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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

CV 6417-33-100  
  
ORDER TO INITIATE CASE TO  
DETERMINE SUBFLOW ZONE  
FOR SILVER CREEK  
SUBWATERSHED  
AND  
ORDER ESTABLISHING  
DEADLINES FOR FILING  
REPORT AND OBJECTIONS

**CONTESTED CASE NAME:** *In re Silver Creek Subwatershed*  
**HSR INVOLVED:** None  
**DESCRIPTIVE SUMMARY:** The Clerk of Apache County is directed to initiate Civil 6417-33-100. Deadline for Arizona Department of Water Resources to file Subflow Zone Report is **September 4, 2026**. Objections to the Subflow Zone Report are due **March 3, 2027**.  
**NUMBER OF PAGES:** 10  
**DATE OF FILING:** December 6, 2022

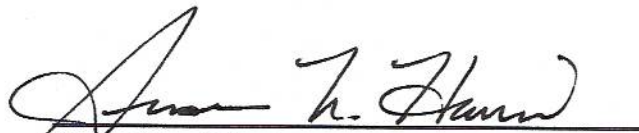
This Order initiates the case that will delineate the subflow zone in the Silver Creek Subwatershed. On November 7, 2022, Arizona Department of Water Resources (“ADWR”) filed a Status Report in case CV6417-33-6781 *In re Lakeside Irrigation Company*, a copy of

1 which is attached as Attachment A. The Status Report contained two proposals to coordinate  
2 the preparation of Subflow Reports for the Lower Little Colorado River subwatershed and the  
3 Silver Creek subwatershed. It also contained a description of the watercourses within the  
4 watershed that will be the subject of a subflow zone analysis. Accordingly,

5  
6 **IT IS ORDERED** that ADWR shall file its report and maps (“Report”) delineating the  
7 subflow zone for the Silver Creek subwatershed by **September 4, 2026**.

8 **IT IS FURTHER ORDERED** that upon filing the Report with the Court, ADWR shall  
9 send a notice to all persons listed on the Court-approved mailing list for CV 6417, Claimants in  
10 the Silver Creek subwatershed, and to “Nonclaimant water users,” meaning those persons who  
11 ADWR has identified as currently using water within the Silver Creek subwatershed informing  
12 them of the availability of its Report and of a Claimant’s right to file written objections to the  
13 Report. The notice shall state where the Report will be available for inspection or purchase, the  
14 deadline and procedure for submitting objections to the Report, and the procedures for  
15 obtaining additional information. In addition, ADWR shall post a copy of its Report on its  
16 website so that it is available to the general public.

17  
18 Any Claimant may file objections to the Report by **March 3, 2027**. Objections shall be  
19 filed with the Apache County Superior Court, located at 70 West 3<sup>rd</sup> South, Saint Johns,  
20 Arizona 85936. The mailing address for Apache County Superior Court is P. O. Box 365, St.  
21 Johns, AZ 85936.  
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24   
25 Susan Ward Harris  
26 Special Master  
27  
28

1 The original of the foregoing was delivered to the Clerk  
2 of the Apache County Superior Court on December 6,  
3 2022, for filing and distributing a copy to all persons  
4 listed on the general Court-approved mailing list for CV  
5 6417.

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Emily Natale

1 Kimberly R. Parks (Bar No. 032828)  
2 Kome O. Akpolo (Bar No. 032562)  
3 Arizona Department of Water Resources  
4 Legal Division  
5 P.O. Box 36020  
6 Phoenix, Arizona 85067  
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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
12 **IN AND FOR THE COUNTY OF APACHE**

13 **IN RE THE GENERAL ADJUDICATION**  
14 **OF ALL RIGHTS TO USE WATER IN**  
15 **THE LITTLE COLORADO RIVER**  
16 **SYSTEM AND SOURCE**

Civil Case No. CV 6417-33-6781

**ARIZONA DEPARTMENT OF WATER**  
**RESOURCES' STATUS REPORT**

Special Master Susan Ward Harris

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18  
19 **CONTESTED CASE NAME:** *In re Lakeside Irrigation Company*

20 **DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources (ADWR)  
21 provides its status report on the scope and time requirements for preparing a subflow zone  
22 delineation report for the Silver Creek watershed.

23 **NUMBER OF PAGES:** Five and one-page attachment

24 **DATE OF FILING:** November 7, 2022  
25  
26

1 On October 6, 2022, the Court issued a Minute Entry Order (Order) requesting that  
2 ADWR file a report containing information about the scope and time requirements for a  
3 subflow zone delineation technical report for the Silver Creek watershed. Pursuant to the  
4 Order, ADWR hereby provides its status report.

5  
6 **I. Summary on Scope of Work**

7 ADWR contracted with the Arizona Geological Survey (AZGS) on April 18, 2022,  
8 to provide geologic mapping for both the Lower Little Colorado River (LLCR)  
9 subwatershed and the Silver Creek subwatershed, as an extension and modification of an  
10 existing contract. Mapping for both subwatersheds will begin after completion of geologic  
11 mapping in the Verde River watershed. The contract currently requires deliverables for  
12 both subwatersheds by December 31, 2023.

13 Delineating the subflow zone in the Silver Creek subwatershed will progress in  
14 three general phases. In phase one, the AZGS will conduct geologic mapping in the Silver  
15 Creek subwatershed. In phase two, ADWR will begin assessing floodplain movement in  
16 historical imagery and mapping the floodplain using available imagery. Upon receipt of  
17 the mapping report and data from AZGS, ADWR will begin phase three, creating the  
18 floodplain Holocene alluvium boundaries and delineating its proposed subflow zone in  
19 accordance with the criteria described in applicable court orders.

20 ADWR has preliminarily identified twenty watercourses in the Silver Creek  
21 subwatershed, totaling 283 miles in length, for geologic mapping:

<b><u>Specific Watercourse</u></b>	<b><u>Location</u></b>
Silver Creek	Silver Creek
Seven Mile Draw	Tributary to Silver Creek
Cottonwood Wash	Tributary to Silver Creek
Dodson Wash/ Mortenson Wash	Tributary to Cottonwood Wash
Day Wash	Tributary to Cottonwood Wash
Bagnal Wash	Tributary to Day Wash
Willow Wash	Tributary to Day Wash

1	West Fork Cottonwood Wash	Tributary to Cottonwood Wash
2	East Fork Cottonwood Wash	Tributary to Cottonwood Wash
	Walnut Draw/Millet Swale	Tributary to Silver Creek
3	Brown Creek	Tributary to Silver Creek at White Mountain Lake
	Rocky Arroyo	Tributary to Silver Creek at White Mountain Lake
4	Show Low Creek	Tributary to Silver Creek
5	Linden Draw	Tributary to Show Low Creek
	Porter Creek	Tributary to Show Low Creek
6	Morgan Wash/Elk Springs Draw	Tributary to Porter Creek
7	Billy Creek	Tributary to Show Low Creek
	Thompson Creek	Tributary to Billy Creek
8	Walnut Creek	Tributary to Billy Creek
9	Bagnal Draw	Tributary to Show Low Creek

10 A map depicting the above listed streams is provided in **Attachment A**.

11 ADWR used a variety of techniques to select these watercourses including whether  
 12 they showed signs of being intermittent or perennial, whether they would likely be  
 13 intermittent or perennial absent human activity, and whether there was evidence of  
 14 riparian growth, wetlands, or open water. This list of watercourses may change as ADWR  
 15 and AZGS progress through their respective analyses.

16  
 17 **II. Time Requirements**

18 Upon receipt of the report and data from AZGS, ADWR estimates that it will  
 19 require approximately 18 to 24 months to complete its analysis and proposed delineation  
 20 of the subflow zone for the Silver Creek subwatershed. This is the same amount of time  
 21 previously estimated for completion of a subflow delineation report for the LLCR  
 22 subwatershed; however, ADWR would not be able to work on these reports  
 23 simultaneously. ADWR proposes the following two scenarios for the Court's  
 24 consideration:

25 Scenario 1- Starting with LLCR: If the Court requests that ADWR issue its subflow zone  
 26 delineation report for the LLCR subwatershed first, ADWR could issue that report in

September 2025. Once that report is issued, ADWR could begin working on a subflow zone delineation report for the Silver Creek subwatershed with an expected publication date of September 2026. This projected timeline is based on the assumption that the two subflow zone technical reports would be published consecutively, and before the Preliminary Hydrographic Survey Report (PHSR) for the LLCR would be issued, as shown in **Figure 1**, below. Under this scenario, the PHSR would likely be issued in June 2028.

**Figure 1: Projected Timeline for Scenario 1**  
(red = AZGS mapping, gray = ADWR investigation and report writing)

Project	Deadline	CY 2022				CY 2023				CY 2024				CY 2025				CY 2026				CY 2027				CY 2028				CY 2029				CY 2030			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Lower LCR Subflow	2025 - TBD																																				
Silver Creek Subflow	2026 - TBD																																				
Lower LCR Preliminary HSR	2028 - TBD																																				
LLCR Final HSR	2029 - TBD																																				

Scenario 2- Starting with Silver Creek: If the Court requests that ADWR issue its subflow zone delineation report for the Silver Creek subwatershed first, ADWR could issue that report in June 2024. Once that report is issued, ADWR could begin working on a subflow zone delineation report for the LLCR subwatershed with an expected publication date of March 2026. This projected timeline is based on the assumption that the two subflow zone technical reports would be published consecutively, and before the PHSR for the LLCR would be issued, as shown in **Figure 2**, below. Under this scenario, the PHSR would likely be issued in March 2028.


**Figure 2: Projected Timeline for Scenario 2**  
(red = AZGS mapping, gray = ADWR investigation and report writing)

Project	Deadline	CY 2022				CY 2023				CY 2024				CY 2025				CY 2026				CY 2027				CY 2028				CY 2029				CY 2030			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4				
Lower LCR Subflow	2025 - TBD																																				
Silver Creek Subflow	2025 - TBD																																				
Lower LCR Preliminary HSR	2026 - TBD																																				
LLCR Final HSR	2027 - TBD																																				

1 ADWR believes that it can file its technical reports under either of these two  
2 scenarios without negatively impacting existing deadlines for other technical reports  
3 requested by the Court.

4 **DATED** this 7<sup>th</sup> day of November 2022.

5  
6 ARIZONA DEPARTMENT OF WATER  
RESOURCES

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9 \_\_\_\_\_  
Kimberly R. Parks, Deputy Counsel  
Kome O. Akpolo, Deputy Counsel

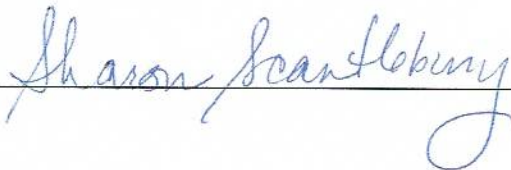
10 **ORIGINAL** of the foregoing sent by  
11 first-class mail on November 7, 2022, to:

12 Clerk of Apache County Superior Court  
13 70 West Third South  
St. Johns, Arizona 85936

14 **COPY** of the foregoing sent by  
15 first-class mail on November 7, 2022, to:

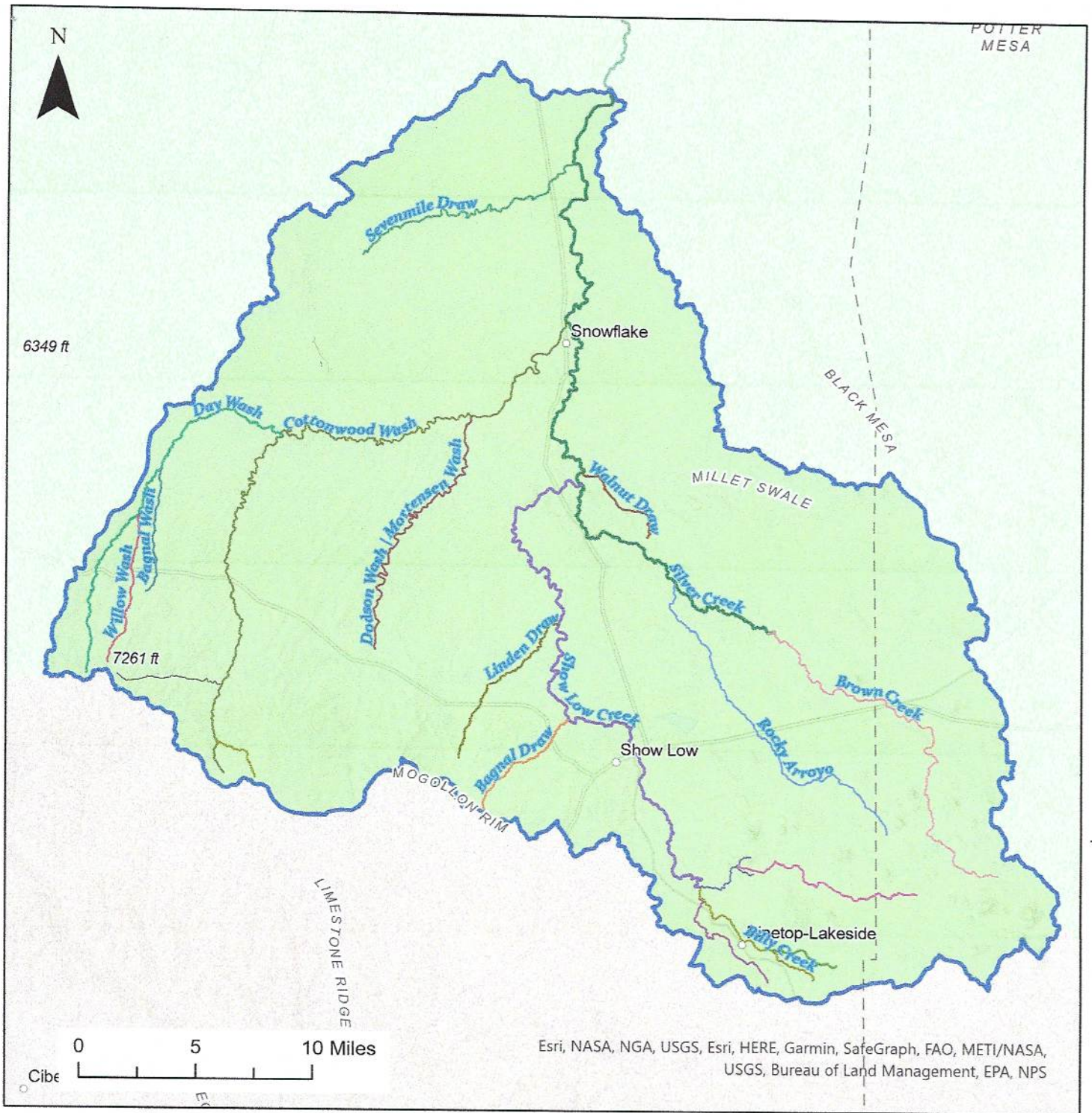
16 Special Master Susan Ward Harris  
17 Maricopa County Superior Court  
18 Central Court Building  
201 West Jefferson Street, Suite 3A  
19 Phoenix, AZ 85003-2205

20 **COPIES** of the foregoing sent by  
21 first-class mail on November 7, 2022, to  
all parties on the court-approved mailing list  
for Contested Case No. CV 6417-33-6781.

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# **ATTACHMENT A**



Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS

<p><b>Legend</b></p> <ul style="list-style-type: none"> <li>Silver Creek</li> <li>Show Low Creek</li> <li>Bagnal Draw</li> <li>Bagnal Wash</li> <li>Billy Creek</li> <li>Brown Creek</li> <li>Cottonwood Wash</li> <li>Day Wash</li> <li>Dodson Wash / Mortensen Wash</li> <li>East Fork Cottonwood Wash</li> <li>Linden Draw</li> <li>Morgan Wash / Elk Springs Draw</li> <li>Porter Creek</li> <li>Rocky Arroyo</li> <li>Sevenmile Draw</li> <li>Thompson Creek</li> <li>Walnut Creek</li> <li>Walnut Draw</li> <li>West Fork Cottonwood Wash</li> <li>Willow Wash</li> <li>Watershed Boundary</li> <li>GILA RIVER SYSTEM</li> <li>LITTLE COLORADO SYSTEM</li> </ul>	<p>Esri, USGS</p>	<p><b>Plan for Silver Creek Subwatershed Subflow Technical Report: Streams Preliminarily Selected for Further Investigation</b></p> <hr/> <p><b>In re Lakeside Irrigation Contested Case CV6417-33-6781</b></p> <p><b>ADWR November 2022</b></p>
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