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2 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
3 **IN AND FOR THE COUNTY OF APACHE**
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6 IN THE GENERAL ADJUDICATION OF
7 ALL RIGHTS TO USE WATER IN THE
8 LITTLE COLORADO RIVER SYSTEM
9 AND SOURCE

CV 6417-201

ORDER SETTING DEADLINE FOR
AMENDED STATEMENTS OF
CLAIMANT AND INTERIM
STATUS REPORTS

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13 CONTESTED CASE NAME: *In re Hopi Tribe Priority.*

14 HSR INVOLVED: None.

15 DESCRIPTIVE SUMMARY: Amended statements of claimant for water rights
16 appurtenant to land owned by or in trust for the Hopi Tribe located outside the boundaries
17 of the 1882 Reservation and Moenkopi Island shall be filed by December 15, 2017, and
18 periodic status reports shall be submitted to the court.

19 NUMBER OF PAGES: 5.

20 DATE OF FILING: August 3, 2016.
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22 On July 12, 2016, a status conference was held to consider the process to
23 adjudicate water rights appurtenant to that real property located outside the Hopi
24 Reservation, the boundaries of which are defined in the Hopi I HSR, and owned by the
25 Hopi Tribe or held in trust for the Hopi Tribe by the United States. The United States
26 and the Hopi Tribe identified the off-reservation land as: the Hopi Ranches, i.e., the Aja,
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1 Clear Creek, DoBell, Drye, Hart and 26 Bar Ranches and the land acquired by or on
2 behalf of the Hopi Tribe adjacent to the named ranches, Hopi Industrial Park, Homolovi
3 Lands, Stockhausen Land Donation, Twin Arrows Property and four commercial
4 properties. The Arizona Department of Water Resources (ADWR) specified the
5 information to be provided by the Hopi Tribe and the United States in the amended
6 statements of claimant that will expedite its analysis of the claimed water rights. The
7 Hopi Tribe has also requested that as part of the process, ADWR should analyze all
8 statements of claimant filed by its predecessors in interest to the off-reservation land.
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11 At the status conference, consideration was given to the possible identification and
12 resolution of legal issues during the period prior to the filing of the amended statements
13 of claimant. Several parties submitted a list of issues. Other parties argued that the
14 resolution of dispositive issues should await the completion of discovery presumably
15 after a final HSR is completed. It appears from the very brief descriptions of the issues
16 provided by the parties that the issues will depend, at a minimum, upon the actual water
17 rights claimed by the Hopi Tribe and the United States in the amended statements of
18 claimant. Accordingly, no briefing schedule will be set at this time. If, however, one or
19 more parties believe that the process can be advanced by a summary judgment motion,
20 such party may file a motion at such time as the party deems appropriate and it will be
21 considered along with any responses and replies timely filed in accordance with the
22 Arizona Rules of Civil Procedure.
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25 Finally, the parties offered multiple suggestions for the geographical scope of the
26 Hopi II HSR ranging from the entire Coronado Aquifer (C Aquifer) to only the claims
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1 listed in the amended statements of claimant. This decision will be deferred until such
2 time as more information becomes available.

3 **IT IS ORDERED** that the Hopi Tribe and the United States shall file a report by
4 October 28, 2016, listing the statements of claimant filed by their predecessors in interest
5 that have not been assigned to the United States or the Hopi Tribe and identifying the
6 reasons that such statements of claimant should not be dismissed.
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8 **IT IS FURTHER ORDERED** that the Hopi Tribe and the United States shall file
9 by December 15, 2017, amended statements of claimant for the Hopi Industrial Park and
10 such other off-reservation land for which no claims are made for irrigation, stockponds or
11 stock watering that contain the following information:
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- 13 1. Information about historic and existing types of water uses on the Hopi
14 Industrial Park and such other off-reservation land;
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- 16 2. Current quantities of use and the method of measuring or estimating such
17 quantities;
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- 19 3. Sources of water;
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- 21 4. Dates on which water uses began and supporting documentation or
22 imagery; and
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- 24 5. A map provided in a digital ArcGIS format (i.e., geodatabase, map
25 coverages or feature classes, and/or polygon or point shapefile data) that
26 shows the places of use, points of diversion, and the boundaries of the Hopi
27 Industrial Park and such other off-reservation land.
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1 **IT IS FURTHER ORDERED** that the Hopi Tribe and the United States shall file
2 by December 15, 2017, amended statements of claimant for the Hopi Ranches and such
3 other off-reservation land for which a claim is made for irrigation, stockponds or stock
4 watering that contain the following information:
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- 6 1. Updated water right abstracts, as appropriate, with new filings, if any;
- 7 2. Current quantities of use and the method of measuring or estimating such
8 quantities; and
- 9 3. Documents or imagery to support the priority dates claimed in the water
10 right abstracts.
- 11 4. For irrigation uses:
 - 12 a. Mapped locations of currently irrigated acres and acreage totals;
 - 13 b. Names and locations of diversions/sources for both groundwater and
14 surface water;
 - 15 c. Annual volume used; and
 - 16 d. Basis for determining the annual volume used:
 - 17 i. Diversion measurements
 - 18 ii. Crop types and consumptive use for each crop
 - 19 iii. Estimated conveyance efficiencies
 - 20 iv. Estimated on-farm efficiencies
 - 21 v. Fill capacities of water storage facilities
 - 22 vi. Evaporation losses from any water storage facilities

