

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

No. 6417

APACHE CO. SUPERIOR COURT
FILED

NO. _____ DOCKETED

MAY 23 1991

O'CLOCK 2:15 P.M.
RICHARD D. LUPKE, CLERK
SP DEPUTY

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

Please file a separate objection for each watershed file report. Objections to information contained in Volumes 1 & 2 can be stated on one objection. 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- 56 - ACAD - 002
(please insert no.)

OBJECTOR INFORMATION

Objector's Name: JOY ABRAMS
Objector's Address: 6041 N. 23rd Place,
Phoenix, AZ. 85016
Objector's Telephone No.: (602) 956-4536
Objector's Watershed File Report No. (if the Objector's claimed water rights are located within the Silver Creek Watershed): 033- 56 - ACAD - 002

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

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.

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 above; please attach supporting information and additional pages as necessary):

CATEGORY NUMBER

- 1 I am currently the sole owner of the property.
- 5 Water is used domestically when my family camp on this property. I anticipate development of this acreage for summer cabins.
- 11 Will be filing Statement of Claimant for domestic and other uses. Water Shed Report should reflect these claims.

I hereby make this Objection on this 21ST day of May, 199 1.

Jay Abrams
Signature of Objector

FOR: _____
(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.

Jay Abrams
Signature of Objector

SUBSCRIBED AND SWORN to before me this 21ST day of May, 199 1.

Rose Marie Wargo
Notary Public for the State of ARIZONA
Residing at Scottsdale
My commission expires June 8, 1993

(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 _____ day of _____, 199 _____, postage prepaid and addressed as follows:

Name: _____
Address: _____

(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.

6417-033-0673

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

AT 9 O'CLOCK A M.
RICHARD D. LUPKE, CLERK
[Signature] DEPUTY

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

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. 033-56-ACAD-002
(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)
7. I object to the description of SHARED USES & DIVERSIONS for the claimed water right(s)
- X 8. I object to the PWR (POTENTIAL WATER RIGHT) SUMMARY of the claimed water right(s)
- X 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. 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.

David C. Roberts

Signature of Objector

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



Gerryl 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: ABRAMS, KENNETH L. & JOY

Address: 2211 N. 7TH ST.

PHOENIX, AZ 85006

David C. Roberts

(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: SR001.)

WFR CATEGORY 9 - QUANTITIES OF USE

The Salt River Project objects to the lack of specificity of the quantity of use assigned to this storage Potential Water Right (PWR). The Watershed File Report fails to indicate whether the volumetric quantity assigned to this PWR implies a continuous fill, one fill per year, or one fill only. Unless evidence from previous filings, or other sufficient historic evidence, indicates a clear intention to the contrary, the quantity of use assigned to a storage PWR should be sufficient to permit continuous filling of the storage reservoir. (This objection applies to: SR001.)

6417-033-02217

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

APACHE CO. SUPERIOR COURT
FILED

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

No. 6417 DOCKETED

MAY 28 1991

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

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

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- 56- ACAD- 002

(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

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.

Please check appropriate box(es)

- [] 1. I object to the description of Land Ownership
- [XX] 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)
- [XX] 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.

Herbert H. Baker
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.

Herbert H. Baker
Signature of Objector

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

Lucinda E. Hill
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:

03356ACAD002

Name: ABRAMS, KENNETH L. & JOY
Address: 2211 N. 7TH ST.
PHOENIX AZ 85006

Herbert H. Baker
(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.

**033-56-ACAD-002
39-86832**

2. The claimant for this stockpond (39-86832) 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.

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

FILED
NO. _____ DOCKETED

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

No. ~~6417~~ MAY 28 1991

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

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

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- 056 - ACAD - 002
(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

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.

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- 5. I object to the description of the Uses for the claimed water right(s)
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- 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 28 day of May, 1991. [Signature]
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]
Signature of Objector

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

[Signature]
Notary Public for the State of New Mexico
Residing at Don Mesa Albuquerque
My commission expires 10/2/93

{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:

03356ACAD002

ABRAMS, KENNETH L. & JOY
2211 N. 7TH ST.
PHOENIX AZ 85006

[Signature]
(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.

WFR #:

033- 056 - ACAD - 002

1. Adjudication filings 39-86831 and 39-86832 are in the names of J.G. and V.S. Peterson, not Abrams. The claimants have not established that they have the right to provide water to any of the privately owned lands under their claimed place of use.
2. The historic records for the lands included under this claim do not support the 1907 priority date. In addition the claimants filing under the Arizona Surface Water Act indicates that water use was not initiated until 1970. The priority date should be changed to accurately reflect the date that water was first used beneficially.

There are major conflicts between the pre-adjudication filing 36-67708 made by Abrams and the adjudication filings made by Peterson. The Abrams filing was for Peterson Tank which is located on his property for use for domestic, recreation and fishing purposes. No water was claimed for irrigation.

The use of adjudication filings made by others for irrigation and stockpond (Flag Hollow) use and for water storage and delivery facilities located on property owned by Kenneth Abrams are invalid.

Peterson Tank was built after 1919 and should have had a water right permit before construction was initiated. If regarded as a stockpond, it should have been certified under the Stockpond Registration Act of 1977. Flag Hollow Reservoir 39-86832 is not on the Abrams property and should not be a part of any potential water right for this property.

There is no distinct breakout of storage rights and direct flow rights relative to priority date. Peterson Tank was not built until after 1931.

3. Abrams has made no adjudication filing for his own uses.
4. Source of water supply is not defined in sufficient detail. There is no basis presented in the valid adjudication filings for use of Peterson Tank for irrigation purposes.
5. Abrams is not claiming any irrigation use on his or adjacent properties.
6. Abrams made no adjudication filing for Peterson Tank and his pre-adjudication filing did not have irrigation as a purpose. Abrams does not own the property that Flag Hollow is located on.

The claimed priority date is pre-1907 for 1400 AF. The DWR has identified date of first use as 1953, while filing 36-67708 indicates that the date of first beneficial use was December 15, 1970. The priority date should be not earlier than 1970.

Claimed storage rights are not clear as to repeated filings of the facility. DWR has identified a capacity as 10.3 AF, which should be the limit of any water rights.

WFR #: 033- 056 - ACAD - 002

- 8. Abrams' claims are invalid because he made no adjudication filings. His pre-adjudication filing only supports minor use (1,000 gallons) for domestic, recreation and fishery purposes. Since Peterson Tank was a post-1919 facility, a water right permit should have been obtained before it was built.**

No claim for Flag Hollow dam is applicable for this watershed file report.

- 9. The water right should be limited to 10.3 AF, the actual use found by ADWR. Abrams claimed water in filing 36-67708 for domestic, recreation and fishing. Therefore, the facility should not be used for irrigation.**

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

APACHE CO. SUPERIOR COURT
FILED

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

NO. _____ DOCKETED
No. 6417
MAY 29 1991

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

AT _____ O'CLOCK 1:45P M.
RICHARD D. LUPKE, CLERK
DEPUTY

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- 56 - ACAD - 002
(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Arizona State Land Department
Objector's Address: 1616 West Adams
Phoenix, Arizona 85007
Objector's Telephone No.: (602) 542-3500
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- _____

STATEMENT OF THE OBJECTION

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- 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 above; please attach supporting information and additional pages as necessary):

CATEGORY NUMBER

2 The amount of water claimed is excessive.

I hereby make this Objection on this 24th day of May, 1991.

M. Benson
STATE LAND COMMISSIONER

Signature of Objector

FOR: STATE OF ARIZONA (State Land Department)
(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.

M. Benson
STATE LAND COMMISSIONER

STATE LAND COMMISSIONER

Signature of Objector

SUBSCRIBED AND SWORN to before me this 24th day of May, 1991

(SEAL)



Margaret L. Brocato

Notary Public for the State of ARIZONA

Residing at 1616 W. Adams, Phoenix, Arizona 85007

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 29th day of May, 1991, postage prepaid and addressed as follows:

Name: Kenneth L. & Joy Abrams

Address: 2211 N. 7th St.

Phoenix, Arizona 85006

Carol B. Law

(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.