

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER PERMITTING SECTION
MAIL TO: 1110 W. Washington St., Suite 310
Phoenix, Arizona 85007
Telephone (602) 771-8621
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SURFACE WATER

(For office use only)
Notice No: WC-17
Date Filed: 12/24/2024

WATER CONSERVATION PLAN NOTICE

1. Name Short Creek South-Side Irrigation Association Telephone 435-874-1126
Address P.O. Box 459 City Colorado City State AZ Zip 85021
2. Describe each water right and/or claim in the Water Conservation Plan by completing Attachment A and providing the information indicated. Please file Attachment A with this form.
3. Description of any water conservation measures that will be implemented (attach any supporting documentation):
See Attachment A, § 2.
4. Duration of Water Conservation Plan (up to 10 years): 10 years
5. I affirm that the Water Conservation Plan is voluntary and temporary in nature. Yes X
6. I affirm that the Water Conservation Plan is intended to result in the temporary reduction in the use of water or a reduction in the diversion of water. Yes X
7. I affirm that the activities described in the Water Conservation Plan will contribute to the practical and economical management, conservation and use of surface water in the watersheds of this state. Yes X
8. I affirm that it is not my intent to abandon the surface water right(s) included in the Water Conservation Plan during the terms of the Water Conservation Plan. Yes X

The undersigned hereby represents and affirms that the information contained herein (including any attachments) is true and accurate to the best of my knowledge and belief at the time of filing.

John Borlow, EXEC. DIRECTOR UEPTRUST 12/20/24
Signature dba SCSSIA Date

Please mail the completed form and attachments to the address listed above.

ATTACHMENT A

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WATER CONSERVATION PLAN NOTICE

Attachment A is to be filed only as an attachment to a completed Water Conservation Plan Notice form. Please describe each surface water right and/or claim in the Water Conservation Plan by providing the following information. Provide photocopies of this attachment as needed for additional surface water rights and/or claims.

Surface Water Right or Claim Registry Number 4172.0000 (See Attachment A, § 1.)

a. Type of surface water source and name Short Creek

a tributary to Virgin River within the Virgin River watershed.

b. Purpose of surface water use (historical): Irrigation

(current): Water conservation (no current diversion)

c. Legal description of point(s) of diversion: County See Attachment A, § 3.

Parcel I.D. No. and/or Lot No. and 1/4 1/4 1/4, Section, Township N/S, Range E/W

Parcel I.D. No. and/or Lot No. and 1/4 1/4 1/4, Section, Township N/S, Range E/W

d. Legal description of place(s) of surface water use: County See Attachment A, § 4.

Parcel I.D. No. and/or Lot No. and 1/4 1/4 1/4, Section, Township N/S, Range E/W

Parcel I.D. No. and/or Lot No. and 1/4 1/4 1/4, Section, Township N/S, Range E/W

Parcel I.D. No. and/or Lot No. and 1/4 1/4 1/4, Section, Township N/S, Range E/W

Surface Water Right or Claim Registry Number

a. Type of surface water source and name

a tributary to within the watershed.

b. Purpose of surface water use (historical):

(current):

c. Legal description of point(s) of diversion: County

Parcel I.D. No. and/or Lot No. and 1/4 1/4 1/4, Section, Township N/S, Range E/W

Parcel I.D. No. and/or Lot No. and 1/4 1/4 1/4, Section, Township N/S, Range E/W

d. Legal description of place(s) of surface water use: County

Parcel I.D. No. and/or Lot No. and 1/4 1/4 1/4, Section, Township N/S, Range E/W

Parcel I.D. No. and/or Lot No. and 1/4 1/4 1/4, Section, Township N/S, Range E/W

Parcel I.D. No. and/or Lot No. and 1/4 1/4 1/4, Section, Township N/S, Range E/W

ATTACHMENT A (cont.)

WATER CONSERVATION PLAN NOTICE

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Surface Water Right or Claim Registry Number _____

a. Type of surface water source and name _____

a tributary to _____ within the _____ watershed.

b. Purpose of surface water use (historical): _____

(current): _____

c. Legal description of point(s) of diversion: County _____

Parcel I.D. No. _____ and/or Lot No. _____ and _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W

Parcel I.D. No. _____ and/or Lot No. _____ and _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W

d. Legal description of place(s) of surface water use: County _____

Parcel I.D. No. _____ and/or Lot No. _____ and _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W

Parcel I.D. No. _____ and/or Lot No. _____ and _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W

Parcel I.D. No. _____ and/or Lot No. _____ and _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W

Surface Water Right or Claim Registry Number _____

a. Type of surface water source and name _____

a tributary to _____ within the _____ watershed.

b. Purpose of surface water use (historical): _____

(current): _____

c. Legal description of point(s) of diversion: County _____

Parcel I.D. No. _____ and/or Lot No. _____ and _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W

Parcel I.D. No. _____ and/or Lot No. _____ and _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W

d. Legal description of place(s) of surface water use: County _____

Parcel I.D. No. _____ and/or Lot No. _____ and _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W

Parcel I.D. No. _____ and/or Lot No. _____ and _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W

Parcel I.D. No. _____ and/or Lot No. _____ and _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W

ATTACHMENT A
WATER CONSERVATION PLAN NOTICE
Short Creek South-Side Irrigation Association
Certificate of Water Right No. 4172.0000

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1. Water Rights and Acres to Which this Conservation Plan Applies

This Water Conservation Plan is intended to result in the temporary reduction in the storage, diversion, and use of water from Short Creek on a portion of the lands originally described in Certificate of Water Right No. 4172.000 issued to the Short Creek South-Side Irrigation Association (“SCSIA”) by the Arizona Department of Water Resources (“ADWR”) on or about January 17, 1992 (“Certificate 4172.0000”). That original certificate was for 1,605 acre-feet (“AF”) for the irrigation of 535 acres. Nothing in this Water Conservation Plan is intended to be or shall be construed as a limitation on the perfected rights set forth in the Certificate.

On or about December 2, 2020, SCSIA submitted a request for a partial assignment of Certificate 4172.0000: (1) a portion of that certificate for 415 acres (1,245 AF) would be assigned to the Short Creek Irrigation District (“SCID”); and (2) the remaining portion for 120 acres (360 AF) would remain with SCSIA. *See Request for Assignment of Surface Water Right Filings for Certificate 4172.0000* (stamped as received by ADWR Surface Water Division on December 11, 2020). By letter dated February 3, 2021, ADWR approved that request for partial assignment. *See Letter from Paul Adler, ADWR Surface Water Permitting Unit, to Jeff Barlow, SCID* (Feb. 3, 2021). That ADWR letter appears to indicate that (1) the portion of Certificate 4172.0000 for 415 acres (1,245 AF) was assigned to SCID and would be included in new Certificate 4172.0001 and (2) the remaining portion for 120 acres (360 AF) would remain with SCSIA and be included in a new Certificate 4172.0002. *See id.*

New Certificate 4172.0001 was issued to SCID on February 12, 2021, and that new certificate was sent to SCID by letter dated February 12, 2021. *See Letter from Paul Adler, ADWR Surface Water Permitting Unit, to Jeff Barlow, SCID* (Feb. 12, 2021). But the new Certificate 4172.0002 appears to have not been sent to SCID or SCSIA. Based upon our recent review of the ADWR imaged records, that new Certificate 4172.0002 appears to have never been issued or included in the ADWR records.

In May 2022, SCSIA submitted a request to assign the water rights for the remaining 120 acres (360 AF) to SCID. *See Request for Assignment of Surface Water Filings* (stamped as received by ADWR Surface Water Division on May 3, 2022). ADWR denied that request for assignment by letter dated April 12, 2023. *See Letter from Michaela Jones, ADWR Surface Water Permitting Division, to SCID* (April 12, 2023). ADWR’s stated reason for denying that assignment was that those 120 acres had been excluded from SCID by an order of the Mohave County Board of Supervisors dated August 23, 2019. *Id.* Therefore, in our understanding, based upon ADWR’s records, that the water rights for those 120 acres are still held by SCSIA. *See id.*

On September 30, 2024, SCID submitted a water conservation plan for the lands included in new Certificate 4172.0001 (1,245 AF for 415 acres). The water conservation plan currently

being submitted is intended to apply to the 360 AF for 120 acres that should have been included in Certificate 4172.0002 but, based upon our review of the ADWR imaged records database, appears to remain in Certificate 4172.0000 because new Certificate 4172.0002 was never issued.

After deducting the 1,245 AF for 415 acres that were split into new Certificate 4172.0001, the remaining 360 AF for 120 acres either are still included in original Certificate 4172.0000 or are included in new Certificate 4172.0002 (if that new certificate was issued). According to ADWR's records, that portion of the original Certificate (or new Certificate 4172.0002 if it was issued) is still held by SCSIA. *See* discussion, *supra*. The water rights for those 120 acres are for irrigation of those acres from March 1 through November 30 of each year with a priority date of December 3, 1969. All those 120 acres have been historically irrigated with water stored and diverted from Short Creek, a tributary to the Virgin River.

2. Water Conservation Measures That Will Be Implemented

Like the water rights associated with new Certificate 4172.0001, the water rights for the remaining 120 acres in original Certificate 4172.0000 or new Certificate 4172.0002 (if it was issued) are involved in a comprehensive effort by the United Effort Plan Trust ("UEP") to reorganize and reallocate certain properties and other assets in Utah and Arizona. That reorganization and reallocation requires a series of complex transactions that have occurred and are scheduled to continue to occur over a period of years.

According to ADWR's records, SCSIA is currently the holder of the water rights for 120 acres that remain in original Certificate 4172.0000 or new Certificate 4172.0002 (if it was issued). SCSIA is a successor in interest to UEP for purposes of those and certain other assets. The current intent of the parties involved in the UEP efforts is eventually to sever and transfer ("S&T") all the water rights originally set forth in Certificate 4172.0000 to the Washington County Water Conservancy District ("WCWCD") for use on other lands for other purposes pursuant to A.R.S. §§ 45-156 and 45-172. Once that S&T occurs, WCWCD will use those water rights to support a groundwater development project that will supply municipal water to the area. WCWCD is in the process of designing and permitting the groundwater development project. Due to the complex nature of the transactions associated with UEP's efforts to reorganize and reallocate assets, certain threshold actions necessary to complete and file the anticipated application with ADWR to effectuate the S&T have not yet occurred and might not occur for some additional time.

In the interim while those threshold actions are in process, SCSIA intends to refrain from storing, diverting, or using any water from Short Creek for irrigation on the 120 acres pursuant to original Certificate 4172.0000 or new Certificate 4172.0002 (if it was ever issued) in order to promote water conservation in the area. Neither SCSIA nor any other party associated with the UEP efforts intends to forfeit or abandon the water rights for those 120 acres during that interim period. In addition to temporarily augmenting the flows in Short Creek and the Virgin River, the actions by SCSIA and others to refrain from storing, diverting, and using that water during this period will enhance wildlife and other environmental and natural resource interests along those watercourses and will allow for additional natural recharge of that water along those watercourses, thereby having a positive impact on underground water levels in the surrounding

areas. The activities described in this Water Conservation Plan will contribute to the practical and economical management, conservation, and use of water on Short Creek and in the Virgin River Watershed.

3. Legal Description of Point(s) of Diversion

Washington County, Utah

NE ¼, SW ¼, NE ¼, Section 26, Township 43 South, Range 10 West, SLB&M

4. Legal Description of Place(s) of Surface Water Use

Mohave County, Arizona

SE ¼, Section 1, Township 41 North, Ranch 7 West, G&SRB&M, including Mohave County Assessor's Parcels Nos.:

404-27-100
404-27-034
404-27-036
404-27-113
404-27-114

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