

BCRC Water Committee Report

May 7, 2008

Verde Valley Water Users (VWU) Annual Meeting
April 17, 2008

Kayo Parsons-Korn attended this meeting. The following is some history about the VWU and the Gila River Adjudication that was presented at the meeting.

Background: Who are the VWU and what is the Gila River Adjudication?

The VWU was a group formed more than 20 years ago to represent the water users of the Verde Valley in the Gila River Adjudication Case. This case centers around Salt River Project's (SRP's) surface water rights to many rivers and streams in Arizona.

SRP has water rights that were granted them in 1919. SRP owns 40% of the surface water of the Verde River system. This includes the creeks that flow into the Verde too, like Wet Beaver Creek. SRP asserts that some ground water contributes to the surface water of these water courses so therefore this ground water should be considered part of their surface water rights. The ground water that is being considered flows in a geologic formation called the Holocene alluvium. This is a formation of rocks and sand that form around the rivers and creeks. In Camp Verde area this formation is 3 miles wide around the river! So this case could affect most of the wells in the Verde Valley.

The Gila River Adjudication involves all the rivers that flow into the Gila, including the San Pedro, Salt, and Verde. The Court laid out a schedule whereas the less complicated cases, the San Pedro and another adjudication case on the Lower Colorado would be handled first. Right now the San Pedro is in the courts. But SRP is concerned about the rapid growth in the Verde Valley and addition of new wells. SRP petitioned the court to change the schedule of the adjudications. The courts decided the San Pedro would be adjudicated first, but moved the Verde into the second position ahead of the Salt and Little Colorado. So we have less time to prepare for the adjudication.

There are now 7,236 wells in the Verde Valley and most of those would be included in this case. Well owners must file a Statement of Claimant (SOC) so that the adjudication court will be aware that you are claiming a right to use water. Even though you may have already received a permit, certificate or other form of approval from ADWR for your water uses, an SOC must be filed for the adjudication process. The adjudication court will ultimately determine the nature, extent, and relative priority of all water rights for which an SOC has been filed.

The Verde Valley Water User's Role

Since SRP is a huge corporation with lots of resources, individual well owners would have a difficult time fighting them in court. So the VWU is a group that brings these

individual well owners together to share resources such as legal, hydrologists, well testing, etc.

The group has a \$25 a year membership fee for families to help fund these resources.

What has the VVWU been doing:

- Well monitoring programs. By looking at fluctuations in well water levels, vs. creek water levels, they can build a case that the wells are not connected to the surface waters. But this cost about \$500 a year per well. They suggest that neighbors with similar well depths band together to monitor one of their wells as a representation of all their wells.
- Hydrology studies to determine if wells are in the Holocene Alluvium. And even if the top of the well is located in this formation, a deep well may extend below it with impermeable clay layers in between.
- Buying and reviewing the Special Masters Summary Reports to the Judge. For instance the Fort Huachuca Summary Report was just issued. By looking at these reports, VVWU can build strategies for our area.
- Hired legal counsel that reviews the court reports, hydrology reports, etc.
- Make people aware that they need to file a claim and help people in filing. Currently they have been providing this service for \$100 for members and \$125 for non-members, although they will be raising these rates because of the amount of work that is sometimes needed with some wells. Wells may not have ever been registered or the registration may have not been transferred when the land was sold.

What happened at the Meeting

Roy Wrobly, the President of VVWU presented the Income Statement for the year and explained how the money was used. He also stated they needed more Board Members as they had lost a couple of members. The Board Members meet once a month, listen to the advice of the attorney and make decisions on how to spend the money. Board members serve for 3 years. The Board Members that were up for election were then voted in.

There was a short speech by Chip Davis. He basically implored people to get involved with the VVWU. Talk to your neighbors and get them involved. With over 7,236 well users in the Verde Valley there were only 600 members of the VVWU. If all 7,000+ well owners got involved, they would have a much better chance facing SRP in court.

Then Ray Wrobly gave a presentation of the forms that needed to be filed with ADWR. All these forms can be found at www.azwater.gov. Or the VVWU association can step you through filling out the forms.

Next Duane Wyles, the VVWU legal counsel gave an adjudication update. He said that the San Pedro was now under adjudication. Duane explained the adjudication process:

- First the Special Master prepares a report of facts about water, historical uses, etc to the judge. These reports can take quite awhile to pull together. The judge then uses these facts when individual cases are reviewed. The Special Master had just

presented the Fort Huachuca Report. Duane showed us that report. It was a spiral bound book about 3 inches thick.

- ADWR will do hydrology studies of the area and write a report for the court. This can take a very long time. With ADWR having to make cuts in staff like all other state agencies, this actually works in our favor as it gives us more time.
- Individual cases are then adjudicated in court. How this will be done in an area with so many well owners such as the Verde Valley is uncertain.

He also explained that the remedy that SRP seeks is that wells discontinue use and buy existing surface water rights from the other surface water owners in an area. To give you an idea of how expensive that could be, Chino Valley is now selling their *effluent* water for \$26,000 per acre foot (325,851 gallons). And it is not clear if the existing surface water rights could even meet the current demand of well users. Duane did not think that would be the solution the judge would come up with. But it might be something like water metering on wells and a charge on water or only allowing de minimus use.

I asked Duane what would happen if you didn't file a Statement of Claimant .He thought the court might do it for you, but that wasn't a certainty. You might loose your water right and be prevented from presenting a claim in court.

Recommendation:

Roy Wrobly would be happy to give a presentation to the BCRC. If we don't have any more urgent speakers, I would suggest that we get him on next month's agenda. People need to be aware that they must file a Statement of Claimant form or they will loose their right to defend their water rights in court. I think it would also be helpful for recruiting new members for VVWU.

The BCRC could become a member of the VVWU. Annual dues are \$25.