

6417-033-02093

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

APACHE CO. SUPERIOR COURT
FILED

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

No. 6417 NO. _____ DOCKETED

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

MAY 28 1991
AT 9 O'CLOCK A.M.
RICHARD D. LUPKE, CLERK
DEPUTY

Please file a separate objection for each watershed file report. Objections to information contained in Volumes 1 & 2 can be stated on one objection form. Objections must be written. Use of this form is suggested. Objections must be received on or before May 29, 1991.

This Objection is directed to Watershed File Report No.

033- 42- 019

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: United States of America
Objector's Address: P.O. Box 607, Albuquerque, New Mexico 87103
Objector's Telephone No.: (505) 766 - 1060
Objector's Watershed File Report No. (if the Objector's claimed water rights are located within the Silver Creek Watershed):

033- 42 - 088 -

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

39-

STATEMENT OF THE OBJECTION

The following are the main categories of the typical watershed file report (not all watershed file reports have all these categories). Please check the category(ies) of the watershed file report to which you object, and state the reason for the objection on the following page.

Please check appropriate box(es)

- [] 1. I object to the description of **Land Ownership**
- [XX] 2. I object to the description of **Applicable Filings and Decrees**
- [] 3. I object to the description of **DWR's Analysis of Filings and Decrees**
- [] 4. I object to the description of the **Diversions** for the claimed water right(s)
- [] 5. I object to the description of the **Uses** for the claimed water right(s)
- [] 6. I object to the description of **Reservoirs** used for the claimed water right(s)
- [] 7. I object to the description of **Shared Uses & Diversions** for the claimed water right(s)
- [XX] 8. I object to the **PWR (Potential Water Right) Summary** of the claimed water right(s)
- [] 9. I object to the description of **Quantities of Use** for the claimed water right(s)
- [] 10. I object to the **Explanation** provided for the claimed water right(s)
- [] 11. Other Objections (please state volume number, page number and line number for each objection)

The reason for my objection is as follows (please number your objections to correspond to the boxes checked and please attach supporting information and additional pages as necessary):

CATEGORY
NUMBER

SEE ATTACHED SHEET(S)

I hereby make this Objection on this 28TH day of May, 1991.

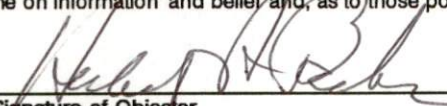


Signature of Objector

FOR: UNITED STATES OF AMERICA
(If in a representative capacity)


STATE OF New Mexico } **VERIFICATION**
COUNTY OF Bernalillo } (Must be completed by Objector)

I declare under penalty of perjury that I am a claimant in this proceeding; that I have read the contents of the foregoing Objection and know the contents thereof; and that the information contained in the foregoing Objection is true based on my own personal knowledge, except for those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.



Signature of Objector

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



Notary Public for the State of New Mexico
Residing at Albuquerque
My commission expires 7-21-92

{SEAL}

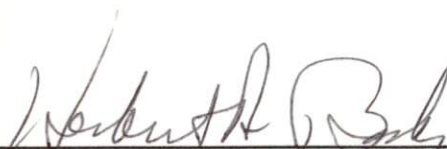
CERTIFICATE OF MAILING

(Must be completed if you object to another Claimant's watershed file report. Does not need to be completed if you file an Objection to your own watershed file report or to information contained in Volumes 1 or 2 of the Hydrographic Survey Report.)

I hereby certify that a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 28th day of May, 1991, postage prepaid and addressed as follows:

03342 019

Name: FLAKE, POST W. (TRUSTEE)
Address: P O BOX 147
SNOWFLAKE AZ 85937



(Signature of Objector or person mailing in Objector's behalf)

Objections must be filed with the Clerk of the Superior Court in and for Apache County, Apache County Courthouse, P.O. Box 365, St. Johns, AZ 85936, on or before May 29, 1991. This means that the Objection must be received at the Clerk's office no later than 5:00 p.m. on Wednesday, May 29, 1991.

033-42-019
39-81263

2. The claimant for this stockpond (39-81263) failed to register the stockpond under the terms set forth in the Arizona Stockpond Registration Act (1977). Thus, the claimant has not complied with the legally enacted procedures for registering this stockpond, therefore the potential water right should be denied.
- The claimant indicated on their adjudication pre-filing (#36-35478) that they were using the water source for domestic purposes. ADWR found no domestic use during their field investigation. Therefore, domestic portion of the claim should be rejected.
8. The Arizona Department of Water Resources (ADWR) assigned this stockpond a potential water right despite the failure of the claimant to properly register the pond as required under the terms of the 1977 Stockpond Registration Act. Further, ADWR has recognized the claimant's use of surface water even though the claimant did not file under the terms of the Arizona Surface Water Act (1974). ADWR should rescind the potential water right assigned to this stockpond.

033-42-019
39-81266

2. The claimant's priority date of 1886 cited in their adjudication filing (#39-81266) is unsubstantiated. The Stockpond Registration form (#38-58227) identified by the claimant in their filing and submitted with their claim indicates that the stockpond was not built until 1937. Therefore the priority date for this claim should be no earlier than 1937.
- The claimant indicated on their adjudication pre-filing (#36-35481) that they were using the water source for domestic purposes. ADWR found no domestic use during their field investigation. Therefore, domestic portion of the claim should be rejected.
8. The Arizona Department of Water Resources assigned an 1886 priority date to this claim. This date is unsubstantiated. The claimant filed this stockpond under the terms of the Stockpond Registration Act (#38-58227) and stated that the pond was built in 1937. Therefore the priority date for the stockpond should be no earlier than 1937.

033-42-019
39-81267

2. The claimant's priority date of 1886 cited in their adjudication filing (#39-81267) is unsubstantiated. The Stockpond Registration form (#38-58226) identified by the claimant in their filing and submitted with their claim indicates that the stockpond was not built until 1947. Therefore the priority date for this claim should be no earlier than 1947.
- The claimant indicated on their adjudication pre-filing (#36-35482) that they were using the water source for domestic purposes. ADWR found no domestic use during their field investigation. Therefore, domestic portion of the claim should be rejected.
8. The Arizona Department of Water Resources assigned an 1886 priority date to this claim. This date is unsubstantiated. The claimant filed this stockpond under the terms of the Stockpond Registration Act (#38-58226) and stated that the pond was built in 1947. Therefore the priority date for the stockpond should be no earlier than 1947.

033-42-019
39-81269

2. The claimant's priority date of 1886 cited in their adjudication filing (#39-81269) is unsubstantiated. The Stockpond Registration form (#38-58224) identified by the claimant in their filing and submitted with their claim indicates that the stockpond was not built until 1973. Therefore the priority date for this claim should be no earlier than 1973.
- The claimant indicated on their adjudication pre-filing (#36-35484) that they were using the water source for domestic purposes. ADWR found no domestic use during their field investigation. Therefore, domestic portion of the claim should be rejected.
8. The Arizona Department of Water Resources assigned an 1886 priority date to this claim. This date is unsubstantiated. The claimant filed this stockpond under the terms of the Stockpond Registration Act (#38-58224) and stated that the pond was built in 1973. Therefore the priority date for the stockpond should be no earlier than 1973.

033-42-019
39-81270

2. The claimant's priority date of 1886 cited in their adjudication filing (#39-81270) is unsubstantiated. The Stockpond Registration form (#38-58223) identified by the claimant in their filing and submitted with their claim indicates that the stockpond was not built until 1937. Therefore the priority date for this claim should be no earlier than 1937.
- The claimant indicated on their adjudication pre-filing (#36-35485) that they were using the water source for domestic purposes. ADWR found no domestic use during their field investigation. Therefore, domestic portion of the claim should be rejected.
8. The Arizona Department of Water Resources assigned an 1886 priority date to this claim. This date is unsubstantiated. The claimant filed this stockpond under the terms of the Stockpond Registration Act (#38-58223) and stated that the pond was built in 1937. Therefore the priority date for the stockpond should be no earlier than 1937.

APACHE CO. SUPERIOR COURT
 FILED
 NO. 454 DOCKETED
 MAY 28 1991
 AT _____ O'CLOCK 4:50 P.M.
 RICHARD D. LUPKE, CLERK
 _____ DEPUTY

1 Stanley M. Pollack (S.B. No. 011046)
 Navajo Nation Department of Justice
 2 P.O. Drawer 2010
 Window Rock, AZ 86515
 3 Attorneys for THE NAVAJO NATION

4 Reid Peyton Chambers
 Sonosky, Chambers, Sachse & Endreson
 5 1250 Eye Street, N.W., Suite 1000
 Washington, D.C. 20005
 6 Attorneys for THE HOPI TRIBE

7 Jeanne S. Whiteing
 Whiteing & Thompson
 8 1136 Pearl Street, Suite 203
 Boulder, CO 80302
 9 Attorneys for THE SAN JUAN
 SOUTHERN PAIUTE TRIBE

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

13	IN RE THE GENERAL ADJUDICATION	)	No. 6417
14	OF ALL RIGHTS TO USE WATER IN)	
15	THE LITTLE COLORADO RIVER	)	JOINDER AND CONCURRENCE OF
16	SYSTEM AND SOURCE	)	THE NAVAJO NATION, THE
17		)	HOPI TRIBE, THE SAN JUAN
18		)	SOUTHERN PAIUTE TRIBE WITH
19		)	ALL OBJECTIONS SUBMITTED
		)	BY THE UNITED STATES TO THE
		)	HYDROGRAPHIC SURVEY REPORT
		)	FOR THE SILVER CREEK
		)	WATERSHED

20 Descriptive Summary: The Navajo Nation, the Hopi Tribe,
 21 and the San Juan Southern Paiute Tribe (Tribes) join in, concur
 22 with, and adopt the Statements of Objection for all Watershed File
 23 Reports submitted by the United States.

24 Statement of Claimant Numbers: Not Applicable.

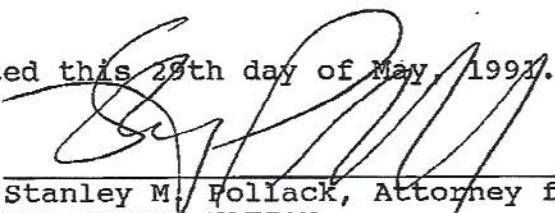
25 Date of Filing: May 29, 1991.

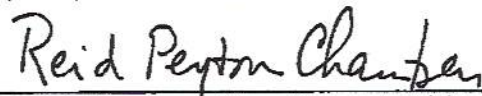
26 Number of Pages: 2 (Excluding Exhibit).

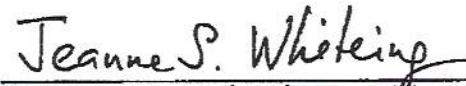
27 THE NAVAJO NATION, THE HOPI TRIBE, and THE SAN JUAN
 28 SOUTHERN PAIUTE TRIBE join in, concur with, and adopt the

1 Statements of Objection for all Watershed File Reports submitted
2 by the United States, as though each Tribe had submitted said
3 objection on its own behalf.

4 Respectfully submitted this 29th day of May, 1997.

5
6 
7 Stanley M. Follack, Attorney for
8 THE NAVAJO NATION
9 Navajo Nation Department of Justice
10 P.O. Drawer 2010
11 Window Rock, AZ 86515
12 (602) 871-6931

13 
14 Reid Peyton Chambers, Attorney for
15 THE HOPI TRIBE
16 Sonosky, Chambers, Sachse & Endreson
17 1250 Eye Street, N.W., Suite 1000
18 Washington, D.C. 20005
19 (202) 682-0240

20 
21 Jeanne S. Whiteing, Attorney for
22 THE SAN JUAN SOUTHERN PAIUTE TRIBE
23 Whiteing & Thompson
24 1136 Pearl Street, Suite 203
25 Boulder, CO 80302
26 (303) 444-2549

27
28 Copies of the foregoing were
served upon each claimant to
which an objection was filed by
the United States. Service was
made by attaching a copy of this
pleading to the objections
served on each claimant by the
United States.

