

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

ANNELL HOONSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) ARTHUR F MODICA JR

Mailing Address HC 65 5270-30 CONCHO AZ 85924

Telephone No. 928-310-6567

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

MY WELL IS IN THE COCONINO AQUIFER,
THE STATE ^{SAID} I HAD A ONE ACRE A
YEAR USAGE. IF ADJUDICATION
AFFECT THIS I OBJECT. I HAVE ASK
THE STATE FOR A MAP OF AFFECTED
AREA AND HAVE NOT FOUND ONE
OR BOTTOM. OR IF COST FOR WATER
USE USAGE

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CERTIFICATE OF SERVICE

On this 16 day of AUGUST, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

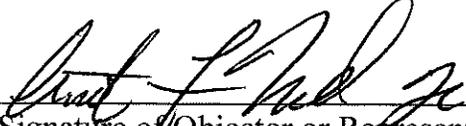
Via First Class Mail:

Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) ARTHUR F MODICA JR

Mailing Address HC 65 5270-30 CONCH AZ

Telephone Number 928-310 6567

FILED

DOCKETED BY: _____

2019 DEC 17 AM 11: 07

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

2 IN AND FOR THE COUNTY OF APACHE

SMALL MOONSHILL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

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9 **OBJECTION TO TECHNICAL
10 REPORT CONCERNING CERTAIN
11 WATER USES IN THE LOWER
12 LITTLE COLORADO RIVER
13 SUBWATERSHED**

(Special Master Susan Ward Harris)

14 **OBJECTOR**

15 Name (printed) BERYL IREY

16 Mailing Address 1950 Palmer Dr., Lake Havasu City, AZ 86406

17 Telephone No. (928) 855-6609

18 Statement of Claimant No. (if filed) _____

19 **STATEMENT OF OBJECTION**

20 Please describe reasons for the objection below (or in a separate attachment) and complete
21 the next page.

22 I am the owner of two vacant parcels (Parcel #s 10752038 and 10752039) which are the

23 subject of these proceedings. I am a retired senior citizen and experience extreme

24 financial hardship and I cannot afford an attorney. If there is a "class"

25 party/objector(s) I request to join in their class. Otherwise, I join

26 in any and all objections filed in this matter and all future objections. For me specifically,

my objection is that if the proposed measures adversely affect my rights as a property
owner and/or my rights to use the well on my property, then I firmly object.

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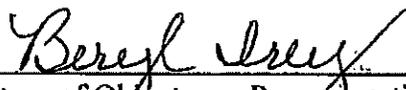
CERTIFICATE OF SERVICE

On this 12 day of December, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY: 39

2019 AUG -7 AM 11:37

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE
ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) Carter Family Trust

Mailing Address P.O. Box 2506 Flagstaff, AZ 86003

Telephone No. 928-699-4736

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

Personal residential ponds that retain
water in a natural way via runoff from
roofs + barn roofs + have a capacity of
less than 50,000 gallons of water should
not be considered a concern from ADWR.
Especially when most of the water seeps
back into the underground aquifer.

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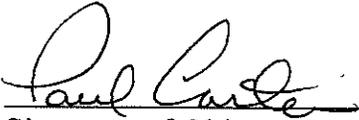
CERTIFICATE OF SERVICE

On this 2 day of August, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020.**



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) Paul Carter

Mailing Address P.O. Box 2506 Flagstaff AZ 86003

Telephone Number 928-699-4736

FILED

DOCKETED BY: H3
2019 AUG 14 AM 11:53

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE
ANNEL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) Charles Ford

Mailing Address 36824 W. Avalon Ave.
Tonopah, AZ 85354

Telephone No. 623-910-9153

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

We have had this well for 18 years since
January 2, 2001. The purpose of the
well was for domestic and livestock
use on our fenced 80 acre parcel
in Apache County.

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CERTIFICATE OF SERVICE

On this 8 day of August, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY: 42

2019 AUG -9 AM 11:14

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE
ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) CHARLES K & KAREN A. STRUTHERS

Mailing Address PO BOX 326
NUTRIOSO AZ 85932

Telephone No. 928 339 4248

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

WATER FROM ROGERS RESERVOIR
IS USED FOR IRRIGATING PASTURE ON
CR 2112

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CERTIFICATE OF SERVICE

On this 6 day of AUGUST, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.

Charles K. Struthers
Haren A. Struthers

Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE
ANNETTE HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) Clayton Eddy

Mailing Address 14601 N Dickens Ct.
Fountain Hills AZ 85268

Telephone No. 480 435 8806

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

We submitted and received permit
for our well

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CERTIFICATE OF SERVICE

On this 8 day of August, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) Clayton Eddy
Mailing Address 14601 N Dickens Ct
Fountain Hills AZ 85268
Telephone Number 480-435-8806

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DOCKETED BY:

2019 AUG 15 PM 12:34

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

ANNELLE HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) David Ray Smith

Mailing Address 6402 S 37th ST Phoenix Az 85042

Telephone No. 602 403 6641

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

I No Longer own the property on Hwy 260 Just East
of Overgaard Az

David R Smith

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CERTIFICATE OF SERVICE

On this 12 day of August, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:

Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY: 34

2019 AUG -6 AM 11:39

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE
ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) Dean Anthony Gesualdo
Mailing Address 106 Watern Bay
Boulder City, Nevada 89005
Telephone No. 702-403-5234
Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

I Am NOT USING ANY GROUND
WATER. When I Do get
water I will have it Hauled
in. The Property is For VACATION
ONLY. Am I Allowed TO
Drill A Well?

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CERTIFICATE OF SERVICE

On this 2 day of August, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

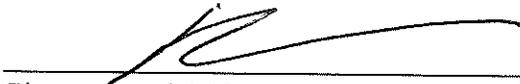
Via First Class Mail:

Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) Dean A Gesualdo

Mailing Address 106 Harter Way

Boulder City, Nevada 89005

Telephone Number 702-403-5234

I Am NOT using Any
Ground water.



FILED

DOCKETED BY: _____

2019 DEC -2 AM 10: 08

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

ANNELL HOONSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) DENNIS BERNARD Mc BREARTY

Mailing Address 2029 N. 10th. ST. PHX, AZ. 85006

Telephone No. 602-350-0525

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

My water right is minuscule

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CERTIFICATE OF SERVICE

On this 26 day of November, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:

Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

~~If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020.**~~

Dennis B. McBrearty
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY: _____

2020 FEB -4 PM 4: 33

ORIGINAL

ANNELL HOUNSHELL, CLERK
APACHE COUNTY SUPERIOR COURT

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

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

Civil Case No. CV 6417-400

OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) DON E. HUNSAKER

Mailing Address P.O. Box 667 Show Low, AZ. 85902

Telephone No. 480-215-3594

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

WE AS CATTLE RANCHERS & WHO HAS LAND THAT

WILD-LIFE ROAM'S ON IS NEEDFULL OF WATER TO CARE

FOR THESE CREATURES AND EARN A LIVING AS WELL. THIS

IS A VITAL NECESSITY FOR HUMAN & WILD-LIFE TO EXIST.

I THERE-FOR OBJECT AN SO WISH TO BE CLASSIFIED AS SUCH.

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CERTIFICATE OF SERVICE

On this 3~~RD~~ day of FEB, 2020, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:

Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020.**



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) SUE E FOUNTAIN

Mailing Address PO Box 1419

LAKE SIDE AZ 85929

Telephone Number 928-358-3325

FILED

DOCKETED BY:

FH

2019 SEP -9 AM 11:20

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

ANGEL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) DON E. OR JEANNE E. HUNSEKER REVOCABLE LIVING TRUST.

Mailing Address P.O. Box 667
5 How Low, AZ. 85902

Telephone No. 480-215-3594

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

my usage of water from all 4 of my REGISTERED wells in
NAVATO CO. AZ. is only BEING USED TO WATER PLANT LIFE (GREENHOUSE & GARDENS) AND
A SMALL AMOUNT FOR DOMESTIC USE. I AM VERY CONSERVATIVE WITH
MY WATER & I BELIEVE LIVELYHOOD OF THE HUMAN BEINGS THAT IS SERVED
is PARIMOUNT IN MY USAGE FOR THE FUTURE DEMAND FOR HUMAN LIFE
TO EXIST!! THIS IS MY ONLY SOURCE OF WATER FOR 3-OF MY WELLS!!

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CERTIFICATE OF SERVICE

On this 5TH day of SEPTEMBER, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.

Don E. Hunsaker "TELISTEE"
Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY: *35*

2019 AUG -5 PM 12:35

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE
ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) *Emerson Y. Nez*

Mailing Address *PO Box 607
Winslow, AZ 86047*

Telephone No. *928 289 0244*

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

*I'd like to keep the
grandfather rights in place.*

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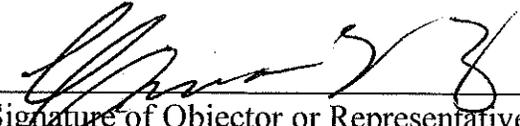
CERTIFICATE OF SERVICE

On this 2 day of August, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020.**



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) Emerson Metz

Mailing Address PO Box 607, Winslow AZ 86092

Telephone Number 928 2890244

FILED

DOCKETED BY: WA

2019 AUG 19 PM 12: 29

1 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

2 **IN AND FOR THE COUNTY OF APACHE**

ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COUR

3
4 IN THE GENERAL ADJUDICATION
5 OF ALL RIGHTS TO USE WATER IN
6 THE LITTLE COLORADO RIVER
7 SYSTEM AND SOURCE

Civil Case No. CV 6417-400

8 **OBJECTION TO TECHNICAL**
9 **REPORT CONCERNING CERTAIN**
10 **WATER USES IN THE LOWER**
11 **LITTLE COLORADO RIVER**
12 **SUBWATERSHED**

(Special Master Susan Ward Harris)

13 **OBJECTOR**

14 Name (printed) ERIC DAWSON

15 Mailing Address 4350 Appaloosa Rd.

16 SNOW FLAKE AZ 85397

17 Telephone No. 760-877-9686

18 Statement of Claimant No. (if filed) _____

19 **STATEMENT OF OBJECTION**

20 Please describe reasons for the objection below (or in a separate attachment) and complete
21 the next page.

22 _____
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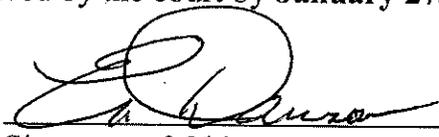
CERTIFICATE OF SERVICE

On this 14 day of August, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) ERIC DAWSON & MARY DAWSON

Mailing Address 4350 APPALOOSA RD. SNOW FLAKE
AZ 85397

Telephone Number 760-877-7686

To whom it may concern

In regards to the letter we received 730-2019 Civil case # CV6417-400. We were confused as we only have a well for domestic use, no live stock, stock pond or wild life purposes. We have no pond. My wife & I are retired & only use our well for domestic use. Our well was drilled by Kelly well drilling with a permit. We contacted Mark Russell, Navajo Superior Court for clarification. He suggested we submit this to you. We object to having our water rights to a domestic well in jeopardy. Without our LEGAL WELL

We have nothing on our 4.5 acres of paradise. We have owned this property and have paid taxes for 74 years

We object to your Intrusion
owners Eric & Merry
Dawson

August 14TH
2019

FILED

DOCKETED BY: _____

2019 DEC -9 AM 10:21

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

ANNETT HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) ERIC HAMBLIN (For SES 013, LLC)

Mailing Address P.O. Box 609 EAGAR, AZ 85925

Telephone No. 928-333-0151 or 928-245-4594

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

We firmly disagree with any government regulation against
use of water naturally occurring on this property. This is a
natural spring used for livestock. We also disagree
with regulations against personal wells for domestic/home/
garden use.

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CERTIFICATE OF SERVICE

On this 23 day of OCTOBER, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) ERIC HAMBLIN

Mailing Address PO BOX 609 EAGAR, AZ 85925

Telephone Number 928-333-0151 OR 928-245-4594

Requested by:

When recorded, mail to:

SES 013, LLC
P.O. Box 609
Ephraim, AZ 86925

2019-006442

Page 1 of 1

OFFICIAL RECORDS OF APACHE COUNTY

EDISON J. WAUNEKA, RECORDER

10-17-2019 04:47 PM Recording Fee \$30.00

Parcel ID: 104 10008 A

QUIT CLAIM DEED

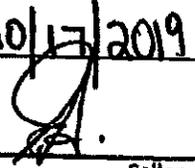
Exempt B7.

For consideration of ten dollars and other valuable considerations, I or we, HAMBLIN AND ASSOCIATES, LLC

hereby quit-claim to SES 013, LLC, an Arizona Limited Liability Company

all right, title or interest in the following real property situated in Apache County, ARIZONA:

Section: 4 Township: 8N RANGE: 29E BEG NE COR LOT 2 BLK 4,
S 482.7' N 181.4' N 482.7' E 181.4' TO POB

Dated: 10/17/2019


Seller signature

State of Arizona)

County of APACHE)

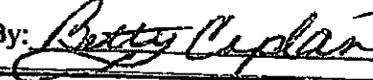
OFFICIAL RECORDS OF
APACHE COUNTY RECORDER
LENORA Y. FULTON

The foregoing instrument is a full, true and correct
copy of the original recorded in this office.

Instrument Date: 10/23/2019 Page(s) 1
2019-006442 Quit Claim Deed

On this 17 day of October, 2019, before me

Appeared Scott Hamblin (MEMBER) - GRAN

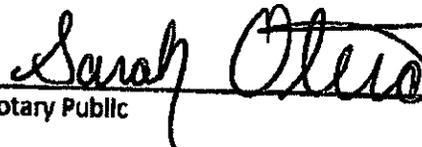
By: 

proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

[Affix Seal Here]



SARAH OTERO
Notary Public - State of Arizona
APACHE COUNTY
My Commission Expires
November 4, 2019


Notary Public

JAN 27 2020

1 Colin F. Campbell, No. 004955
Geoffrey M.T. Sturr, No. 014063
2 Grace E. Rebling, No. 028661
Phillip W. Londen, No. 032488
3 Payslie M. Bowman, No. 035418
OSBORN MALEDON, P.A.
4 2929 North Central Avenue, 21st Floor
Phoenix, Arizona 85012-2793
5 (602) 640-9000
ccampbell@omlaw.com
6 gsturr@omlaw.com
grebling@omlaw.com
7 plonden@omlaw.com
pbowman@omlaw.com

8 Attorneys for the Hopi Tribe
9

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF APACHE**

12
13 IN RE THE GENERAL
ADJUDICATION OF ALL RIGHTS TO
14 USE WATER IN THE LITTLE
COLORADO RIVER SYSTEM AND
15 SOURCE

Case No. CV6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING
CERTAIN WATER USES IN THE
LOWER LITTLE COLORADO
RIVER SUBWATERSHED**

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19 **OBJECTOR**

20 Name (printed) Hopi Tribe

21 Mailing Address P.O. Box 123

22 c/o Office of General Counsel

23 Kykotsmovi, Arizona 86039

24 Telephone No. (928) 734-3143

25 Statement of Claimant No. (if filed) See Hopi Tribe's Fourth Amended

26 Statement of Claimant for Lands Outside the Main Reservation, Exh. 7 (providing

27 indices of existing SOCs filed for the Hopi Tribe's Off-Reservation Fee Lands)

28

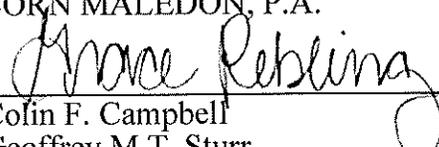
1 **STATEMENT OF OBJECTION**

2 The Hopi Tribe has no objection to the Technical Report Concerning Certain
3 Water Uses in the Lower Little Colorado River Subwatershed filed July 30, 2019. The
4 Hopi Tribe notes that the formula used by ADWR to estimate the capacity of stockponds
5 in the Lower Little Colorado River Subwatershed differs from the formula used by the
6 Hopi Tribe in its Fourth Amended Statement of Claimant. See Hopi Tribe's Fourth
7 Amended Statement of Claimant for Lands Outside the Main Reservation, Exh. 11
8 (Method of Measuring or Estimating Quantities of Use). ADWR estimated impoundment
9 capacity using a formula developed from its field survey of stockponds in the
10 subwatershed. The Hopi Tribe estimated impoundment capacity using the formula
11 developed by NRCE for the Hopi Reservation. Insofar as ADWR's formula was based
12 on a regression analysis developed for the subwatershed, the Hopi Tribe believes it is the
13 better formula to be used in this subproceeding. The Hopi Tribe therefore reserves the
14 right to amend or conform its claims to the regression analysis and formula developed by
15 ADWR for estimating impoundment capacities.

16 The Hopi Tribe reserves the right to participate in future proceedings to address
17 the appropriate de minimis standard for stockpond and stock and wildlife watering uses
18 in the Lower Little Colorado River Subwatershed.

19 DATED this 27th day of January, 2020.

20 OSBORN MALEDON, P.A.

21 By 

22 Colin F. Campbell

23 Geoffrey M.T. Sturr

24 Grace E. Rebling

25 Phillip W. Londen

26 Payslie M. Bowman

27 2929 North Central Avenue, 21st Floor

28 Phoenix, Arizona 85012-2793

Attorneys for the Hopi Tribe

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CERTIFICATE OF SERVICE

The original and one copy of the foregoing sent via FedEx Overnight this 27th day of January, 2020 to:

Clerk of the Superior Court
Apache County
70 W. Third South
St. Johns, AZ 85936

One copy of the foregoing hand-delivered this 27th day of January, 2020 to:

Susan Ward Harris
Special Master
Central Court Building, Suite 3A
201 West Jefferson
Phoenix, AZ 85003-2205

Copies of the foregoing were sent this 27th day of January, 2020, to all parties on the court-approved mailing list for CV6417-400 dated January 2, 2020 by First Class U.S. Mail.


#8382887_1

FILED

DOCKETED BY: 47

2019 AUG 16 PM 12: 54

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

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) James Amster *AMSTER*

Mailing Address 1623-S-209 Ave
Buckeye AZ 85326

Telephone No. 520-306-0236

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

This does not apply to me because
of minimum water user
well is located on parcel # 205-341E
1580 XAVIER Rd. Pinedale AZ 85934
No livestock stock pond etc
Just domestic use. Temp address is
lot 7 Juniper Rd. Ranch NM - HL 61 Box
847 Ranch NM - 505 783-2444
Jim Amster

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CERTIFICATE OF SERVICE

On this ____ day of _____, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY: _____

2019 NOV -6 AM 11:39

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

ANNETTE HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

 **COPY**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) Jason Morgan

Mailing Address 10 Markeen Rd, Morenci, AZ 85540

Telephone No. (928) 965-1346

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

I object to using water in Lower Little Colorado
River subwatershed for two reasons; my land is
parcel # 102-64-053 located in Nutrioso, AZ which is in
Upper LCR or Upper Salt subwatersheds and I do not
have power hooked up to my well in order to
pump water out since I do not have a home there.

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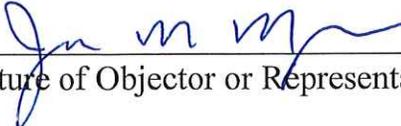
CERTIFICATE OF SERVICE

On this 4th day of November, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020.**



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY: _____
2020 JAN 27 PM 12:

ANNELL HOUNSHELL, CL
APACHE CO SUPERIOR C.

CERTIFICATE OF SERVICE

On this 27 day of JAN., ²⁰²⁰2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

~~Via First Class Mail:~~

~~Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936~~

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by January 27, 2020.

Donald J Bawden

John Donald Bawden

Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) JOHN DONALD BAWDEN OR DONALD J BAWDEN

Mailing Address P O BOX 2

VERNON AZ 85940

Telephone Number 928-245-6110

A TRUSTEE FOR THE D & F IRREVOCABLE TRUST
P O BOX 2
VERNON AZ 85940
928-245-6110

STATEMENT OF CLAIMANT FORM FOR OTHER USES¹

For Departmental Use Only

File No. 39:
Date Filed:
WREN:

LITTLE COLORADO RIVER WATERSHED ADJUDICATION
SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: D+K IRREVOCABLE TRUST TRUSTEE Donald J. Bawden
 Claimant Address: PO Box 2 City VERNON
 State: AZ Zip Code 85940 Telephone 928-537-2346
 TRUSTEE KAY M. Bawden

2. Basis of Claim:
- A. Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
 - B. Appropriation Right acquired after June 12, 1919. Application No. _____
 Permit No. _____ or Certificate of Water Right No. _____
 - C. Decreed water right. Principal litigants, court, date and case no. _____
 - D. Right to withdraw groundwater. Grandfathered Right No. _____
 - E. Other, describe: STOCK TANK FILING # 38-81739
UNITED STATES LAND PATENT, MAY 9, 1912, PAT. NO. 265258

3. Claimed Priority Date: 1/1933 (month/day/year)

4. Use:
- A. Municipal
 - B. Commercial or Industrial
 - C. Mining
 - D. Stockwatering other than from a stockpond
 - E. Recreation, Fish & Wildlife
 - F. Other, describe:
ORCHARD IRRIGATION
TREES + SHRUBS
METAL STOCK TANK

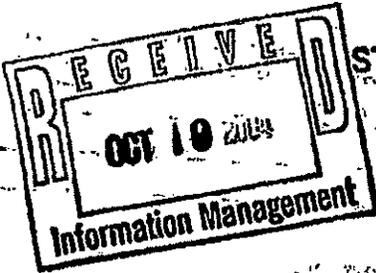
5. Source of Water:
- A. Stream: name _____, tributary to _____
 - B. Spring: name See ATTACHED SHEET, tributary to UNKNOWN
 - C. Lake or Reservoir: name _____, tributary to _____
 - D. Groundwater.

6. Legal description of the Point of Diversion: (attach additional sheet if required)
S W 1/4, S W 1/4, _____ 1/4, Section 34, Township 10 N, Range 25 E

7. If there are Irrigation, Domestic or Stockpond Uses also supplied from the Point of Diversion, describe: STOCK POND # 38-81739.1 - ORCHARD IRRIGATION - LIVESTOCK - WILDLIFE SPRAWLER SYSTEM

8. Means of Diversion:
- A. Instream pump.
 - B. Gravity flow into a ditch, canal or ~~pipe~~ pipe.
 - C. Well: Arizona Department of Water Resources Well Registration No. 55- _____
 - D. Other, describe: _____

¹ See Instructions for explanation of uses in this category



STATEMENT OF CLAIMANT FORM FOR IRRIGATION USE

For Departmental Use Only
File No. 39- (03) 93769
Date Filed: 10/19/2004
WFN

LITTLE COLORADO RIVER WATERSHED ADJUDICATION SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: D & K IRREVOCABLE TRUST TRUSTEE DONALD J. BANDEN OR TRUSTEE RAY M. BANDEN
Claimant Address: P.O. Box 2 City: VERNON
State: AZ Zip Code: 85940 Telephone: 928-537-2346

2. Basis of Claim:
A. [] Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No.
B. [X] Appropriation Right acquired after June 12, 1919. Application No. Permit No. or Certificate of Water Right No. 55-588037
C. [] Decreed water right. Principal litigants, court, date and case no.
D. [X] Right to withdraw groundwater.
E. [X] Other, describe: UNITED STATES LAND PATENT, MAY 9, 1912, PAT. NO. 265258.

3. Source of Water:
A. [] Stream: name, tributary to
B. [] Spring: name, tributary to
C. [] Lake or Reservoir: name, tributary to
D. [X] Groundwater.

4. Legal description of the Point of Diversion: (attach additional sheet if required)
SE 1/4, SE 1/4, NE 1/4, Section 21, Township 10 N18, Range 25 E10

5. If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:
Stock Pond # 35-81739.1 - ORCAD. IRRIGATION - LIVESTOCK - WILDLIFE - SPRINKLER SYSTEM

6. Means of Diversion:
A. [] Instream pump.
B. [] Gravity flow into a ditch, canal or pipeline.
C. [X] Well: Arizona Department of Water Resources Well Registration No. 55-588037
D. [] Other, describe:

7. Means of Conveyance:
A. [X] Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address:
B. [] Other, describe:

39-93772

STATEMENT OF CLAIMANT FORM FOR STOCKPOND USE

For Departmental Use Only

File No. 39
Division
Year

LITTLE COLORADO RIVER WATERSHED ADJUDICATION
SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: DFK IRREVOCABLE TRUST TRUSTEE DONALD J. BAWDEN
 TRUSTEE KAY M. BAWDEN
 Claimant Address: P.O. Box 2 City VERNOB
 State: ARIZ. Zip Code 85940 Telephone 928-245-6110

2. Basis of Claim:

A. Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____

B. Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____ or Certificate of Water Right No. _____

C. Right acquired through the 1977 Stockponds Registration Act. Claim No. _____

D. Decreed water right. Principal filigants, court, date and case no. _____

E. Other, describe: UNITED STATES LAND PATENT MAY 9, 1912 PAT. NO. 265258

3. Claimed Priority Date: 1, 1933 (month/day/year)

4. Source of Water:

A. Stream, wash or arroyo: name _____ tributary to _____

B. Is water supplied from a source other than natural channel flow into the stockpond?
 Yes No If yes, describe: DITCH, WELL PUMP

5. Legal description of the location of the stockpond: (attach additional sheet if required)
SE 1/4 SE 1/4 NE 1/4, Section 21, Township 10 N10, Range 25 E10
IN THE COUNTY OF APACHE ARIZONA

6. If there are other uses supplied by the stockpond or its water source, describe: LIVESTOCK
WILDLIFE, FISH, ORCHARD IRRIGATION SPRINKLER SYSTEM
ALL SURFACE DRAINAGE WATER (CRUNOFF)

7. Description of the Stockpond:

A. Name or other designation: NONE

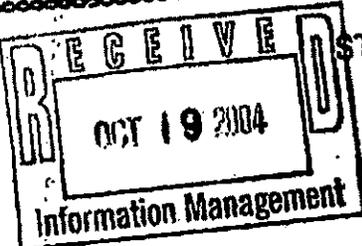
B. Dam specifications:
 1) Date construction began: _____ and ended 1933
 2) Height, 10 ft.
 3) Does dam have an outlet structure other than spillway? Yes No

C. Reservoir behind dam:
 1) Date water first stored: 1, 1933 (month/date/year)
 2) Maximum length: 130 ft.
 3) Maximum width: 58 ft.
 4) Maximum depth of water at spillway crest: 10 FT 11 IN. ft.
 5) Maximum storage volume at spillway crest: 6 Acre-Feet

STOCK POND
Well

39-93769

For Departmental Use Only



STATEMENT OF CLAIMANT FORM
FOR
DOMESTIC USE

(03)
10/19/2004



LITTLE COLORADO RIVER WATERSHED ADJUDICATION
SUPERIOR COURT OF APACHE COUNTY

Claimant Name: D&K IRREVOCABLE TRUST TRUSTEE DONALD J. BAWDEN OR KAY M. BAWDEN
Claimant Address: PO BOX 2 City VERNON
State: AZ Zip Code 85940 Telephone 928-537-2346
928-245-6110

2. Basis of Claim:

- A. Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
- B. Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____ or Certificate of Water Right No. 55-588037
- C. Decreed water right. Principal litigants, court, date and case no.: _____
- D. Right to withdraw groundwater.
- E. Other, describe: UNITED STATES LAND PATENT, MAY 9, 1912, PAT. NO. 265258

3. Claimed Priority Date: JULY 2001 (month/day/year)

4. Source of Water:

- A. Stream: name _____, tributary to: _____
- B. Spring: name _____, tributary to: _____
- C. Lake or Reservoir: name _____, tributary to: _____
- D. Groundwater

5. Legal description of the Place of Use and the Point of Diversion: (attach additional sheet if required)
County APACHE Section 21 Township 10 N10 Range 25 E08

Legal Subdivision: (one of the following)
SE 1/4, SE 1/4, NE 1/4 of the Section; or

Assessor Book No. _____ Map No. _____ Parcel No. _____ or
Subdivision Name _____ Block No. _____ Lot No. _____

6. If there are Irrigation, Stockpond or Other Uses supplied from the point of diversion, describe: ORCHARD IRRIGATION
STOCK POND # 39-81739.1 LIVESTOCK - WILDLIFE
SPRINKLER SYSTEM

7. Means of Diversion:

- A. Instream pump.
- B. Gravity flow into ditch, canal or pipeline.
- C. Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. A (10-25) 71 ADD
- D. Other, describe _____

Surface Water (for given location)

NAME: APACHE INVESTMENTS INC

36-81735.1 ACTIVE - FULL 6/25/1979 12/31/1991 NAVAJO LOWER CASIMERO SPRING LITTLE COLORADO RIVER

PRIVATE SW SW 34 10N 25E Point of Diversion ANNUAL USE 104.00 Acre-Feet Per Annum

21 10N 25E Place of Use IRRIGATION STOCK

22 10N 25E Place of Use

27 10N 25E Place of Use

28 10N 25E Place of Use

36-81736.1 ACTIVE - FULL 6/25/1979 12/31/1992 NAVAJO PULCFER CREEK LITTLE COLORADO RIVER

PRIVATE W2 34 10N 25E Point of Diversion ANNUAL USE 150.00 Acre-Feet Per Annum

21 10N 25E Place of Use IRRIGATION STOCK

22 10N 25E Place of Use

27 10N 25E Place of Use

28 10N 25E Place of Use

36-81738.1 ACTIVE - FULL 6/25/1979 12/31/1991 NAVAJO UPPER CASIMERO SPRING LITTLE COLORADO RIVER

PRIVATE SW SW 34 10N 25E Point of Diversion ANNUAL USE 104.00 Acre-Feet Per Annum

21 10N 25E Place of Use IRRIGATION STOCK

22 10N 25E Place of Use

27 10N 25E Place of Use

28 10N 25E Place of Use

NAME: BUTLER FARMS INC

BB-6112 ACTIVE - FULL 6/11/0 12/31/1908 12/31/1908 APACHE MINERAL CREEK LITTLE COLORADO RIVER

PRIVATE NW NE 21 10N 25E Place of Use DOMESTIC

NE NW 21 10N 25E Place of Use IRRIGATION 4.50 Acre-Feet Per Annum

NE NE 24 10N 24E Place of Use STOCK 5,475,000.00 Gallons Per Annum

BB-6122 ACTIVE - FULL 6/12/0 12/31/1903 12/31/1903 APACHE MINERAL CREEK LITTLE COLORADO RIVER

PRIVATE SE NE 21 10N 25E Place of Use DOMESTIC

SW NE 21 10N 25E Place of Use IRRIGATION 4.50 Acre-Feet Per Annum

NE NW 33 10N 25E Place of Use STOCK

NAME: D & K IRREVOCABLE TRUST

38-81739.1 ACTIVE - FULL 6/29/1979 12/31/1933 APACHE SEPULVRE CREEK DRAW LITTLE COLORADO RIVER

PRIVATE SE NE 21 10N 25E Point of Diversion ANNUAL USE 6.00 Acre-Feet Per Annum

SE NE 21 10N 25E Place of Use STOCK

NE SE 21 10N 25E Place of Use

THIS REPORT CONTAINS INFORMATION FROM THE SURFACE WATER RIGHTS DATABASE OF THE ARIZONA DEPARTMENT OF WATER RESOURCES. THIS INFORMATION SHOULD BE VERIFIED BY EXAMINING COPIES OF THE SURFACE WATER RIGHTS FILINGS LISTED IN THE SPREADSHEET. THESE COPIES ARE AVAILABLE ON THE DEPARTMENT'S WEBSITE AT WWW.AZWATER.GOV IN THE DOCSHARE LINK.

9. Means of Conveyance:

- A. Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
- B. Other, describe: _____

10. Place of Use, if other than point of diversion: (attach additional sheet if required)

County APACHE Section 21 Township 10 Range 25 E/WP
 Legal Subdivision SE 1/4 SE 1/4 NE 1/4 N/S E/W

11. Claimed Right:

- A. Maximum Flow Rate: UNKNOWN cubic-feet per second
INTERMITTENT gallons per minute
 Arizona miner's inches
- B. Annual Volume of Water Use: 6 acre-feet
- C. Storage Right: 6 acre-feet

12. Attach photographs, maps or sketches necessary to show the point of diversion, storage reservoir(s) place(s) of use and means of conveyance.

13. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant TRUSTEE Donald J. Bant

14. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? CALL FIRST TO BE SURE I WILL BE HERE

15. Additional comments: _____

(attach additional sheet if required)

16. Attach Filing Fee to Form. Mail form(s) and fee(s) to:

AZ DEPT OF WATER RESOURCES
 ADJUDICATION SECTION
 PO BOX 458
 PHOENIX AZ 85001-0458

17. Notarized Statement:

I (We), _____ the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.

(seal)

My Commission Expires _____

Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

Arizona Department of Water Resources
15 South 15th Avenue
Phoenix, Arizona 85007

APPLICATION FOR ASSIGNMENT

Filed: _____
(Date)

(Note: General and special instructions are on the reverse of this form.)

In accordance with Arizona Revised Statutes § 45-164.B, the undersigned parties hereby request the assignment of the following water rights or claims, in whole, or in part:

<u>Fee</u>		<u>Registry Number</u>
\$5.00	Application For Permit to Appropriate Public Water No. 33(A & R)-	_____
\$5.00	Permit to Appropriate Public Water No. 33(A & R)-	_____
\$5.00	Certificate of Water Right No. 33(A, R & BB)-	_____
\$5.00	Statement of Claim of Right-Registration No. 36-	_____
\$5.00	Claim for Stockpond Water Rights Application No. 38-	_____
\$5.00	Stockpond Water Right Certificate No. 38-	<u>81739</u>

(Note: Use attachment for listing of additional water rights or claims)

SELLER(S)/ASSIGNOR(S):

Name WALTER STONIS
(Print or Type)
Address 51764 Raso Lane
Phoenix, AZ 85018
Phone No. (602) 774 1323

[Signature]
SIGNATURE
7th March 1993
(date signed)

BUYER(S)/ASSIGNEE(S):

ON IRREVOCABLE TRU
Name TRUSTEE DONALD T BAIRD
OR TRUSTEE (Print or Type) M BAW
Address P.O. BOX 2
VERNON AZ 85940
Phone No. () _____

[Signature]
SIGNATURE
TRUSTEE DONALD T BAIRD
(Please Print or Type Name)
MARCH 6 1993
(date signed)

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1581
Fax (602) 256-0506



FIFE SYMINGTON
Governor

RITA P. PEARSON
Director

April 13, 1993

Mr. Warner Stevens
517 West Rose Lane
Phoenix, Arizona 85013

Re: Assignment (Conveyance) of Claim of Water Right for Stockpond Application No.
38-81739.0001.

From: Warner Stevens
To: D & K Irrevocable Trust, Trustee Donald or Ray M. Bawden

Dear Mr. Stevens:

The referenced assignment action has been completed as required by Arizona Revised Statutes, 45-163 and -164. The official records of the Department have been revised to indicate the name and address of the current holder of the referenced claim. Enclosed please find a receipt for the previously submitted payment of the assignment processing fee.

Please call me at the above telephone number if you have further questions regarding the assignment application process.

Yours truly,

Louise Hutchinson

Louise Hutchinson
Surface Water Rights Specialist
Operations Division

Enclosure

lh

Notice is hereby given that on the 29 day of June, 1979,
Warner Stevens, P.O. Box 231, Vernon, Arizona 85940 filed
Claim of Water Right for a Stockpond No. 38-81739 with the Arizona
Water Commission pursuant to the provisions of Article 8, Chapter 1, Title 45 of
Arizona Revised Statutes.

The name of the stockpond is None and it is
described as being located in the SW ¼ SW ¼ Section 34, Township 10 N,
Range 25 E, G&SRB&M, Apache County, Arizona.

MATERIAL FACTS OF CLAIM
(as certified by claimant)

1. Date of construction of the stockpond 1933
2. Capacity of stockpond on August 29, 1977 was 6 acre-feet.
3. The stockpond was constructed and is used for the sole purpose of watering livestock or wildlife, including fish.
4. The pond is not used primarily for fishing or culturing of fish.
5. The stockpond was not the subject of water rights litigation or protest to the Commission prior to August 29, 1977.

PROTEST

Any person affected may, within sixty (60) days of the issuance of this Notice, file a written protest to the claim with the Arizona Water Commission, 222 N. Central Ave., Suite 800, Phoenix, Arizona 85004. The protesting person shall send a copy of the protest to the Claimant.

By law, the grounds for protest are that the claim contains a misstatement of one or more of the MATERIAL FACTS set out above.

The protest shall be in writing and shall state:

1. The name and address of the protesting party;
2. The location of the protesting party's point of diversion of water with respect to the claimant's stockpond;
3. The grounds for protest;
4. That a copy of the protest has been mailed or delivered to the Claimant.

Issued at Phoenix, Arizona

Arizona Water Commission

June 10, 1980
H. Butler, Box 447, ShowLow, Arizona 85901
Carlock Bros., 516 Luhrs Bldg., Phoenix, Arizona 85003

EXHIBIT 3

AMENDED NOTICE

Arizona Water Commission
222 N. Central Ave., Suite 800
Phoenix, Arizona 85004

NOTICE OF CLAIM OF WATER RIGHT
FOR A STOCKPOND

Notice is hereby given that on the 29 day of June, 1979,
WARNER STEVENS,
P.O. Box 231, Vernon, AZ 85940 filed

Claim of Water Right for a Stockpond No. 38-81739 with the Arizona
Water Commission pursuant to the provisions of Article 8, Chapter 1, Title 45 of
Arizona Revised Statutes.

The name of the stockpond is None and it is
SE¹/₄ NE¹/₄
described as being located in the NE ¹/₄ SE ¹/₄ Section 34, Township 10N,
Range 25#, G&SRB&M, Apache County, Arizona.

MATERIAL FACTS OF CLAIM
(as certified by claimant)

1. Date of construction of the stockpond 1933
2. Capacity of stockpond on August 29, 1977 was 6 acre-feet.
3. The stockpond was constructed and is used for the sole purpose of watering livestock or wildlife, including fish.
4. The pond is not used primarily for fishing or culturing of fish.
5. The stockpond was not the subject of water rights litigation or protest to the Commission prior to August 29, 1977.

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1581
Fax (602) 256-0506



March 11, 1993

Mr. Warner Stevens
517 West Rose Lane
Phoenix, Arizona 85013

FIFE SYMINGTON
Governor

RITA P. PEARSON
Director

Re: Assignment (Conveyance) of Claim for Stockpond Water Right Application No. 38-81739.0000.

Dear Mr. Stevens:

Enclosed please find your recently submitted application for assignment of the referenced water right claim and Check No. 1058 for \$5. The Department is unable to process your application because documentation of land ownership change was not included.

In Arizona, rights to the beneficial use of public, or appropriable, water are attached to the land at the place of use. The Department must see evidence of a change in the ownership of land on which the particular water right or claim is located. This document, which may include a deed or lease, must show by map or describe by legal land notation the land involved in the transaction.

The Department of Water Resources will process for assignment only those water rights or claims listed on or attached as a listing to the assignment application form. Any other active water rights or claims of record not listed on the form, but which are appurtenant to the lands or lease involved in the transaction, will not be processed.

Your cooperation in complying with our request and returning the application with the necessary documentation will assist the Department in processing your application. Please contact me at the above telephone number if you have further questions regarding the assignment process.

Yours truly,

A handwritten signature in cursive script that reads "Louise Hutchinson".

Louise Hutchinson
Surface Water Rights Specialist
Operations Division

Enclosures

lh

Parcel 1, in docket 304, page 127, beginning at a point 514 feet north and 50 feet west of the quarter corner between sections 21 and 22, township 10 north, range 25 east of the Gila and Salt River base and Meridian, Apache County, Arizona; thence 198 feet north; thence 462 feet west; thence 198 feet south; thence 462 feet east to the point of beginning.

Except any portion thereof lying within first West Street, Center Street, Second South Street and block 13 of Vernon Townsite, as shown on the plat thereof recorded in Book 1 of Townsite Maps page 16, records of Apache County.

Parcel 2, in docket 710, page 398, a portion of the northeast quarter of section 21, Township 10 north, range 25 east of the Gila and Salt River meridian, Apache County, Arizona described as follows: beginning at the east quarter corner of said section 21; thence north 00 degrees 25 minutes 45 seconds east along section line of deed described in docket 304, page 127, records of Apache County, a distance of 721.72 feet to a point on the westerly line of the southerly prolongation of the Vernon Townsite, recorded in Book 1 of Townsite Plats, page 16, records of Apache County; thence south 00 degrees 25 minutes 45 seconds west a distance of 535.94 feet to a point on the south line of said northeast quarter, section 21; thence north 88 degrees 41 minutes 165 seconds east along the mid section line a distance of 722.06 feet to the point of beginning. Subject to a road and utility easement over the easterly 33 feet thereof. These two parcels are adjoined.

✓ Casimero Spring (Upper and Lower)

The point of diversion is within SW 1/4, SW 1/4, Section 34, of Township 10N, Range 25E, in the County of Apache.

Pulcifer Creek

The point of diversion is within SW 1/4, NW 1/4, Section 34, of Township 10N, Range 25E, in the County of Apache.

Sepulvre Creek

The point of diversion is within SE 1/4, SE 1/4, Section 28, of Township 10N, Range 25E, in the County of Apache.

For the consideration of Ten Dollars, and other valuable considerations,

WARNER STEVENS and BETTY J. STEVENS, Husband and wife

hereby quit-claim to D & K IRREVOCABLE TRUST - Trustee: JOHN DONALD BAWDEN AKA DONALD

JOHN BAWDEN; Trustee: KAY M. BAWDEN

all right, title, or interest in the following real property situated in
Apache County, Arizona:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

AFFIDAVIT EXEMPT PURSUANT
TO ARS 42-1614 A-4

Dated this 8th day of March, 1993

Warner Stevens
Warner Stevens

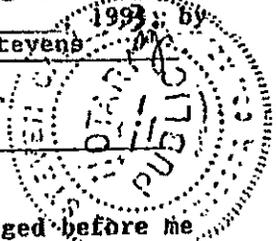
Betty J. Stevens
Betty J. Stevens

STATE OF ARIZONA)
)ss.
County of Navajo)
 Maricopa

This instrument was acknowledged before me
this 8th day of March, 1993, by
Warner Stevens and Betty J. Stevens

My Commission Expires:
My Commission Expires July 18, 1993

J. Udall
Notary Public



STATE OF ARIZONA)
)ss.
County of Navajo)

This instrument was acknowledged before me
this ___ day of _____, 1991, by

My Commission Expires:

Notary Public

APR 1

INSTRUMENT # 93001468
OFFICIAL RECORDS OF
APACHE COUNTY
JEANNE UDALL

REQUEST OF:
WARNER STEVENS
DATE: 03/11/93 TIME: 11:30
BOOK: 710 PAGE: 397 - 398

EXHIBIT A
LAND DESCRIPTION

Parcel 1

A portion of the Northeast quarter of Section 21, Township 10 North, Range 25 East of the G11a and Salt River Meridian, Apache County, Arizona described as follows:

Beginning at the East quarter corner of said Section 21; Thence North 00 degrees 25 minutes 45 seconds East along section line a distance of 514 feet; Thence North 89 degrees 34 minutes 15 seconds West along the southerly line of deed described in Docket 304, page 127. records of Apache County, a distance of 721.72 feet to a point on the westerly line of the southerly prolongation of the Vernon Townsite, recorded in Book 1 of Townsite Plats. Page 16, records of Apache County; Thence South 00 degrees 25 minutes 45 seconds West a distance of 535.94 feet to a point on the South line of said Northeast quarter, Section 21; Thence North 89 degrees 41 minutes 16 seconds East along the mid-section line a distance of 722.06 feet to the point of Beginning.

Subject to a Road and Utility Easement over the Easterly 33 feet thereof.

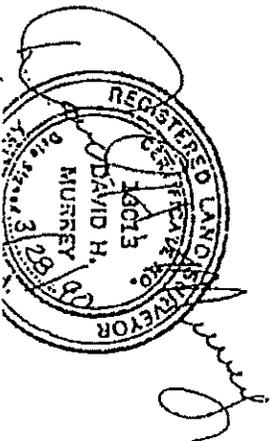


EXHIBIT - 14

**IN THE SUPERIOR COURT
STATE OF ARIZONA**

Ff

**IN AND FOR THE
COUNTY OF APACHE**

**THE ST. JOHNS IRRIGATION COMPANY
AND THE MEADOWS RESERVOIR IRRIGA-
TION COMPANY, Corporations, et al, Plaintiffs**

VS.

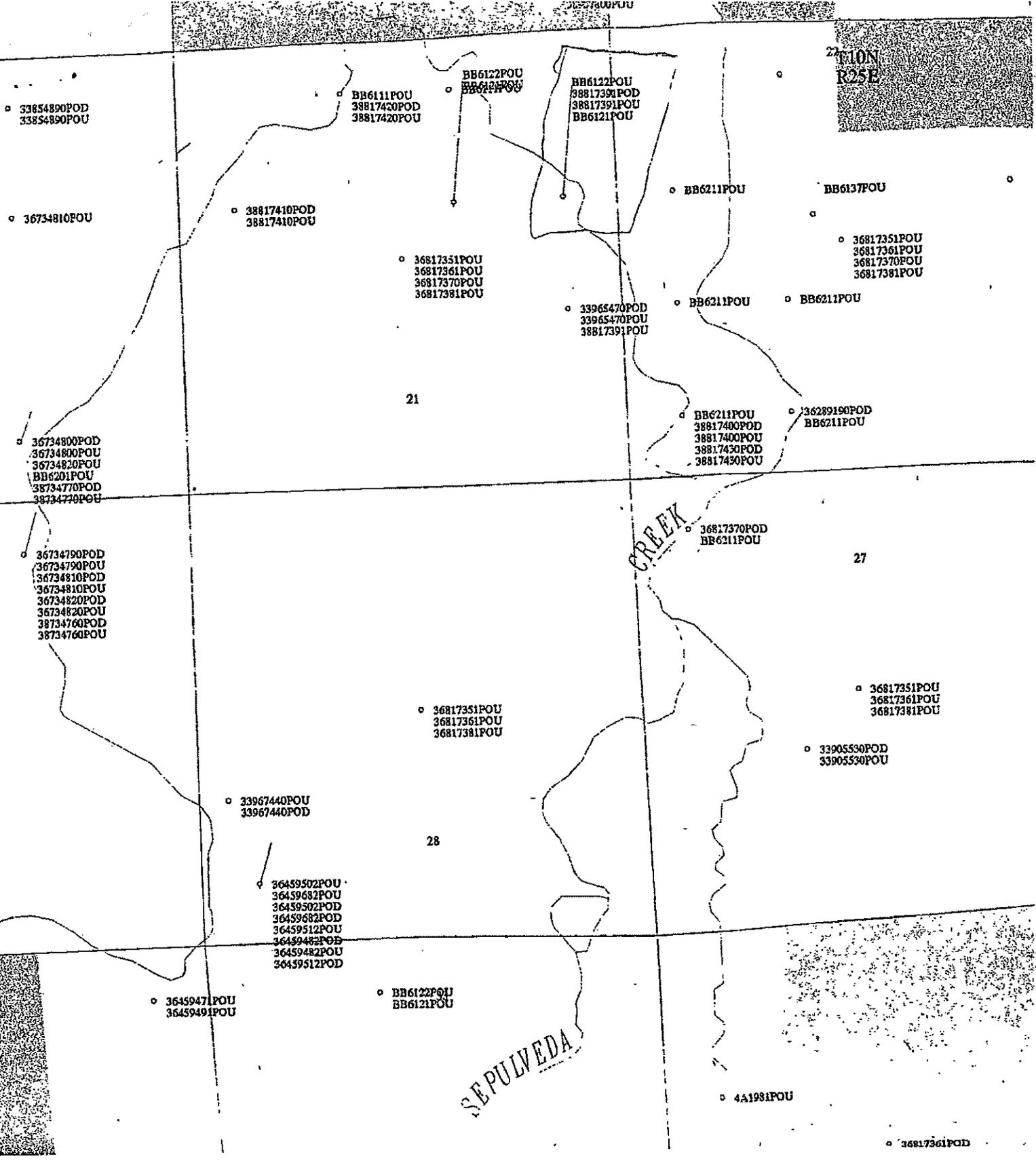
**ROUND VALLEY WATER STORAGE & DITCH
COMPANY, EAGAR IRRIGATION COMPANY,
SPRINGERVILLE WATER RIGHT AND
DITCH COMPANY, Corporations, et al,
Defendants**

FINAL DECREE

Dated April 29, 1918

and

MODIFICATIONS



33854890POD
33854890POU

36734810POU

38817410POD
38817410POU

BB6111POU
38817420POD
38817420POU

BB6122POU
BB6121POU

BB6122POU
38817391POD
38817391POU
BB6121POU

SECTION
25E

BB6211POU

BB6137POU

36817351POU
36817361POU
36817370POU
36817381POU

36817351POU
36817361POU
36817370POU
36817381POU

33965470POD
33965470POU
38817391POU

BB6211POU

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36734800POD
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36734820POU
BB6201POU
38734770POD
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38817400POD
38817400POU
38817430POD
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36289190POD
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36459491POU

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FILED

DOCKETED BY: 416

2019 AUG 15 PM 12:09

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

ANNELL HOONSHHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) John & Sharon ALLBRITTON

Mailing Address 3958 Hidden Ranch R

Snowflake Az 85937

Telephone No. 928 243 2569

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

This does not pertain to us, we have 5 acres

no livestock or stockponds. Thank You

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CERTIFICATE OF SERVICE

On this Aug day of 8-19, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:

Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY: 38

2019 AUG -7 AM 11:35

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

APACHE CO SUPERIOR COURT
SHELL, CLERK

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) JOSEPH L. LAFLIN

Mailing Address 3832 HIDDEN RANCH PL. SNOWFLAKE AZ
85937

Telephone No. 928-241-1967

Statement of Claimant No. (if filed) CV 6417-400

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

I DO NOT HAVE A WATER SHED, A POND OR

A LAKE. I DO NOT HAVE ANY LIVE STOCK NOR

DO I FEED OR SUPPLY WATER TO WILD LIFE.

I ONLY USE WATER FOR HOUSEHOLD USE AND

SOMETIMES A SMALL GARDEN

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CERTIFICATE OF SERVICE

On this 4th day of AUGUST, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

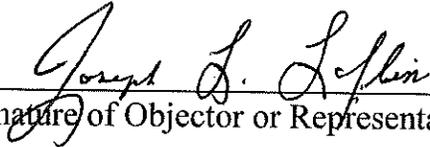
Via First Class Mail:

Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

FILED

58

BOOKETED BY: _____

2019 SEP 13 AM 11:13

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

W. H. HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) Laurie & Michael Cospier

Mailing Address 17105 W. Butler Ave
Waddell, AZ 85355

Telephone No. 602-621-2930

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

The water used at 7627 Johnson Hill
Trl. Snowflake, AZ 85937 is for
personal home use and does not have
an adverse effect on ground water
levels. We own the rights to our
well and the water usage.

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CERTIFICATE OF SERVICE

On this 13th day of August, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:

Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020.**

Ranni Cospes

Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) Laurie Cospes

Mailing Address 17105 W. Butler Ave
Waddell, AZ 85355

Telephone Number 602-621-2930

FILED

DOCKETED BY:

LED

Slot 30, 2019
2019 SEP 30 PM 12:07

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

ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) Matthew Poole

Mailing Address 9250 S. 51st St. Phoenix, Arizona 85044

Telephone No. 480-496-9664 or 602-882-1353

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

Please find attached Statement of Objection:

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1 **CERTIFICATE OF SERVICE**

2 On this 21st day of August, 2019, I certify that the original Objection and
3 two copies were sent by first class mail, or hand delivered, to:

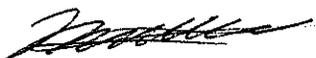
4 **Via First Class Mail:**

5 Clerk of the Superior Court
6 Apache County
7 P.O. Box 365
8 St. Johns, Arizona 85936

4 **Via Hand Delivery:**

5 Clerk of the Superior Court
6 Apache County
7 70 West Third Street South
8 St. Johns, Arizona 85936

8 If you mail your objection to the court, please allow additional time for mailing, so that
9 your objection will be received by the court by **January 27, 2020**.

10 

11 _____
Signature of Objector or Representative

12 If this objection is being submitted by a Representative of the Objector, please provide the
13 following information below or by attachment:

14 Name (printed) _____

15 Mailing Address _____

16 _____
17
18 Telephone Number _____

STATEMENT OF OBJECTION:

My objection to the report is based on damage caused to the Greer Lakes from algal blooms causing Cyanobacteria contamination.

Drought water extraction for irrigation is a contributing factor as is low lake levels.

The current process for draining the Greer Lakes appears to be fully opening discharge until the lakes all drain to the level of discharge pipe.

This practice draws all the lakes down to a low level and promotes algae blooms and Cyanobacterial growth.

This situation is dangerous to lake users, pets and wildlife including the neighborhood bald eagle families.

There is no indication in the current report of the cubic feet of water that need to be provided to irrigate and fill stock ponds below the level of the Greer Lakes nor is there any control or regulation of the flow of water out of these lakes.

Nothing written in this report supports the de minimis claim to this portion of the watershed or provides any quantified estimate of need.

What is clear is the lakes, and Tunnel Lake specifically are damaged by the reduction of water as indicated in attached page 6-119 of Chapter 6 the U.S. Fish and Wildlife Service, Arizona Game and Fish Department, Little Colorado River Watershed Document of January 2011.

Matthew Poole

9250 S. 51st St. Phoenix Arizona 85044

480-496-964 or 602-882-1353

Species	First Year	Last Year	Num. of Stockings	Num. Stocked
Brown trout	1949	1993	26	432,852
Rainbow trout	1935	2009	284	2,715,627
Total			313	3,182,929

A statewide mail-out survey reported that the Greer lakes received a combined use of 38,024 angler use days in 2001 (Pringle 2004), with most use occurring from May through September. On site angler creel surveys in 2001 showed River Reservoir had 25,065 angler use days, Bunch had 10,192 angler use days, and Tunnel had 17,209 angler use days.

The Department intends to stock Apache trout opportunistically, primarily looking for flexibility to stock hatchery Apache trout. Hatchery Apache trout are stocked primarily in streams in the White Mountains and two lakes managed for featured species that are connected to recovery Apache trout streams. Typically the Department does not have enough supply to meet these stocking needs; however, hatcheries occasionally have more Apache trout on station than places into which they can be stocked. This can be caused by very dry years that result in Forest Closures, or low/warm water conditions in some Apache trout stocking sites. The Greer lakes offer good water quality conditions during mid-summer, something that is uncommon amongst lakes in the White Mountains, the critical time when the Department needs additional stocking sites for this species in dry years. The Greer lakes are also adjacent to rainbow/Apache trout stocking site in the LCR at Greer.

These reservoirs are used for irrigation. Water is released into the LCR for use downstream in Springerville and Eagar. Water in River Reservoir is released from a headgate at the dam directly into the LCR. Water in Bunch Reservoir is released through a headgate in the dam and flows into a drainage for 0.4 miles to lower Benny Creek, down Benny Creek for 1.4 miles to Hall Creek, down Hall Creek for 0.3 miles, and into the LCR approximately 2.6 miles downstream of River Reservoir. Water in Tunnel Reservoir is released through a valve to a pipe that flows directly into River Reservoir and ultimately into the LCR through the works on River Reservoir. Most water released is diverted from the LCR at major diversions 7.2 and 11.4 miles downstream of River Reservoir to Round Valley, which may reduce the potential for transport of stocked salmonids into spinedace habitat further downstream (see Complex Analysis, below).

The three reservoirs maintain relatively good water quality year round and usually experience no fish kills. The exception is Tunnel Reservoir, which may be drawn down to approximately 4 to 5 feet of water. Tunnel Reservoir usually experiences strong blue-green algae blooms and sometimes elevated pH levels; extremely low oxygen was recently recorded towards the end of summer in 2008. River Reservoir also experiences strong blue-green algae blooms, but maintains good pH levels. Bunch Reservoir is often somewhat turbid and does not experience heavy algae blooms.

Dog owners in the Southeast are spreading the word about the dangers of contaminated water following the deaths of their beloved pets.

In Wilmington, North Carolina, three dogs died after frolicking in a pond, while another succumbed after a swim in Lake Allatoona, Georgia . A common enemy likely led to the deaths of all four dogs: liver failure brought on by ingesting water contaminated with toxic blue-green algae.

These pets died in the same region, but toxic algae can be found all over the United States -- so dog owners throughout the nation need to be on the lookout.

ADVERTISING



What is toxic algae?

Algae occurs naturally in water, but the blue-green variety are considered Harmful Algal Blooms (HABs). Blue-green algae, also known as cyanobacteria, are "primitive," photosynthetic organisms that can feed off the sun to make their own energy and release oxygen and possibly toxins in the process, said David C. Schmale III, a professor at Virginia Tech.

CLOSE

ADVERTISEMENT

algae and other HABs can produce different types of poisons, some that affect the liver, others the brain.

Schmale said he hasn't seen a coroner's report to verify the causes of death, still he speculates the dogs were thirsty and the water contaminated. "Samples of the water where the dogs were likely exposed will need to be tested" for toxins and bacteria to verify this, though, he said.

Where do these algae grow?

Harmful algae can bloom in both fresh and marine water. They've been observed in large freshwater lakes, smaller inland lakes, rivers, reservoirs and marine coastal areas and estuaries in all 50 states, according to Schmale.

Toxic algae can also grow in decorative ponds as well as backyard pools, providing homeowners with a good reason to properly sanitize swimming water.

CLOSE

ADVERTISEMENT

When high concentrations of these cyanotoxins are consumed, they can poison not only domestic animals but also humans, said Schmale. Contact with toxic algae can cause rashes, stomach cramps, nausea, diarrhea and vomiting.

Not only are these poisons present in water, but they can also accumulate along the food chain. "Ultimately, the entire food web is impacted because these toxins are produced," said Schmale. As a result, food contaminated with HABs have caused a variety of illnesses, and, in the most severe cases, lead to paralysis and respiratory failure, according the US Centers for Disease Control and Prevention.

Eating contaminated shellfish can cause symptoms within 15 minutes or up to 10 hours after finishing a meal. While mostly symptoms are mild, they can include tingling or numbness in the face, arms, and legs, headache, dizziness, loss of coordination and in rare cases, paralysis and respiratory failure.

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Report a typo

CURATION BY

Colorado mom allegedly leaves baby in 116-degree car

Sponsored

What Your Dog Is Trying To Warn About If They Lick Their Paws

Dr. Marty

CLOSE

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) Maurine Heisdorffer

Mailing Address P.O. Box 601 Pine, Arizona 85544

Telephone No. 928-476-2557

Statement of Claimant No. (if filed) "IT was filed"

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

A domestic well was drilled for home use

and it is used for that reason year round.

Everyone that has water in that Subdivision
in Navajo Co. has to rely on well water.

Property Description: Ranch of the Golden Horse #1 Lot 34 BIK 3

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CERTIFICATE OF SERVICE

On this 5 day of August, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

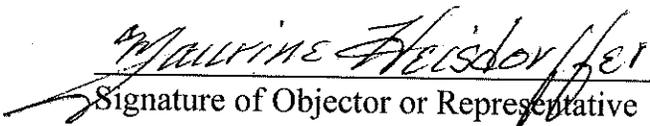
Via First Class Mail:

Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY: 51

2019 SEP 13 PM 1:30

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

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

Civil Case No. CV 6417-400

OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) NELS T Rogers

Mailing Address 9747 S. ave 93/4 E Yuma Az 85365

Telephone No. (928) 726-8833 Home/office (928) 246-8833 cell

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

I would object to anything that would affect my family use of the water that was designated for Irrigation; live stock water on our family's land, we have horses and have had summer gardens in the past. So we ask the court to allow us to continue the use of our water rights.

Thank you
Nels T Rogers

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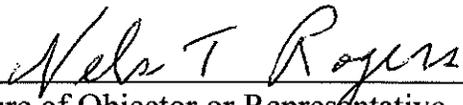
CERTIFICATE OF SERVICE

On this _____ day of _____, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____
Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY: 31

2019 AUG -7 AM 11:34

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE
ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) Nicholas P Carter

Mailing Address P.O. Box 2506

Flagstaff, AZ 86003

Telephone No. 928.774.7600

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

Personal residential ponds that retain water in
a natural way via runoff from roofs & have
a capacity of less than 50,000 gallons of
water should not be considered a concern by
ADWR. Especially when most of the water
percolates right back into the underground
aquifer.

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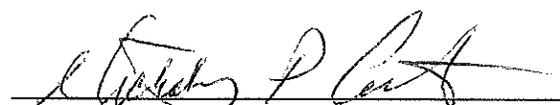
CERTIFICATE OF SERVICE

On this 2nd day of August, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____
Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY:

2020 JAN -9 AM 11:57

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

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

Civil Case No. CV 6417-300

**OBJECTION TO FINAL
HYDROGRAPHIC SURVEY REPORT
FOR CERTAIN WATER USES ON
THE NAVAJO RESERVATION**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed): Paul or Julia Harn

Mailing Address 2613 Bull Elk Drive

Happy Jack AZ 86024

Telephone No. 602.370.5928 or 602.989.2660

Statement of Claimant No. 39- _____

STATEMENT OF OBJECTION

Please reference the proposed water right attributes for the particular claim or claims to which you are objecting, or reference the portion of the report to which you are objecting, explain the reasons for the objection below (or in a separate attachment), and complete the next page.

No objections at this time!

CERTIFICATE OF SERVICE

On this 5 day of January, 2020, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by June 1, 2020.


Signature of Objector or Representative

On this 5 day of January, 2020, I certify that copies of the Objection were sent by first class mail to:

Guss Guarino
Indian Resources Section, ENRD
United States Department of Justice
999 18th Street, Suite 370
Denver, CO 80202

M. Kathryn Hoover
Navajo Nation Department of Justice
P.O. Drawer 2010
Window Rock, AZ 86515
Counsel for the Navajo Nation


Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) N/A

Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY:

2020 JAN 14 PM 3:33

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF APACHE

ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) RICKY R. MALOTT

Mailing Address HC 30 BOX 210

CONCHO, AZ. 85924

Telephone No. 520 990-1662 OR 520 977-0145

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

Even though we are NOT agriculturists or ranchers, and when we are TOLD that when we purchase a property we ha the right to pay for and are allowed to drill a well for our domestic water use.

I can only imagine what an agriculture well would cost an owner of a property.

My feeling is that this is just another way for Bureaucrats to charge or tax you for what you have already paid for.

Bureaucrats should spend their time preventing fracking and other ways of wasting water.

We should be thankful that we live in a Nation where agriculture and ranching is still allowed.

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CERTIFICATE OF SERVICE

On this 10 day of JANUARY, 2020, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

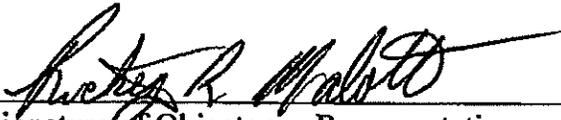
Via First Class Mail:

Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

STATEMENT OF CLAIMANT FORM
FOR
DOMESTIC USE

For Departmental Use Only

File No. 39
Date Filed
WRN

LITTLE COLORADO RIVER WATERSHED ADJUDICATION
SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: Rickey R. MALOTT
 Claimant Address: 1 COUNTRY Rd 3200 City CONCHO
 State: AZ Zip Code 85924 Telephone 520 990-1662
520 977-0145
2. Basis of Claim:

 - Appropriation Right acquired prior to June 12, 1919, 1974 Water Rights Registration Act Registry No. _____
 - Appropriation Right acquired after June 12, 1919. Application No. -9178
 Permit No. _____, or Certificate of Water Right No. _____
 - Decreed water right. Principal litigants, court, date and case no.: _____
 - Right to withdraw groundwater.
 - Other, describe: _____
3. Claimed Priority Date: _____ (month/day/year)
4. Source of Water:

 - Stream: name _____, tributary to _____
 - Spring: name _____, tributary to _____
 - Lake or Reservoir: name _____, tributary to _____
 - Groundwater
5. Legal description of the Place of Use and the Point of Diversion: (attach additional sheet if required)
 County APACHE, Section 30, Township 11 N/S, Range 25 E/W
 Legal Subdivision: (one of the following)
 _____ $\frac{1}{4}$, _____ $\frac{1}{4}$, _____ $\frac{1}{4}$ of the Section; or
 Assessor Book No. 107, Map No. 21, Parcel No. 001; or
 Subdivision Name _____ Block No. _____ Lot No. _____
6. If there are Irrigation, Stockpond or Other Uses supplied from the point of diversion, describe: _____
7. Means of Diversion:

 - Instream pump.
 - Gravity flow into ditch, canal or pipeline.
 - Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. 55-921947
 - Other, describe _____

8. Number of persons 2 or dwellings 1 served by this use.

9. Annual Volume Claimed: DOMESTIC (0.34?) acre-feet LESS THAN 10 ACRE FEET PER YEAR

10. It may be necessary for a representative from the Department of Water Resources to inspect the place of use and diversion. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant _____

11. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? _____

12. Additional comments: _____

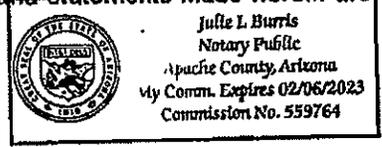
(attach additional sheet if required)

13. Attach Filing Fee to Form. Mail form(s) and fee(s) to:

AZ DEPT. OF WATER RESOURCES
ADJUDICATIONS
PO BOX 36020
PHOENIX AZ 85067-6020

14. Notarized Statement:

I (We), Rickey R. MALOTT
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.



(seal)

2/6/2023
My Commission Expires

Rickey R. Malott

Julie L. Burris
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources



Arizona Department of Water Resources
 Information Management Unit
 PO Box 36020 , Phoenix, AZ 85067-6020
 (602) 771-8527 • 1-800-352-8488

Pump Installation Completion Report

- ❖ Review instructions prior to completing form in black or blue ink.
- ❖ The registered well owner should file this report with the Department within 30 days following installation of pump equipment.

FILE NUMBER
A(11-25) 30 AAA
 WELL REGISTRATION NUMBER
 55 - 921947

**** PLEASE PRINT CLEARLY ****

SECTION 1. REGISTRY INFORMATION	
Well Owner FULL NAME OF COMPANY, ORGANIZATION, OR INDIVIDUAL MALOTT, RICKEY	Location of Well WELL LOCATION ADDRESS (IF ANY) 1 COUNTY ROAD 3000 CONCHO, AZ 85924
MAILING ADDRESS HC 30 BOX 210 CITY / STATE / ZIP CONCHO, AZ. 85924	TOWNSHIP (N/S) RANGE (E/W) SECTION 160 ACRE 40 ACRE 10 ACRE 30 26 30 1/4 1/4 1/4
CONTACT PERSON NAME AND TITLE	COUNTY ASSESSOR'S PARCEL ID NUMBER (MOST RECENT) BOOK MAP PARCEL 107 21 001
TELEPHONE NUMBER 520 990-1662	FAX APACHE

SECTION 2. EQUIPMENT INSTALLED	
DATE PUMP INSTALLED 9/24/19	Pitless Adaptor CHECK ONE (SEE INSTRUCTIONS FOR DEFINITION) Was a pitless adaptor installed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Pump Type CHECK ONE <input type="checkbox"/> Air Lift <input type="checkbox"/> Bucket <input type="checkbox"/> Centrifugal <input type="checkbox"/> Jet <input type="checkbox"/> Piston <input type="checkbox"/> Rotary <input checked="" type="checkbox"/> Submersible <input type="checkbox"/> Turbine <input type="checkbox"/> Other (Please Specify):	IF YES, DEPTH BELOW GROUND LEVEL THE DEVICE WAS INSTALLED } Feet 2
RATED PUMP CAPACITY 12 Gallons Per Minute	Power Type CHECK ONE <input type="checkbox"/> Diesel Engine <input checked="" type="checkbox"/> Electric Motor <input type="checkbox"/> Gasoline Engine <input type="checkbox"/> Hand <input type="checkbox"/> Natural Gas <input type="checkbox"/> Windmill <input type="checkbox"/> Other (Please Specify):
	HORSE POWER RATING OF MOTOR 3hp

SECTION 3. PUMP TEST		
Pump Test Data DATE WELL TESTED 9/24/19	Method of Discharge Measurement CHECK ONE <input type="checkbox"/> Baller <input checked="" type="checkbox"/> Bucket - Barrel - Stopwatch <input type="checkbox"/> Current <input type="checkbox"/> Estimated - Air Lift <input type="checkbox"/> Gauge <input type="checkbox"/> Meter <input type="checkbox"/> Orifice <input type="checkbox"/> Volume <input type="checkbox"/> Weir - Flume <input type="checkbox"/> Other (Please Specify):	Method of Measuring Water Level CHECK ONE <input type="checkbox"/> Air Line <input checked="" type="checkbox"/> Electric Measuring Line (Sonder) <input type="checkbox"/> Steel Tape <input type="checkbox"/> Other (Please Specify):
STATIC WATER LEVEL (A) 526 Feet Below Land Surface		
PUMPING WATER LEVEL (B) 580 Feet Below Land Surface		
DRAWDOWN [(B) - (A)] 526 Feet Below Land Surface		
TEST PUMPING RATE 12 Gallons Per Minute		
DURATION OF PUMP TEST (Minimum 4 Hours) 5 Hours		
TOTAL PUMPING LIFT 580 Feet		
FOR FLOWING WELL, MEASURED SHUT IN HEAD <input type="checkbox"/> FT <input checked="" type="checkbox"/> PSI		

I HEREBY CERTIFY that the above statements are true to the best of my knowledge and belief according to A.R.S. § 45-600(B).

SIGNATURE OF WELL OWNER: *Rickey B. Malott* DATE: 1-10-2020

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE
ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) Scott Hamblin (For Hamblin and Assoc. LLC)

Mailing Address PO Box 757 Eagar, AZ 85925

Telephone No. 928-551-1773

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

We firmly disagree with any government
regulation against use of water naturally occurring
on this property. This is a natural spring used
for livestock. We also disagree with regulations
against personal wells for domestic/home/garden
use.

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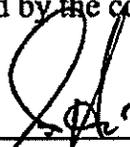
CERTIFICATE OF SERVICE

On this 22 day of October, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) Scott Hamblin

Mailing Address P.O. Box 757 Edgar, AZ 85925

Telephone Number 928-333-551-1773

FILED

DOCKETED BY: 48

2019 AUG 19 AM 8:49

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF APACHE

ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) Stephen P & Rebecca J Burch

Mailing Address 11015 E. Merille Ave.
Mesa, AZ. 85209

Telephone No. cell 480-231-6517 Steve 480-~~332~~-3920

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

We use Irrigation water only (Certif #0837). We have no
stock or animals only grass & trees! no pond
located at 4487 Vallery Ln - Lakeside, Az

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CERTIFICATE OF SERVICE

On this 15 day of Aug, 2019, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

DOCKETED BY: _____

2020 FEB -4 PM 4: 33

ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed) SUE E FOUNTAIN

Mailing Address P.O. Box 1419

LAKESIDE, AZ 85929

Telephone No. 928-358-3325

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

I RAISE CUSTOM BEEF AND HAVE WILDLIFE COMING
ONTO MY PROPERTY LOOKING FOR WATER & FORAGE. I
ALSO OWN EQUINE. THESE ANIMALS DEPEND ON MY WATER
SOURCE FOR SURVIVAL - AS WELL AS I DEPEND ON IT
FOR MY SURVIVAL!

I OBJECT AND WISH TO BE CLASSIFIED AS SUCH.

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CERTIFICATE OF SERVICE

On this 3RD day of FEBRUARY, ~~2019~~²⁰²⁰, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

Via First Class Mail:
Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:
Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.

Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

Name (printed) _____

Mailing Address _____

Telephone Number _____

FILED

DOCKETED BY: _____

2020 JAN 21 AM 8:55

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE
ANGEL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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

Civil Case No. CV 6417-400

**OBJECTION TO TECHNICAL
REPORT CONCERNING CERTAIN
WATER USES IN THE LOWER
LITTLE COLORADO RIVER
SUBWATERSHED**

(Special Master Susan Ward Harris)

OBJECTOR

Name (printed)

TIM RASMUSSEN

Mailing Address

PO box 821

FLAGSTAD, AZ 85925

Telephone No.

928-551-2026

Statement of Claimant No. (if filed) _____

STATEMENT OF OBJECTION

Please describe reasons for the objection below (or in a separate attachment) and complete the next page.

RESIDENTIAL well ONLY.

FILED

DOCKETED BY: _____

2020 JAN 21 AM 8:54

CERTIFICATE OF SERVICE

ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

On this 16 day of January, ~~2019~~, 2020, I certify that the original Objection and two copies were sent by first class mail, or hand delivered, to:

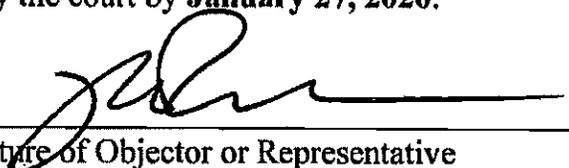
Via First Class Mail:

Clerk of the Superior Court
Apache County
P.O. Box 365
St. Johns, Arizona 85936

Via Hand Delivery:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, Arizona 85936

If you mail your objection to the court, please allow additional time for mailing, so that your objection will be received by the court by **January 27, 2020**.



Signature of Objector or Representative

If this objection is being submitted by a Representative of the Objector, please provide the following information below or by attachment:

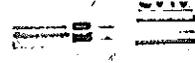
Name (printed) _____

Mailing Address _____

Telephone Number _____

1 John B. Weldon, Jr., 003701
2 Mark A. McGinnis, 013958
3 R. Jeffrey Heilman, 029525
4 **SALMON, LEWIS & WELDON, P.L.C.**
5 2850 East Camelback Road, Suite 200
6 Phoenix, Arizona 85016
7 (602) 801-9060
8 jbw@slwplc.com
9 mam@slwplc.com
10 rjh@slwplc.com

OFFICE OF THE SPECIAL MASTER
Arizona General Stream Adjudication



JAN 27 2020

*Attorneys for Salt River Project Agricultural
Improvement and Power District*

**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

Civil No. CV 6417-400

**SALT RIVER PROJECT'S OBJECTIONS
TO ADWR TECHNICAL REPORT
CONCERNING CERTAIN WATER USES
IN THE LOWER LITTLE COLORADO
RIVER SUBWATERSHED**

(Assigned to the Hon. Mark H. Brain)

(Referred to Special Master Susan Ward
Harris)

Contested Case Name: *In re Lower Little Colorado River Subwatershed.*

HSR Involved: None.

Descriptive Summary: SRP submits its objections to the July 30, 2019 technical report prepared by the Arizona Department of Water Resources regarding *de minimis* adjudication of stockpond and stock and wildlife watering uses in the Lower Little Colorado River Subwatershed.

Statement of Claimant Nos.: 39-82193 through 39-82206 and 39-87393.

Date of Filing: Original sent on January 24, 2020 by overnight delivery to the Clerk of the Superior Court for Apache County for filing.

Number of Pages: 6.

1 Pursuant to the Special Master's order dated May 16, 2019, the Salt River Project
2 Agricultural Improvement and Power District ("SRP") submits its objections to the July 30,
3 2019 report prepared by the Arizona Department of Water Resources ("ADWR") entitled
4 "Technical Report, *De Minimis* Adjudication of Stockpond and Stock and Wildlife Watering
5 Uses, Lower Little Colorado River Subwatershed" ("ADWR Report"). Overall, SRP
6 commends ADWR for its work on the report. SRP's comments and objections are intended to
7 provide information by which the report can be further improved.

8 STATEMENT OF OBJECTIONS

9 I. General Comments and Objections

10 SRP submits the following general comments and objections to the ADWR Report.

11 1. SRP supports the possible *de minimis* classification of certain stockpond, stock
12 watering, and wildlife uses within the Lower Little Colorado River Watershed ("LLCR").

13 2. Based upon past experience in the Gila Adjudication, it is likely that an
14 evaluation of stockponds without a hydrographic survey report ("HSR") will under-report the
15 number of actual stockponds, particularly where the geographic locations of adjudication and
16 pre-adjudication filings are the primary basis for visually identifying stockponds during the
17 GIS analysis. In the HSR for the San Pedro River Watershed ("San Pedro"), for example,
18 approximately 14.8% of stockpond uses that were reported had no adjudication or pre-
19 adjudication filings. *See* Memorandum Decision, Findings of Fact, and Conclusions of Law
20 for Group 1 Cases Involving Stockwatering, Stockponds, and Domestic Uses, Maricopa
21 County Superior Court Case No. W1-11-19, Finding of Fact No. 30, at 23 (Nov. 14, 1994)
22 ("Thorson Decision").

23 3. The ADWR Report assumes a fill frequency of one time per year for
24 stockponds. *See* ADWR Report, § 5.1, at 25-28. In the Thorson Decision for the San Pedro,
25 fill frequency was initially identified as 1.12 times per year but was subsequently reduced to
26 1.0 times per year. *See* Thorson Decision, Finding of Fact No. 41, at 25. The fill frequency
27

1 in the LLCR may be greater than in the San Pedro due to the hydrologic and orographic
2 differences between the San Pedro and the LLCR.

3 4. The ADWR Report calculated the average capacity of a one-acre stockpond at
4 3.21 acre-feet (“AF”), but the San Pedro HSR calculated an average of 3.81 AF for a one-acre
5 stockpond. *See* Thorson Decision, Finding of Fact No. 39, at 24. This is a negative 18%
6 capacity difference for one-acre stockponds in the LLCR. The difference is even greater for a
7 two-acre stockpond. *See id.* Finding of Fact No. 40, at 24. The calculated capacity of a two-
8 acre stockpond for the LLCR in the ADWR Report was 6.42 AF, whereas the estimated
9 capacity for the San Pedro was estimated at 9.8 AF. *See id.*

10 **II. Substantive Objections**

11 In addition to its general comments and objections, SRP submits the following
12 substantive objections to the ADWR Report.

13 **1. Section 3.1.1: Defining Review Criteria (page 8)**

14 The ADWR Report includes a list of thirteen water use classifications that are not
15 necessarily based upon a specific statute, court decision, or rule, but which have been
16 commonly used in the adjudication proceedings and in previous HSRs. The report
17 specifically focuses on stockpond, stock watering, and wildlife uses. On page 10 of the
18 report, ADWR introduces two new use classifications—streamside uses and spring uses. In
19 Section 3.2 of the report, ADWR provides a definition for “streamside uses” as direct stock
20 watering uses from surface water freely flowing in a natural watercourse. *See* ADWR Report,
21 § 3.2.2, at 14.

22 *SRP Objection:* Throughout the report, ADWR describes “streamside” and “springs”
23 as **uses** associated with stock watering and wildlife uses. This is confusing. Instead, ADWR
24 should describe stock watering and wildlife as types of uses and describe streams and springs
25 as **sources of surface water** (not types of uses). This would help alleviate confusion and
26 would be consistent with previous HSRs.

27 . . .

1 **2. Section 3.1.1: Defining Review Criteria (page 9)**

2 ADWR states that, if a stockpond was not constructed on or supplied by a diversion
3 from a natural drainage channel or stream, it was assumed to receive water from a well and
4 was not investigated in the report.

5 SRP Objection: This approach raises several questions that are not answered in the
6 ADWR Report. How many stockponds were not considered as a result of this assumption?
7 Did ADWR do any verification that a well was registered or existed near the stockponds in
8 question? Based on ADWR's comment, it is not clear if potential water rights ("PWRs") will
9 be created for these stockpond claims during the HSR development process.

10 **3. Section 3.2.2: Review of Stock and Wildlife Watering (page 14)**

11 ADWR states that claims for stock watering uses from wells were not analyzed in this
12 report.

13 SRP Objection: This approach again raises several unanswered questions. How many
14 stock watering claims were not considered as a result of this assumption? Did ADWR do any
15 verification that a well was registered or existed near the stock watering claim in question?
16 Based on ADWR's comment, it is not clear if PWRs will be created for these stock watering
17 claims during the HSR development process.

18 **4. Section 3.2.3: Identification of Closed Basins (page 17)**

19 ADWR states that, if a stockpond was located within a natural feature such as a
20 lakebed, it was considered to be 100% noncontributing and not hydrologically connected to
21 the LCR system. On page 26, ADWR states that stockponds located within a natural feature
22 were excluded from the estimated total of surface water diversions from the LLCRC. *See*
23 ADWR Report, § 5.1, at 26.

24 SRP Objection: ADWR states that stockponds located within natural features are
25 noncontributing; however, the report does not describe the water source used to fill any of
26 these stockponds. Although ADWR excluded claims for stockponds located within a natural
27

1 feature in its report, claims asserting a right to appropriable water within the LCR that are
2 located within a natural feature should not be excluded from the HSR process.

3 **5. Section 4.1: Stockponds (page 20)**

4 The scatter plot in Figure 4-5 shows that the greatest differences between the field
5 measured capacity and the calculated capacity (i.e., estimated capacity) were for those
6 stockponds having larger surface areas (generally, greater than eight acres).

7 *SRP Objection:* For accuracy, SRP suggests that field measurements should be
8 employed for stockponds with larger surface areas.

9 **6. Section 4.2: Stock and Wildlife Watering Uses (page 24)**

10 ADWR states that some stock and wildlife uses that it investigated did not meet
11 ADWR's established PWR criteria because they lacked appropriate filings or the land
12 ownership did not correspond to the claims and filings within ADWR's records. ADWR also
13 states that it did not include fifty-one claimed stock watering and wildlife uses in its use
14 counts because the available land ownership information did not correspond with the claims
15 in ADWR's files.

16 *SRP Objection:* Although ADWR excluded certain claims from its investigation in
17 this report because of land ownership discrepancies, ADWR should not use land ownership
18 discrepancies as a reason to exclude the development of PWRs as part of the actual HSR
19 process.

20 **7. Appendix C: Sources of Information**

21 Other GIS datasets may be available from other public agencies to identify potential
22 stock and wildlife watering locations. The Arizona Game & Fish Department's "Wildlife
23 Waters" dataset contains at least fifty-six catchments in the LLCR. These wildlife water uses
24 were deemed to be negligible for the Silver Creek HSR and were not included in the analysis.
25 That also might be the situation in the LLCR, but ADWR should evaluate those datasets.

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DATED this 24th day of January, 2020.

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

By Mark A. McGinnis

John B. Weldon, Jr.
Mark A. McGinnis
R. Jeffrey Heilman
2850 East Camelback Road, Suite 200
Phoenix, Arizona 85016
Attorneys for SRP

ORIGINAL AND TWO COPIES of the foregoing sent by overnight delivery this 24th day of January, 2020, to:

Clerk of the Superior Court
Apache County
70 West Third Street South
St. Johns, AZ 85936

AND COPIES sent by U.S. mail this 24th day of January 2020, to all persons appearing on the Court-approved mailing list for Case No. CV 6417-400 dated January 2, 2020.

Michelle Robles

1 Lee A. Storey (019039)
2 Alexandra M. Arboleda (016673)
3 Ethan B. Minkin (019022)
4 Sara V. Ransom (024099)
5 **TSL LAW GROUP, PLC**
6 8096 N. 85th Way, Suite 105
7 Scottsdale, Arizona 85258
8 Telephone: (602) 803-8811
9 lee@tsllawgroup.com
10 alex@tsllawgroup.com
11 ethan@tsllawgroup.com
12 sara@tsllawgroup.com
13 *Attorneys for the City of Flagstaff*

OFFICE OF THE SPECIAL MASTER
Arizona General Stream Adjudication

JAN 27 2020

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

9 **IN AND FOR THE COUNTY OF APACHE**

10 **IN RE: THE GENERAL ADJUDICATION**
11 **OF ALL RIGHTS TO USE WATER IN**
12 **THE LITTLE COLORADO RIVER**
13 **SYSTEM AND SOURCE**

No.: CV 6417-400

**CITY OF FLAGSTAFF'S JOINDER AND
ADDITIONAL COMMENTS TO
ARIZONA DEPARTMENT OF WATER
RESOURCES' TECHNICAL REPORT
CONCERNING DE MINIMIS
ADJUDICATION OF STOCKPOND AND
STOCK AND WILDLIFE WATERING
USES IN THE LOWER LITTLE
COLORADO RIVER SUBWATERSHED**

Assigned to Special Master Susan Ward Harris

18 Contested Case Names:	<i>In re Lower Little Colorado River Subwatershed</i>
19 HSR Involved:	None
20 Descriptive Summary:	The City of Flagstaff joins in the comments made by the LCR Coalition and submits its comments on the Arizona Department of Water Resources Technical Report concerning <i>de minimis</i> adjudication of stockpond, stock and wildlife water uses in the Lower Little Colorado River subwatershed.
21 Number of Pages:	3
22 Date of Filing:	January 24, 2020

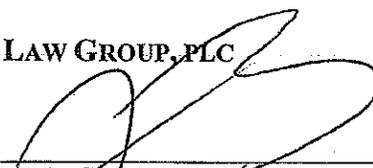
25 Pursuant to the Special Master's order dated May 16, 2019, the City of Flagstaff ("City")
26 hereby joins in the comments made by the LCR Coalition to the Arizona Department of Water
27 Resources Technical Report concerning *de minimis* adjudication of stockpond, stock and wildlife
28 water uses in the Lower Little Colorado River subwatershed (ADWR "Technical Report", July 30,

1 2019). The Technical Report provides an initial basis for supporting a summary proceeding for
2 stockpond, stock and wildlife uses throughout the Lower Little Colorado River subwatershed, as
3 ADWR generally finds that such uses have a *de minimis* impact on surface water flows. The City
4 believes that a classification and summary proceedings of *de minimis* uses will serve judicial
5 economy and save substantial resources in comparison to the benefits that might be achieved from
6 a detailed and complete adjudication of these *de minimis* uses.

7 The City also concurs with certain substantive objections to the Technical Report filed by
8 the Salt River Project. In particular, the City agrees with the Salt River Project that through the
9 hydrographic survey report process, ADWR should evaluate and include all *de minimis* stockponds,
10 stock and wildlife uses, including those served by a well or where land ownership may not
11 correspond to claims on file with ADWR. See, SRP General Comment 2; Substantive Objections
12 2, 3 and 6. The City also concurs with the Salt River Project that ADWR should not create new
13 categories of water uses (SRP Substantive Objection 1), and that ADWR should cross-check and
14 evaluate all available sources of technical data sets that may indicate *de minimis* stockpond, stock
15 and wildlife uses in the Lower Little Colorado River subwatershed (SRP Substantive Objection 7).
16 Notwithstanding the likelihood that the HSR process would identify more stock, stockwatering and
17 wildlife uses in the Lower Little Colorado River subwatershed, the Technical Report provides
18 sufficient information to support the classification of and summary adjudication of these *de minimis*
19 uses for the Lower Little Colorado River subwatershed.

20 DATED this 24th day of January, 2020.

21 TSL LAW GROUP, PLC

22
23 By 

24 Lee A. Storey
25 Alexandra M. Arboleda
26 Ethan B. Minkin
27 Sara V. Ransom
28 *Attorneys for the City of Flagstaff*

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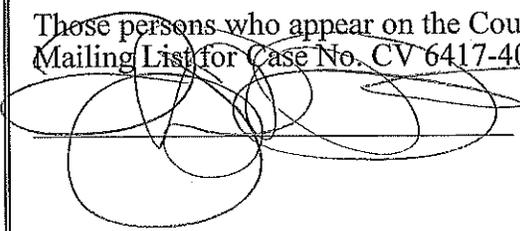
Original of the foregoing being mailed this 24th day of January, 2020 to:

Clerk of the Court
Apache County Superior Court
P.O. Box 667
70 West 3rd South
St. Johns, Arizona 85936

COPY of the foregoing mailed this 24th day of January, 2020, to:

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

~~Those persons who appear on the Court-Approved
Mailing List for Case No. CV 6417-400~~





1 BROWN & BROWN LAW OFFICES, P.C.
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JAN 27 2020

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7 Lauren J. Caster (No. 004537)
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1-27-20

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 6417-400

**LCR COALITION'S
COMMENTS ON THE
ARIZONA DEPARTMENT OF
WATER RESOURCES'
TECHNICAL REPORT
CONCERNING *DE MINIMIS*
ADJUDICATION OF
STOCKPOND AND STOCK
AND WILDLIFE WATERING
USES IN THE LOWER LITTLE
COLORADO RIVER
SUBWATERSHED**

(Oral argument requested)

(Assigned to Special Master Susan
Ward Harris)

25 CONTESTED CASE NAME: *In re Lower Little Colorado River Subwatershed*
26

1 HSR INVOLVED: None

2 DESCRIPTIVE SUMMARY: The LCR Coalition submits its comments on the Arizona
3 Department of Water Resources Technical Report concerning *de minimis* adjudication of
4 stockpond and stock and wildlife watering uses in the Lower Little Colorado River
5 Subwatershed.

6 STATEMENT OF CLAIMANTS NOS.: See Exhibit A attached

7 NUMBER OF PAGES: 6 pages (including Exhibit A)

8 DATE OF FILING: Original transmitted to the Clerk of the Court on January 27, 2020

9 The LCR Coalition¹ hereby provides comments on the Arizona Department of
10 Water Resources' ("ADWR") Technical Report, *De Minimis* Adjudication of Stockpond
11 and Stock and Wildlife Watering Uses, Lower Little Colorado River Subwatershed (July
12 2019) ("Technical Report"). The Technical Report inventories stockpond uses and
13 claimed stock and wildlife watering uses within the Lower Little Colorado River
14 ("LLCR") subwatershed and assesses the impact of those uses on surface water supplies.
15 Technical Report at 1. It is "intended to provide the Court with initial information to
16 support a possible *de minimis* classification of certain stockponds and stock and wildlife
17 watering uses within the LLCR." *Id.* at 2.

18 The LCR Coalition believes that the Technical Report provides sufficient data to
19 support the summary adjudication of all stockponds with capacities of 4 acre feet or less
20 and all stockwatering and wildlife watering uses within the LLCR subwatershed. While
21 ADWR characterized the report as providing "initial" information to support a possible *de*
22 *minimis* adjudication, the analysis clearly demonstrates that impacts from stockponds and
23 stock and wildlife watering have a minimal impact on surface water supplies in the LLCR
24 subwatershed. The Technical Report concludes:

25 Stockpond, stockwatering, and wildlife watering uses in the LLCR do not
26 constitute a major impact on the surface water resources of the
subwatershed. A very conservative water balance analysis for stockponds
estimates that these impoundments could be removing at most 6.8% of the

¹ The claimants making up the LCR Coalition are identified on Exhibit A to this filing.

1 outflow from the subwatershed, which is well within the 15% measurement
2 margin of error at the downstream Cameron gage. Stock and wildlife
3 watering from surface water streams and springs are a low density and
highly variable water use. These water uses commonly occur along
ephemeral washes and have a minimal impact on the surface water system.

4 *Id.* at 29-30. The “very conservative” water balance analysis referred to in this paragraph
5 assumed that the impact to downstream river flow from stockponds would be 100% of the
6 calculated capacity of inventoried stockponds. *Id.* at 26. The Technical Report properly
7 notes that, in reality, there would be significant transmission losses for flows between the
8 stockpond and the downstream gage. *Id.* In the Silver Creek subwatershed, for example,
9 transmission losses were estimated to be as high as 94%. *Id.* at 26 n.20. The Technical
10 Report overstates the impact of stockponds on streamflow by assuming that 100% of the
11 calculated capacity of inventoried stockponds would otherwise reach the downstream
12 gage. Even making this “extremely conservative” assumption, *id.* at 30, ADWR’s
13 analysis shows that stockponds do not have a major impact on surface water resources in
14 the LLCR subwatershed.

15 With respect to stockwatering and wildlife watering, the Technical Report
16 observed that for stock to consume 1% of the calculated surface water outflow from the
17 LLCR subwatershed, there would need to be over 98,000 animal units using streams in the
18 LLCR subwatershed as the sole source of water for an entire year. *Id.* at 29. “This
19 number approaches the total headcount of cattle being raised in the entirety of [Coconino,
20 Navajo, and Apache] counties.” *Id.* ADWR similarly determined that impacts from
21 wildlife watering would be negligible, *id.*, and concluded that “there is enough data to
22 support the general *de minimis* classification of all claimed stock and wildlife watering
23 uses in the LLCR subwatershed.” *Id.* at 30.

24 In light of ADWR’s findings, it is clear that “the costs of a detailed adjudication of
25 these small uses (particularly to the water users themselves) far outweigh any benefits to
26 the owner, other water users, or public and private water managers that would result from

1 a detailed and complete adjudication.” Memorandum Decision, Findings of Fact, and
2 Conclusions of Law for Group 1 Cases Involving Stockponds, Stockwatering, and
3 Wildlife Uses (April 20, 1994) at 9, Case No. 6417-033-9005 (Consolidated). The LCR
4 Coalition urges the Court to adopt summary adjudication procedures for these small uses
5 similar to the procedures recommended by Special Master Thorson for the Silver Creek
6 subwatershed. *See id.* at 17-35.

7 The LCR Coalition welcomes the opportunity to further discuss these issues at the
8 February 5, 2020 status conference.

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RESPECTFULLY SUBMITTED this 27th day of January, 2020.

BROWN & BROWN LAW OFFICES, P.C.

By 
David A. Brown
J Albert Brown
Amy Brown
Attorneys for LCR Coalition

FENNEMORE CRAIG, P.C.

By  for
Lauren J. Caster
Brian J. Heiserman
Bradley J. Pew
Attorneys for LCR Coalition

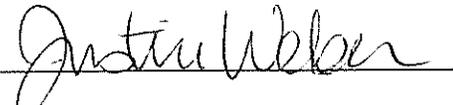
1 ORIGINAL of the foregoing and Exhibit A
2 hand-delivered this 27th day of January,
2020 to:

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

6 COPY of the foregoing and Exhibit A hand-delivered
7 this 27th day of January, 2020, to:

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

10 COPY of the foregoing and Exhibit A mailed
11 this 27th day of January, 2020, to
11 those parties who appear on the Court-
12 Approved Mailing List for Case
12 No. 6417-400 dated January 2, 2020.

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15 15499072

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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 39-82-029, 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
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
(now Pioneer Irrigation Company) 39-89112
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, 39-83030, *et al.*
22. Dobson Limited Partnership, LLC 39-88988, 39-88989, 39-88990,
39-88991, 39-88992

DOCKETED BY: _____

2020 JAN 31 AM 10:35

ARNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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NAVAJO NATION DEPARTMENT OF JUSTICE
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10 *Attorneys for the Navajo Nation*

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

12 **IN AND FOR THE COUNTY OF APACHE**

13) Case No. CV 6417-400
14)
15) NAVAJO NATION'S
16 IN RE THE GENERAL ADJUDICATION) COMMENTS/OBJECTIONS TO THE
OF ALL RIGHTS TO USE WATER IN) TECHNICAL REPORT FILED BY THE
17 THE LITTLE COLORADO RIVER) ARIZONA DEPARTMENT OF WATER
SYSTEM AND SOURCE) RESOURCES CONCERNING
18) CERTAIN WATER USES IN THE
19) LOWER LITTLE COLORADO RIVER
20) SUBWATERSHED
)
(Assigned to Special Master Susan Ward
Harris)

1 **Contested Case Names:** *In Re Lower Little Colorado Subwatershed*, No. CV 6417-
2 400

3 **Descriptive Summary:** The Navajo Nation's Comments/Objections to the Arizona
4 Department of Water Resources Technical Report filed July 30, 2019 concerning *De*
5 *Minimis* Adjudication of Stockpond, Stock, and Wildlife Watering Uses: Lower Little
6 Colorado River Subwatershed.

7 **Number of Pages:** 7

8 **Date of Filing:** Sent via U.S. Mail to the Clerk of the Court on this 27th day of January
9 2020.

10 The failure of the Arizona Department of Water Resources ("ADWR") to include
11 in its methodology in preparing the Technical Report: *De Minimis* Adjudication of
12 Stockpond, Stock, and Wildlife Watering Uses: Lower Little Colorado River
13 Subwatershed ("LLCR Technical Report"), all uses within the hydrologic boundary of
14 the Lower Little Colorado River Subwatershed ("LLCR"), seriously compromises its
15 conclusions about downstream impacts of those uses. *See* § 2-1 at 4 and n. 10. While
16 ADWR reviewed uses within the adjudication boundary, it cannot ignore uses on the
17 Navajo and Hopi Reservation (which are both the subject of Final HSRs for stockponds,
18 stock and wildlife watering) within the hydrologic boundary of the Subwatershed.

19 The Navajo Nation supports the use of *De Minimis* proceedings to adjudicate
20 claims for certain stockpond, stock watering and wildlife uses. However, in contrast to
21 the Silver Creek Technical Report, which was drafted after the preliminary and final
22 HSRs were completed and commented on by the parties to the adjudication, the LLCR
23 Technical Report was prepared prior to the completion of an HSR for the LLCR and
24 therefore, as stated by ADWR "is based on the best possible data gathered by the
Department prior to completing the more in-depth assessment of water uses and
documentation of PWRs required for the HSR." Technical Report, at 2.

1 In addition, ADWR describes its treatment on in-holdings on the Navajo
2 Reservation as follows:

3 County parcels denoting private in-holdings within the boundaries of the
4 Navajo Reservation were considered a single unique region and were
investigated separately. For reference, these regions are shown on the four
included inventory maps. *See Figures 3-1 to 3-4.*

5 *Id.* § 3-2 at 12. The Figures reference show water uses claimed to be occurring on in-
6 holdings within four sub-areas of the LLCR Subwatershed. There is no map of a “single
7 unique region” or any explanation of the separate investigation undertaken. ADWR
8 failed to provide a discussion of the methodology used to select “targeted regions.”
9 Lastly, the ADWR field investigation of stockponds is limited to 113 locations (2.3% of
the total number), and is inadequate. *See* § 3-3 at 17.

10 The Navajo Nation’s comments to specific text are found in Attachment “A” to
11 the Navajo Nation Objection.

12 Filed this 27th day of January 2020.

13 SACKS TIERNEY P.A.

14
15 By: 
16 Jeffrey S. Leonard
17 Judith M. Dworkin
Evan F. Hiller
Joe W. Keene

18 M. Kathryn Hoover
19 NAVAJO NATION DEPARTMENT OF JUSTICE

20 *Attorneys for the Navajo Nation*

1 **CERTIFICATE OF SERVICE**

2 **ORIGINAL** of the foregoing sent by First-Class U.S. Mail for filing this 27th day of
3 January, 2020, to:

4 Apache County Superior Court
5 Attn: Water Clerk
6 P. O. Box 365
7 St. Johns, AZ 85936

8 **COPIES** of the foregoing sent by First-Class U.S. Mail this 27th day of January, 2020,
9 to:

10 **All parties on the Court-Approved Mailing List**

11 *In re Lower Little Colorado Subwatershed*, Case No. CV 6417-400, dated January 2,
12 2020.

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CHAPTER 2 – THE LOWER LITTLE COLORADO RIVER SUBWATERSHED

Chapter 2.2 THE RIVER SYSTEM, Page 4

The text neglects to mention that the Little Colorado River flows through the Navajo Nation And the LLCR subwatershed encompasses a large part of the Navajo Reservation and all of the Hopi Reservation. Portions of the LLCR subwatershed are upstream and downstream from the Navajo Nation. Table B-1 in *Appendix B Stream Reach Analysis* should include all streams that hydrologically impact or are impacted by the Navajo Nation features in the study area.

Chapter 2.2 THE RIVER SYSTEM, Page 5

As described on Page 5 and in Table B-1 in *Appendix B Stream Reach Analysis*, the stream characterizations are based on varying periods of record. ADWR did not try to fill in records to establish similar periods for all of the gages analyzed. It is difficult comparing data from these stream reaches when the periods analyzed are significantly different.

Chapter 2.2 THE RIVER SYSTEM, Page 5

Table B-1 in *Appendix B Stream Reach Analysis*, referred to on Page 5, includes a footnote referencing section 2.5.2. The Technical Report does not have a Section 2.5.2.

CHAPTER 3 – INVENTORY AND INVESTIGATION METHODS

Chapter 3.2 OFFICE GIS REVIEW, Page 12

ADWR notes that: "County parcels denoting private in-holdings within the boundaries of the Navajo Reservation were considered a single unique region and were investigated separately." It is not clear from the Technical Report which parcels within the Navajo Reservation ADWR investigated and how the separate investigation on this "single unique region" was approached. It is not possible to evaluate the ADWR findings and conclusions based on the information provided in the Technical Report. If the area within the boundary of the Navajo Nation was considered as a "single unique region" the results should have been separately presented so they could be separately reviewed. County data is not reliable authority for land status on the Navajo Nation.

ADWR notes that "Targeted regions were assigned to ADWR researchers for initial investigation of potential stockponds, streamside stock and wildlife watering, and springs

within the LLCR.” Technical Report, at 12. This statement implies that some areas of the subwatershed were targeted while other areas were not targeted. ADWR should describe the methodological distinction and consequences between regions that were or were not targeted.

Chapter 3.3 INVESTIGATION OF STOCKPONDS, Page 17

ADWR only field investigated 113 locations out of more than 4,000 features (less than 2.3 percent). The remaining features were only assessed based on aerial imagery. ADWR partially explains the small number of field sites due to limited resources, fire restrictions and winter snowpack. Such a small field sample is not adequate to represent the general conditions throughout the subwatershed.

CHAPTER 4 – INVENTORY RESULTS

Based on a GIS review, two springs and two stockponds in the ADWR dataset were on reservation trust or allotted land and should not be included in this inventory. These are shown in Table 1.

Table 1.

ADWRID	UTM (X)	UTM (Y)	Location (Legal Description)	Surface Area (Acres)	Estimated Capacity (Acre Feet)	Calculation Method:		Within Natural Feature (Y/N)	Within Closed Basin (Y/N)	Land status
						Field Measured (F)	Calculated (C)			
IMP-22-A20019018DDB-01	558168.2	3887492	NWSESE18 20N 19E	0.506	1.624 C			N	N	Allotment
IMP-22-A20019018DDA-01	558288.3	3887648	NESESE18 20N 19E	0.95	3.05 C			N	N	Allotment
IMP-20-A19014003DDC-01	514624	3880758	SWSESE03 19N 14E	0.121	0.388 C			N	N	Trust
IMP-25-A20027007DAA-01	635953	3890435	NESESE07 20N 27E	1.37	4.398 C			N	N	Trust

See Figures 1 through 3.

Figure 1 displays IMP-22-A20019018DDB-01 and IMP-22-A20019018DDA-01. These two impoundments are located on Bureau of Indian Affairs (“BIA”) Allotments and should be deleted from CV 6417-400. These two impoundments should be added to the United States claims in CV 6417-300.

Figure 2 displays IMP-20-A19014003DDC-01 and Figure 3 displays IMP-25-A20027007DAA-01. These impoundments are located on reservation trust land and should be deleted from CV 6417-400. These two impoundments will be added to the Navajo Nation’s claims in CV 6417-300.

Based on a GIS review, two streamside uses in the ADWR dataset were on reservation trust land and should not be included in this inventory. These are shown in Table 2. Because ADWR did not provide point data, it is not possible to determine definitively if other uses were on trust land.

Table 2.

ADWR ID	Location (Legal Description)	Within Natural Feature or Closed Basin (Y/N)	Primary Use: Stock (SW) Wildlife (WL)	Within Navajo Reservation Perimeter	Land status
SSU-16-A21030029ABC-01	NENW29 21N 30E	N	SW	--Y--	Trust
SSU-25-A19028022DDD-01	SESE22 19N 28E	N	SW	--Y--	Trust

CHAPTER 5 – HYDROLOGIC IMPACTS

Chapter 5.1 STOCKPOND IMPACTS, Page 25

The Median Annual Discharge data provided in Table 5.1 is unusual. Technical Report, at 27. The LCR flow at Woodruff during 1948 to 2016 (19,837 afa) is smaller than the flow during the longer period of record (24,615 afa). Yet, the LCR flow near Cameron during 1948 to 2016 (128,722 afa) is greater than the flow during the longer period of record (120,758 afa). This difference between these average gage values at Cameron could be due to the "Fair" accuracy of the Cameron gage which is only within 15 percent of the true value and is greater than the estimated impacts of these inventoried uses.

Furthermore, ADWR indicated that both gage sites cited in Table 5.1 have data through 2019. Table 5.1 only includes data through 2016. ADWR should include the more recent data. ADWR readily admits that its methodology is based on "very conservative" assumptions, it neglects seepage and evaporation, and it overestimates the impact of the stockpond depletions on the LCR flows downstream. ADWR should quantify the magnitude of the overestimate.

ADWR_ID: IMP-22-A20019018DDA-01
ADWR_ID: IMP-22-A20019018DDB-01



Figure 1

0 40 80 160 Meters

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USCG, AeroGRID, IGN, and the GIS User Community

Legend

- ⊙ AZDWR_Stockpounds_claimed

NNLlandStatus_2018

Type_	
BIA Allotment	[White Box]
BIA Alloment	[Light Gray Box]
BIA Allolment	[Medium Gray Box]
BIA Allotment	[Dark Gray Box]

ADWR_ID: IMP-20-A19014003DDDC-01

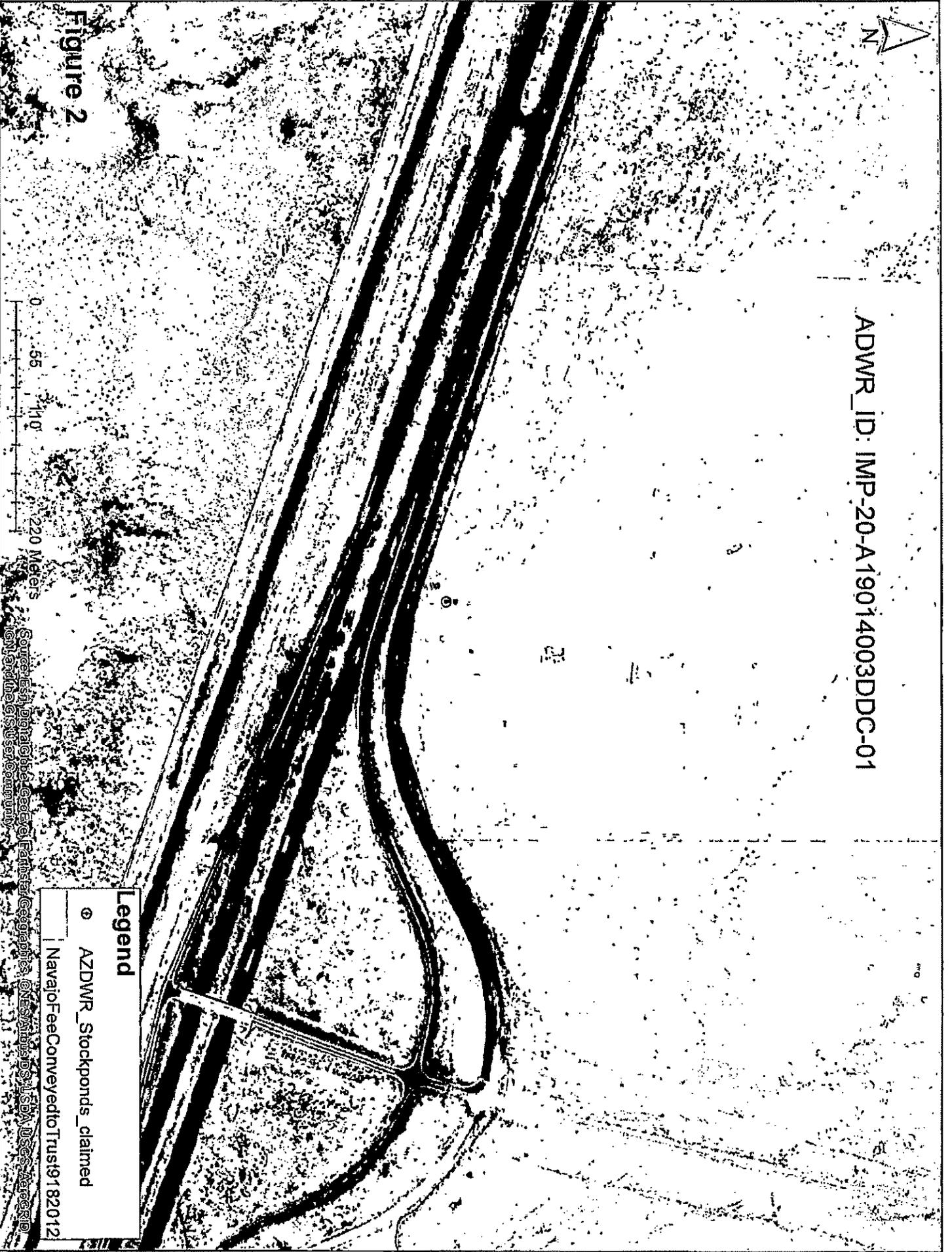
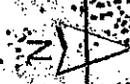


Figure 2

Legend

- ⊕ AZDWR_Stockpounds_claimed
- Navajo Fee Conveyed to Trust 19182012

Source: Esri, DigitalGlobe, GeoEye, Earthstar/GeoEye, @geography, @NASA, @USDA, AeroGRID, IGN, and the GIS User Community



ADWR_ID: IMP-25-A2002700700A501

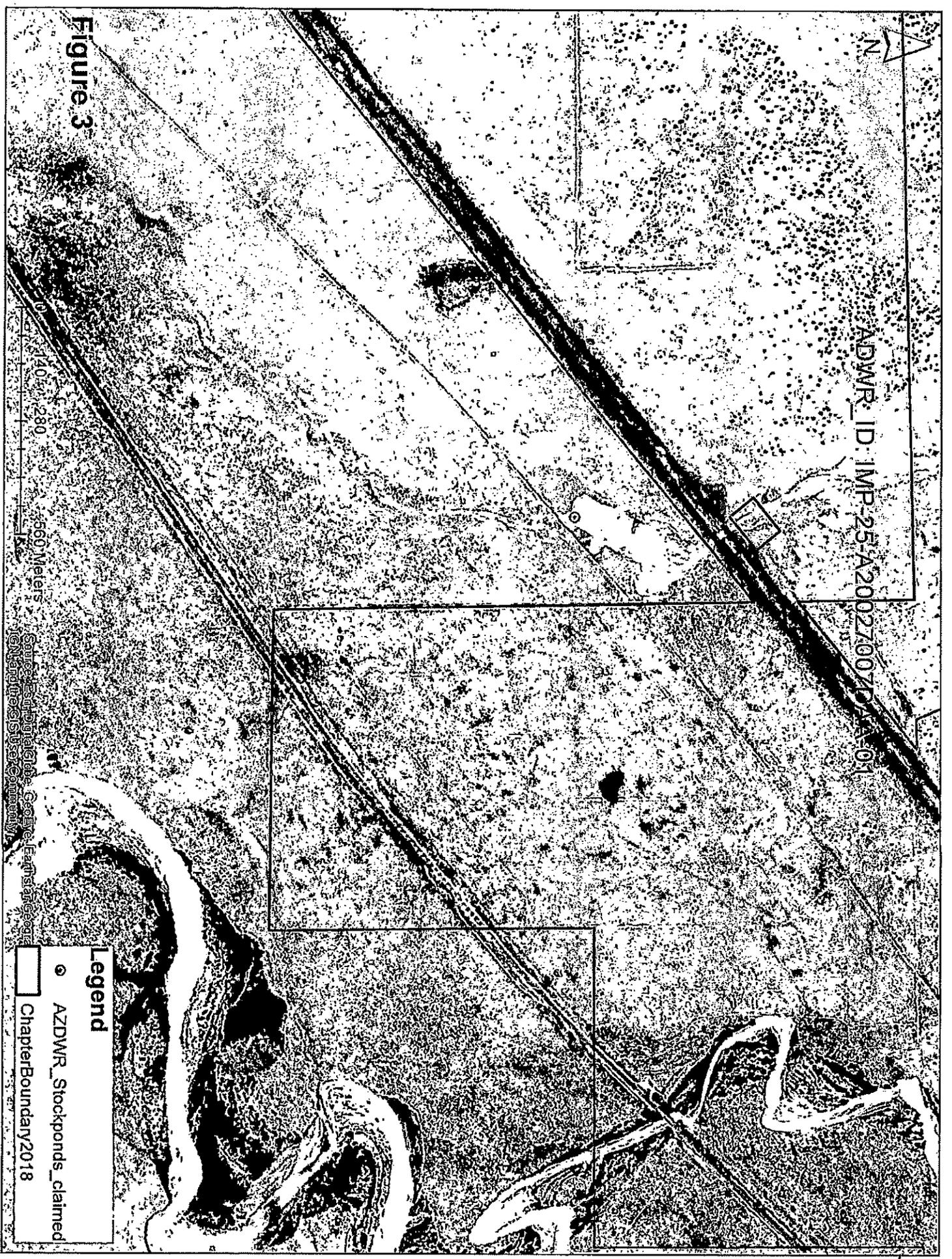


Figure 3

0 140 280 560 Meters

Source: Esri DigitalGlobe, GeoEye, Earthstar Geoint, IGN, and the GIS User Community

Legend

- AZDWR_Stockpounds_claimed
- ChapterBoundary2018