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

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

Civil 6417-33-6828

ORDER TO INITIATE CONTESTED CASE
AND
ORDER SETTING STATUS
CONFERENCE

CONTESTED CASE NAME: *In re FS-Apache Sitgreaves*
HSR INVOLVED: Silver Creek Hydrographic Survey
DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate Civil 6417-33-6828. Telephonic Status conference set for **September 29, 2022 at 2:30 p.m.**
NUMBER OF PAGES: 12
DATE OF FILING: August 17, 2022

General Explanation

This Order continues the process necessary to adjudicate claims made for rights to appropriable water by the United States for the Apache Sitgreaves National Forest. This contested case was consolidated with CV6417-33-9005 and litigation begun. The litigation appears to have ceased in 1994 without decision. By Order dated August 17, 2022, this case has been separated from and is no longer consolidated with CV6417-33-9005. All further proceedings in this case will be filed under case number CV6417-33-6828.

1 This contested case is one of the many cases in the Arizona General Stream Adjudication
2 for the Silver Creek Watershed to adjudicate legal rights to water. The purpose of the General
3 Adjudication is to determine the rights of those persons who filed Statements of Claimant for
4 rights to use appropriable water in Arizona. The General Adjudication will also determine water
5 rights for the Hopi Reservation, the Navajo Reservation, and other watersheds included in the
6 Little Colorado River Watershed.

7 The United States Forest Service (“Claimant”) filed Statement of Claimant (“SOC”) 39-
8 91644 on July 5, 1990, for rights to water from Show Low Creek drainage area. According to
9 the SOC, the place of use is in Township 9N Range 22E. The Statement of Claimant asserts a
10 claimed right of one miner’s inch per year of water from Porter Creek and Porter Spring. The
11 Arizona Department of Water Resources (“ADWR”) investigated the claim, which it
12 characterized as a claim for irrigation and stock and wildlife watering uses. It prepared a report
13 known as Watershed File Report No. 033-56-ACAA-001 (“WFR”) published in the Final Silver
14 Creek Watershed Hydrographic Survey Report (November 30, 1990) (“Silver Creek HSR”). A
15 copy of the WFR is attached as Attachment A.

16 Arizona Department of Water Resources identified a potential water right to divert 1.3
17 cubic feet per second (“cfs”) from Show Low Creek with a maximum demand rate of 1.5 cfs. It
18 also proposed a potential water right to irrigate 74.3 acres with 208 acre feet of water for deficit
19 irrigation and 408.6 acre-feet of water for average efficient irrigation. A copy of the map
20 showing the place of use prepared by ADWR is attached as Attachment B.

21 After ADWR issued the WFR, objections were filed to the findings made in the WFR by
22 the Arizona State Land Department, Phelps Dodge, and Salt River Project. The purpose of this
23 case is to consider the claims made for water rights that are the subject of the WFR and resolve
24 the objections to the WFR.
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1 **IT IS ORDERED:**

2 1. Contested Case. This contested case shall be known as *In re FS-Apache*
3 *Sitgreaves* and it will determine appropriable water rights asserted in the Statement of Claimant
4 and objections that were filed to Watershed File Report No. 033-56-ACAA-001 published in the
5 Final Silver Creek Watershed Hydrographic Survey Report (1990). Copies of objections can be
6 found under the case name and number on the following website:
7 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
8 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

9 2. Litigants. The litigants in this contested case are the Claimant and all persons
10 who filed objections to the WFR, and parties who are allowed to intervene by order.

11 3. Court-Approved Mailing List.

12 A. The initial Court-approved mailing list for this case shall include all
13 persons listed on Attachment C to this order. The list may be modified
14 only by filing a motion with the Special Master to amend the Court-
15 approved mailing list. Litigants are responsible for using the current
16 Court-approved mailing list.
17

18 B. A copy of any pleading filed with the Clerk of the Apache County
19 Superior Court in this case shall be served upon each person listed on the
20 Court-approved mailing list.
21

22 C. Claimants wishing to be added or removed from the mailing list shall file
23 a motion with the Special Master. Parties allowed to intervene will be
24 automatically added to the Court-approved mailing list.
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26 D. The Clerk of the Court will send copies of all minute entries and orders
27 issued in this case to the parties listed on the Court-approved mailing list.
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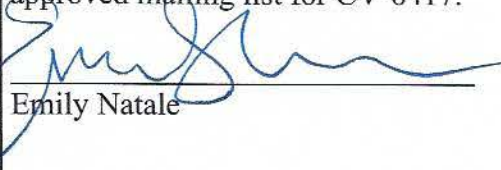
1 4. Status Conference. A status conference shall be held to set procedures to
2 complete the adjudication of the rights claimed in this case. Claimant shall be prepared by the
3 status conference to identify any issues that have been decided and the issues that remain to be
4 resolved. The telephonic Status Conference shall be held on **September 29, 2022 at 2:30 p.m.**
5 The Status Conference shall be held using the Court Connect program. Instructions for Court
6 Connect are attached as Attachment D. If you receive this Order by email, click on the red box
7 “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not
8 receive this Order by email, log into the Court Connect program on the internet by typing
9 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
10 telephonically using the telephone number and access code included in the instructions for Court
11 Connect. Alternatively, you may attend telephonically using the following instructions:

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14 Instructions for telephonic appearance:
15 Dial: 602-506-9695 (local)
16 1-855-506-9695 (toll free long distance)
17 Dial Participant Pass Code 357264#

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SUSAN WARD HARRIS
Special Master

20 On August 17, 2022, the original of the foregoing was delivered
21 to the Clerk of the Apache County Superior Court for filing and
22 distributing a copy to all persons listed on the Court-approved
23 mailing list for this contested case, a copy of which is attached
24 hereto as Attachment D, and to all persons listed on the Court-
25 approved mailing list for CV-6417.

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Emily Natale

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ATTACHMENT A

WFR No. 033-56-ACAA-001

LAND OWNER _____ WATERSHED FILE NO. _____
 FS - APACHE-SITGREAVES 033-56-ACAA-001

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-0091383		IRRIGATION STOCKWATERING			11	09ON 22OE	< 1910			
10-0091430		IRRIGATION DOMESTIC STOCKWATERING OTHER		S2NE11	09ON	22OE	< 1891	07	09ON	23OE
					18	09ON 23OE		18	09ON	23OE
10-0091458		IRRIGATION STOCKWATERING DOMESTIC OTHER		S2SW07	09ON	23OE	< 1912	07	09ON	23OE
				S212	09ON	22OE		18	09ON	23OE
				S2NE11	09ON	22OE				
10-0092002		IRRIGATION STOCKWATERING DOMESTIC OTHER			11	09ON 23OE	< 1913	SENE18	09ON	23OE
					12	09ON 23OE		SWNE18	09ON	23OE
					13	09ON 23OE		SENENW18	09ON	23OE
10-0092015		IRRIGATION DOMESTIC STOCKWATERING OTHER					< 1913	NWNENE13	09ON	22OE
36-0044380		IRRIGATION STOCKWATERING	20.00	NE26	10ON	22OE	< 1919	NE18	09ON	23OE
39-0091644		IRRIGATION		SE26	10ON	22OE				
				E211	09ON	22OE		NENWNW18	09ON	23OE
				SW12	09ON	22OE				
				N213	09ON	22OE				

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-0091383	IRRIGATION STOCKWATERING	IRRIGATION INCIDENTAL	DO1	IROO1,DV001
10-0091430	IRRIGATION DOMESTIC STOCKWATERING OTHER	IRRIGATION NONE INCIDENTAL INCIDENTAL	DO1	IROO1,DV001
10-0091458	IRRIGATION DOMESTIC STOCKWATERING OTHER	IRRIGATION NONE INCIDENTAL INCIDENTAL	DO1	IROO1,DV001
10-0092002	IRRIGATION DOMESTIC STOCKWATERING REC/FISH/WLDF	IRRIGATION NONE INCIDENTAL INCIDENTAL	DO1	IROO1,DV001
10-0092015	IRRIGATION DOMESTIC STOCKWATERING OTHER	IRRIGATION NONE INCIDENTAL INCIDENTAL	DO1	IROO1,DV001
36-0044380	IRRIGATION STOCKWATERING	IRRIGATION INCIDENTAL	DO1	IROO1,DV001
39-0091644	IRRIGATION STOCKWATERING REC/FISH/WLDF	IRRIGATION INCIDENTAL INCIDENTAL	DO1	IROO1,DV001

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DRAINAGE AREA/ WATER SOURCE NAME	DIVERSION NAME	REMARKS
DO1	NENWNW18	09ON	23OE	SHOW LOW CREEK	UNNAMED	SHARED

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DV001	NENWNW18	09ON	230E	DO1	SURFACE		NO	UNNAMED
IROO1	NE13	09ON	220E	DO1	SURFACE	1935	NO	
	NW13	09ON	220E					
	SW12	09ON	220E					

SHARED USES AND DIVERSIONS

** WATER FROM DO1 FOUND IN FILE (033-56ADBB-1) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	** APPARENT DATE	FIRST USE DATA	** SOURCE	DRAINAGE AREA/ WATER SOURCE NAME
DV001	39-0091644	10-0091383 10-0091430 10-0091458 10-0092002 10-0092015	1891	10-09-1-430		SHOW LOW CREEK
IROO1	39-0091644	36-0044380 10-0091383 10-0091430 10-0091458 10-0092002 10-0092015 36-0044380	1891	10-09-1-430		SHOW LOW CREEK

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	APPLICABLE ACREAGE/SURFACE AREA (ACRES)	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	AVG. EFFICIENT MAXIMUM ANNUAL	74.3 74.3	5.5 AF/AC 2.8 AF/AC	408.6 AFA 208.0 AFA	DEFICIT IRRIGATION

DIVERSION PWR NOS.	DIVERSION CAPACITY	DECREED RATE	MAXIMUM DEMAND RATE
DV001	1.3 CFS		1.5 CFS

EXPLANATION

FILINGS AND DECREES

FILING 10-09-1-383 IS A NOTICE OF WATER LOCATION FILED BY M.L. FISH ON NOVEMBER 27, 1910 IN NAVAJO COUNTY.
 FILING 10-09-1-430 IS A NOTICE OF WATER LOCATION FILED BY KENNETH M. JACKSON ON AUGUST 31, 1911 IN NAVAJO COUNTY.
 FILING 10-09-1-458 IS A NOTICE OF LOCATION OF WATER RIGHT FILED BY BEULAH JACKSON ON JUNE 7, 1912 IN NAVAJO COUNTY.
 FILING 10-09-2-2 IS A NOTICE OF WATER LOCATION FILED BY BEULAH A. JACKSON ON JANUARY 2, 1913 IN NAVAJO COUNTY.
 FILING 10-09-2-15 IS A NOTICE OF LOCATION OF WATER RIGHT FILED BY BEULAH A. JACKSON ON FEBRUARY 24, 1913 IN NAVAJO COUNTY.
 NOTICES 10-09-1-430, 10-09-1-458 & 10-09-2-15 ALL CLAIM THE WATERS OF MORGAN WASH AND IT'S TRIBUTARIES FOR IRRIGATION, DOMESTIC, STOCK, AND OTHER USES. NOTICE 10-09-1-430 ALSO CLAIMS AN AMOUNT OF "1000 MINERS INCHES."
 NOTICES 10-09-1-383 & 10-09-2-2 CLAIM THE WATERS OF PORTER SPRING(S) FOR IRRIGATION, STOCK, DOMESTIC AND OTHER USES.
 ALL OF THE ABOVE REFERENCED NOTICES CLAIM THE EXISTENCE OR THE INTENT TO IMPOUND THESE WATER SOURCES AND CONVEY THE WATER THROUGH CANALS AND FLUMES FOR THE USES LISTED.

DIVERSIONS

D1/DV1 - DIVERSION FROM A SMALL RESERVOIR ON PORTER CREEK INTO AN IRRIGATION DITCH AND FLUME OVER MORGAN WASH. THE DIVERSION IS LOCATED WITHIN THE SHOW LOW CREEK DRAINAGE AREA. THE IRRIGATION DITCH EXTENDS SEVERAL MILES NORTH ALONG THE TIMBER MESA FIRE ROAD, SUPPLYING SEVERAL STOCKPONDS (REFER TO W.F.R. #'S 033-56-2 & 13) WHEN THERE IS SUFFICIENT FLOW. THE FLUME

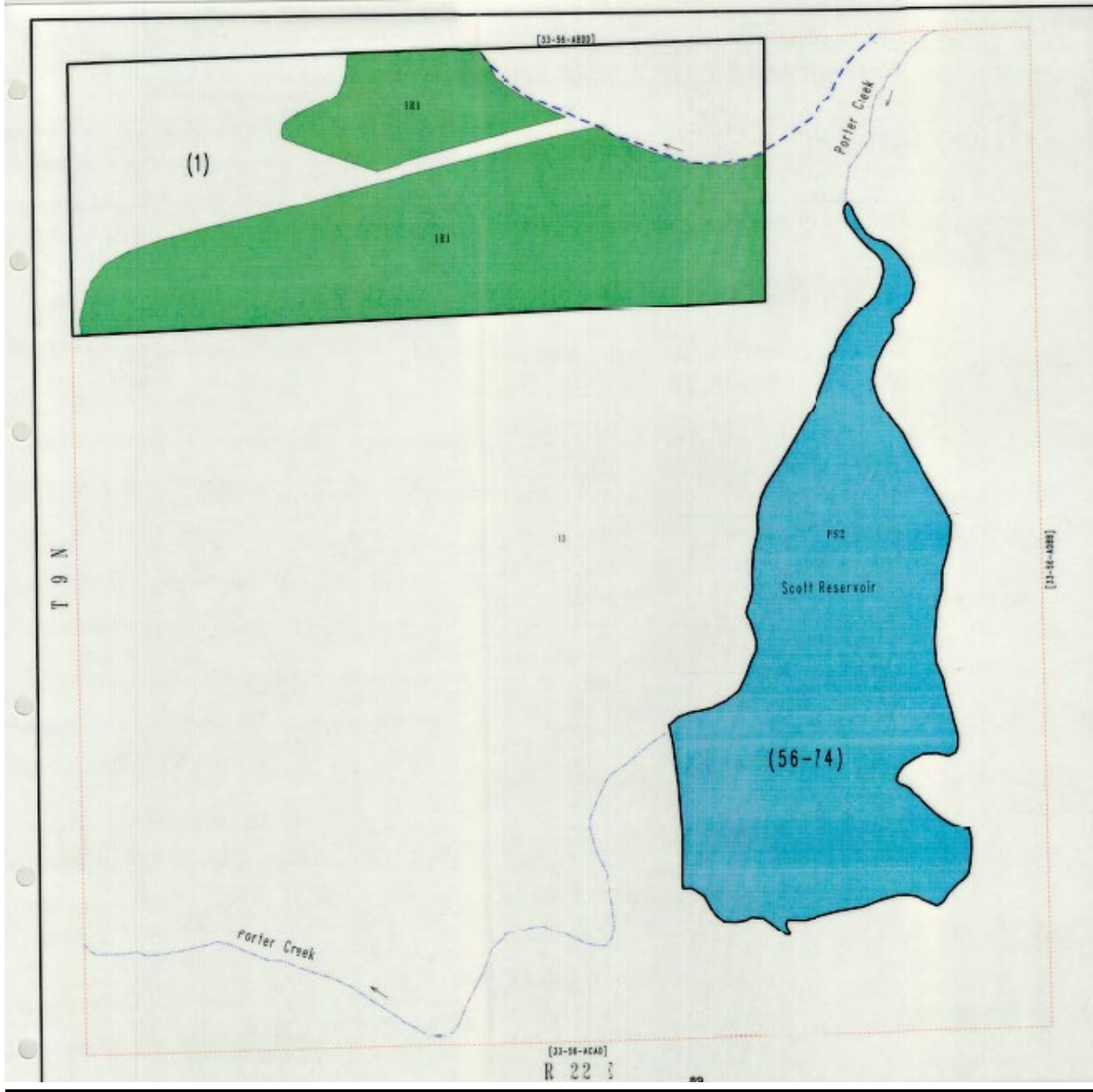
OVER MORGAN WASH IS IN DISREPAIR, WITH NUMEROUS LEAKS IN THE PIPELINE. THE NATIVE PASTURE RECEIVES WATER FROM THIS SYSTEM IS IRRIGATED INTERMITTENTLY, AND IS LIMITED BY THE CONDITION OF THE DIVERSION AND CONVEYANCE FACILITIES.

USES AND RESERVOIRS

IR1 - IRRIGATED NATIVE PASTURE.

ATTACHMENT B

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ATTACHMENT C

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Phoenix, AZ 85003-2205

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ATTACHMENT D

Court-Connect Instructions



Court Connect Hearing Notice for In re FS–Apache Sitgreaves

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re FS-Apache Sitgreaves, Contested Case No. 6417-33-6828

Start Date/Time: September 29, 2022 at 2:30 p.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

