

HISTORY OF THE ADJUDICATION

Over 20 years ago, the Salt River Project filed lawsuits asking the courts to determine the water rights for the use of "surface water" in the Gila River System, including the Verde River and its tributaries. In response to this threat to continued use of water in our community, the Verde Valley Water Users (VWU) was incorporated to inform and assist the membership in matters pertaining to the general adjudication. As the only claimant organization of small water users in the state, the VWU's attorney was appointed to the trial Court's complex litigation Steering Committee. This provides the VWU with the opportunity to participate in the Adjudication Steering Committee and receive copies of all motions, briefs, and Superior and Supreme Court orders.

Since 1984, as specific issues important to our membership have come before the Court, the VWU have hired attorneys and hydrologists to present our position, including former Governor and Secretary of Interior, Bruce Babbitt, who presented arguments on behalf of small water users before the Arizona Supreme Court. Continued participation in the adjudication proceedings is critical if we want VWU issues considered by the Court.

Beginning in 2002 and extending into 2003, the Court considered subflow issues and the determination of proper testing methods on the San Pedro watershed. Because rulings made on the San Pedro as to the determination of subflow, Holocene alluvium, cones of depression, and *de minimus* (small) uses could adversely impact the Verde Valley, the VWU actively participated in the process. We retained hydrologist Phil Briggs, who worked closely with the Board and VWU legal counsel, Richard Mabery, in responding to the issues in a brief filed with the Court in June 2002.

In October 2003, hearings were held before Special Master Schade with two full days of cross-examination testimony based upon the Declarations and Rebuttal Declarations that were previously submitted by participating parties. Of the thirteen experts who took the stand, it was Mr. Mabery's opinion that Mr. Briggs made one of the best presentations and did a very credible job in support of our position.

Participation in this recent effort was very expensive and without the financial support of Yavapai County, local water companies, the Verde Ditch, and the "war chest" built up over the years by VWU from membership dues, we would not have been able to present to the Court positions favorable to the Verde Valley. But, the fight has just begun. It is clear that a major focus of the Adjudication will be the Verde Valley following the San Pedro.

If the VWU is to continue representing the membership in this important legal action, we need the support of the thousands of surface water and well users in the Verde Valley whose water rights are at risk. Join the Verde Valley Water Users today and help keep our water in the Verde Valley.