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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**

**CV6417
CV 6417-401
CV 6417-402

ORDER TO INITIATE CASES
AND
ORDER FOR PRODUCTION OF
SUBFLOW ZONE AND SUMMARY
ADJUDICATION TECHNICAL
REPORTS**

CASE NAME: *In re Subflow Zone Delineation – Upper Little Colorado River Subwatershed (CV 6417-401); In re Summary Adjudication Procedures – Upper Little Colorado River Subwatershed (CV 6417-402).*
DESCRIPTIVE SUMMARY: This order directs the Apache County Clerk of Court to initiate cases, and the Arizona Department of Water Resources to develop technical reports for the Upper Little Colorado River Subwatershed.
NUMBER OF PAGES: 9

This order initiates two cases regarding technical reports and sets the schedule for their development by the Arizona Department of Water Resources (“ADWR”). The reports will delineate the subflow zone for the Upper Little Colorado River (“ULCR”) Subwatershed and will evaluate water uses potentially eligible for summary adjudication procedures in that subwatershed. A separate case number will be created for each report:

- CV 6417-401 - *In re Subflow Zone Delineation – Upper Little Colorado River Subwatershed***
- CV 6417-402 - *In re Summary Adjudication Procedures – Upper Little Colorado River Subwatershed***

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I. SUBFLOW ZONE DELINEATION MAP & TECHNICAL REPORT

Pursuant to Arizona Revised Statutes § 45-256(A), ADWR shall delineate a subflow zone for the ULCR Subwatershed. ADWR shall produce a map and technical report describing the results of the delineation. In delineating the subflow zone for the Upper LCR Subwatershed, ADWR shall apply the principles developed in prior orders of this Court and the Supreme Court of Arizona. In particular, ADWR shall:

1. Determine the subflow zone based on conditions existing in the earliest year or during “a range of years immediately prior to regular, discernable diversion or depletion of stream flows resulting from human activity” for which reliable and reasonably complete data exists.¹
2. Assume that the entire lateral extent of the floodplain Holocene alluvium is saturated.²
3. Use the various criteria specified in *Gila IV*.³
4. Not use “surface geologic units” as the sole criterion to identify the lateral extent of the floodplain Holocene alluvium.⁴

In its technical report, ADWR shall describe the methodology and analysis underlying the subflow zone delineation, including explanations of subflow zone termination points. ADWR is permitted to use reasonable and reliable data, as well as the professional judgement of agency staff, when making its recommendations. Where the available data does not provide insight into predevelopment conditions, ADWR should rely on the earliest data available. In all cases, ADWR shall provide a thorough review and explanation of all available data, and a detailed explanation of any data ADWR finds inappropriate or otherwise rejects, or any gaps in information.

¹ W1-103, Order Re: Report of the Special Master at 21 (September 28, 2005).
² *Id.* at 17–18.
³ *See In re the General Adjudication of All Rights to Use Water in the Gila River System and Source*, 198 Ariz. 330 (2000).
⁴ W1-103, Minute Entry at 2 ¶ 7 (October 12, 2012).

1 **IT IS ORDERED** initiating Case No. CV 6417-401, which shall be known as *In*
2 *re Subflow Zone Delineation – Upper Little Colorado River Subwatershed*. Notice of
3 this case initiation is being sent to all persons listed on the Court-approved mailing list
4 for CV 6417.

5 **IT IS FURTHER ORDERED** that, using the methodology described above,
6 ADWR shall prepare a map delineating the subflow zone for the ULCR Subwatershed
7 and a technical report describing the methodology used and results obtained no later
8 than **September 30, 2028**.

9
10 **II. WATER USES POTENTIALLY ELIGIBLE FOR SUMMARY**
11 **ADJUDICATION PROCEDURES**

12 In implementing summary adjudication procedures in other subwatersheds, the
13 Court has recognized that the cost of adjudicating some small volume water rights may
14 far exceed any benefits to the water right holder, other water users, and water managers
15 that would result from a detailed and complete adjudication of those rights. In a 1994
16 decision pertaining to the San Pedro Watershed, Special Master Thorson characterized
17 the determination of whether to adopt summary adjudication procedures as “a balance
18 between the private and public needs for a specification of these rights and resources
19 appropriate for making this determination.”⁵

20 The applicability of summary adjudication procedures to a certain category of
21 use rests on four factors: 1) water availability in the watershed; 2) the number of uses in
22 the category; 3) the extent and impact of those uses; and 4) the costs and benefits of a
23 complete, rather than abbreviated, adjudication of these small uses.

24 The Court has found in other subwatersheds in the LCR Adjudication that certain
25 stockponds and stock and wildlife watering uses are eligible for summary adjudication
26 procedures.⁶ ADWR, as the technical advisor to the Court, shall provide the

27
28 ⁵ W1-11-19, Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases
Involving Stockwatering, Stockponds, and Domestic Uses (Nov. 14, 1994).

⁶ CV 6417-33-9005, Report of the Special Master on Summary Proceedings in the Silver Creek

1 information regarding the first three factors as inputs for the cost-benefit analysis
2 regarding adoption of summary adjudication procedures for the Upper LCR
3 Subwatershed.

4 **IT IS ORDERED** initiating Case No. CV 6417-402, which shall be known as *In*
5 *re Summary Adjudication Procedures – Upper Little Colorado River Subwatershed*.

6 The notice of case initiation is being sent to all persons listed on the Court-approved
7 mailing list for CV 6417.

8 **IT IS FURTHER ORDERED** that ADWR shall prepare a technical report that
9 investigates and analyzes 1) water availability in the ULCR Subwatershed; 2) the
10 number of stockpond and stock and wildlife watering uses; and 3) the extent and impact
11 of those uses on water availability in the Upper LCR Subwatershed no later than
12 **September 30, 2029**.

13 **III. NOTICE AND OBJECTION PROCEDURES**

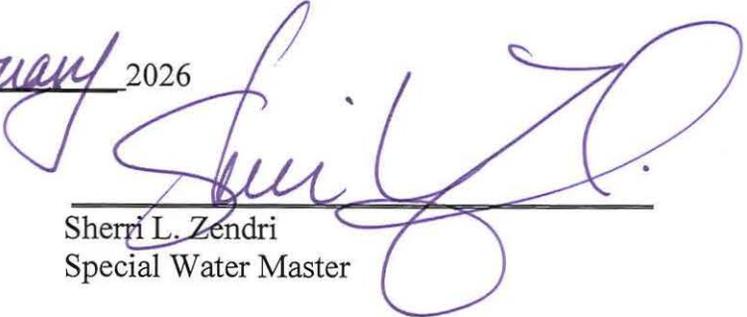
14 Upon filing each technical report with the Court, ADWR shall send a notice to
15 all persons listed on the Court-approved mailing list for CV 6417 informing them of the
16 availability of the report. The notice shall state where the report will be available for
17 inspection, the deadline and procedure for submitting objections to the report, and
18 procedures for obtaining additional information. In addition, ADWR shall post a copy
19 of the report on its website so that it is available to the general public.

20 Any claimant in the LCR Basin may file objections to either technical report
21 within **ninety (90) days of the date on which the report is filed**. Objections must
22 address ADWR's findings. These cases will not determine water right attributes for any
23 individual claim or use. Objections shall be filed with the Apache County Superior
24 Court. Instructions for how to file an objection will be included on the objection form.

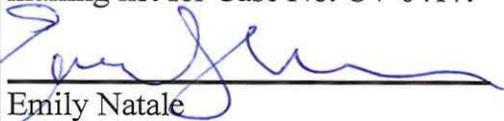
25 The Court-approved mailing lists for CV 6417-401 and CV 6417-402 will be
26

27 Watershed (July 23, 2020); CV6417-400, Report of the Special Master on Summary Proceedings in the
28 Lower Little Colorado River Subwatershed (Oct. 30, 2020).

1 limited to parties who have filed objections or who have successfully intervened.
2 Individuals who are neither objectors nor intervenors may stay informed through the
3 Adjudication Court's website:
4 [https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/In](https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/Index.asp)
5 [dex.asp](https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/Index.asp).

6
7 Signed this 24th day of February 2026
8 
9
10 Sherri L. Zendri
11 Special Water Master

12
13 On February 24, 2026, the
14 original of the foregoing was delivered to
15 the Clerk of the Apache County Superior
16 Court for filing and distributing a copy to
17 all persons listed on the Court-approved
18 mailing list for Case No. CV 6417.

19 
Emily Natale

Court Approved Mailing List
Little Colorado River Adjudication
CV 6417 (38 Names)
Prepared by the Special Master
2/24/2026

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