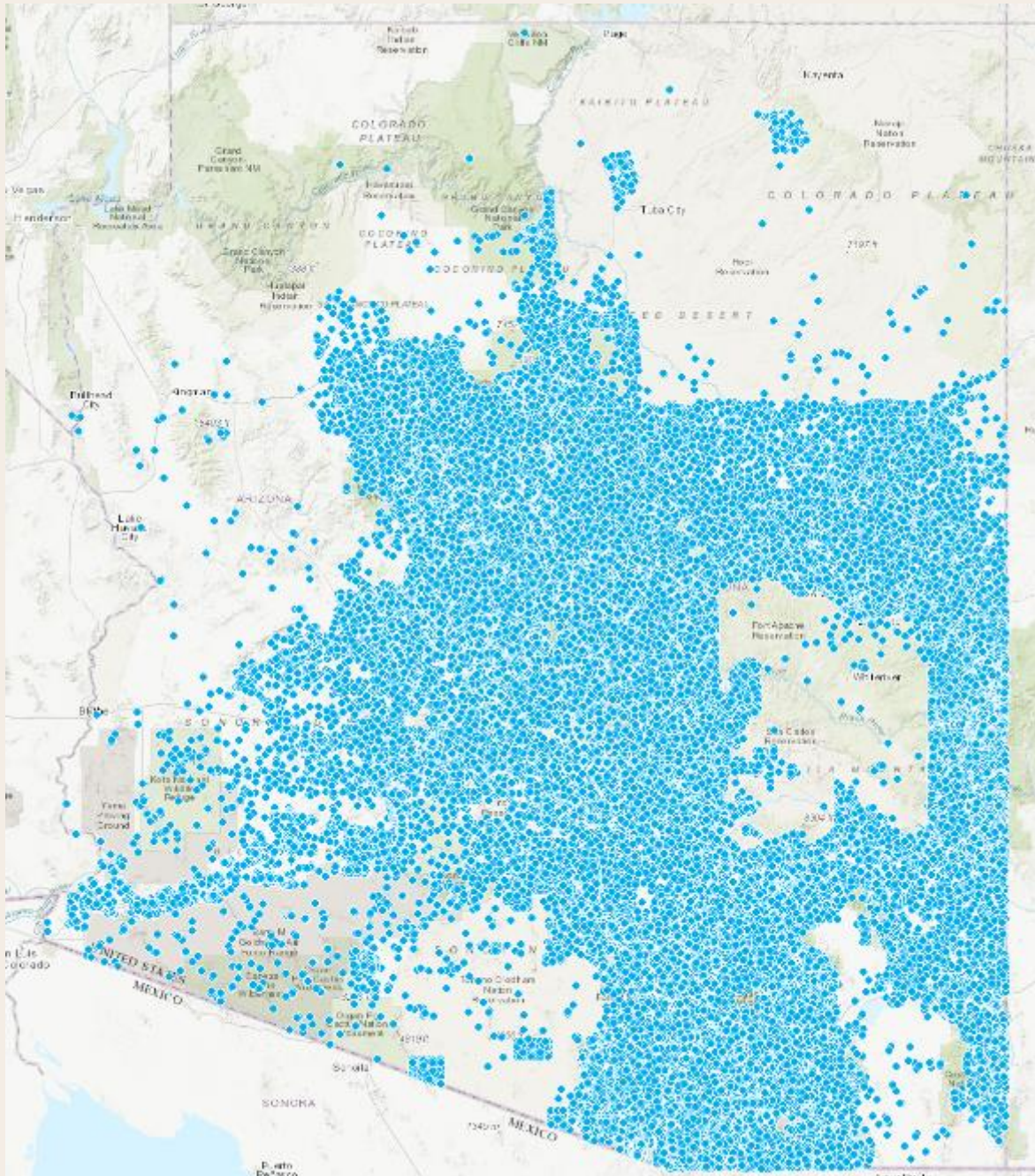
1. Implied reserved Indian water rights
2. Land patent settlements
3. Mining
4. Non-Indian implied federal reserved
5. Other water rights established via prior appropriation
6. Certificated surface water rights
7. Old surface water permits that may not be accurate
8. Wells in the subflow zone without a surface water right
9. All other unpermitted surface water uses



“It is a truth long acknowledged, that a river basin possessed by too many claims, must be in want of an adjudication.

The reason is simple: because ‘you can’t administer something you can’t define.’”

-Burke Griggs, Professor/Director Center for Resources Energy and Environmental Law, Washburn Law



A general stream adjudication is a snapshot in time of all the surface water rights that exist.

The stream adjudication becomes a court proceeding that inventories and catalogs surface water rights (state and federal) at a snapshot in time.

The adjudication court issues a decree confirming the elements of each water right.

Arizona's Stream Adjudications

Gila River Adjudication

More than 24,000 parties
More than 66,000 claims

Originally filed in 1974



Little Colorado River Adjudication

More than 3,100 parties.
More than 11,000 claims.

Originally filed in 1978

Adjudication Court

Cases assigned to the superior court in the county with the most claimants.

Gila River Adjudication: Maricopa County Superior Court

Little Colorado River Adjudication: Apache County Superior Court

Both adjudications are assigned to Judge Blaney, who sits in the Maricopa County Superior Court.

Special Master Zendri oversees the contested cases and makes recommendations to Judge Blaney.

1. File Claims

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

3 IN RE THE GENERAL ADJUDICATION) W-1 (Salt)
4 OF ALL RIGHTS TO USE WATER IN THE) W-2 (Verde)
5 GILA RIVER SYSTEM AND SOURCE) W-3 (Upper Gila)
6) W-4 (San Pedro)
7) Consolidated
8)
9) NEW USE
10) SUMMONS
11)

12 TO: ALL WATER CLAIMANTS IN THE GILA RIVER SYSTEM AND SOURCE

13 PLEASE BE ADVISED that a general adjudication of water rights is in progress for the
14 area in which you use water or claim water rights. The adjudication is a comprehensive court
proceeding to determine the nature, extent and relative priority of rights to use water in the Gila
River system and source.

YOU ARE HEREBY SUMMONED and required to appear and to assert any claims to
water you may have in the Gila River system and source by filing the appropriate court-
approved form. All rights to use water appropriable under section 45-141, ARIZONA
REVISED STATUTES, and water subject to claims based upon federal law, will be determined
pursuant to section 45-251 *et seq.*, ARIZONA REVISED STATUTES.

Filing Forms. Claims to water rights may be asserted by filing the appropriate court-

File an adjudication claim called a “Statement of Claimant” or “39-” form...

STATEMENT OF CLAIMANT FORM FOR DOMESTIC USE		For Departmental Use Only
VERDE RIVER WATERSHED SUPERIOR COURT OF MARICOPA COUNTY		File No. 39- _____ Date Filed: _____ WFN: _____
1. Claimant Name: _____ Claimant Address: _____ City _____ State _____ Zip Code _____ Telephone _____		
2. Basis of Claim: A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____ 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. Claimed Priority Date: _____ (month/day/year)		

...that claims a legal surface water right, typically either a certificated water right or a proof of a pre-1919 water right.

Post-1919 use

Certificate Record No. (33) 85310 Page No. (33) 85310

STATE OF ARIZONA

WATER DISTRICT NO. COUNTY OF *Pinal*

Certificate of Water Right

(For rights perfected under original, enlargement or secondary permits)

This is to **ARIZONA DEPARTMENT OF WATER RESOURCES**
SURFACE WATER PERMITTING SECTION
MAIL TO: 1110 W. Washington Street, Suite 310
Phoenix, Arizona 85007
Telephone (602) 771-8621
Fax (602) 771-8689

of **(For office use only)**
Registry No: _____
Date Filed: _____

to the satisfaction of
Saddle Canyon
a tributary of

for **APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA**
OR TO CONSTRUCT A RESERVOIR

Application No. 3

and that said right

and made and entered

in Volume 13

right hereby confirmed

right is entitled to

1. Applicant _____ Telephone _____
Address _____ City _____ State _____ Zip _____

2. Type of water source and name _____
a tributary to _____ within the _____ watershed
(for office use only)

3. Please circle proposed beneficial use(s) of water requested (see #13 for required attachments):
A. Domestic B. Municipal C. Irrigation D. Stockwatering E. Power
F. Mining G. Recreation H. Wildlife I. Groundwater Recharge

Pre-1919 use

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER PERMITTING SECTION
MAIL TO: 1110 W. Washington St., Ste. 310
Phoenix, Arizona 85007
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 _____
Address _____

2. Type of water source and name _____
a tributary to _____

3. **Type of Water Use** (e. No. 1)
HOMESTEAD.
Land Office at *Phoenixville, Ariz*
January 20th 1868.
CERTIFICATE, } APPLICATION, }
No. 1 } *No. 1*

4. Date the water was first used _____

5. Location of point of diversion _____

of Range *five (5) E* containing *160* acres.

Now, therefore, be it known, That on presentation of this Certificate to the
COMMISSIONER OF THE GENERAL LAND OFFICE, the said *Daniel*
Grisman shall be entitled to a Patent for the Tract of Land above described.
Harry M. Atkinson Register.

Priority date is the date of first use or the date the right was noticed

Priority date is the date you filed for your water right, not the date of first use

	Amount & Measure (from worksheet)	Specific Months of Use (if not for entire year)

Losing a Water Right: Forfeiture and Abandonment

Forfeiture

- Five years of nonuse of a water right
- A.R.S. § 45-141 (C)
- “Use it or lose it”

Abandonment

- Common law concept codified at A.R.S. § 45-188(A)
- Intent to abandon is a fact-specific inquiry

How does an adjudication actually work?

1. Claims Filed
2. Hydrographic Survey Report (with individual watershed file reports)

EXAMPLE WATERSHED FILE REPORT DOMESTIC FILE

1. (A)	(B)
<u>LAND OWNER</u>	<u>WATERSHED FILE REPORT NUMBER</u>
JONES, J.J.	111-23-ADA-009

2. APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

(A) <u>FILING NO.</u>	(B) <u>FILING STATUS</u>	(C) <u>USES</u>	(D) <u>QUANTITY IN AFA</u>	(E) <u>USE LOCATION</u> <u>SECTION</u> <u>TWNP</u> <u>RNGE</u>	(F) <u>CLAIM DATE</u>	(G) <u>DIVERSION LOCATION</u> <u>SECTION</u> <u>TWNP</u> <u>RNGE</u>
36-6000000		IRRIGATION DOMESTIC	5.50	NWNW29 220S 200E	1958	NWNW29 220S 200E
39-0000039		IRRIGATION DOMESTIC	5.00	NWNW29 220S 200E	1958	NWNW29 220S 200E

3. DWR ANALYSIS OF FILINGS AND DECREES

(A) <u>FILING NO.</u>	(B) <u>USES CLAIMED OR REFERENCED</u>	(C) <u>USES FOUND BY DWR</u>	(D) <u>APPLIES TO DIVERSIONS</u>	(E) <u>APPLIES TO PWR NUMBERS</u>
36-6000000	IRRIGATION DOMESTIC	INCIDENTAL DOMESTIC	W01	DM001
39-0000039	INCIDENTAL DOMESTIC	INCIDENTAL DOMESTIC	W01	DM001

4. DIVERSIONS

(A) <u>DIV #</u>	(B) <u>SECTION</u>	(C) <u>TWNP</u>	(D) <u>RNGE</u>	(E) <u>DIVERSION NAME</u>	(F) <u>WATER SOURCE AND CLASSIFICATION</u>
W01	NWNW29	220S	200E	JONES WELL	GROUNDWATER: ZONE 1 OF THE SAN PEDRO RIVER

5. USES

(A) <u>PWR #</u>	(B) <u>LOCATION</u> <u>SECTION</u> <u>TWNP</u> <u>RNGE</u>	(C) <u>SUPPLIED BY</u> <u>DIVERSIONS</u>	(D) <u>WATER SOURCES</u>	(E) <u>PHOTO DATE</u>	(F) <u>SOURCE CHANGE</u>	(G) <u>FACILITY NAME</u>
DM001	SNNW29 220S 200E	W01	GROUNDWATER: ZONE 1		NO	
DM002	NWNW29 220S 200E		GROUNDWATER: CATALOGUED		NO	

1. Claims Filed
2. Hydrographic Survey Report
(with individual watershed
file reports)
3. Subflow (which water rights
are subject to the
adjudication)

TECHNICAL REPORT

SUBFLOW ZONE DELINEATION

for the

LOWER LITTLE COLORADO RIVER

Subwatershed



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

September 2025

ARIZONA DEPARTMENT OF WATER RESOURCES

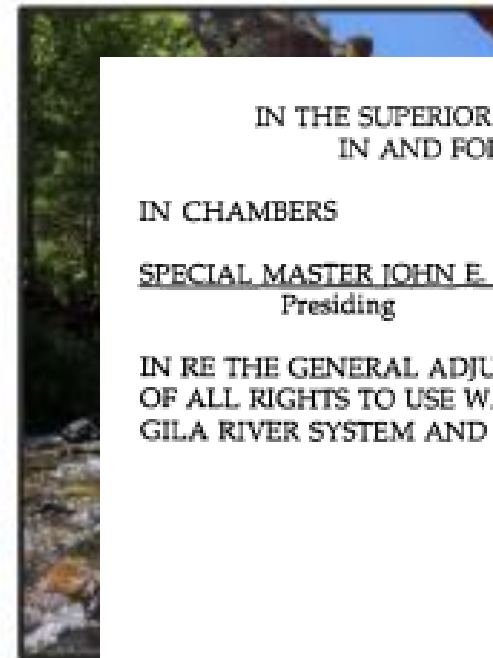


1. Claims Filed
2. Hydrographic Survey Report
(with individual watershed
file reports)
3. Subflow (which water rights
are subject to the
adjudication)
4. *De Minimis* determination

TECHNICAL REPORT

DE MINIMIS DOMESTIC WATER USE IN THE VERDE RIVER WATERSHED

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



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

IN CHAMBERS (X) IN OPEN COURT ()

SPECIAL MASTER JOHN E. THORSON
Presiding

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

DATE: November 14, 1994

CIVIL NO. W1-11-19
(Consolidated)

MEMORANDUM DECISION,
FINDINGS OF FACT, AND
CONCLUSIONS OF LAW FOR
GROUP 1 CASES INVOLVING
STOCKWATERING,
STOCKPONDS, AND DOMESTIC
USES

CONTESTED CASE NAME: *In re Sands Group of Cases (W1-11-19) and Other
Related Cases (Consolidated).*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

1. Claims Filed
2. Hydrographic Survey Report (with individual watershed file reports)
3. Subflow (which water rights are subject to the adjudication)
4. *De Minimis* determination
5. Contested cases

Hearings and Proceedings

Hearings and Proceedings - September 9, 2025

Gila River Adjudication

HIGHLIGHTS

Orders issued this week in case nos.:

- W1-11-000232

Gila River Adjudication, No. W-1, W-2, W-3, W-4

(see Special Master's orders [January 24, 2023](#), [February 21, 2023](#), [February 22, 2023](#), [March 6, 2023](#), [June 26, 2023](#), [July 18, 2023](#), [October 6, 2023](#), [November 17, 2023](#), [January 29, 2024](#), [February 2, 2024](#), [February 20, 2024](#), [March 25, 2024](#), [April 5, 2024](#), [April 23, 2024](#), [June 4, 2024](#), [June 24, 2024](#), [August 5, 2024](#), [January 8, 2025](#), [March 28, 2025](#), [April 11, 2025](#), [August 13, 2025](#) and Court's orders [January 20, 2023](#), [November 9, 2023](#), [February 18, 2025](#))

See Subflow Technical Report, San Pedro River Watershed, Case No. W1-103

[General Stream Adjudication](#)
[Active Cases](#)
[Interlocutory Appeals](#)
[Arizona Supreme Court Decisions and Orders](#)
[Gila River Adjudication](#)
[Little Colorado River Adjudication](#)
[Overview of General Stream Adjudication](#)
[Rules for Proceedings](#)
[Bulletin](#)
[Court Approved Mailing Lists](#)
[Settled, Decided and Inactive Cases](#)
[Special Water Master virtual hearings](#)
[Other Links](#)

1. Claims Filed
2. Hydrographic Survey Report
(with individual watershed
file reports)
3. Subflow (which water rights
are subject to the
adjudication)
4. *De Minimis* determination
5. Contested cases
6. Water Rights Catalog

Arizona Department of Water Resources Data

HOME

This site uses cookies for its functions. By continuing to browse the site, you agree to allow cookies to be set on your computer. [More information](#)

Location: [Home](#) \ [Cabinet Explorer](#) \ [Data Center](#) \ [ADWR Publications](#) \ [Adjudications](#) \ [Catalog of Proposed Water Rights Listing](#)

Catalog of Proposed Water Rights
Catalog of Proposed Water Rights

View 1 - 20 of 632

Type	Title	Description	Size	Modified Date	Actions
	111-19-001-SP001.pdf Uploaded 6/12/19	In re Pima County Irrigation, W-1-11-2694	458 KB	09/03/19	⋮ ...
	111-19-002-SP001 Uploaded 10/24/18	In re Pima County, W1-11-19A	440 KB	09/03/19	⋮ ...
	111-19-002-SP002 Uploaded 10/24/18	In re Pima County, W1-11-19A	428 KB	09/03/19	⋮ ...
	111-19-002-SP003 Uploaded 10/24/18	In re Pima County, W1-11-19A	428 KB	09/03/19	⋮ ...
	111-19-002-SP004 Uploaded 10/24/18	In re Pima County, No. W1-11-19A	484 KB	09/03/19	⋮ ...
	111-19-002-SW001 Uploaded 10/24/18	In re Pima County, W1-11-19A	427 KB	09/03/19	⋮ ...
	112-17-BDA-007-DM001.pdf Uploaded 8/11/2020	In re Max J. and Donna Kartchner, Contested Case No. W1-11-1986	2 MB	08/11/20	⋮ ...

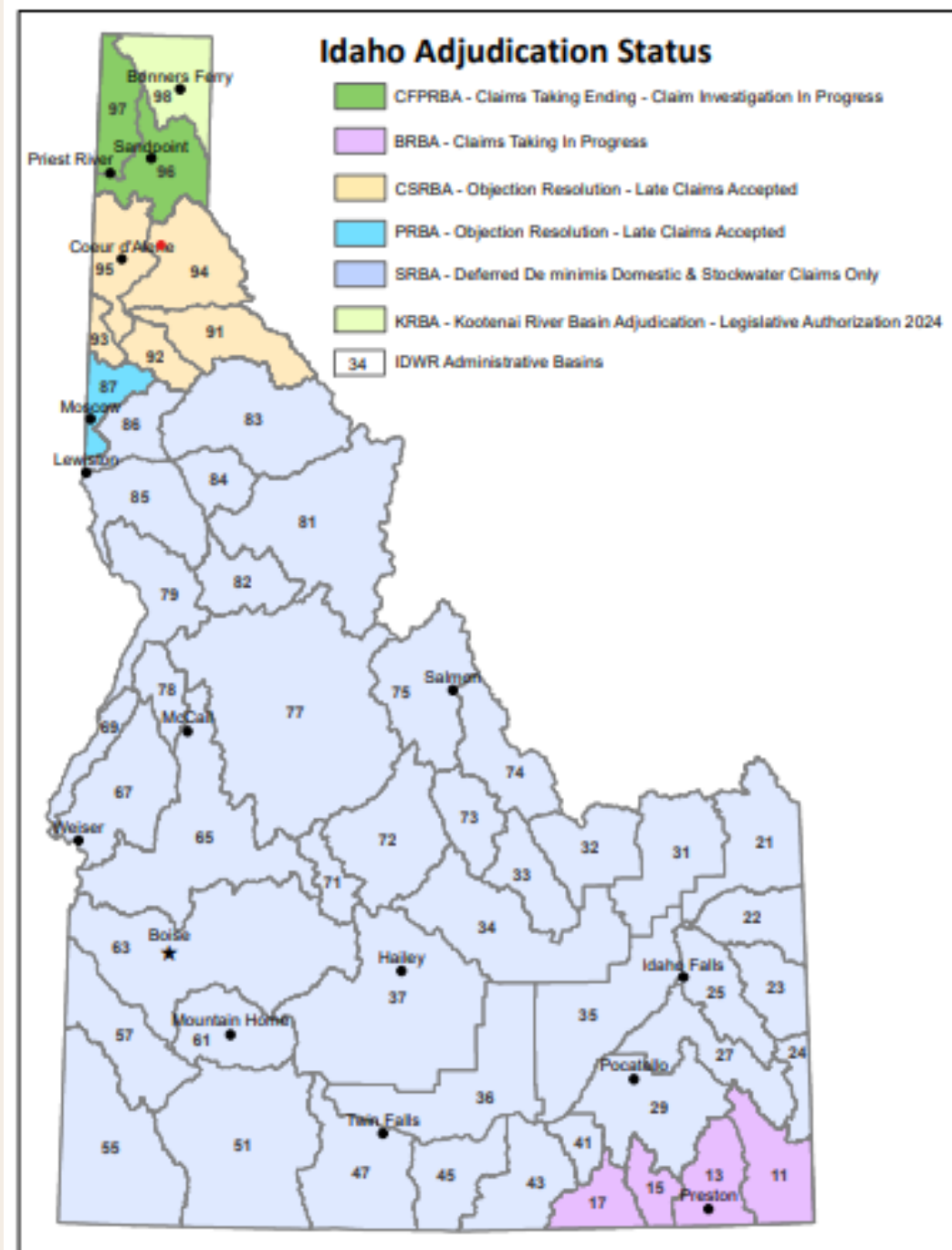
Abstract of Water Right San Pedro Watershed

1. Proposed Water Right:	115-04-ADC-003-DM001
2. Owner of Right:	Julia Pemberton PO Box 1095 Jerome, Arizona 86331
3. Landowner:	Julia Pemberton
4. Statement of Claimant No.(s):	39-0018063
5. Statement of Claimant Name(s):	Julia Pemberton
6. Lessee or Permittee:	None
7. Basis of Right:	36-0105934
8. Beneficial Use:	Domestic
9. Priority Date:	December 31, 1899
10. Quantity:	1 AFA
11. Place of Use*:	NW NW SE Section 4 T07S R17E
12. Point of Diversion*:	55-900852: SW NW SE Section 4 T07S R17E
13. Source of Water:	Aravaipa Creek
14. GPS Coordinates for POD*:	55-900852: 32.851756, -110.611437

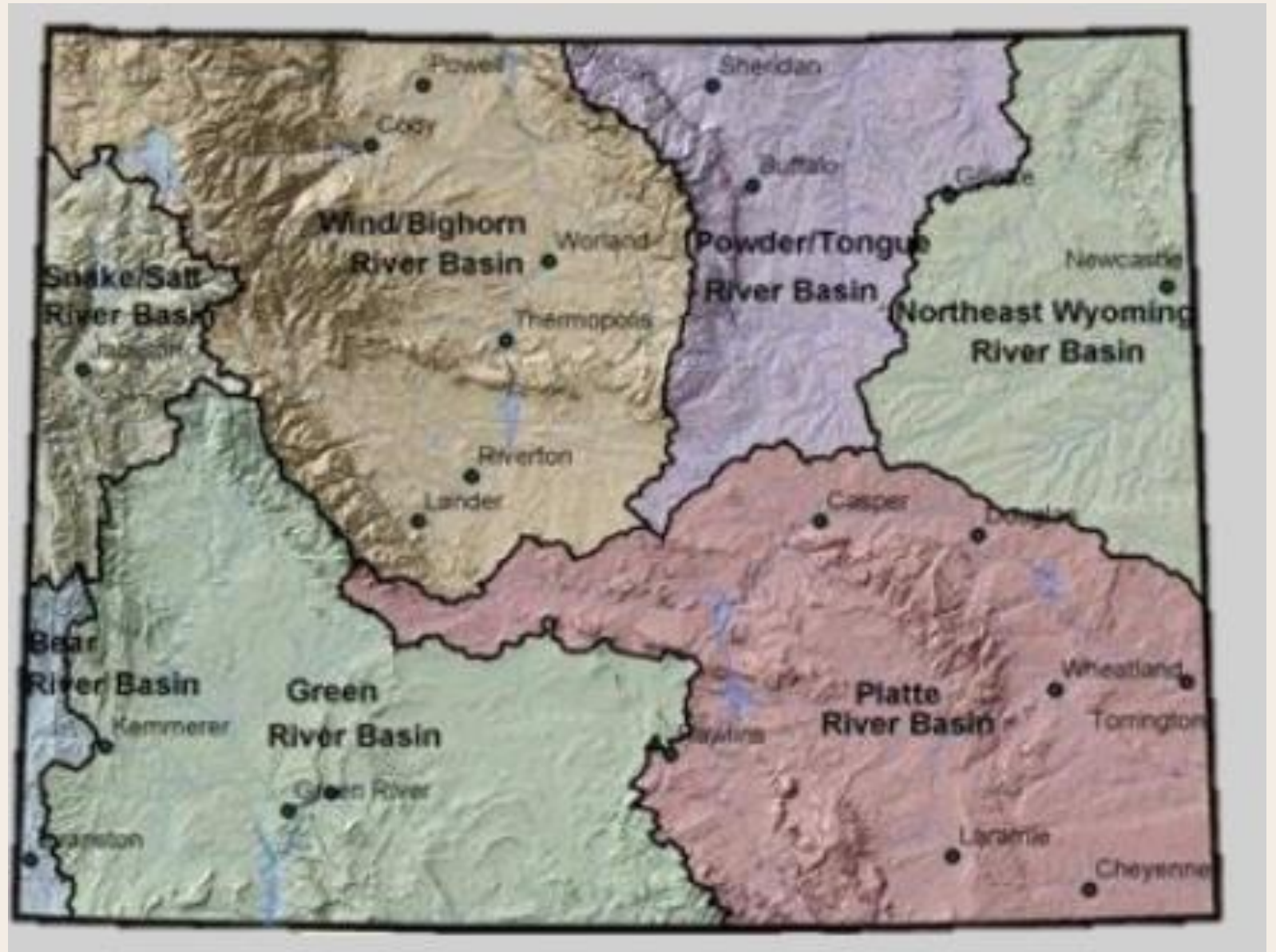
1. Claims Filed
2. Hydrographic Survey Report
(with individual watershed
file reports)
3. Subflow (which water rights
are subject to the
adjudication)
4. *De Minimis* determination
5. Contested cases
6. Water Rights Catalog
7. **Final Decree**



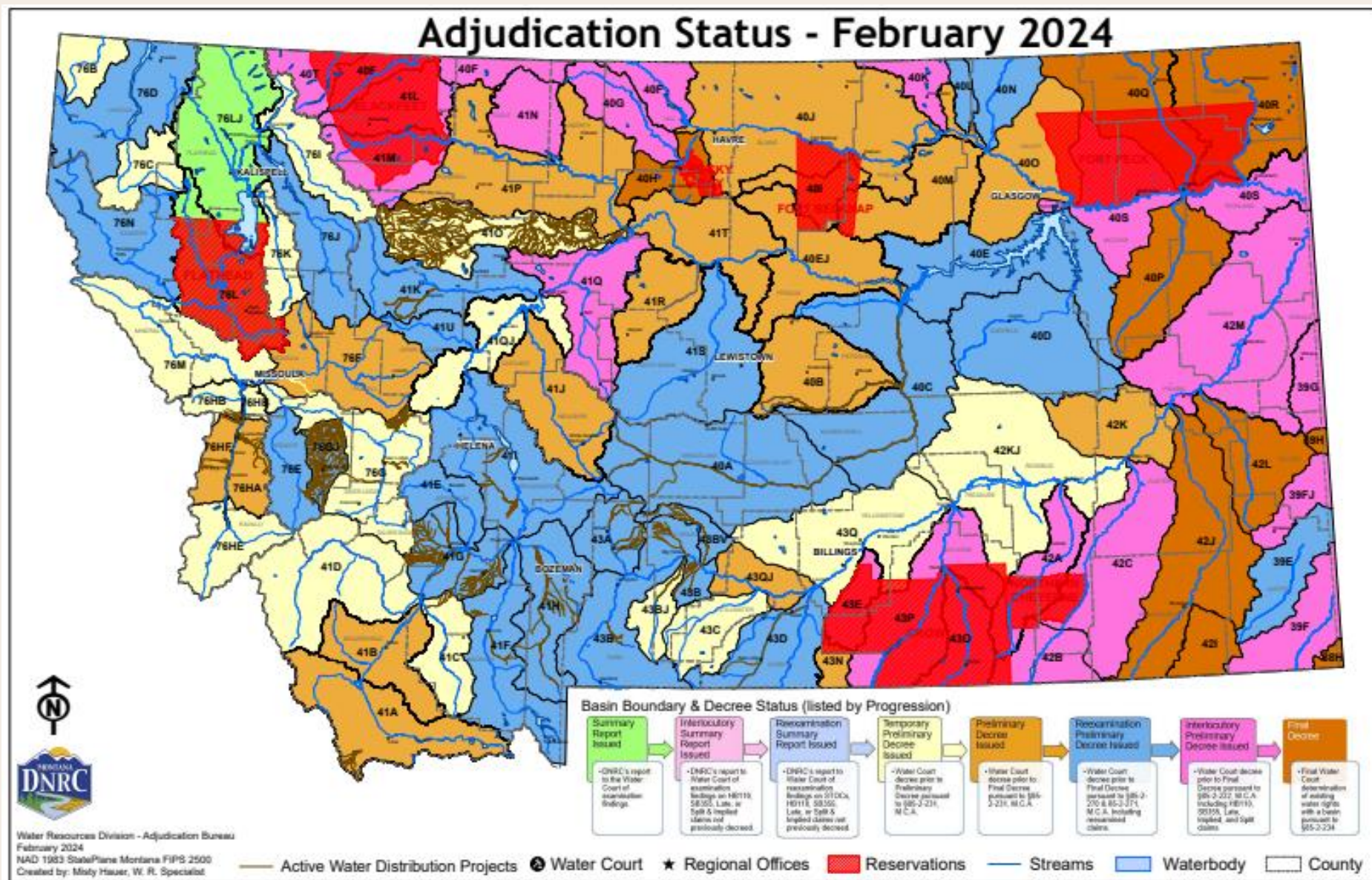
Idaho



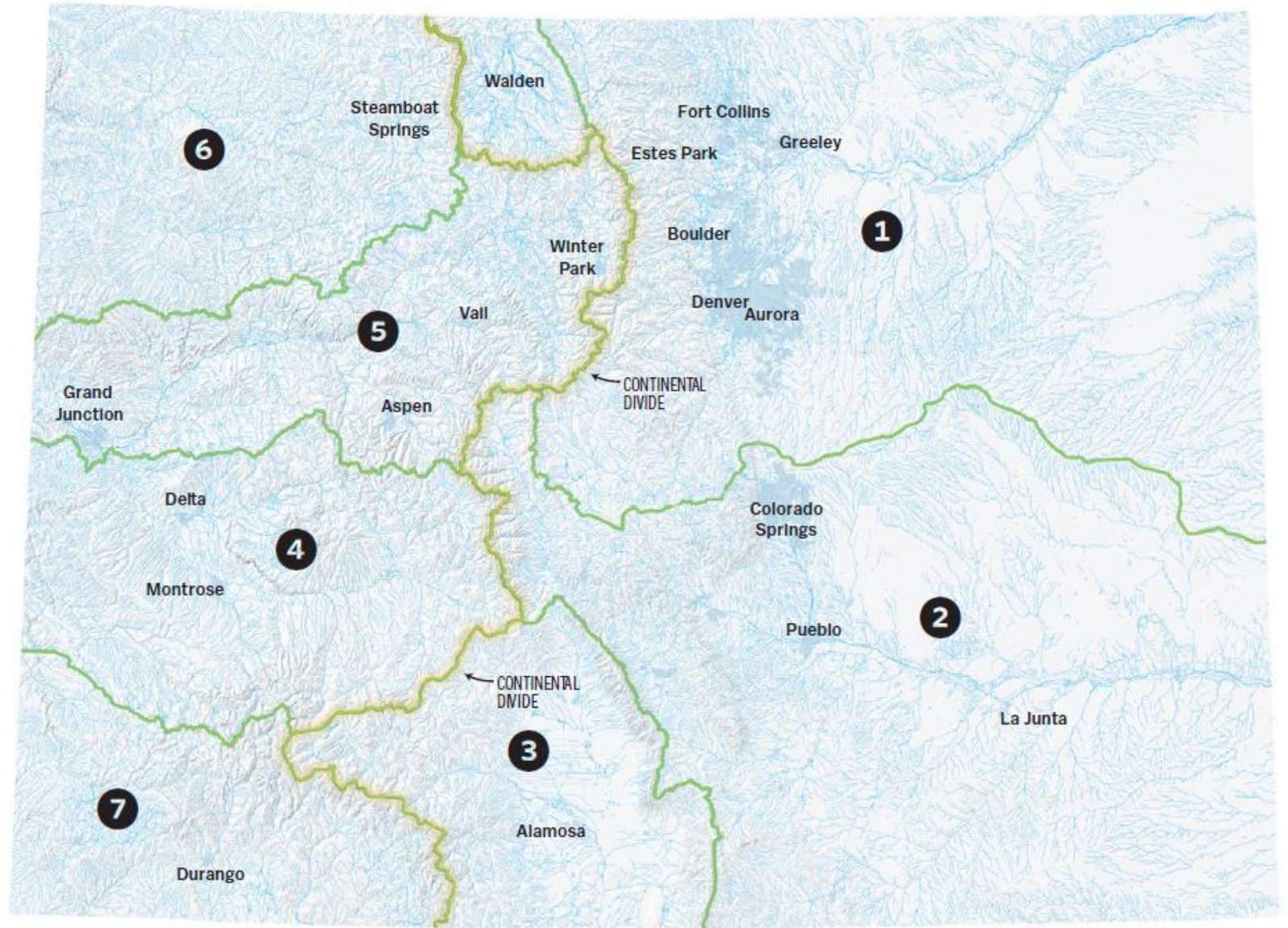
Wyoming



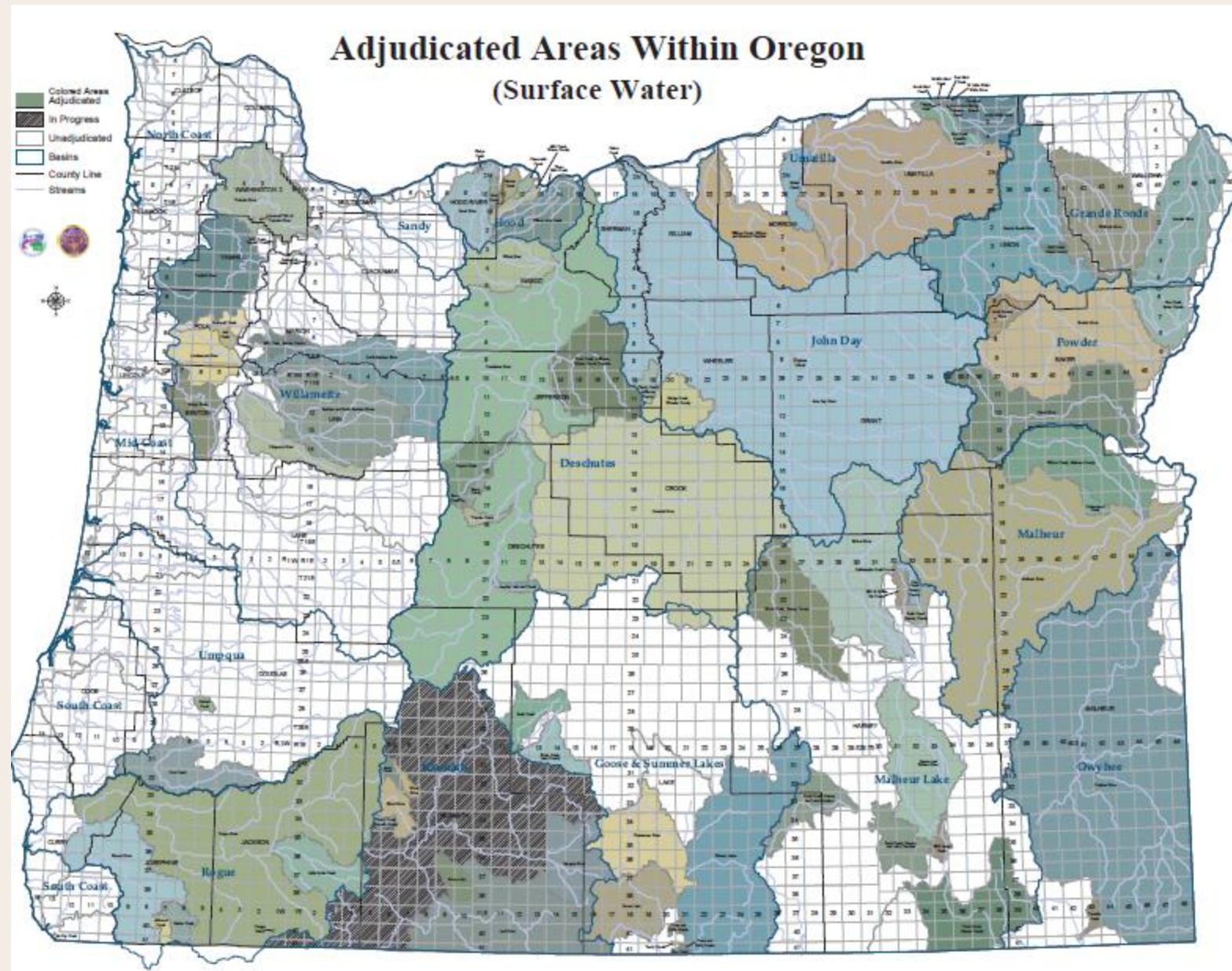
Montana



Colorado



Oregon



Current Issues in the Adjudications

1. Subflow
2. Status of basins
3. Major pending cases



Subflow

Subflow is “those waters which slowly find their way through the sand and gravel constituting the bed of the stream, or lands under or immediately adjacent to the stream, and are themselves a part of the surface stream.”

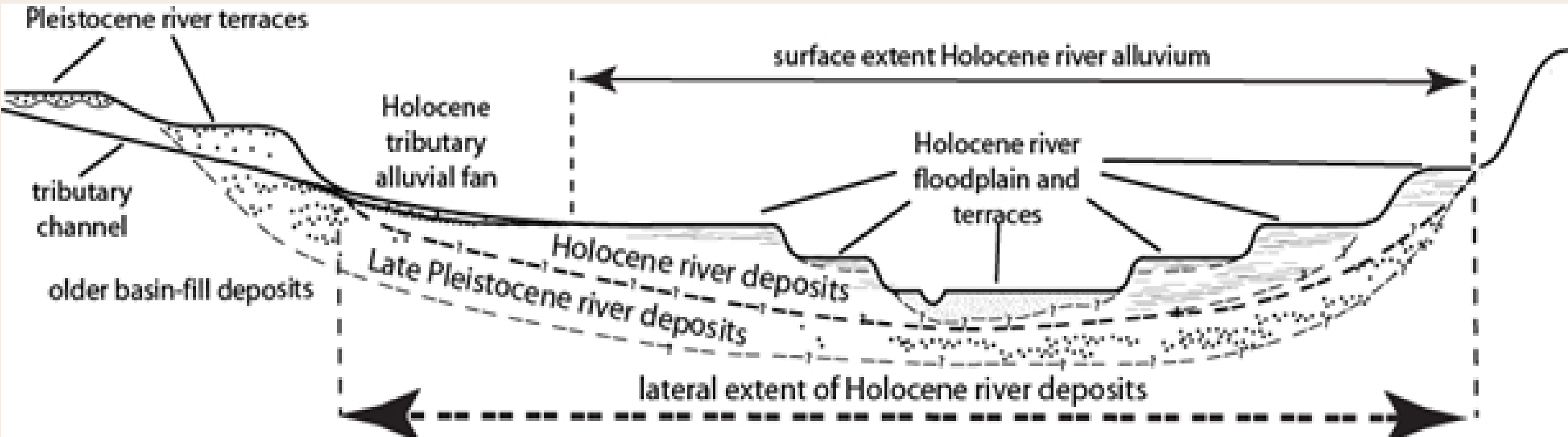
Southwest Cotton Co., 39 Ariz. 65, 4 P.2d 369 (1931)

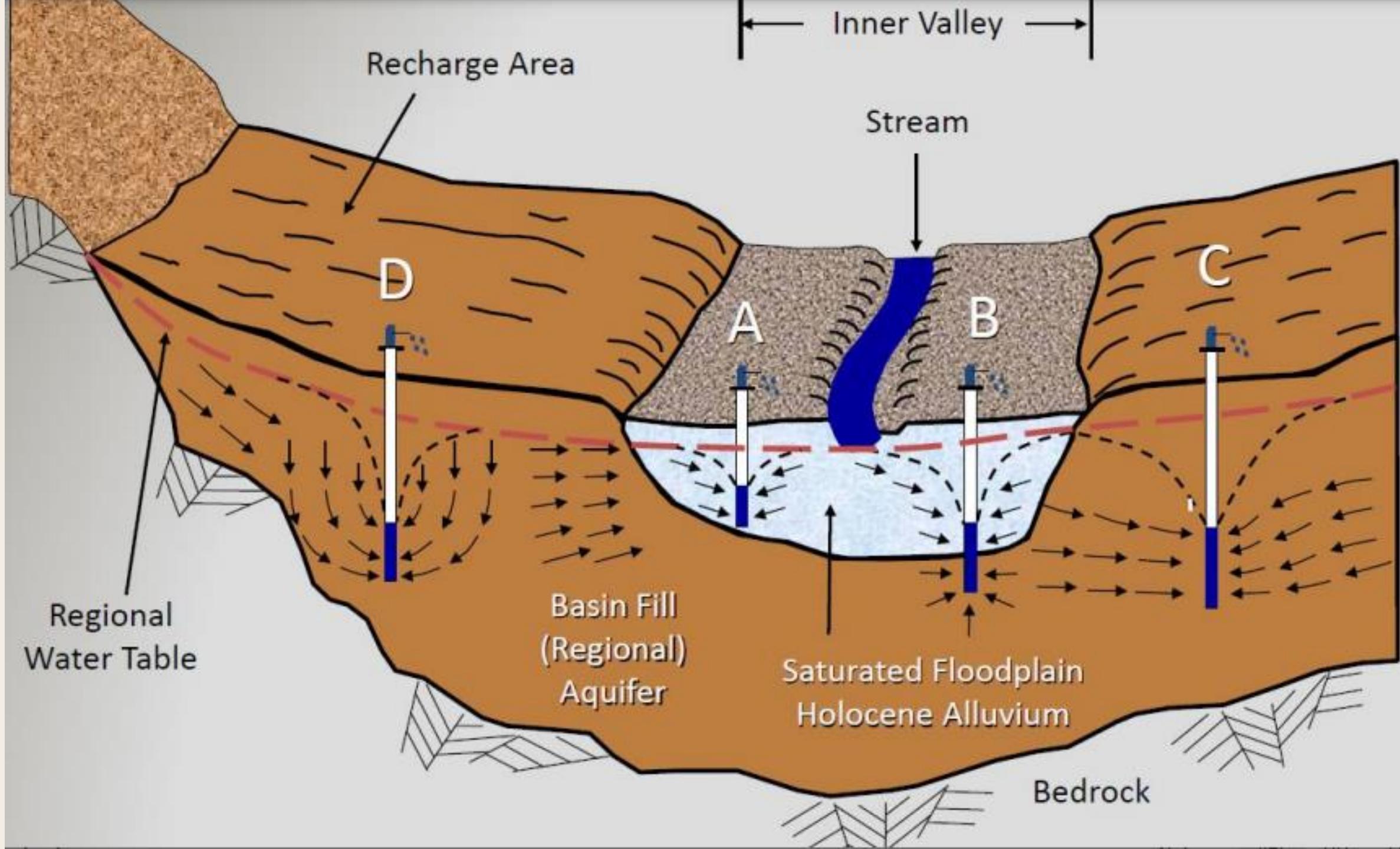


Subflow

Subflow is the *saturated floodplain holocene alluvium*.

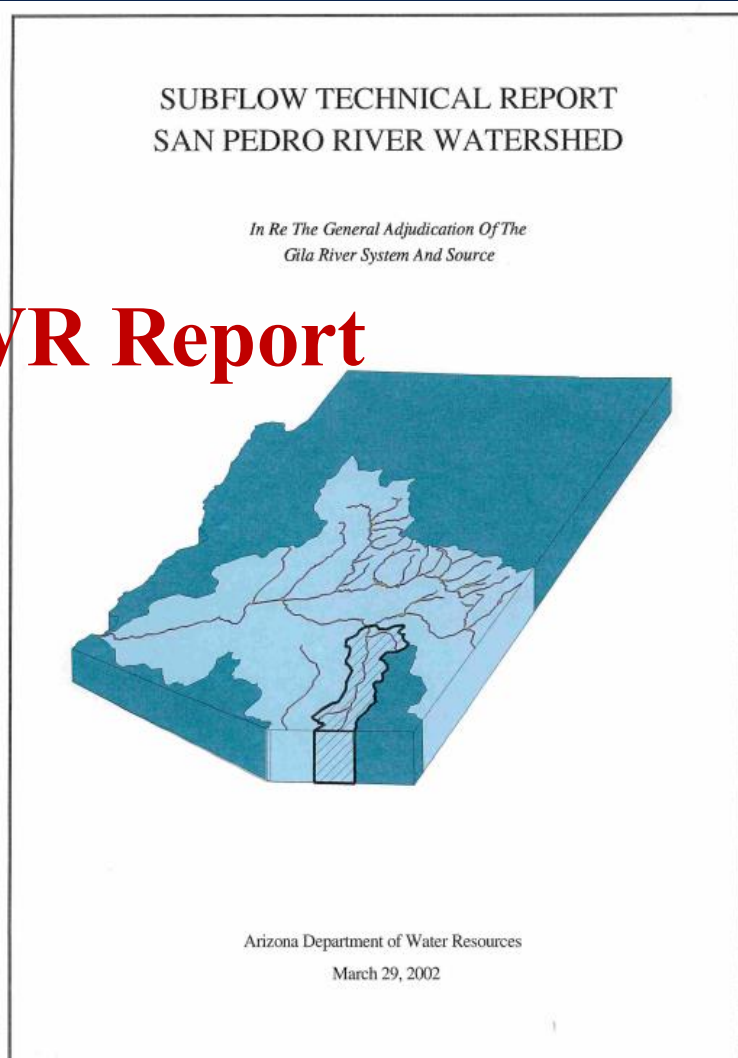
- *In re the General Adjudication of All Rights to Use Water in the Gila River System and Source*, No. W-1, W-2, W-3, and W-4 (Consolidated) (Ariz. Super. Ct., Maricopa County, June 30, 1994)



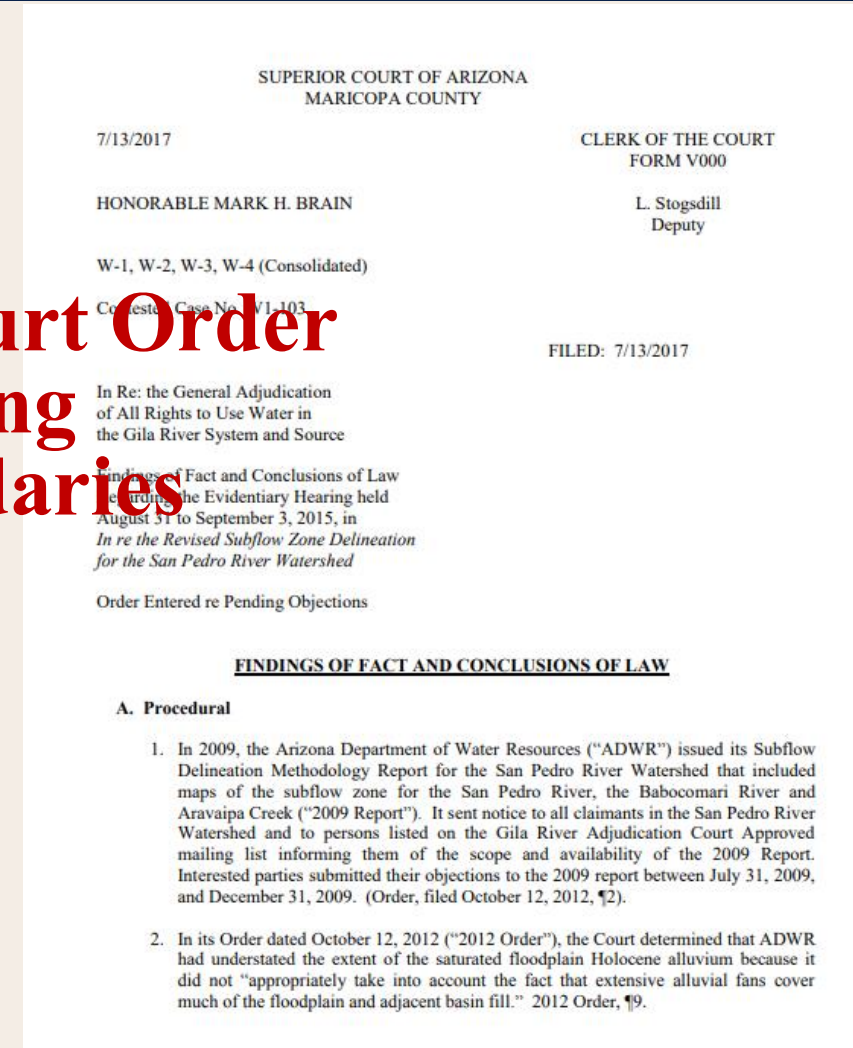


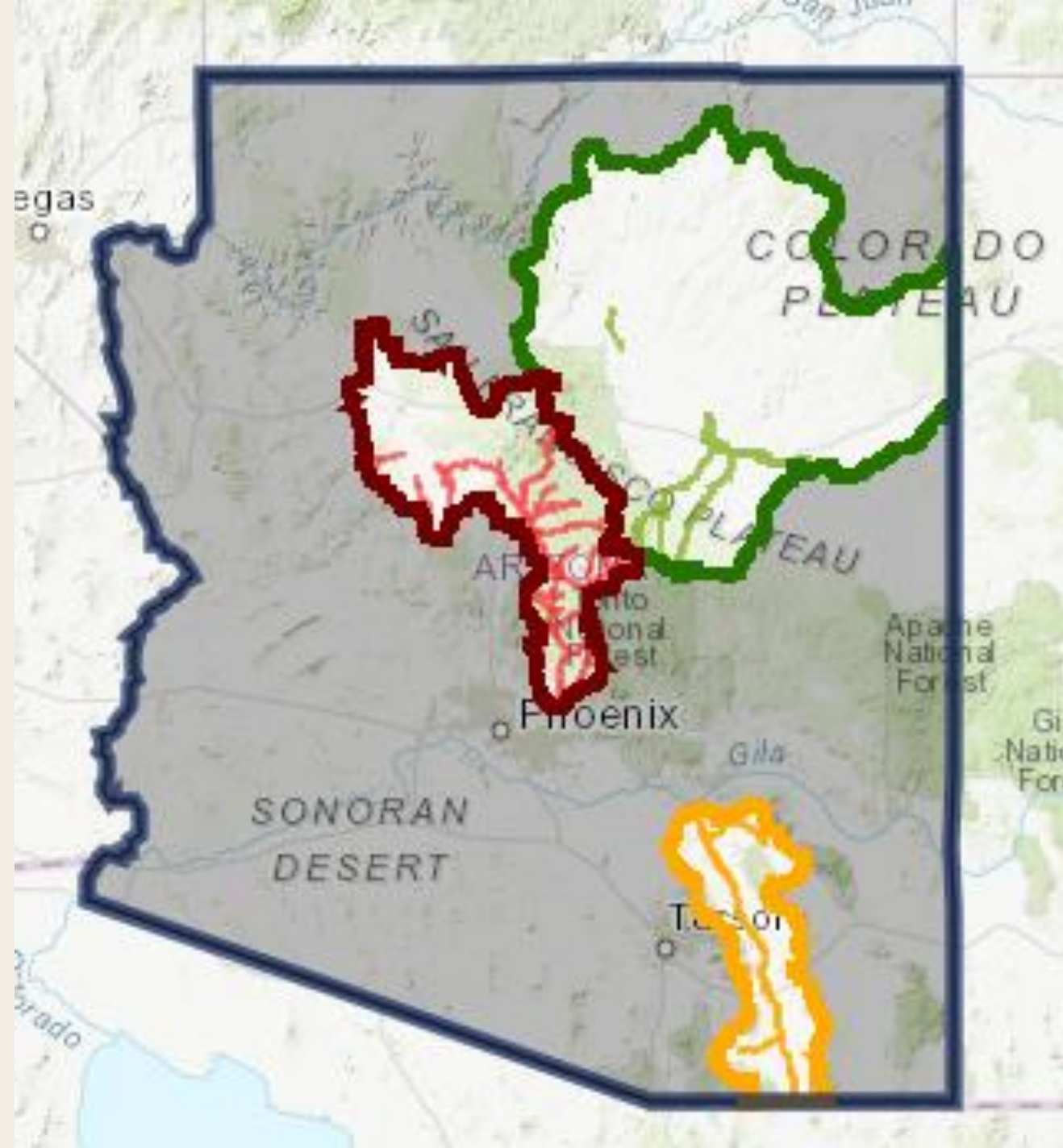
Defining the Subflow Zone: 2 Step Process

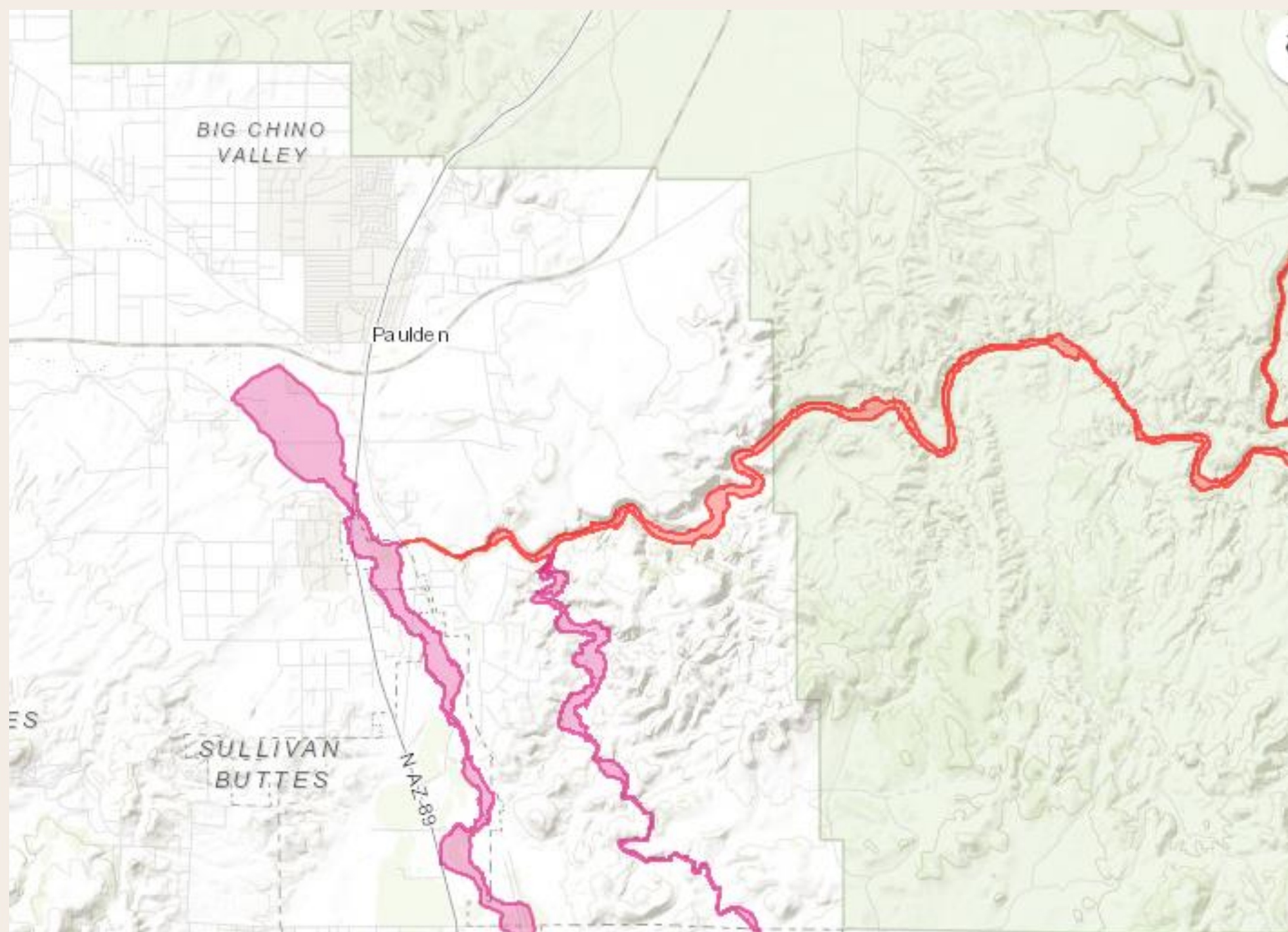
1) ADWR Report



2) Court Order defining boundaries







San Pedro Subflow

- Developing a MODFLOW model to finalize the jurisdictional cone of depression test
- Technical committee developed to work with ADWR to complete the model, a series of six meetings were planned, the last on November 6, 2025 and then the committee will meet with the Special Master
- Technical committee directed to work on:
 - Model structure, review of recalibration targets, review of boundary conditions, recalibration, testing and use

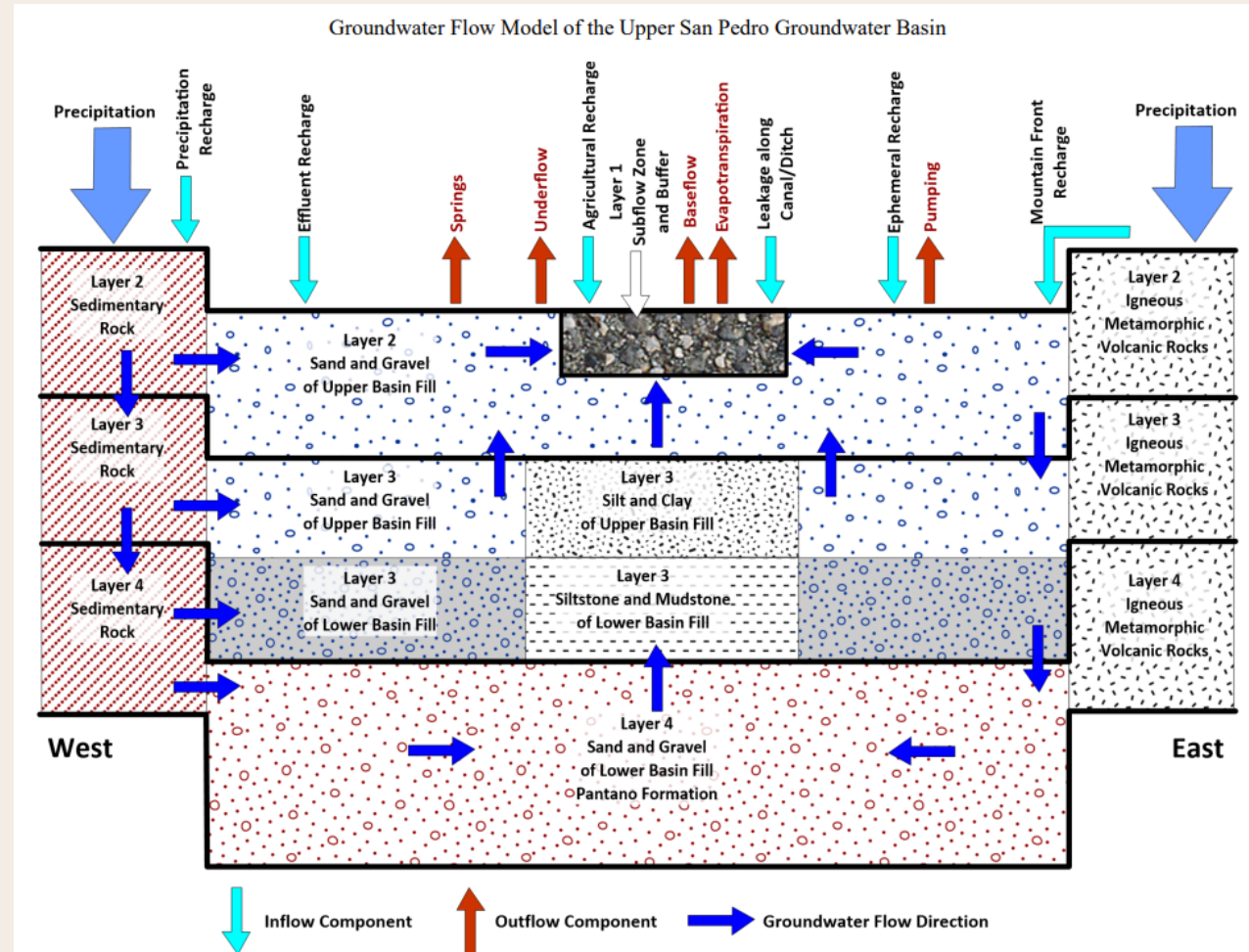


Figure 3-7 Conceptual Model Inflow and Outflow Components

Verde Subflow

- **Initial ADWR Reports:**
 - December 2021: Subflow Zone Delineation Report for the Verde River Mainstem and Sycamore Canyon Subwatershed
 - April 2023: Subflow Zone Delineation for the Remainder of the Verde River Watershed
- **Objections and Next Steps**
 - Extension and revision of subflow zone mapping
 - Include mapping along the perennial or intermittent saturated floodplain Holocene alluvium as determined under predevelopment conditions Revisions to the subflow zone delineation around Bartlett and Horseshoe Lakes pursuant to the October 24, 2023, Order
 - Revise mapping based on predevelopment conditions in certain areas
 - Revise mapping along Bartlett and Horseshoe Lakes
 - Revise mapping around Watson Lake, Granite Basin Lake, Sullivan Lake, and Willow Creek Reservoir.

ADWR's Supplemental Report is due on December 15, 2025.

TECHNICAL REPORT

SUBFLOW ZONE DELINEATION

for the

LOWER LITTLE COLORADO RIVER

Subwatershed



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

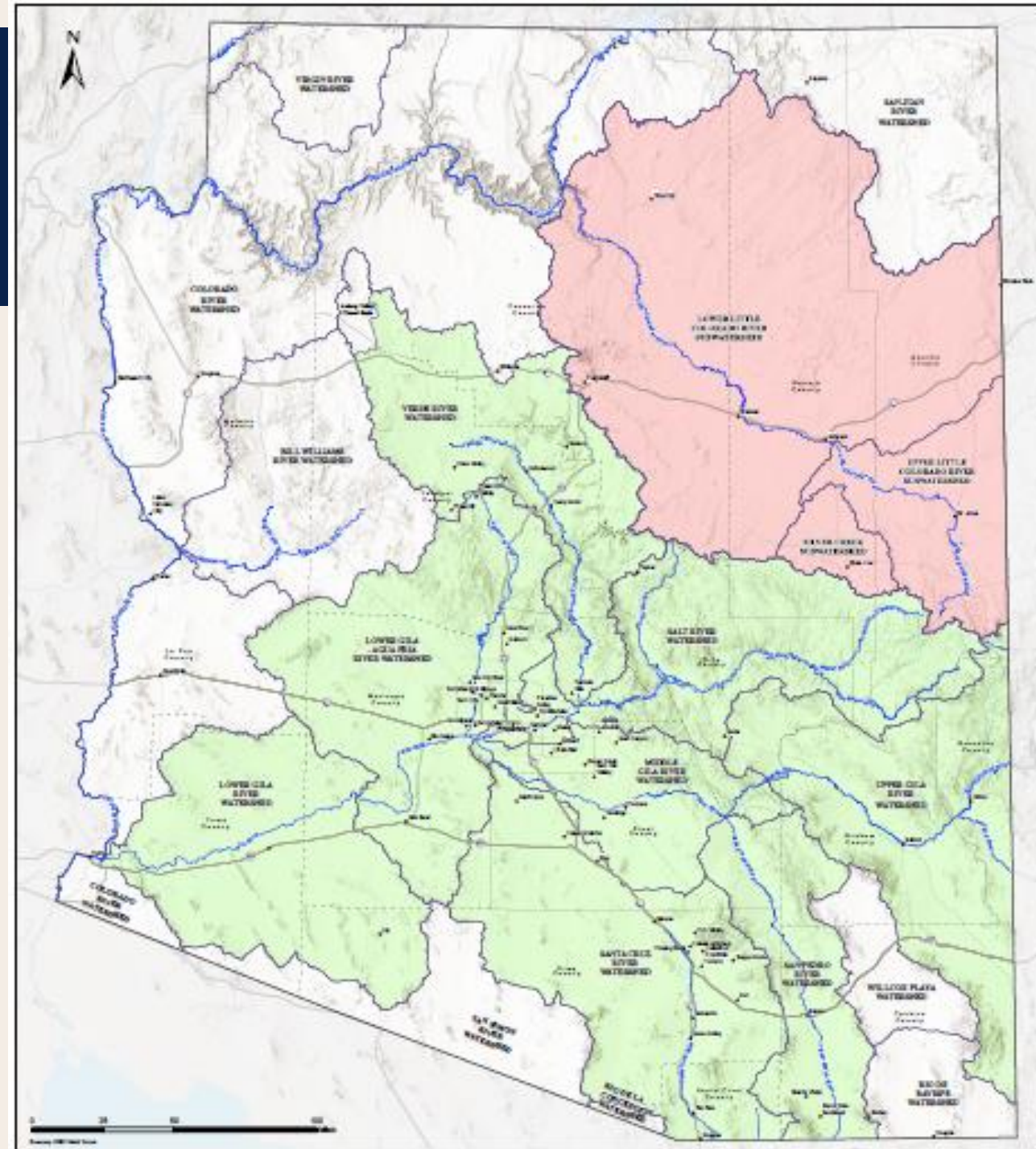
September 2025

ARIZONA DEPARTMENT OF WATER RESOURCES



Subflow Sequence

- **Silver Creek:** ADWR Initial Report Due September 4, 2026
- **Upper Little Colorado River:** ADWR Initial Report Due September 30, 2028



“This Court’s perception is that law surrounding ‘subflow’ has proven to be the root cause of the delay.”

-Judge Brain, Minute Entry, June 2013

Adjudication Sequencing

Hydrographic Survey Reports (HSR)

- **Verde**
 - Sycamore Canyon: Due March 12, 2027
 - Lower Verde Valley: Due September 5, 2028
 - Little Chino Wash & Big Chino Wash: Due March 8, 2030
 - Verde Canyon: Due September 30, 2032
- **Salt River Valley:** Beyond planning horizon
- **Upper & Middle Gila:** Beyond planning horizon
- **Lower Gila-Agua Fria:** Beyond planning horizon
- **Lower Gila** Beyond planning horizon
- **Salt:** Beyond planning horizon
- **Santa Cruz:** Beyond planning horizon

Key Issues in Pending Cases

- **Pre-1919 Forfeiture** (*In re St. David Irrigation District*, W1-11-1675)
- **Proof of pre-1919 water use** (*In re St. David Irrigation District*, W1-11-1675)
- **Path to obtain a legal surface water right post-1919** (*In re Town of Huachuca City*, W1-11-0245)
 - Is the process set out in the 1919 Arizona Surface Water Code the exclusive method for a well owner to obtain an appropriative water right with a priority date after June 12, 1919?
- **Evidence needed to prove a *de minimis* stockpond** (*In re ASLD – Fred & Carol Telles*, W1-11-1511)
- **“No injury rule” and process to change a point of diversion (POD)** (*In re St. David Irrigation District*, W1-11-1675)
- **Enforcement for decreed surface water rights** (*In re ASARCO-Irrigation; In re Proposed Gila River Indian Community Water Rights Settlement*, W1-11-2801; W1-207)

[O]ne does not “get out” of the Gila adjudication. It is a sort of judicial black hole into which light, sound, lawyers, water—even Judge Goodfarb—indeed, whole forests of paper, will disappear. The only way out is out the other end.

THE ADJUDICATION THAT ATE ARIZONA WATER LAW

Joseph M. Feller*

[O]ne does not “get out” of the Gila adjudication. It is a sort of judicial black hole into which light, sound, lawyers, water—even Judge Goodfarb—indeed, whole forests of paper, will disappear. The only way out is out the other end.¹

INTRODUCTION

On April 26, 2004, the thirtieth anniversary of the initiation of the Gila River water adjudication (“the Adjudication”),² the Salt River Project (“SRP”) filed five motions with the clerk of the Maricopa County Superior Court. Each



Questions

