

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

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

No. 6417

APACHE CO. SUPERIOR COURT  
FILED

NO. \_\_\_\_\_ DOCKETED

MAY 28 1991

COPY

RECOMMENDED FORM  
FOR OBJECTIONS TO THE  
Hydrographic Survey Report for the  
Silver Creek Watershed

AT 9 O'Clock A  
RICHARD D. WUPKE CLERK  
R M

Please file a separate objection for each watershed file report. Objections to information contained in Volumes 1 & 2 can be stated on one objection form. Objections must be written. Use of this form is suggested. Objections must be received on or before May 29, 1991.

=====  
This objection is directed to Watershed File Report No. 033-51-\_\_\_\_-008  
(Please insert no.)  
=====

OBJECTOR INFORMATION

Objector's Name: Salt River Project  
Objector's Address: Post Office Box 52025  
Phoenix, Arizona 85072-2025  
Objector's Telephone No: (602) 236-2210

Objector's Watershed File Report No. (if the Objector's claimed water rights are located within the Silver Creek Watershed):  
033-\_\_\_\_-\_\_\_\_-

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the Silver Creek Watershed):  
39- 82193 - 82206  
39- 87343

=====  
STATEMENT OF THE OBJECTION  
=====

The following are the main categories of the typical watershed file report (not all watershed file reports have all these categories). Please check the category(ies) of the watershed file report to which you object, and state the reason for the objection on the following page.

1. I object to the description of LAND OWNERSHIP
2. I object to the description of APPLICABLE FILINGS AND DECREES
3. I object to the description of DWR's ANALYSIS OF FILINGS AND DECREES
4. I object to the description of the DIVERSIONS for the claimed water right(s)
5. I object to the description of the USES for the claimed water right(s)
6. I object to the description of RESERVOIRS used for the claimed water right(s)
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- X 8. I object to the PWR (POTENTIAL WATER RIGHT) SUMMARY of the claimed water right(s)
9. I object to the description of the QUANTITIES OF USE for the claimed water right(s)
10. I object to the EXPLANATION provided for the claimed water right(s)
11. Other Objections (please state volume number, page number and line number for each objection)

My reason for my objection is as follows (please number your objections to correspond to the lines listed above; please attach supporting information and additional pages as necessary).

SEE ATTACHMENT 1

I hereby make this objection on this 15th day of May, 1991.

*David C. Ricketts*

Signature of Objector

FOR: Salt River Project

(if in a representative capacity)

STATE OF Arizona  
COUNTY OF Maricopa

**VERIFICATION**

(Must be completed by Objector)

I declare under penalty of perjury that I am a claimant in this proceeding; that I have read the contents of the foregoing Objection and know the contents thereof; and that the information contained in the foregoing Objection is true based on my own personal knowledge, except for those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

*David C. Ricketts*

Signature of Objector

SUBSCRIBED AND SWORN to before me this 15th day of May, 1991.



*Terry R. Holmes*

Notary Public for the State of Arizona

Residing at Maricopa County

My commission expires \_\_\_\_\_

**CERTIFICATE OF MAILING**

(Must be completed if you object to another Claimant's watershed file report. Does not need to be completed if you file an Objection to your own watershed file report or to information contained in Volumes 1 or 2 of the Hydrographic Survey Report.)

I hereby certify that a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 28th day of May, 1991 postage prepaid and addressed as follows:

Name: CH. OF JESUS CHRIST - LDS

Address: 50 EAST NORTH TEMPLE  
SALT LAKE, UT 84103

*David C. Ricketts*

(Signature of Objector or person mailing in Objector's behalf)

Objections must be filed with the Clerk of the Superior Court in and for Apache County, Apache County Courthouse, P.O. Box 365, St. Johns, AZ 85936, on or before May 29, 1991. This means that the Objection must be received at the Clerk's office no later than 5:00 p.m. on Wednesday, May 29, 1991.

**ATTACHMENT 1**

**WFR CATEGORY 8 - PWR SUMMARY**

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, in this case, filings made pursuant to the Water Rights Registration Act (WRRRA), are the evidentiary foundation for the priority date associated with a water right. The Watershed File Report fails to set forth sufficient historic evidence to refute the date of priority claimed in the WRRRA filing matched to this PWR. In the absence of such evidence, the apparent date of first use for this PWR should be the date claimed in the WRRRA filing. (This objection applies to: SP001, SP002, SP003, SP004 and SP005.)

6417-033 0589

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

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

No. 6417

APACHE CO. SUPERIOR COURT  
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MAY 28 1991

AT 9 O'CLOCK A.M.  
RICHARD D. WUPKE, CLERK  
DEPUTY

RECOMMENDED FORM  
FOR OBJECTIONS TO THE  
Hydrographic Survey Report for the  
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Please file a separate objection for each watershed file report. Objections to information contained in Volumes 1 & 2 can be stated on one objection form. Objections must be written. Use of this form is suggested. Objections must be received on or before May 29, 1991.

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This objection is directed to Watershed File Report No. 033-51-\_\_\_\_\_-008  
(Please insert no.)  
=====

OBJECTOR INFORMATION

Objector's Name: Salt River Project  
Objector's Address: Post Office Box 52025  
Phoenix, Arizona 85072-2025  
Objector's Telephone No: (602) 236-2210

Objector's Watershed File Report No. (if the Objector's claimed water rights are located within the Silver Creek Watershed):

033 - - - - -

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the Silver Creek Watershed):

39- 82193 - 82206  
39- 87343

=====  
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11. Other Objections (please state volume number, page number and line number for each objection)

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*David C. Pelt*

Signature of Objector

FOR: Salt River Project  
(if in a representative capacity)

STATE OF Arizona  
COUNTY OF Maricopa

VERIFICATION  
(Must be completed by Objector)

I declare under penalty of perjury that I am a claimant in this proceeding; that I have read the contents of the foregoing Objection and know the contents thereof; and that the information contained in the foregoing Objection is true based on my own personal knowledge, except for those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

*David C. Pelt*

Signature of Objector

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*Terry R. Holmes*

Notary Public for the State of Arizona  
Residing at Maricopa County  
My commission expires \_\_\_\_\_

CERTIFICATE OF MAILING

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Name: CH. OF JESUS CHRIST - LDS  
Address: 50 EAST NORTH TEMPLE  
SALT LAKE, UT 84103

*David C. Pelt*

(Signature of Objector or person mailing in Objector's behalf)

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David C. Roberts

Signature of Objector

FOR: Salt River Project

(if in a representative capacity)

STATE OF Arizona  
COUNTY OF Maricopa

**VERIFICATION**

(Must be completed by Objector)

I declare under penalty of perjury that I am a claimant in this proceeding; that I have read the contents of the foregoing Objection and know the contents thereof; and that the information contained in the foregoing Objection is true based on my own personal knowledge, except for those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

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Terry R. Holmes

Notary Public for the State of Arizona

Residing at Maricopa County

My commission expires \_\_\_\_\_

**CERTIFICATE OF MAILING**

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Name: CH. OF JESUS CHRIST - LDS

Address: 50 EAST NORTH TEMPLE  
SALT LAKE, UT 84103

David C. Roberts

(Signature of Objector or person mailing in Objector's behalf)

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This Objection is directed to Watershed File Report No.

**033- 51- 008**

(please insert no.)

**OBJECTOR INFORMATION**

Objector's Name: United States of America  
Objector's Address: P.O. Box 607, Albuquerque, New Mexico 87103  
Objector's Telephone No.: ( 505 ) 766 - 1060  
Objector's Watershed File Report No. (if the Objector's claimed water rights are located within the Silver Creek Watershed):

033- 42 - 088 -

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the Silver Creek Watershed):

39-

**STATEMENT OF THE OBJECTION**

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Please check  
appropriate box(es)

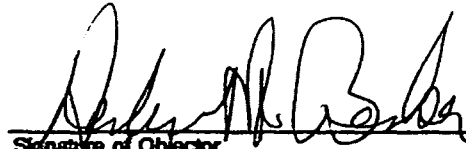
1. I object to the description of **Land Ownership**
2. I object to the description of **Applicable Filings and Decrees**
3. I object to the description of **DWR's Analysis of Filings and Decrees**
4. I object to the description of the **Diversions** for the claimed water right(s)
5. I object to the description of the **Uses** for the claimed water right(s)
6. I object to the description of **Reservoirs** used for the claimed water right(s)
7. I object to the description of **Shared Uses & Diversions** for the claimed water right(s)
8. I object to the **PWR (Potential Water Right) Summary** of the claimed water right(s)
9. I object to the description of **Quantities of Use** for the claimed water right(s)
10. I object to the **Explanation** provided for the claimed water right(s)
11. Other Objections (please state volume number, page number and line number for each objection)

The reason for my objection is as follows (please number your objections to correspond to the boxes checked and please attach supporting information and additional pages as necessary):

CATEGORY  
NUMBER

SEE ATTACHED SHEET(S)

I hereby make this Objection on this 28TH day of May, 1991.

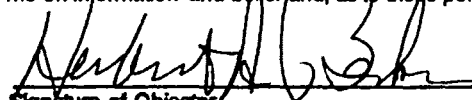
  
\_\_\_\_\_  
Signature of Objector

FOR: UNITED STATES OF AMERICA

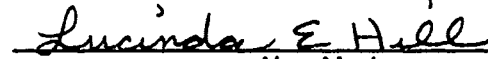
(If in a representative capacity)

STATE OF New Mexico } VERIFICATION  
COUNTY OF Bernalillo } (Must be completed by Objector)

I declare under penalty of perjury that I am a claimant in this proceeding; that I have read the contents of the foregoing Objection and know the contents thereof; and that the information contained in the foregoing Objection is true based on my own personal knowledge, except for those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

  
\_\_\_\_\_  
Signature of Objector

SUBSCRIBED AND SWORN to before me this 28th day of May, 1991.

  
\_\_\_\_\_  
Notary Public for the State of New Mexico  
Residing at Albuquerque  
My commission expires 7-21-92


{SEAL}

**CERTIFICATE OF MAILING**

(Must be completed if you object to another Claimant's watershed file report. Does not need to be completed if you file an Objection to your own watershed file report or to information contained in Volumes 1 or 2 of the Hydrographic Survey Report.)

I hereby certify that a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 28th day of May, 1991, postage prepaid and addressed as follows:

03351 008  
Name: CH. OF JESUS CHRIST - LDS c/o REAL ESTATE DIVISION  
Address: 50 EAST NORTH TEMPLE  
SALT LAKE CITY UT 84103

  
\_\_\_\_\_  
(Signature of Objector or person mailing in Objector's behalf)

Objections must be filed with the Clerk of the Superior Court in and for Apache County, Apache County Courthouse, P.O. Box 365, St. Johns, AZ 85936, on or before May 29, 1991. This means that the Objection must be received at the Clerk's office no later than 5:00 p.m. on Wednesday, May 29, 1991.

033-51-008  
39-81392

2. The claimant's priority date of 1886 cited in their adjudication filing (#39-81392) is unsubstantiated. The Stockpond Registration form (#38-58194) identified by the claimant in their filing and submitted with their claim indicates that the stockpond was not built until 1970. Therefore the priority date for this claim should be no earlier than 1970.
- The claimant indicated on their adjudication pre-filing (#36-34927) that they were using the water source for domestic purposes. ADWR found no domestic use during their field investigation. Therefore, domestic portion of the claim should be rejected.

033-51-008  
39-81393

2. The claimant's priority date of 1886 cited in their adjudication filing (#39-81393) is unsubstantiated. The Stockpond Registration form (#38-58197) identified by the claimant in their filing and submitted with their claim indicates that the stockpond was not built until 1965. Therefore the priority date for this claim should be no earlier than 1965.

033-51-008  
39-81394

2. The claimant's priority date of 1886 cited in their adjudication filing (#39-81394) is unsubstantiated. The Stockpond Registration form (#38-58196) identified by the claimant in their filing and submitted with their claim indicates that the stockpond was not built until 1965. Therefore the priority date for this claim should be no earlier than 1965.

033-51-008  
39-81398

2. The claimant's priority date of 1886 cited in their adjudication filing (#39-81398) is unsubstantiated. The Stockpond Registration form (#38-58198) identified by the claimant in their filing and submitted with their claim indicates that the stockpond was not built until 1966. Therefore the priority date for this claim should be no earlier than 1966.

033-51-008  
39-81399

2. The claimant's priority date of 1886 cited in their adjudication filing (#39-81399) is unsubstantiated. The Stockpond Registration form (#38-58199) identified by the claimant in their filing and submitted with their claim indicates that the stockpond was not built until 1950. Therefore the priority date for this claim should be no earlier than 1950.



033-51-008  
39-81402

2. The claimant's priority date of 1886 cited in their adjudication filing (#39-81402) is unsubstantiated. The Stockpond Registration form (#38-58202) identified by the claimant in their filing and submitted with their claim indicates that the stockpond was not built until 1977. Therefore the priority date for this claim should be no earlier than 1977.

033-51-008  
39-88519

2. **The claimant for this stockpond (39-88519) failed to register the stockpond under the terms set forth in the Arizona Stockpond Registration Act (1977). Further, the claimant failed to file for use of surface water as mandated by the Arizona Surface Water Act (1974). Thus, the claimant has not complied with the legally enacted procedures for registering this stockpond, therefore the potential water right should be denied.**
  
8. **The Arizona Department of Water Resources (ADWR) assigned this stockpond a potential water right despite the failure of the claimant to properly register the pond as required under the terms of the 1977 Stockpond Registration Act. Further, ADWR has recognized the claimant's use of surface water even though the claimant did not file under the terms of the Arizona Surface Water Act (1974). ADWR should rescind the potential water right assigned to this stockpond.**

APACHE CO. SUPERIOR COURT  
 FILED  
 NO. 454 DOCKETED   
 MAY 28 1991  
 AT \_\_\_\_\_ O'CLOCK 4:50 P.M.  
 RICHARD D. LUPKE, CLERK  
 \_\_\_\_\_ DEPUTY

1 Stanley M. Pollack (S.B. No. 011046)  
 Navajo Nation Department of Justice  
 2 P.O. Drawer 2010  
 Window Rock, AZ 86515  
 3 Attorneys for THE NAVAJO NATION

4 Reid Peyton Chambers  
 Sonosky, Chambers, Sachse & Endreson  
 5 1250 Eye Street, N.W., Suite 1000  
 Washington, D.C. 20005  
 6 Attorneys for THE HOPI TRIBE

7 Jeanne S. Whiteing  
 Whiteing & Thompson  
 8 1136 Pearl Street, Suite 203  
 Boulder, CO 80302  
 9 Attorneys for THE SAN JUAN  
 SOUTHERN PAIUTE TRIBE

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

12 IN AND FOR THE COUNTY OF APACHE

13	IN RE THE GENERAL ADJUDICATION	)	No. 6417
14	OF ALL RIGHTS TO USE WATER IN	)	
15	THE LITTLE COLORADO RIVER	)	JOINDER AND CONCURRENCE OF
16	SYSTEM AND SOURCE	)	THE NAVAJO NATION, THE
17		)	HOPI TRIBE, THE SAN JUAN
18		)	SOUTHERN PAIUTE TRIBE WITH
19		)	ALL OBJECTIONS SUBMITTED
		)	BY THE UNITED STATES TO THE
		)	HYDROGRAPHIC SURVEY REPORT
		)	FOR THE SILVER CREEK
		)	WATERSHED

20 Descriptive Summary: The Navajo Nation, the Hopi Tribe,  
 21 and the San Juan Southern Paiute Tribe (Tribes) join in, concur  
 22 with, and adopt the Statements of Objection for all Watershed File  
 23 Reports submitted by the United States.

24 Statement of Claimant Numbers: Not Applicable.

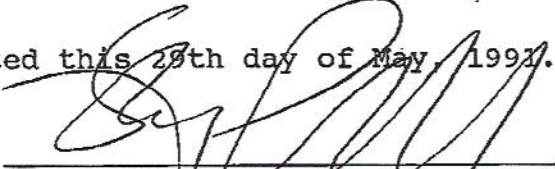
25 Date of Filing: May 29, 1991.

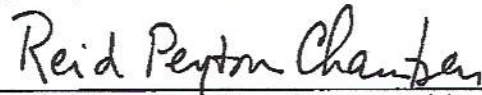
26 Number of Pages: 2 (Excluding Exhibit).

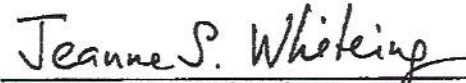
27 THE NAVAJO NATION, THE HOPI TRIBE, and THE SAN JUAN  
 28 SOUTHERN PAIUTE TRIBE join in, concur with, and adopt the

1 Statements of Objection for all Watershed File Reports submitted  
2 by the United States, as though each Tribe had submitted said  
3 objection on its own behalf.

4 Respectfully submitted this 29th day of May, 1997.

5  
6   
7 Stanley M. Follack, Attorney for  
8 THE NAVAJO NATION  
9 Navajo Nation Department of Justice  
10 P.O. Drawer 2010  
11 Window Rock, AZ 86515  
12 (602) 871-6931

13   
14 Reid Peyton Chambers, Attorney for  
15 THE HOPI TRIBE  
16 Sonosky, Chambers, Sachse & Endreson  
17 1250 Eye Street, N.W., Suite 1000  
18 Washington, D.C. 20005  
19 (202) 682-0240

20   
21 Jeanne S. Whiteing, Attorney for  
22 THE SAN JUAN SOUTHERN PAIUTE TRIBE  
23 Whiteing & Thompson  
24 1136 Pearl Street, Suite 203  
25 Boulder, CO 80302  
26 (303) 444-2549

27  
28 Copies of the foregoing were  
served upon each claimant to  
which an objection was filed by  
the United States. Service was  
made by attaching a copy of this  
pleading to the objections  
served on each claimant by the  
United States.

