

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

Aug. 15,
1988

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

NO. 6417
Pre-Trial Order No. 2
Re: Content of HSRs

Having studied the written and oral comments of the various claimants, the statutory requirements regarding the Department of Water Resources and the preparation of hydrographic survey reports, the resources of the DWR, the length of time required to prepare the HSRs and the Court's finding that HSRs constitute no determination or resolution of factual issues but are rather for the use of the finder of fact - and may be expanded at the adjudication stage at the direction of the Court - the Court at this time ORDERS as follows, as to the content of the HSRs:

1. DWR shall prepare an HSR for Indian Lands. Contents of this HSR will include:

a. Background information on the boundaries and origins of Indian lands;

b. General information as to water resources, geology, soils, minerals, timber, range land, recreation, topography, climate, and population;

c. Legal documents applying to Indian lands;

d. Current ownerships, leases, water contracts, federal water projects, state filings;

e. Information describing surface water and groundwater available to Indian lands;

f. Past and current water uses on Indian lands.

DWR will not include descriptions or opinions of the feasibility, profitability or practicability of future uses of water for irrigation or other uses. What DWR includes in a through f above, however, will serve as a basis for evaluating claims of future uses. Further, DWR may be directed during the adjudication process to examine the data, assumptions or methods forming the basis of claims or objections to claims regarding future uses of water on Indian lands.

2A.

a. HSRs need not identify a use incidental to another primary water use for which a PWR has been created;

b. HSRs will include stockwatering or wildlife watering from springs;

c. HSRs need not include stockwatering from a well;

d. HSRs will include domestic uses of water within a municipal or water company service area boundary;

e. HSRs need not include instream stockwatering uses where no claim exists;

f. HSRs will include reservoirs impounding water;

2B.

DWR shall make a best effort to describe apparent priority dates for all reported PWRs.

2C.

DWR will describe impoundments of water of less than 15 acre feet.

2D.

DWR will make no conclusion that water uses have been relinquished.

2E.

DWR will not distinguish PWRs for irrigation uses from other uses.

3.

DWR will not utilize the alternative process for investigating and reporting domestic uses.

4.

DWR need not interpret or restate claims apart from the watershed file report.

5A. ' Assignments

a. IT IS HEREBY ORDERED that the form for Assignment of Statement of Claimant attached hereto as Exhibit A is approved and is adopted as the official assignment form for use in the Little Colorado River Adjudication.

b. IT IS FURTHER ORDERED that the filing of a completed Assignment of Statement of Claimant form with the Arizona Department of Water Resources will effect substitution of parties with respect to the water right being transferred. The assignor shall no longer be a party to this adjudication with respect to that water right. The assignee shall thereafter be a party to this adjudication with respect to that water right.

5B. Amendments

a. IT IS HEREBY ORDERED that the four Amendment to Statement of Claimant forms attached hereto as Exhibits B-E are approved and adopted as the official Amendment forms for use in the Little Colorado River Adjudication.

b. IT IS ORDERED that all amendments to Statements of Claimant filed prior to the date of this order are accepted. No motions to amend shall be required as to these amendments.

c. IT IS ORDERED that any claimant who:

- 1) Filed a Statement of Claimant which does not contain all the information requested on the court-approved form or which contains information the claimant believes to be incorrect; and
- 2) Wishes to amend the filed Statement of Claimant to adopt wholly or partially the findings contained in a Preliminary Hydrographic Survey Report or Final Hydrographic Survey Report, as the case may be,

may file a statement to that effect which will constitute an amendment to the Statement of Claimant.

d. IT IS ORDERED that verified amendments to Statements of Claimant which are filed with the Arizona Department of Water Resources not less than ninety days before the issuance of the final Hydrographic Survey Report are hereby allowed. A claimant may file such an amendment to a Statement of Claimant with the Arizona

Department of Water Resources. The Department shall accept filing of these amendments without further order of the Court.

e. IT IS FURTHER ORDERED that amendments to Statements of Claimant shall not be filed with the Arizona Department of Water Resources less than ninety days before the issuance of a final Hydrographic Survey Report unless and until the claimant secures specific court approval. A claimant who has obtained specific court approval shall submit a verified amendment to the Department.

Additionally, the Court makes the following three procedural orders to better facilitate this adjudication:

1. IT IS ORDERED that Pre-Trial Order No. 1, Paragraph 5.B(1)(e), is amended to provide that an endorsement upon or attached to a document stating that copies were mailed to all parties on the Court's approved mailing list shall be sufficient proof of service by mail. Parties shall not be required to file or serve the list of persons served by mail.

2. IT IS ORDERED that all Statements of Claimants submitted to the Department in the General Adjudication of the Little Colorado River System and Source before 5:00 p.m. on December 23, 1985, are accepted and deemed appropriately filed.

IT IS ORDERED that a person who filed a Statement of Claimant after December 23, 1985, but on or before December 23, 1986, and who has not previously intervened by motion and court order, need not file a motion to intervene, except as provided in this Order.

IT IS ORDERED that if the Department concludes from the face of a Statement of Claimant filed within one year after the filing deadline that the Statement of Claimant is inappropriate or extremely faulty, then the Department shall bring the Statement of Claimant to the Court's attention, and the Court shall determine whether the Statement of Claimant is appropriately filed.

3. IT IS ORDERED that in conjunction with the duty of the Arizona Department of Water Resources to review the Statements of Claimant and the amount of fees paid as to each as specified in A.R.S. 45-254(F), if the Department ascertains that a claimant is entitled to a refund of a filing fee, the Department shall make the refund without further direction by the Court. If the Department cannot determine whether a refund is due, the claimant shall submit the issue to the Court for decision.

There being no pending substantive motions before the Court, it is ORDERED that the hearing scheduled for October, 1988 is vacated.

ASSIGNMENT OF STATEMENT OF CLAIMANT
Superior Court of Apache County

This form is to be used to notify the Superior Court of Apache County of any change in ownership of land upon which a claim for a water right was made on a statement of claimant form filed in the General Adjudication of the Little Colorado System and Source. This form may also be used to notify the Court of any change in ownership of a water right which is not attached or appurtenant to land or which has been transferred from one parcel of land to another.

Both sides of this form are to be completed in accordance with the instructions below. All signatures are to be verified by a notary public. Mail the original completed form to: Arizona Department of Water Resources, Adjudications Division, 15 South 15th Avenue, Phoenix, Arizona 85007.

General Instructions

Please attach to this form a copy of a duly recorded deed, a copy of the County Assessor's tax parcel notice or other documentation which evidences change of ownership of the land or of a water right to which Statement(s) of Claimant applies.

Two or more Statements of Claimant may be assigned on this form only if the assignor(s)/seller(s) are identical on all Statements of Claimant and the assignee(s)/buyer(s) are identical on all Statements of Claimant. If a Statement of Claimant is subdivided to two or more separate assignees/buyers, an assignment form must be completed for each of the assignees/buyers. If more space is needed, attach a separate sheet.

This assignment form must be signed by all assignee(s)/buyer(s) and all assignor(s)/seller(s), and the current address and telephone number of each party must be furnished. If there are more than two assignees or assignors, the name, address, telephone number and signature of each additional assignee or assignor should be attached on a separate sheet.

The undersigned parties hereby notify the Superior Court of Apache County of the assignment of the following Statement(s) of Claimant:

39- _____
39- _____
39- _____
39- _____
39- _____
39- _____
39- _____
39- _____

39- _____
39- _____
39- _____
39- _____
39- _____
39- _____
39- _____
39- _____

COMPLETE OTHER SIDE OF FORM

SELLER(S) ASSIGNEE(S)

BUYER(S)/ASSIGNEE(S)

NAME(S) _____
(print or type)

NAME(S) _____
(print or type)

ADDRESS _____

ADDRESS _____

TELEPHONE () _____

TELEPHONE () _____

Signature _____

Signature _____

Signature _____

Signature _____

STATE OF ARIZONA)
County of _____) SS.

STATE OF ARIZONA)
County of _____) SS.

The foregoing instrument was
acknowledged and signed before me
this _____ day of _____,
19____, by _____.

The foregoing instrument was
acknowledged and signed before me
this _____ day of _____,
19____, by _____.

Notary Public

Notary Public

My Commission Expires:

My Commission Expires

STATEMENT OF CLAIMANT FORM
FOR
DOMESTIC USE
AMENDMENT

CLAIM BEING AMENDED
NO. 39- _____

SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: _____
Claimant Address: _____ City _____
State: _____ Zip Code _____ Telephone _____
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. _____
 - E. Other, describe: _____
3. Claimed Priority Date: _____ (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. A. Legal description of the Point of Diversion:
County _____, Section _____, Township _____ N/S, Range _____ E/W
Legal Subdivision:
_____ ¼, _____ ¼, _____ ¼ of the Section
B. Legal Description of Place of Use: (one of the following)
County _____, Section _____, Township _____ N/S, Range _____ E/W
_____ ¼, _____ ¼, _____ ¼ of the Section, or
Parcel I.D. _____, 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:
 - A. Instream pump.
 - B. Gravity flow into ditch, canal or pipeline.
 - C. Well: Arizona Department of Water Resources Well Registration No. 55- _____
 - D. Other, describe _____

8. Number of persons _____ or dwellings _____ served by this use.

9. Annual Volume Claimed: _____ acre-feet

10. It may be necessary for a representative from the Department of Water Resources to inspect the place, 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. Mail form(s) to: Department of Water Resources, Adjudications Division, 15 South 15th Avenue, Phoenix, Arizona 85007.

14. 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 & complete.

(seal)

My Commission Expires: _____

Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

STATEMENT OF CLAIMANT FORM
FOR
STOCKPOND USE
AMENDMENT

CLAIM BEING AMENDED
NO. 39- _____

SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: _____
Claimant Address: _____ City _____
State: _____ Zip Code _____ Telephone _____
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 litigants, court, date and case no.: _____
 - E. Other, describe: _____
3. Claimed Priority Date: _____ (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: _____
5. Legal description of the location of the stockpond: (attach additional sheet if required)
_____, _____, _____, Section _____, Township _____ N/S, Range _____ E/W
6. If there are other uses supplied by the stockpond or its water source, describe: _____
7. Description of the Stockpond:
 - A. Name or other designation: _____
 - B. Dam specifications:
 - 1) Date construction began, _____, and ended _____
 - 2) Height, _____ ft.
 - 3) Does dam have an outlet structure other than spillway? Yes No
 - C. Reservoir behind dam:
 - 1) Date water first stored: _____ (month/day/year)
 - 2) Maximum length: _____ ft.
 - 3) Maximum width: _____ ft.
 - 4) Maximum depth of water at spillway crest: _____ ft.
 - 5) Maximum storage volume at spillway crest: _____ Acre-Feet

8. Number and kind of livestock or wildlife watered by this stockpond:
_____, for _____ months per year.

9. Attach photographs, maps or sketches necessary to show the location of the stockpond(s) and a conveyance system and other point(s) of diversion.

10. It may be necessary for a representative from the Department of Water Resources to inspect the stockpond 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. Mail form(s) to: Department of Water Resources, Adjudications Division, 15 South 15th Avenue Phoenix, Arizona 85007.

14. 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

STATEMENT OF CLAIMANT FORM
FOR

IRRIGATION USE
AMENDMENT

SUPERIOR COURT OF APACHE COUNTY

CLAIM BEING AMENDED

NO. 39- _____

1. Claimant Name: _____
Claimant Address: _____ City _____
State: _____ Zip Code _____ Telephone _____
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. _____
 - E. Other, describe: _____
3. Source of Water:
 - A. Stream: name _____, tributary to _____
 - B. Spring: name _____, tributary to _____
 - C. Lake or Reservoir: name _____, tributary to _____
 - D. Groundwater.
4. Legal description of the Point of Diversion: (attach additional sheet if required)
_____, _____, _____, Section _____, Township _____ N/S, Range _____ E/W
5. If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:

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

8. Place(s) of Use, Annual Water Use and Claimed Priority Date(s): (attach additional sheet if required)

County: _____

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
_____	_____	N/S	E/W	_____	_____	_____
_____	_____	N/S	E/W	_____	_____	_____
_____	_____	N/S	E/W	_____	_____	_____

9. Claimed Right:

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

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

11. 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 _____

12. 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? _____

13. Additional comments: _____

(attach additional sheet if required)

14. Mail form(s) to: Department of Water Resources, Adjudications Division, 15 South 15th Avenue Phoenix, Arizona 85007.

15. 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

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES¹
AMENDMENT

CLAIM BEING AMENDED

NO. 39- _____

SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: _____
Claimant Address: _____ City _____
State: _____ Zip Code _____ Telephone _____
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. _____
 - E. Other, describe: _____
3. Claimed Priority Date: _____ (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: _____
5. Source of Water:
 - A. Stream: name _____, tributary to _____
 - B. Spring: name _____, tributary to _____
 - C. Lake or Reservoir: name _____, tributary to _____
 - D. Groundwater
6. Legal description of the Point of Diversion: (attach additional sheet if required)
_____, _____, _____, Section _____, Township _____ N/S, Range _____ E/W
7. If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:

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

¹See Instructions for explanation of uses in this category

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 _____

Legal Subdivision	Section	Township	Range
_____	_____	_____ N/S	_____ E/W
_____	_____	_____ N/S	_____ E/W

11. Claimed Right:

A. Maximum Flow Rate: _____

cubic-feet per second
 gallons per minute
 Arizona miner's inches

B. Annual Volume of Water Use: _____ acre-feet

C. Storage Right: _____ 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 _____

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? _____

15. Mail form(s) to: Department of Water Resources, Adjudications Division, 15 South 15th Avenue Phoenix, Arizona 85007.

16. Additional comments: _____

(attach additional sheet if required)

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