

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 IN AND FOR THE COUNTY OF APACHE
3

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

CV 6417-300

7 CASE INITIATION ORDER
8 FOR THE NAVAJO NATION
9

10 CASE NAME: *In re Navajo Nation*

11 HSR INVOLVED: None.

12 DESCRIPTIVE SUMMARY: The Special Master organized a separate case to
13 adjudicate the claims to water rights for and on behalf of the Navajo Nation.

14 NUMBER OF PAGES: 5

15 DATE OF FILING: August 11, 2016.
16

17 This case is being created to adjudicate the claims for water rights for and on
18 behalf of the Navajo Nation that were the subject of a status conference on July 12,
19 2016. In conjunction with the status conference, a number of comments were
20 submitted concerning the amendment of Statements of Claimant filed by or on behalf
21 of the Navajo Nation, the deadline for filing amended statements of claimant and
22 information that the Arizona Department of Water Resources should include in its
23 hydrographic survey report (HSR) for the water claims of the Navajo Nation.
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26 As the first step in this process, the originally filed Statements of Claimant
27 need to be amended. According to the United States, the Navajo Nation occupies
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1 approximately 10 million acres of land in the Little Colorado River Basin. The
2 United States estimated that it would need between three and five years before it
3 could file an amended statement of claimant. A three to five year time period during
4 which the court could take no action to address the water right claims of the Navajo
5 Nation is not acceptable. Given the magnitude of the work necessary to adjudicate
6 the Navajo Nation's claims for water rights and the estimated time period, a better
7 approach may be to identify all of the land involved and then develop a methodology
8 to appropriately divide the land into multiple watersheds so that a series of HSRs can
9 be prepared that will allow the adjudication process to begin with respect to one or
10 more HSRs while the remaining HSRs remain in process. The suggestion was also
11 made that a portion of the claims could be treated as *de minimis* claims and
12 procedures proposed in the Little Colorado River adjudication may be used to resolve
13 such claims in closed basins.
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17 The interested parties are encouraged to meet and confer with each other and
18 with the Arizona Department of Water Resources to develop a systematic approach
19 along with a proposed schedule to address the water claims for and on behalf of the
20 Navajo Nation.
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23 **IT IS ORDERED:**

24 Case Designation. This case is designated *In re Navajo Nation*, Docket No.
25 CV 6417-300.
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1. Litigants. All the litigants in this case cannot be specified, but they include at this time all the persons who submitted comments concerning the proposed scope of a hydrographic survey report for the claims made by and on behalf of the Navajo Nation or appeared at the July 12, 2016 status conference.

2. Court Approved Mailing List. The mailing list for this case shall include all persons listed on the Court Approved Mailing List for the Little Colorado River Adjudication Civil Case No. 6417 which includes all entities and law firms that appeared at the status conference on July 12, 2016.

3. Scheduling Calendar.

a. The United States and the Navajo Nation shall file a report by Monday, November 14, 2016, that:

i. Identifies all land in the Little Colorado River System and Source to which the Navajo Nation asserts water rights in addition to the land including in the Navajo Reservation.

ii. Identifies any Statements of Claimants asserting rights by or on behalf of the Navajo Nation, or its predecessors in interest for acquired lands that should be the subject of the Navajo HSR.

iii. Identifies by date and recording information the deeds which vested title to any land acquired outside the Navajo Reservation in the United States in fee or in trust or in the Navajo Nation that will be used as the basis for asserting a

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priority date for purposes of state or federal rights for the Navajo Nation.

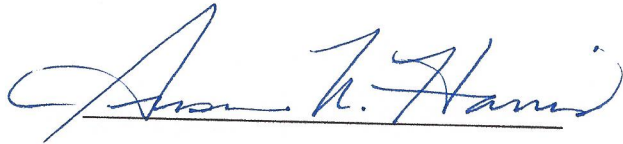
b. The United States and the Navajo Nation shall file and the other Litigants may file individually or collectively by Monday November 14, 2016, a proposed schedule pursuant to which the United States and the Navajo Nation shall file amended statements of claim, the geographic scope for each amended statement of claim, and the information to be included in each amended statement of claim, which shall include the information listed by the Arizona Department of Resources in its *Comments Concerning An Amendment To The Navajo Statement Of Claimant For Navajo Lands*, dated July 7, 2016.

c. Objections to proposed schedules shall be filed by Monday, November 28, 2016.

4. Hearing. A hearing will be held on Wednesday December 7, 2016, to set a schedule to begin the adjudication of the claims to water rights asserted by and on behalf of the Navajo Nation. The hearing will begin at 1:30 p.m. in the Superior Court of Arizona, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202. If no objections are filed to proposed schedules, the hearing shall be vacated and an order entered based on the proposed schedules provided.

Instructions for telephonic participation:

1. Dial 1 602-506-9695 (toll free number)
2. Dial Participant Pass Code 163622# (pound)



Susan Ward Harris
Special Master

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6 On August 11, 2016, the original of the
7 foregoing was mailed to the Clerk of the
8 Apache County Superior Court for filing and
9 distributing a copy to all persons listed on the
10 Court approved mailing list for the Little
11 Colorado River Adjudication Civil No. 6417
12 dated June 14, 2016.
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