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12 *Attorneys for LCR Coalition*

13 SUPERIOR COURT OF ARIZONA

14 APACHE COUNTY

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

Civil No. CV 6417-300  
18 **[PROPOSED] ORDER**  
**APPROVING STIPULATION**  
**REGARDING LIVESTOCK**  
**AND WILDLIFE WATERING**

19 (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 Navajo Nation* contested case, and good cause appearing:

23 IT IS ORDERED the stipulation, attached as Exhibit 1 to this Order, is approved and  
24 will be applied to the water right decree for the Navajo Reservation within the Arizona  
25 portion of the Little Colorado River Basin.  
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DATED this 3<sup>rd</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 6417-300

17 **STIPULATION REGARDING  
LIVESTOCK AND WILDLIFE  
WATERING**

18  
19 CONTESTED CASE NAME: *In re Navajo Nation*

20 HSR INVOLVED: Final Navajo Reservation Hydrographic Survey Report within the  
LCR Watershed, DCMI, Stock and Wildlife Watering, & Stockponds

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

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

24 DATE OF FILING: Original transmitted to the Clerk of the Court on March 29, 2022.

25

26

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 Navajo Nation* contested case:

6           The United States, as trustee for the Navajo Nation, should be decreed a  
7 right to 3,000 annual acre feet of water to serve livestock and wildlife  
8 consumption uses on the Navajo Reservation within the Arizona portion of  
9 the Little Colorado River Basin.

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

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

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

18           The above stipulation addresses only the quantity attribute of the water right  
19 decreed for livestock and wildlife consumption uses on the Navajo Reservation within the  
20 Arizona portion of the Little Colorado River Basin. Nothing in the above stipulation shall  
21 be construed as establishing a particular place or location of use for the water to serve  
22 livestock and wildlife consumptive uses on the Navajo Reservation within the Arizona  
23 portion of the Little Colorado River Basin. The Undersigned Parties agree that any  
24 additional attributes of the right for livestock and wildlife consumption uses will be

25 \_\_\_\_\_  
26 <sup>1</sup> The claimants making up the LCR Coalition are identified on Exhibit A.

1 determined through further proceedings in this case.<sup>2</sup>

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

10 The above stipulation covers the entirety of the quantity attribute of claims to water  
11 for livestock and wildlife consumption uses on the Navajo Reservation within the Arizona  
12 portion of the Little Colorado River Basin for the United States as trustee for the Navajo  
13 Nation, and the Navajo Nation. The Undersigned Parties agree that neither the United  
14 States, as trustee for the Navajo Nation, nor the Navajo Nation, is entitled to any  
15 additional quantity of water for livestock and wildlife consumption uses on the Navajo  
16 Reservation within the Arizona portion of the Little Colorado River Basin.

17 Nothing in this stipulation shall affect the water rights and water rights claims of  
18 the San Juan Southern Paiute Tribe, and the United States as trustee for the San Juan  
19 Southern Paiute Tribe, for water uses on the Navajo Reservation within the Arizona  
20 portion of the Little Colorado River Basin.

21 The Undersigned Parties enter into this stipulation only if the Court approves both  
22 this stipulation and the concurrently filed Stipulation Regarding Livestock and Wildlife


23 \_\_\_\_\_  
24 <sup>2</sup> Disputes exist among certain of the Undersigned Parties as to the level of specificity  
25 necessary for water right attributes contained in a final water right decree and as to  
26 whether a right to livestock and wildlife uses on the Navajo Reservation may be decreed  
in the aggregate. This stipulation does not address the specificity of water right attributes  
or whether a right may be decreed in the aggregate. The Undersigned Parties agree that  
these disputes will be decided by the Court during the *In re Navajo Nation* contested case.


1 Watering on the Hopi Reservation.

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

5 RESPECTFULLY SUBMITTED this 29th day of March, 2022.


6 BROWN & BROWN LAW OFFICES, P.C. OSBORN MALEDON, P.A.


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8 By   
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SACKS TIERNEY, P.A.

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UNITED STATES DEPARTMENT OF JUSTICE

SALMON, LEWIS & WELDON, P.L.C.

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By Brian [Signature]

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*Attorneys Atkinson Trading Company,  
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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  
70 West 3<sup>rd</sup> Street South  
St. Johns, Arizona 85936

6 COPY of the foregoing and Exhibit A hand-delivered  
7 this same day to:

8 Special Master Susan Ward Harris  
9 Central Court Building Suite 3A  
201 West Jefferson Street  
Phoenix, Arizona 85003-2205

10 COPY of the foregoing and Exhibit A mailed  
11 this same day to those parties who appear  
on the Court Mailing List for Case  
12 No. 6417-300 dated February 1, 2022.

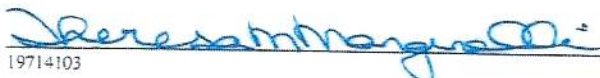
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EXHIBIT A

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