

May, 2009

I attended the Verde Valley Water Users (VWVU) annual meeting held April 2, at the Camp Verde School District Multi-Use Complex. The size of the crowd was a bit disappointing considering how much outreach the group had done recently with neighborhood groups and the press. I also thought more people would attend because the agenda was to include speakers from Salt River Project.

The meeting began with a report from the President Ray Wrobly. The group currently has almost \$33,000 in the bank. Ray explained that this amount could easily be used up this year and it was important to get more members if they were to successfully fight the upcoming court battle. Some of the activities occurring now:

- The Arizona State Survey continues to map the Holocene Alluvium. This is a geologic formation that has already been determined by the courts as contributing underground water to rivers and streams.
- VWVU continues their well monitoring program to establish what effects wells may have to nearby rivers and streams. Basically they compare seasonal changes in well depths with those in nearby water courses.
- VWVU continues to speak to groups throughout the Valley and helps people file claimant forms with ADWR.
- Salt River continues its court case against 3 Verde Valley Ranch families ahead of the Statewide Adjudication Case. (more recent info on this later in the report)

Then the election of new board members was handled very quickly. They are actually short board members so people may wish to apply.

Then the speakers from SRP gave a presentation. Although they were going to talk mainly about the Big Chino Basin and their shareholders rights, they did touch briefly on how SRP came into being, and what the adjudication case was about. First to speak was Greg Kornrumpf of SRP.

SRP was formed early in the 20th century as part of the 1902 Reclamation Act. Farmers in the Phoenix Valley area had been irrigating crops since 1869, but their efforts were small. They petitioned the government to loan them money to build Roosevelt Dam and a canal system and they would put their lands up as collateral on the loan. So this is how SRP came into being. They did build Roosevelt Dam and a series of canals. At this same time the Kent Decree of 1910, stemming from a court case concerning water rights (Hurley vs. Abbott) formalized surface water rights for the State of Arizona and water rights were assigned to various groups and individuals. SRP getting the lion's share.

Surface Water Law works on the assumption of "First in time, first in rights". So whoever had put the water into use first had a greater right than subsequent users. Although it is

still a very grey area as specific amounts are not decreed. If the water is used for a "beneficial purpose", which is very broadly interpreted, than a surface water user can use as much as they deem necessary for that beneficial purpose. Ground water works on the assumption of "Reasonable Use".

Starting in 1974 SRP began to make claims that some ground water could be considered surface water in that the ground water contributed to the flow of the streams. And pumping too close to a stream could effect that zone. They contested that the Holocene Alluvium, a geologic formation that surrounds many streams and rivers was such a zone. And even wells that fell outside of the Holocene Alluvium, if they were close enough could cause a "cone of depression" that could draw water out of the formation.

At the same time the Gila Indians were suing for their share of water with the federal government under treaty rights. They won that case in 1987 and the Adjudication of all state streams fell under that case. So that is when SRP started their suit for their water rights. And in 2000, they won a Supreme Court decision that accepted that water that flowed through the Holocene Alluvium was part of surface water. So SRP is now suing to prioritize this water as surface water rights.

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