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12 *Attorneys for LCR Coalition*

13 SUPERIOR COURT OF ARIZONA

14 APACHE COUNTY

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

Civil No. CV 6417-203

**[PROPOSED] ORDER  
APPROVING STIPULATION  
REGARDING LIVESTOCK  
AND WILDLIFE WATERING**

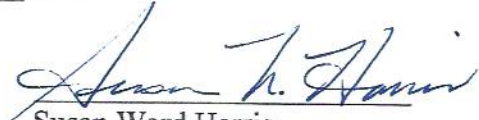
(Assigned to Special Master Susan  
Ward Harris)

20  
21 Having reviewed the March 29, 2022 Stipulation Regarding Livestock and Wildlife  
22 Watering submitted in the *In re Hopi Reservation HSR* contested case, and good cause  
23 appearing:

24 IT IS ORDERED the stipulation, attached as Exhibit 1 to this Order, is approved and  
25 will be applied to the water right decree for the Hopi Reservation.  
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DATED this 30<sup>th</sup> day of March, 2022.

  
Susan Ward Harris  
Special Master

# **EXHIBIT 1**

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13 **SUPERIOR COURT OF ARIZONA**

14 **APACHE COUNTY**

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

Civil No. CV 6417-203  
**STIPULATION REGARDING  
LIVESTOCK AND WILDLIFE  
WATERING**

18  
19 CONTESTED CASE NAME: *In re Hopi Reservation HSR*

20 HSR INVOLVED: Hopi Reservation

21 DESCRIPTIVE SUMMARY: The undersigned parties submit their stipulation regarding  
livestock and wildlife watering.

22 NUMBER OF PAGES: 6 pages (excluding Exhibit A)

23 DATE OF FILING: Original transmitted to the Clerk of the Court on March 29, 2022.  
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1           The LCR Coalition<sup>1</sup>, Hopi Tribe, Navajo Nation, United States, Arizona State Land  
2 Department, Salt River Project Agricultural Improvement and Power District, City of  
3 Flagstaff, Arizona Public Service Company, Atkinson Trading Company, and San Juan  
4 Southern Paiute Tribe (the "Undersigned Parties") hereby enter into the following  
5 stipulation in the *In re Hopi Reservation HSR* contested case:

6           The United States, as trustee for the Hopi Tribe, should be decreed a right  
7 to 824 annual acre feet of water to serve livestock and wildlife consumption  
8 uses on the Hopi Reservation.

8           The above stipulation is the result of negotiations among the Undersigned Parties  
9 and does not constitute an agreement regarding the historical, present, or potential  
10 livestock or wildlife carrying capacity of the Hopi Reservation.

11           Nothing in the above stipulation shall be construed as establishing the standard to  
12 be used for the quantification of any water right claim, including federal reserved right  
13 claims, aboriginal claims, or state law claims, by or for any claimant, whether that  
14 quantification occurs in a judicial or an administrative proceeding.

15           The above stipulation does not address in any way the priority date associated with  
16 any water right on the Hopi Reservation.

17           The above stipulation addresses only the quantity attribute of the water right  
18 decreed for livestock and wildlife consumption uses on the Hopi Reservation. Nothing in  
19 the above stipulation shall be construed as establishing a particular place or location of use  
20 for the water to serve livestock and wildlife consumptive uses on the Hopi Reservation.  
21 The Undersigned Parties agree that any additional attributes of the right for livestock and  
22 wildlife consumption uses will be determined by the Court based on the evidence that was  
23 presented at trial.<sup>2</sup>

24 <sup>1</sup> The claimants making up the LCR Coalition are identified on Exhibit A.

25 <sup>2</sup> Disputes exist among certain of the Undersigned Parties as to the level of specificity  
26 necessary for water right attributes contained in a final water right decree and as to  
whether a right to livestock and wildlife uses on the Hopi Reservation may be decreed in

1           While livestock and wildlife consume water from stockponds and impoundments  
2 on the Hopi Reservation, the water right decreed for consumption by livestock and  
3 wildlife is exclusive of and in addition to the water rights decreed for stockpond and  
4 impoundment storage. The above stipulation does not address in any way the United  
5 States' and Hopi Tribe's claims to water for stockpond and impoundment storage. The  
6 Undersigned Parties agree that the Court will adjudicate stockpond and impoundment  
7 storage rights based on the evidence that was presented at trial.

8           The above stipulation covers the entirety of the quantity attribute of claims to water  
9 for livestock and wildlife consumption uses on the Hopi Reservation for the United States  
10 as trustee for the Hopi Tribe, and the Hopi Tribe. The Undersigned Parties agree that  
11 neither the United States, as trustee for the Hopi Tribe, nor the Hopi Tribe, is entitled to  
12 any additional quantity of water for livestock and wildlife consumption uses on the Hopi  
13 Reservation.

14           The Undersigned Parties enter into this stipulation only if the Court approves both  
15 this stipulation and the concurrently filed Stipulation Regarding Livestock and Wildlife  
16 Watering on the Navajo Reservation.

17           If this stipulation is not approved by the Court, the Undersigned Parties agree that  
18 this stipulation shall not be cited, referred to, or offered into evidence by any party in any  
19 circumstance.

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23 the aggregate. Certain aspects of the Hopi Tribe's water right attributes were addressed in  
24 the Special Master's June 29, 2020 Order issued in the *In re Hopi* contested case. That  
25 order reserved for trial the question of the requisite level of specificity needed for each  
26 attribute of the Hopi Tribe's decreed water rights. The Undersigned Parties agree that the  
requisite level of specificity for each right will be determined by the Special Master based  
on the evidence that was presented at trial. The Undersigned Parties reserve all rights to  
appeal any rulings made regarding water right attributes.

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RESPECTFULLY SUBMITTED this 29th day of March, 2022.


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Navajo Nation Dept. of Justice  
*Attorneys for the Navajo Nation*

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By \_\_\_\_\_  
Maria O'Brien  
Brian K. Nichols

*Attorneys Atkinson Trading Company,  
Inc.*



1 ORIGINAL of the foregoing and Exhibit A via  
2 Federal Express this 29th day of March, 2022,  
for filing, to:

3 Clerk of the Court  
4 Apache County Superior Court  
5 Attention: Water Case  
6 70 West 3<sup>rd</sup> Street South  
7 St. Johns, Arizona 85936

8 COPY of the foregoing and Exhibit A hand-delivered  
9 this same day to:

10 Special Master Susan Ward Harris  
11 Central Court Building Suite 3A  
12 201 West Jefferson Street  
13 Phoenix, Arizona 85003-2205

14 COPY of the foregoing and Exhibit A mailed  
15 this same day to those parties who appear  
16 on the Court Mailing List for Case  
17 No. 6417-203 dated February 1, 2022.


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EXHIBIT A

LCR COALITION REPRESENTED BY  
BROWN & BROWN LAW OFFICES, P.C. AND  
FENNEMORE CRAIG, P.C.

1. Town of Eagar 39-84465, 39-84466, 39-84467,  
39-84468, 39-84469, 39-84470,  
39-84471
2. City of Holbrook 39-82029, 39-82078, 39-82079,  
39-82080, 39-82081, 39-85030
3. City of Show Low 39-84279, 39-84280, 39-84281,  
39-84282, 39-84283, 39-84284,  
39-84285
4. Town of Springerville 39-84149
5. Town of Snowflake 39-83792, 39-84000
6. Town of Taylor 39-80823
7. City of Winslow 39-84979, 39-84980
8. City of St. Johns 39-89123, 39-89124, 39-89125,  
39-89126, 39-91702, 39-91703,  
39-91704, 39-91705, 39-91706,  
39-951532
9. Forest Lakes Domestic Water  
Improvement District 39-93509, *et al.*
10. Silver Creek Irrigation District 39-88816
11. Show Low/Pinetop-Woodland  
Irrigation Company 39-83105, 39-83786, 39-83787, *et  
al.*
12. Lakeside Irrigation Company 39-84141
13. Little Colorado Water Conservation  
District Pending
14. Round Valley Water Users Association 39-89112  
(now Pioneer Irrigation Company)
15. Lyman Water Company 39-89196
16. Bar T Bar Ranch, Inc. 39-87546, 39-87520, 39-87524, *et  
al.*
17. Barnes, Euell Pending
18. Flying M Ranch 39-88420, 39-88441, 39-88474, *et  
al.*
19. Aztec Land & Cattle Company, Ltd.;  
Aztec Land Company, LLC 39-63081, *et al.*
20. Pinetop-Lakeside Sanitary District 39-80300
21. West Snowflake Land Company, LLC 39-83019, 39-83020, *et al.*
22. Dobson Limited Partnership, LLC 39-88988, 39-88989, 39-88990,  
39-88991, 39-88992