



Tribal Water Law and the Federal Reserved Water Rights Doctrine

*Adjudication Education Series
December 12, 2023*





Water as an Essential Element of Life: The Foundation of the Federal Reserved Water Rights Doctrine

“Water is Sacred” “Water is Life”



Water as an Essential Element of Life: The Foundation of the Federal Reserved Water Rights Doctrine

- ❖ The federal reserved water rights doctrine originated in *Winters v. United States*, 207 U.S. 564 (1908)
- ❖ In *Winters*, the US Supreme Court concluded that the Government, when it created Indian Reservations, intended to deal fairly with Indians by reserving for them the waters without which “their lands would have been useless”



Water as an Essential Element of Life: The Foundation of the Federal Reserved Water Rights Doctrine

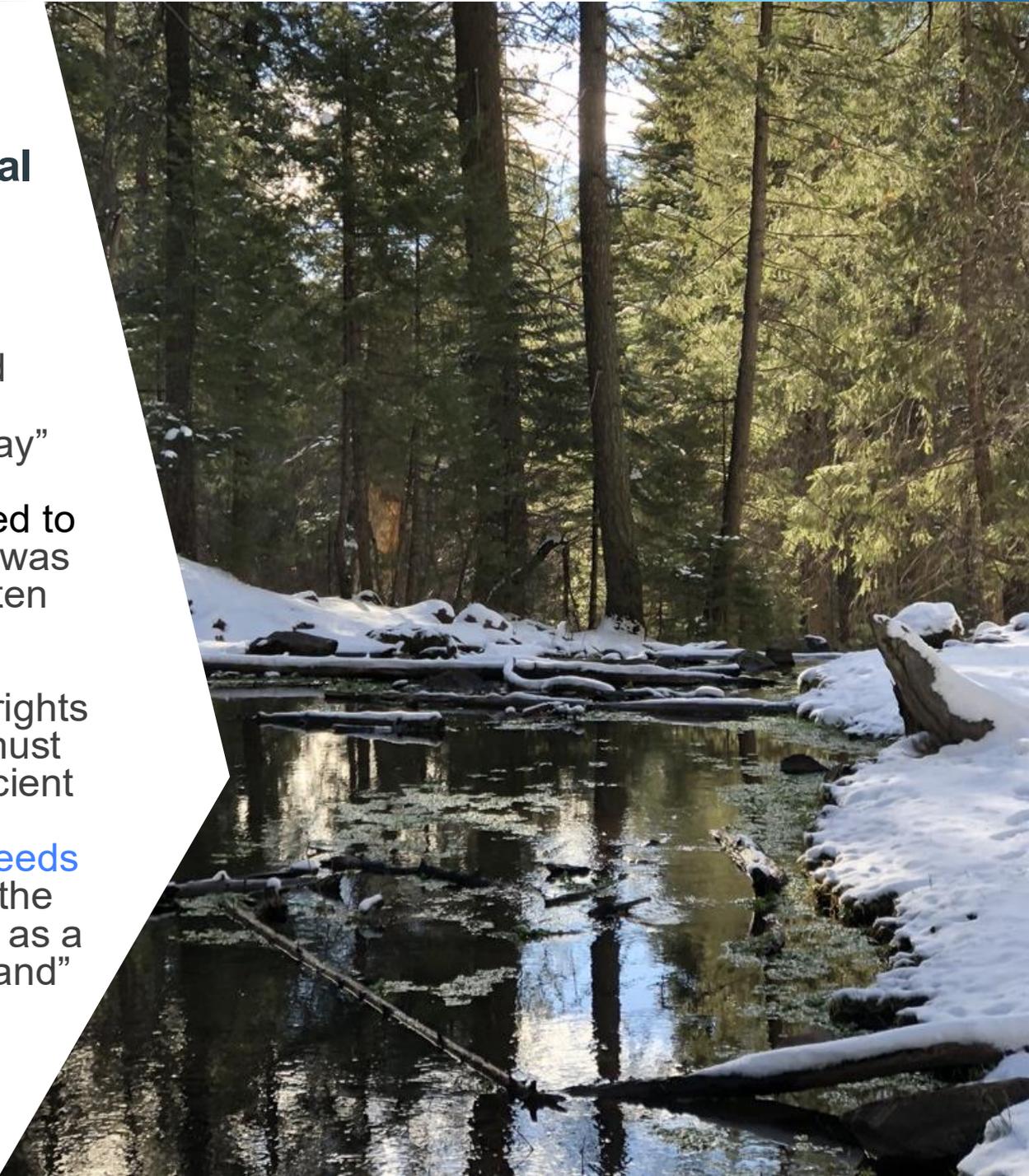
- ❖ The Supreme Court found it impossible to believe that upon the creation of the Fort Belknap Reservation, the Indians who once had command of a vast area land and the beneficial use of all its waters would have agreed to become confined to a much smaller Reservation, and at the same, give up their water rights – the very thing that was essential to the Reservation’s success as a “permanent home”
- ❖ Instead, the Supreme Court held that the United States **impliedly** reserves water rights upon the creation of an Indian reservation, so that the reservation can serve as a permanent home and abiding place for tribal people

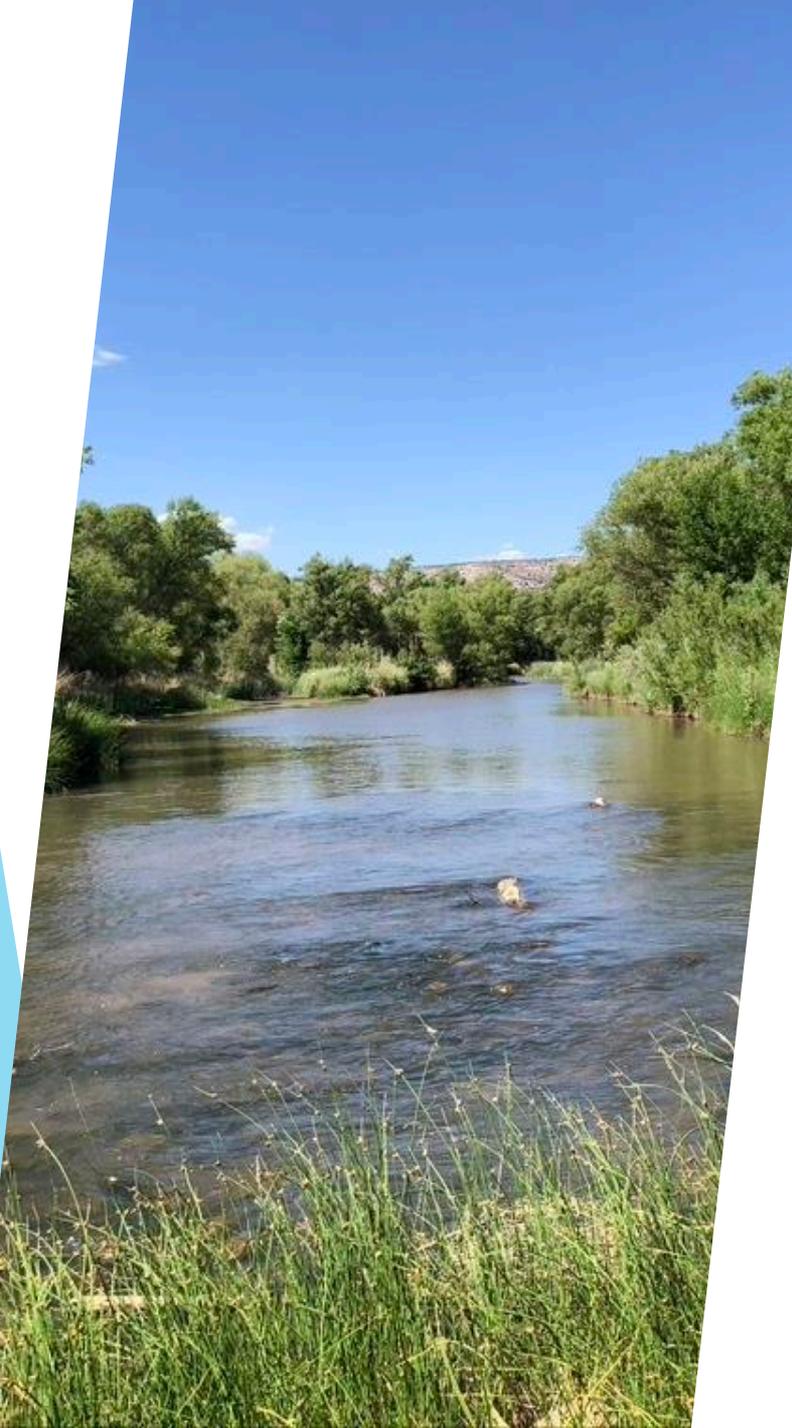


<https://csktribes.org/history-and-culture>

Water as an Essential Element of Life: The Foundation of the Federal Reserved Water Rights Doctrine

- ❖ **Federal law governs** and where state law would interfere, it must “give way”
- ❖ **Priority date** generally tied to the date the reservation was created or expanded (often very early priority dates)
- ❖ Federal reserved water rights for Indian reservations must necessarily include sufficient water to satisfy both the **present and the future needs of the reservation** – *i.e.*, the needs of the reservation as a “permanent tribal homeland”





General Attributes of Tribal Federal Reserved Water Rights

- ❖ Federal reserved water rights are not dependent on Arizona's requirements for "beneficial use", and the water rights **retain their priority, despite non-use**
- ❖ Federal reserved water rights are **held in trust** by the United States for the benefit of the Indian tribe
- ❖ The senior nature and potential size of federal reserved rights, **creates uncertainty for junior users** under state law, even for those who have been using their water for many years

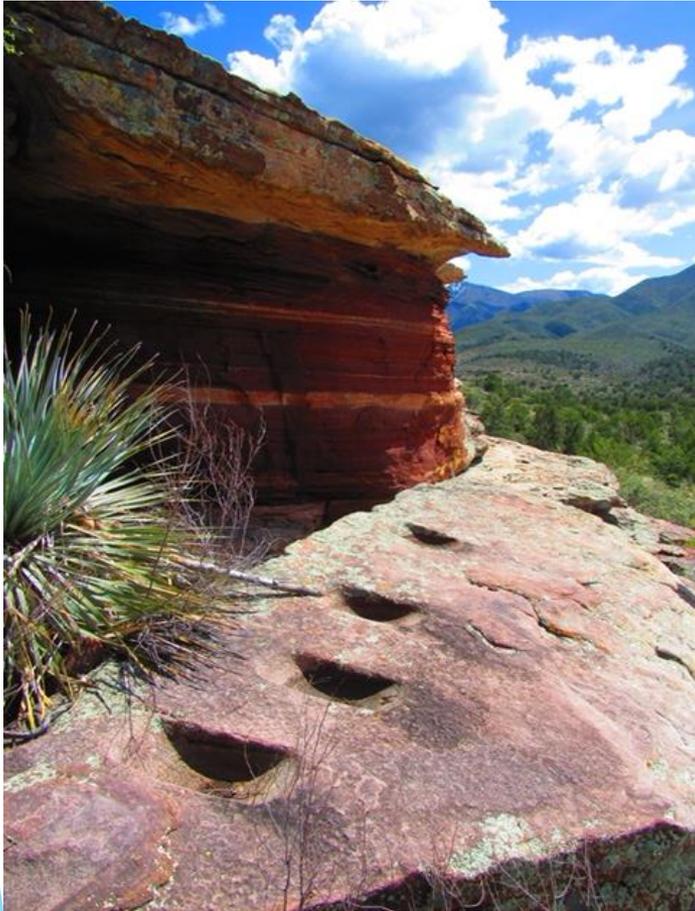
Arizona's Permanent Tribal Homeland Standard

Key factors considered in Arizona when the Court is quantifying Tribal federal water rights:



- ❖ Future Population
- ❖ Residential Use
- ❖ Commercial Development
- ❖ Industrial Use
- ❖ Agricultural Production
- ❖ Practicably Irrigable Acreage (PIA)
- ❖ Tribal Use for Traditional Practices/Ceremony
- ❖ Recreational Use
- ❖ Wilderness Use
- ❖ Economy of the Tribe
- ❖ Tribal History of Water Use

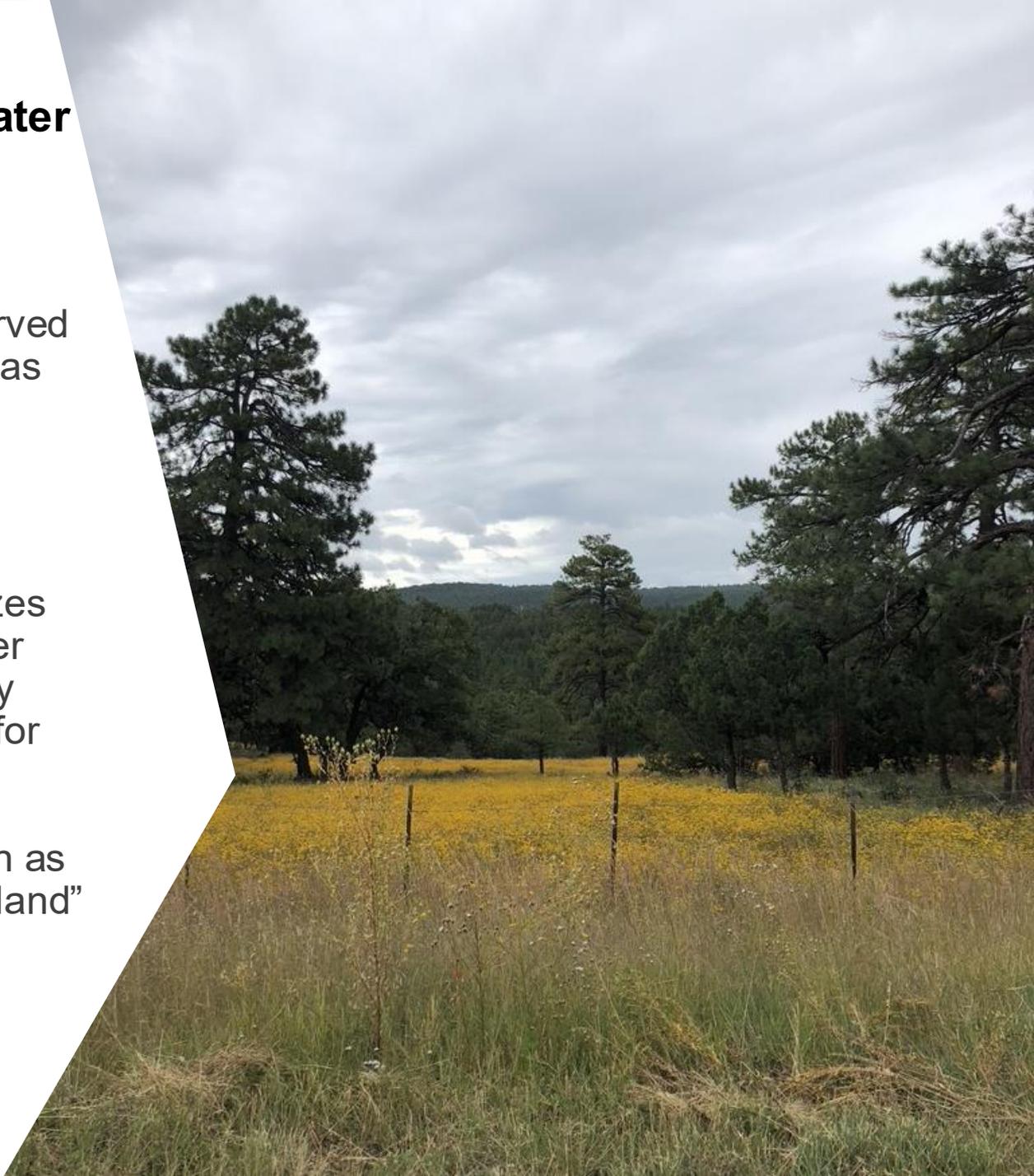
Indian Tribes May Possess **Other Water Rights**



- ❖ Aboriginal water rights – a water right that predates federal sovereignty
 - ❖ Based on continued use and occupancy of land
 - ❖ Rests on “first in time, first in right” so priority date is **immemorial**
- ❖ State based rights – acquired through the acquisition of lands with existing state-based water rights
- ❖ May include existing ditch rights or other types of state-based rights

The Federal Reserved Water Rights Doctrine & Groundwater

- ❖ Traditionally, federal reserved water rights were viewed as only attaching to surface (appropriable) waters like rivers and streams
- ❖ Recent case law recognizes that federal reserved water rights should attach to any water resource available for the Indian tribe, **including groundwater**, to fulfill the purpose of the reservation as a “permanent tribal homeland”

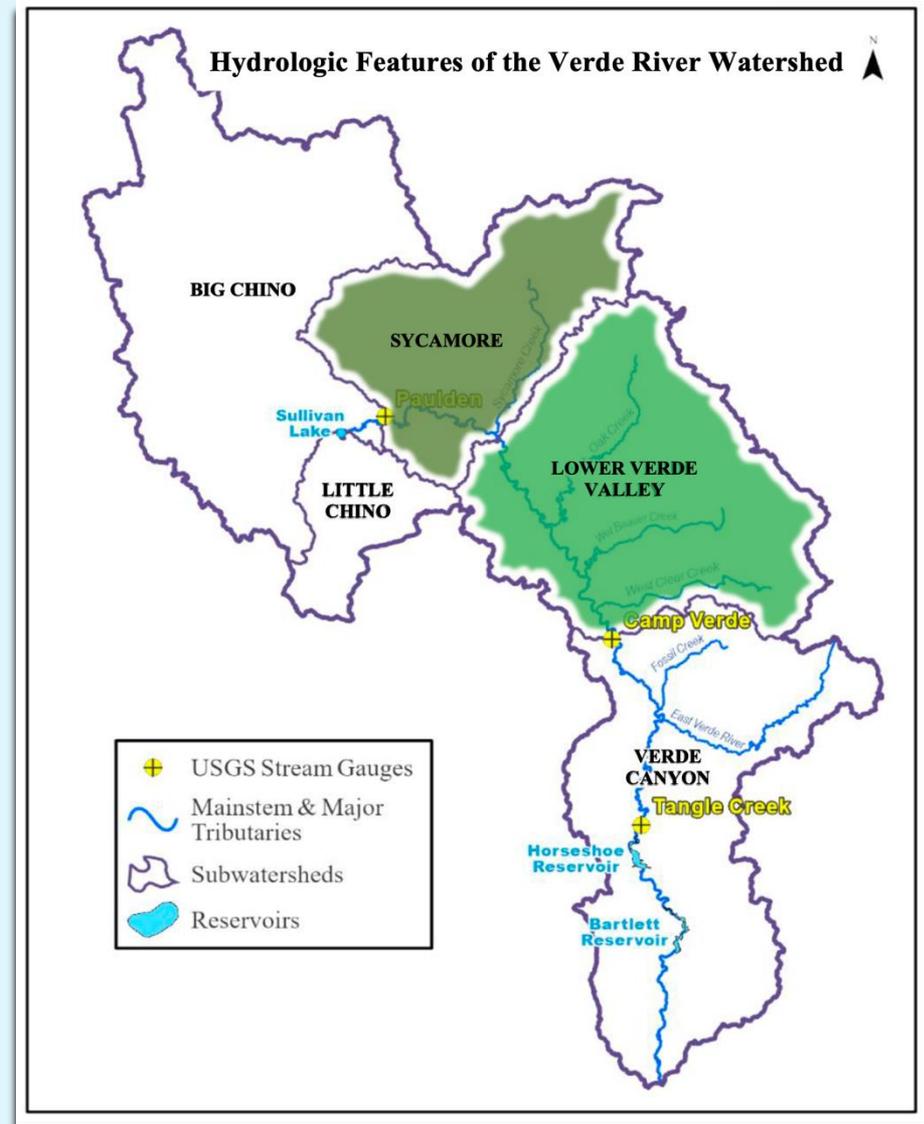


Federal Reserved Water Rights – Federal Lands and Enclaves



THE VERDE RIVER IS UP NEXT!

- ❖ There **are thousands** of State and Federal claims in the Verde River Watershed
- ❖ Claims are in 5 different subwatersheds. These are:
 - ❖ Big Chino
 - ❖ Little Chino
 - ❖ Lower Verde Valley (Verde Valley)
 - ❖ Sycamore Canyon
 - ❖ Verde Canyon



Significant Federal Reserved Water Rights Claims in the Verde River Watershed!

- ❖ Yavapai-Apache Nation
- ❖ Tonto Apache Tribe*

- ❖ Nation Park Service
- ❖ Forest Service
- ❖ Wild and Scenic River
- ❖ Numerous Wilderness Areas
- ❖ Military/DOD



Forest Service

Caring For the Land and Serving People



NATION

About 40 million people get water from the Colorado River. Studies show it's drying up.



Ian James

The Republic | [azcentral.com](https://www.azcentral.com)

Published 1:55 p.m. ET Feb. 22, 2020 | Updated 4:30 p.m. ET Feb. 22, 2020

Climate change

The American west's drought is its second-worst for 12 centuries

Arizona faces megadrought, worst drought in 1,200 years

Major water cutbacks loom as shrinking Colorado River nears 'moment of reckoning'



In 2001 the Arizona Supreme Court urged the state and Indian Tribes to work together, to resolve Tribal federal reserved water rights:

*“[I]t is our hope that interested parties will work together in a spirit of cooperation, not antagonism. . . . This is especially so now, when **the welfare and progress of our indigenous population is inextricably tied to and inseparable from the welfare and progress of the entire state.**”*

In 2019 a committee within the GWAICC, concluded:

*“The settlement of unresolved tribal water rights claims is important not only from the perspective of **justice for Native communities**, but also in terms of assessing statewide water availability.... [I]n the absence of settlement, **many Arizona communities remain uncertain as to the full scope of their water supply**, since early priority tribal rights remain unresolved.”*

Indian Water Rights Settlements

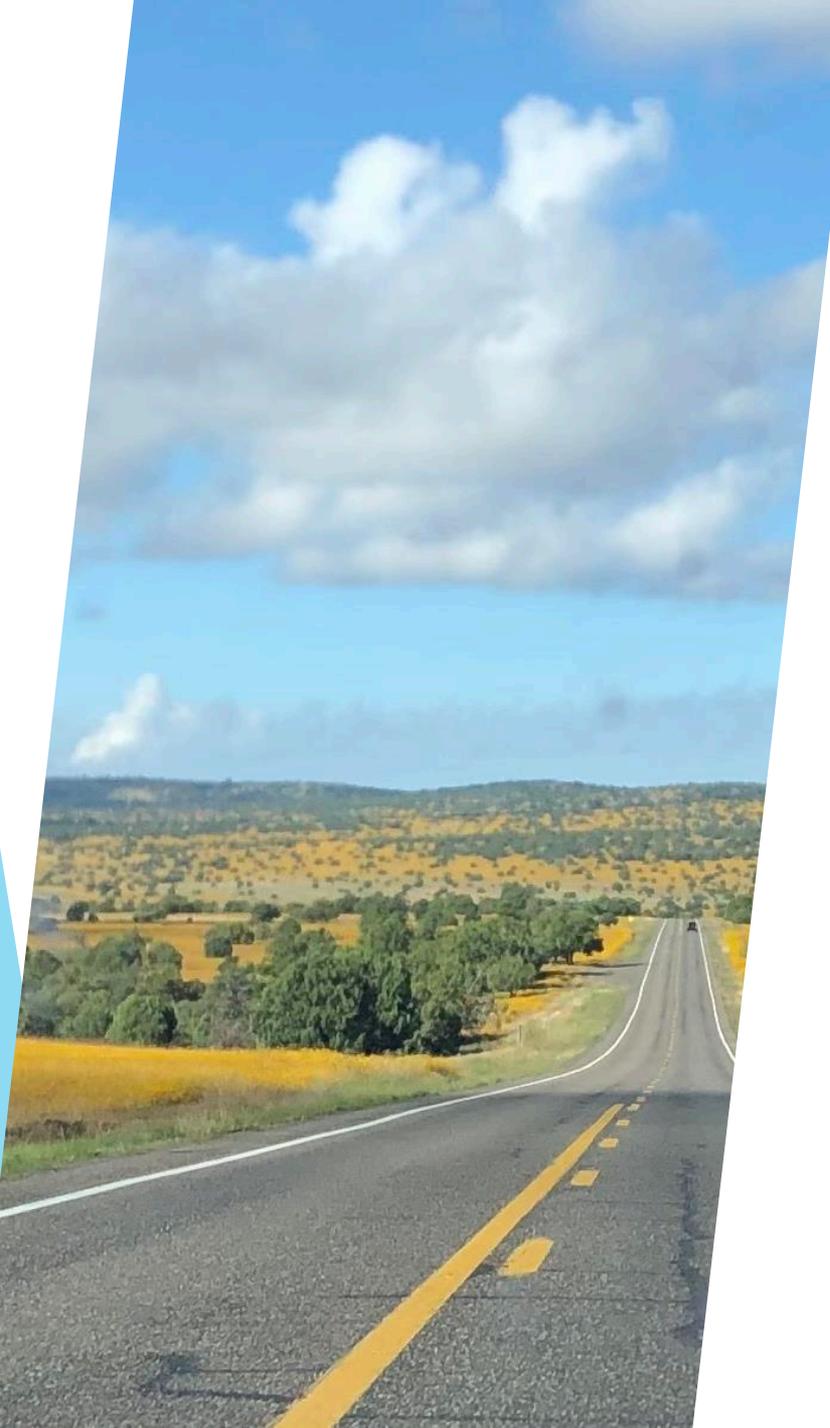
Arizona Tribes

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 (Partial) + Yavapai-Apache Nation
- + Pascua Yaqui Tribe
- + San Carlos Apache Tribe (Partial)



Why Tribal Settlements?

- ❖ Removes uncertainty about water for all parties
- ❖ Not just “paper water rights”
- ❖ Congressional funding for water infrastructure and other projects that benefit Tribes, off-reservation neighboring communities, and the state as a whole
- ❖ Allows for allocation of scarce water resources unrestrained by doctrine of prior appropriation
- ❖ Fosters cooperation, creative solutions, and partnerships
- ❖ **Yavapai-Apache Nation settlement – a “Verde Valley Settlement”**



Thank You!

Arizona Department of Water Resources

GENERAL STREAM ADJUDICATIONS & ADWR

December 12, 2023



Laura A. Madson Brown
Rachel L. Cook
Adjudications Division

Arizona General Stream Adjudications



- A judicial proceeding to determine the nature, extent, and relative priority of water rights.
- Rights to surface water (streams, lakes, springs, subflow, etc.) are being adjudicated.

ADWR's Role

To provide technical assistance to the Court by:

- Issuing New Use Summons
- Accepting filings, amendments, and assignments of Statements of Claimant
- Investigating and reporting on water uses as directed by the Court
- Providing reports on various technical issues

Statement of Claimant

- “SOC” (39-XXXXXX)
- The filing of a completed SOC serves as an official claim of a water right and enters the claim into the adjudication proceedings.
- Anyone who uses or has used water for any purpose within an adjudicated watershed may file and SOC to participate in the adjudication proceedings.

Statement of Claimant



- An SOC is not a water right, nor is it permission to use water. A water right must be acquired in accordance with state or federal law.
- An SOC must be supported by a “basis of claim” to prove validity of the claim.

SOC Form

GENERAL DESCRIPTION OF ADJUDICATIONS DIVISION

The ADWR Adjudications Division provides technical assistance to the Superior Court in the General Stream Adjudication Proceedings. To assist the Court, Adjudications accepts the filing of Statements of Claimant (SOCs) and amendments and modifications of SOCs, investigates and reports on water uses as directed by the Court, and provides reports on various technical issues. The Adjudications Division's responsibilities are described more fully in [Arizona Revised Statutes § 45-256](#).

The general stream adjudication is a judicial proceeding to determine the nature, extent, and relative priority of water rights in Arizona. See Arizona Revised Statutes (A.R.S.) §§ 45-251 to 45-264. There are two general stream adjudications in the state, one for the Gila River System and Source (Gila Adjudication) and one for the Little Colorado River System and Source (LCR Adjudication). The exterior boundaries of these two adjudication areas include more than half the state, where most of the Indian reservations and federal lands are located. Thousands of claimants and water users are joined in these proceedings, which will result in the Superior Court issuing a comprehensive final decree of water rights for both river systems.

Click [Gila River and Little Colorado River General Stream Adjudications](#) for more information.

Central Information Repository

ADWR maintains a Central Information Repository for data, reports, and other information related to the adjudications, which contains thousands of documents. This information is available to the public and to the parties.

Statement Of Claimants And New Use Summons Information

ADWR maintains and updates SOC information, including names and addresses of the parties to the adjudications, the location and nature of the claims, property records, and payment of filing fees that are forwarded to either the Maricopa County Court (Gila Adjudication) or the Apache County Court (LCR Adjudication). This information is updated as new SOCs are filed and as existing SOCs are amended or assigned due to changes in property ownership or other changes.

To view copies of [SOCs filed in the adjudications](#), you will need the SOC file numbers from ADWR. You can obtain them by calling 1-866-246-1414.

To access blank SOC forms, including amendments and assignments of SOC's, please see below. Please note that the forms below are fillable PDF files, but inputs are not saved or connected to ADWR's database. You may complete the form online, but it must be printed, signed, and notarized prior to submitting to ADWR.

Adjudication summonses are served upon all persons listed in the property tax assessments in each watershed and on all persons in the watershed who had, at any time, any water rights filing on record with ADWR. 105,338 SOCs have been filed in the adjudications in response to the original and new use summonses. Through the end of the calendar year 2022, over 89,600 SOCs have been filed in the Gila Adjudication, and over 15,700 SOCs have been filed in the LCR Adjudication.

Additionally, ADWR conducts an annual search of its records to determine whether new water uses have been initiated within the adjudication areas and serves new use summonses by certified mail to those potential claimants.

[Frequently Asked Questions](#)

[SOC Forms and Instructions](#)

[Reports](#)

[Adjudications Overview](#)

[Maps of Adjudicated Areas in Arizona](#)

[Public Records Request](#)

[SOC Imaged Records](#)

[Arizona Revised Statutes](#)

[Maricopa County, Superior Court](#)

[Surface Water Rights](#)

[Statement of Claimant New Use Summons Forms](#)

[FAQS](#)

Feel free to contact us with any suggestions to improve our website here.

For questions regarding Statements of Claimant or to make an appointment for in-person assistance call: (866) 246-1414 or email Adjudications. (866) 246-1414
[Disclosure Documents Questions](#)

SOC Form

- Determine which SOC form is needed by first identifying within which watershed your water use is located (Verde River, San Pedro, Agua Fria, Little Colorado River, Lower Gila, Upper Gila, Upper Salt, or Upper Santa Cruz)
- A different form is used for each beneficial use type (Stockpond, Domestic, Irrigation, Other Uses)
- Instructions for filling out each type of form can be found on the ADWR Adjudications website (<https://www.azwater.gov/adjudications/statement-claimant-new-use-summons-forms>)

SOC Form

Statement Of Claimant Forms For Stockponds:

- Agua Fria
- Lower Gila
- San Pedro
- Upper Gila
- Upper Salt
- Upper Santa Cruz
- Verde
- Little Colorado River

Instructions On Filing A Statement Of Claimant For:

- Domestic
- Irrigation
- Other Uses
- Stockpond

INSTRUCTIONS FOR STATEMENT OF CLAIMANT FORM STOCKPOND USE

INTRODUCTION

The filing of a completed statement of claimant form serves as an official claim of a water right. Receipt by the Arizona Department of Water Resources (ADWR) of the notarized form along with the appropriate filing fee officially enters the claim in the court adjudication proceeding.

After the final filing date has passed, ADWR will assist the court by tabulating, investigating, and verifying the information submitted on the statement of claimant forms. ADWR will identify claims and rights which may have been abandoned or forfeited and will conduct any other studies or investigations which are necessary for a proper determination of relative rights. Upon completing the investigations, a preliminary report will be made available for each claimant to examine. Claimants will have the opportunity to file comments to ADWR before the report is made final and submitted to a court-appointed master. Before the report is admitted into evidence, claimants will have an opportunity to file written objections. After consideration of the final ADWR report and all testimony properly presented, the master will file a report with the court which will then make final judgment on the priority and extent of all water rights in the river system. The final decree will be referred to ADWR for administration under the jurisdiction of the court.

Who should file in this adjudication?

Anyone who uses or has used water from a well or from springs, streams, lakes, or other impoundments for any purpose and these sources are within the boundary of the watershed should file a claim for water rights. Anyone who receives all their water from a municipal system, water company, association or irrigation district, or other such entity need not file provided that the water supplier files the water right claim. You should contact your water provider to make sure they will file.

Who should file a "Stockpond Use" form?

Persons who are claiming a right to store water in a small impoundment of up to 15 acre-foot capacity for the purpose of watering livestock or wildlife must file their claim on a stockpond use statement of claimant form. For impoundments exceeding 15 acre-foot capacity, claims must be filed on a statement of claimant form for other uses.

Should a separate form be filed for each stockpond?

Normally a separate form must be filed for each stockpond. The exception is where multiple stockponds are supplied from the same source of supply. This situation occurs, for example, when several off-channel stockponds are supplied by a single canal. In this case only one form needs to be filed for all the stockponds that are supplied solely from the canal.

STATEMENT OF CLAIMANT FORM FOR STOCKPOND USE

For Departmental Use Only

File No. 39: _____
Date Filed: _____
WFN: _____

VERDE RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

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)
4. **Source of Water:**
 - A. Stream, wash or arroyo: Name _____
 - B. Is water supplied from a source other than natural channel flow
 Yes No If yes, describe: _____
5. **Legal description of the location of the stockpond** (attach additional sheet if necessary) _____
_____ Section _____ Township _____ N _____ E _____
6. **If there are other uses supplied by the stockpond or its water source, describe:** _____
7. **Description of the Stockpond:**
 - A. Name or other designation: _____
 - B. Dam specifications:
 1. Date construction began: _____ and _____
 2. Height: _____ ft
 3. Does dam have an outlet structure other than spillway?
 - C. Reservoir behind dam:
 1. Date water first stored: _____ (month/day/year)
 2. Maximum length: _____ ft
 3. Maximum width: _____ ft
 4. Maximum depth of water at spillway crest: _____
 5. Maximum storage volume at spillway crest: _____

8. **Number and kind of livestock or wildlife watered by this stockpond:** _____
_____ for _____ months per year.

9. **Attach photographs, maps or sketches necessary to show the location of the stockpond(s) and any conveyance system and other point(s) of diversion.**

10. **It may be necessary for a representative from the Department of Water Resources to inspect the stockpond and diversion. Your signature following will grant permission to enter your property for the purpose of inspection:**
Signature of Claimant _____

11. **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?** _____

12. **Additional comments:** _____

(attach additional sheet if required)

13. **Attach filing fee to form.** Mail form(s) and fee(s) to: Department of Water Resources, Adjudications Division, 1802 W. Jackson St., BOX 79, Phoenix, AZ 85007

14. 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 _____

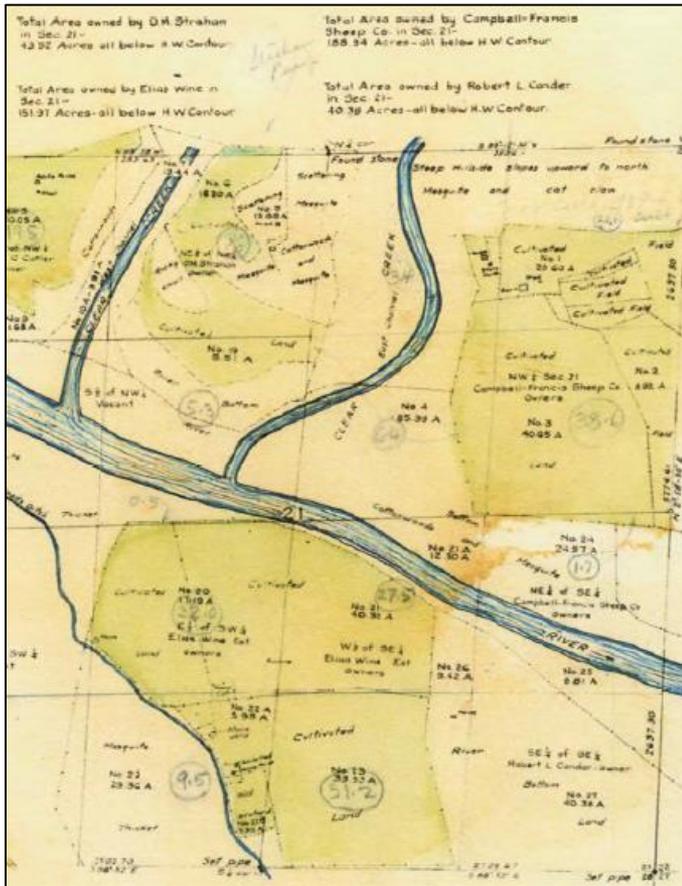
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

SOC Form & Related Information

- Basis of Claim- Method by which the claimed water right was established
- Claimed Priority Date- When the water was first used beneficially
- Claimed Right- How much water is used and/or stored annually

SOC Form & Related Information



Snippet of a Bureau of Reclamation map illustrating cultivated land within Camp Verde from 1934

- Place of Use (“POU”)- Where the water is being used
- Point of Diversion (“POD”)- Where the water is being diverted from
- The County Assessor’s Office may have helpful location information available on their website

SOC Locator

Is there already an SOC associated with my property?

- 1) www.azwater.gov/adjudications
- 2) Interactive Maps & Data Downloads
- 3) STATEMENT OF CLAIMANT LOCATOR

SOC Locator

Statement of Claimant Locator

SOC # 39-56035

Watershed	VERDE RIVER
Cadastral	A14005019000
Legal Location	19 14N 05E
Claimant	CAMP VERDE, TOWN OF
File Date	05/13/2002
Imaged Record Link	39-56035

Search: CAMP VERDE, TOWN OF

Search result:

Statements of Claimant

WATERSHED	SOC_NO	FILE_DATE	CLAIMANT	LEGAL_LOCATION	CADASTRAL	X_UTMNAD83	Y_UTMNAD83
VERDE RIVER	39-56035	5/13/2002, 5:00 PM	CAMP VERDE, TOWN OF	19 14N 05E	A14005019000	420,892.9	3,828,045
VERDE RIVER	39-56035	5/13/2002, 5:00 PM	CAMP VERDE, TOWN OF	NWSESW19 14N 04E	A14004019CDB	411,071.3	3,827,614
VERDE RIVER	39-56036	5/13/2002, 5:00 PM	CAMP VERDE, TOWN OF	SWNW32 14N 05E	A14005032BC0	421,803.6	3,825,021



SOC Imaged Records

How do I view an SOC?

- 1) infoshare.azwater.gov/docushare
- 2) Search ADWR's Imaged Records
- 3) Imaged Record: SOC Document

SOC Imaged Records

Arizona Department of Water Resources Data

HOME MY ADWR MY TASKS MY FAVORITES RECENT

ADWR's Online Files

(*Please note-if you use Internet Explorer 9 or higher, your browser must be set to 'compatibility mode')

- Assured and Adequate Water Supply Files (Files that begin with the prefix '26', '27', '28', '29', '30', '31', '32', '34', '37', '40', '41', '42', '43', '44', '51', '52', '53', '86')
- Community Water System Files (Files that begin with the prefix '91')
- Groundwater Authority files (select Groundwater Document, then search by Right Number)
- Statement of Claimant / Adjudication Files (Files that begin with the prefix '39')
- Surface Water Documents (Files that begin with the prefixes '33', '36', '38', '3R', '45', '46', '4A', 'BB')
- Recharge and Recovery Files (Files that begin with the prefixes '70', '71', '72', '73', '74')
- Wells 55 files (search by Registry ID# (begins with '55) or by the location of the well)

Other ADWR Public Records

You can search the ADWR Water Resource Data to find wells using the Well Registry Number, Owner Name Search and Location search (Cadastral, Basin, or Subbasin). The well registry database, [Online Well Registry Data \(Wells 55\)](#) which is a collection of all the registered wells in Arizona.

Maximum Results: 100

Search ADWR's Imaged Records

Select type of imaged record and complete the search criteria below

Imaged Record: SOC Document

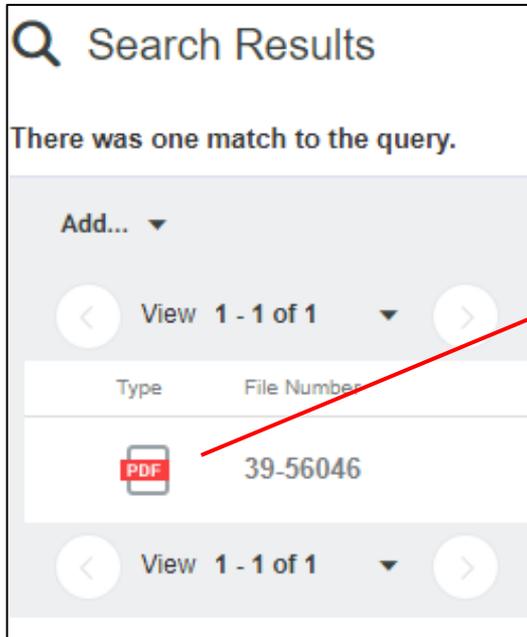
File Number: 39-5604

Watershed Code:

SEARCH



SOC Imaged Records



RECEIVED
JUN 17 2002
DEPT OF WATER RESOURCES

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES¹
VERDE RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

For Departmental Use Only
File No. 39- **56046**
Date Filed: **6-17-02**
WFN

1. **Claimant Name:** Town of Camp Verde
Claimant Address: Post Office Box 710 City Camp Verde
State: Arizona Zip Code 86322 Telephone 928-567-8513

2. **Basis of Claim:** ITEM 2 - See Schedule A attached hereto and made a part hereof.
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) ITEM 3 - See Schedule A

4. **Use:**
A. Municipal
B. Commercial or Industrial
C. Mining
D. Stockwatering other than from a stockpond
E. Recreation, Fish & Wildlife
F. Other, describe: _____



SOC Amendment

An amendment is used to correct information on an SOC

Amendments:

Gila River Adjudication: ▾

Little Colorado Adjudication ▾

STATEMENT OF CLAIMANT FORM CLAIM BEING AMENDED
FOR
DOMESTIC USE
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

File No. 39-_____

- Claimant Name:** _____
 Claimant Address: _____ City _____
 State _____ Zip Code _____ Telephone _____
- Basis of Claim:**
 - Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
 - Appropriation right acquired after June 12, 1919. Application No. _____
 Permit No. _____ or Certificate of Water Right No. _____
 - Decreed water right. Principal litigants, court, date and Case No. _____
 - Right to withdraw groundwater. Grandfathered Right No. _____
 - Other, describe: _____
- Claimed Priority Date:** _____ (month/day/year)
- Source of Water:**
 - Stream: Name _____ tributary to _____
 - Spring: Name _____ tributary to _____
 - Lake or Reservoir: Name _____ tributary to _____
 - Groundwater
- A. Legal description of the Point of Diversion:**
 County _____, Section _____, Township _____ N / S, Range _____ E / W
 Legal subdivision: _____
 _____, _____, _____, of the Section; or
- B. Legal description of the Place of Use:**
 County _____, Section _____, Township _____ N / S, Range _____ E / W
 Parcel I.D. _____, _____, _____, of the Section; or
 Subdivision Name _____ Block No. _____ Lot No. _____
- if there are Irrigation, Stockpond or Other Uses** supplied from the point of diversion, describe: _____
- Means of Diversion:**
 - Instream pump.
 - Gravity flow into ditch, canal or pipeline.
 - Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. _____
 - Other, describe _____

- Number of persons** _____ or dwellings _____ served by this use.
- Annual Volume Claimed:** _____ acre-feet
- It may be necessary for a representative from the Department of Water Resources to inspect the place of use and diversion. Your signature following will grant permission to enter your property for the purpose of inspection:**
 Signature of Claimant _____
- 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?** _____
- Additional comments:** _____

 (attach additional sheet if required)
- Attach filing fee to form. Mail form(s) and fee(s) to:**
 AZ DEPT OF WATER RESOURCES
 ADJUDICATIONS
 1802 W. JACKSON ST., BOX 79
 PHOENIX, AZ 85007
- 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
or
 Authorized Personnel of the Department of Water Resources

SOC Assignment

Assignments:

- **Gila River Adjudication**- includes the following Adjudication Watersheds: Agua Fria, Lower Gila, San Pedro, Upper Gila, Upper Salt, Upper Santa Cruz, and Verde.
- **Little Colorado River Adjudication**

An assignment is used when there has been a transfer of ownership of the place of use listed on the SOC

**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, 1802 W. Jackson St., Box 79, Phoenix, AZ 85007**. 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

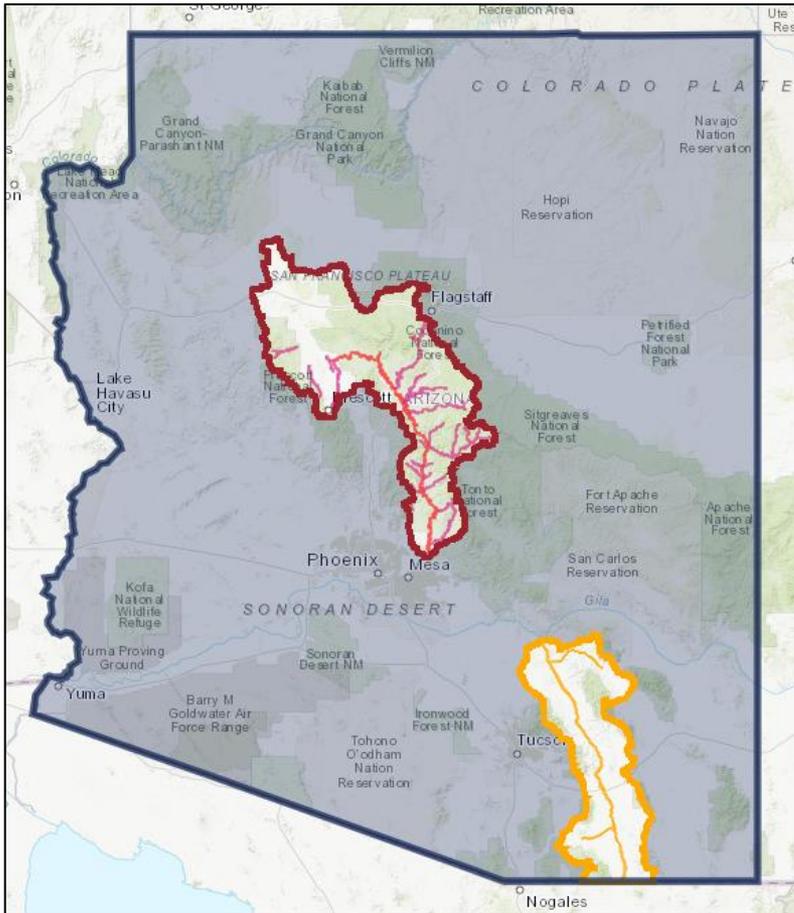
The undersigned parties hereby notify the Superior Court of Maricopa County of the assignment of the following statements of claimant:

39- _____ 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) _____

<p>ASSIGNOR (seller):</p> <p>Name (printed or typed) _____</p> <p>Address _____</p> <p>Telephone _____</p> <p>Signature _____</p> <p>STATE OF ARIZONA) County of _____)</p> <p>The foregoing instrument was acknowledged and signed before me this day of me this _____ day of _____, 20____.</p> <p>by _____</p> <p>Notary Public _____</p> <p>My commission expires: _____</p>	<p>ASSIGNEE (buyer):</p> <p>Name (printed or typed) _____</p> <p>Address _____</p> <p>Telephone _____</p> <p>Signature _____</p> <p>STATE OF ARIZONA) County of _____)</p> <p>The foregoing instrument was acknowledged and signed before me this day of me this _____ day of _____, 20____.</p> <p>by _____</p> <p>Notary Public _____</p> <p>My commission expires: _____</p>
--	---

SUBFLOW



- Water within the subflow zone is assumed to be appropriable and subject to the adjudication
- “The underflow, *subflow* or undercurrent, as it is variously called, of a surface stream may be defined as those waters which slowly find their way through the sand and gravel constituting the bed of the stream, or the lands under or immediately adjacent to the stream and are themselves a part of the surface stream.” –Southwest Cotton

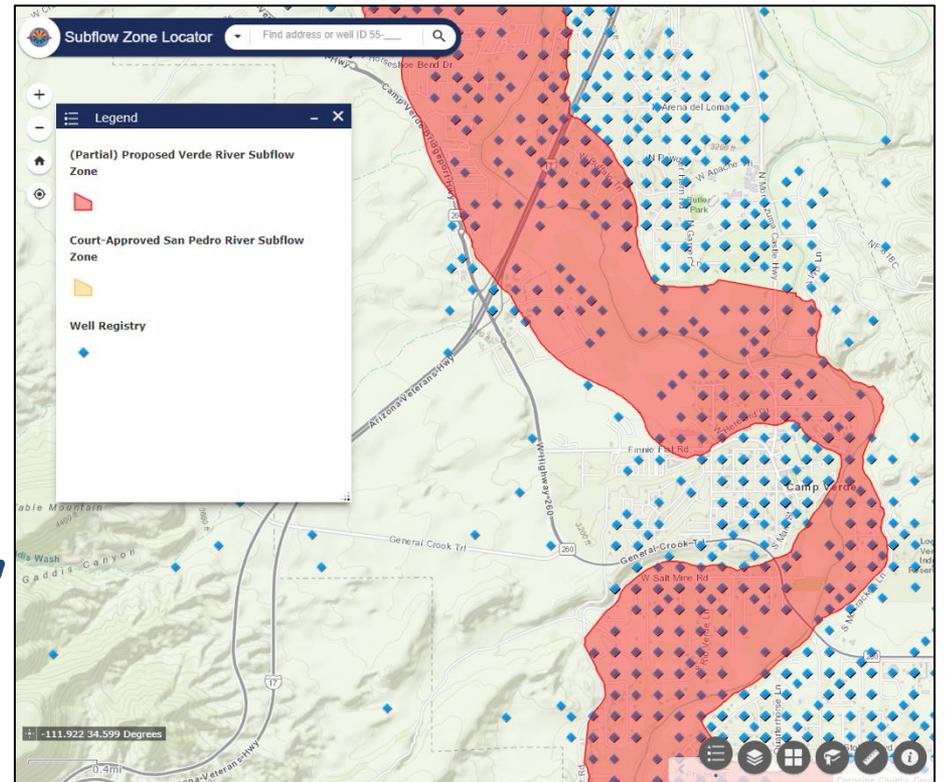
SUBFLOW

Is my well near the Subflow Zone?

- 1) www.azwater.gov/adjudications
- 2) Interactive Maps & Data Downloads
- 3) SUBFLOW ZONE DELINEATION FOR VERDE AND SAN PEDRO WATERSHEDS

SUBFLOW

- Search by address or Well Registration Number (55-XXXXXX).
- Displays centroid of nearest 40-acre tract, not *actual* well location.





Laura A. Madson Brown

Phone: 602-771-8520

Rachel L. Cook

Phone: 602-771-0499

ADWR Website: www.azwater.gov

ADWR Twitter: @azwater

Court Website:

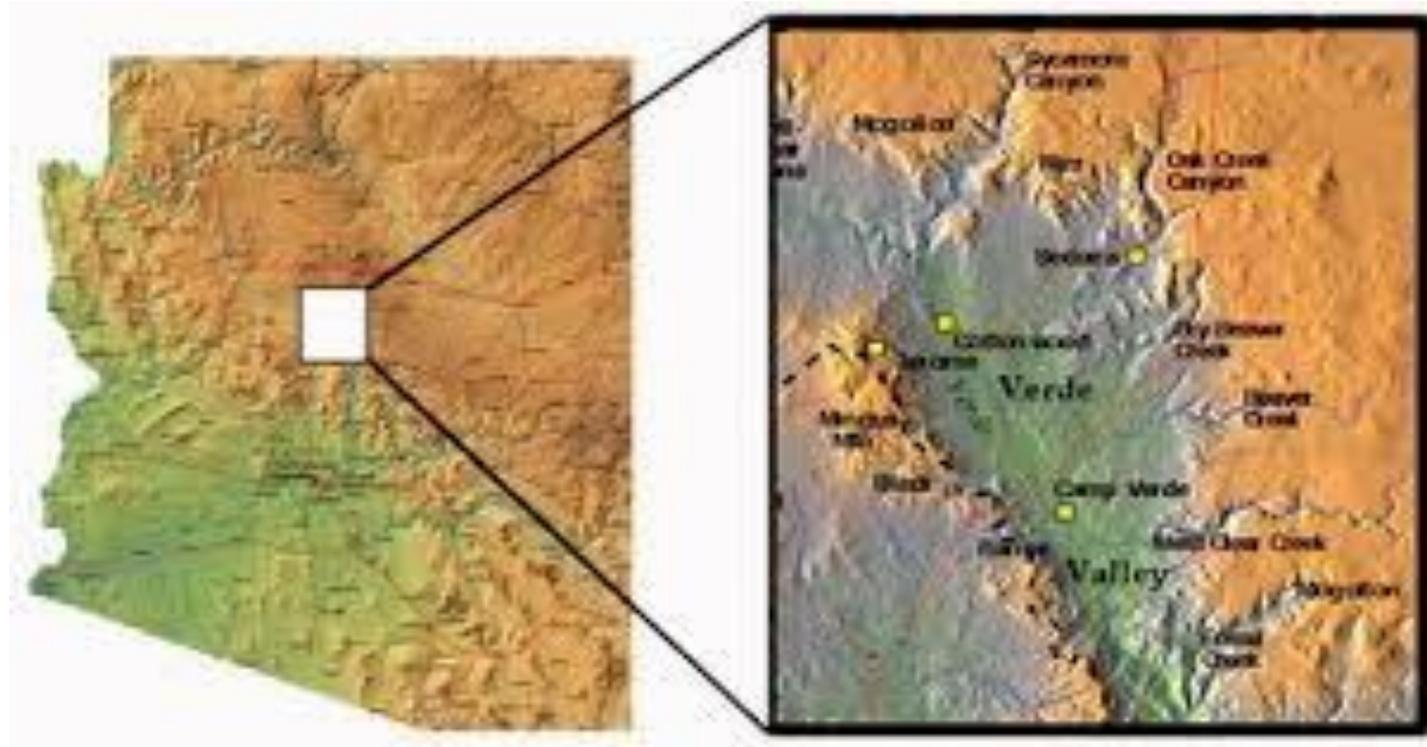
www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication

Verde River Adjudication Update



May Potenza
Baran & Gillespie

Presented by Carla A. Consoli
Shareholder



Themes for today:

Current Status of the Adjudication in the Verde Valley

General Process



May Potenza
Baran & Gillespie

Subflow Determination

- ADWR Report
- Objections
- Status



May Potenza
Baran & Gillespie

Hydrographic Study Reports

- Existing v Proposed Map
- Point of Diversion v Point of Use
- Multiple Proceedings



De Minimis Uses

- Domestic
- Stock
- Procedures
- ADWR Report
- Objections



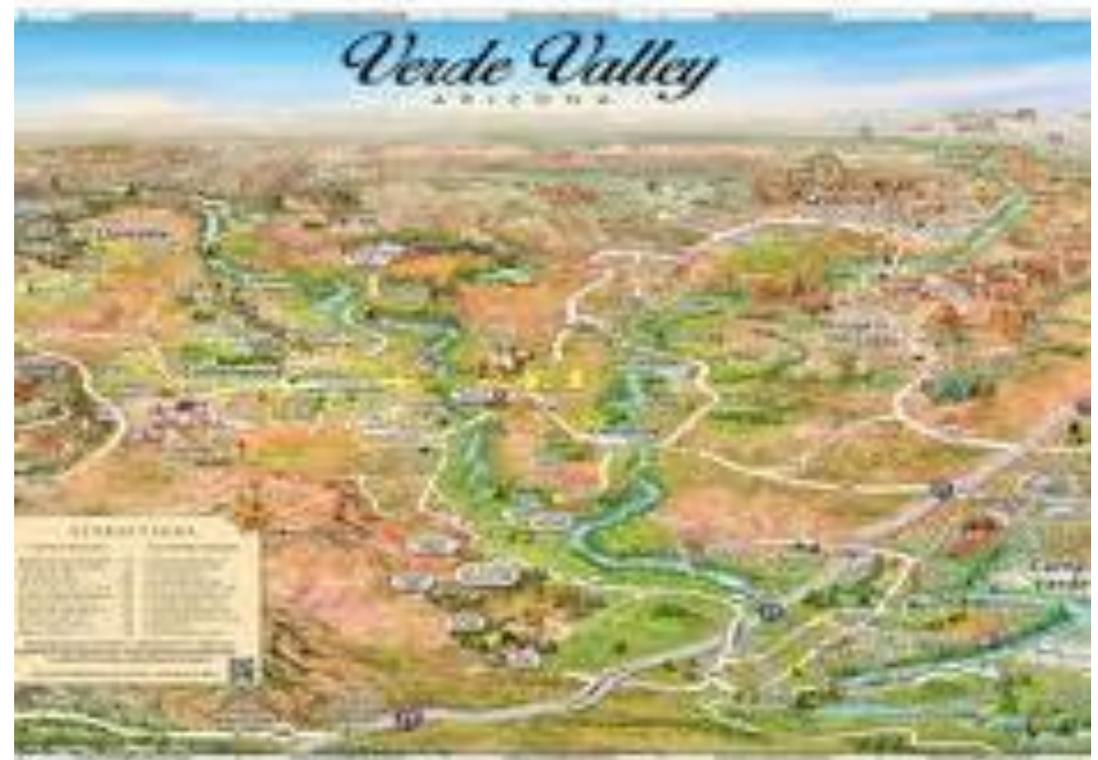


General Process

- The BIG Questions
- HSRs
- De Minimis Uses
- Contested Cases

Individual Involvement

- Vigilance
- Importance
- Risks





Questions?

Thank you!