

6417-033-03375

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. _____ DOCKETED
No. 6417
MAY 29 1991

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

AT _____ O'CLOCK 1:45 P.M.
RICHARD D. LUPKE, CLERK
DP 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- 56 - 060 - _____
(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Arizona State Land Department
Objector's Address: 1616 West Adams
Phoenix, Arizona 85007
Objector's Telephone No.: (602) 542-3500
Objector's Watershed File Report No. (if the Objector's claimed water rights are located within the Silver Creek Watershed): 033- _____ - _____ - _____

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
- 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)
- 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 above; please attach supporting information and additional pages as necessary):

CATEGORY NUMBER

2 The amount of water claimed is excessive.

I hereby make this Objection on this 24th day of May, 1991.



STATE LAND COMMISSIONER

Signature of Objector

FOR: STATE OF ARIZONA (State Land Department)
(If in a representative capacity)

STATE OF ARIZONA
COUNTY OF MARICOPA

VERIFICATION

(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.

STATE LAND COMMISSIONER

Signature of Objector

SUBSCRIBED AND SWORN to before me this 24th day of May, 1991.

{SEAL}



Margaret L. Brocato

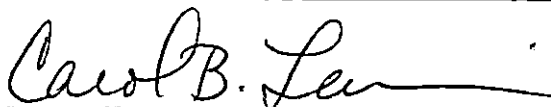
Notary Public for the State of ARIZONA
Residing at 1616 W. Adams, Phoenix, Arizona 85007
My commission expires _____

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 24th day of May, 1991, postage prepaid and addressed as follows:

Name: V.S. & Blanche Peterson
Address: Box 93
Lakeside, Arizona 85929



(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.

6417-033-03277

APACHE CO. SUPERIOR COURT
FILED

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

DOCKETED

MAY 29 1991

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

AT _____ O'CLOCK 9 A. M.
No. 64 RICHARD D. LUPKE, CLERK
SP DEPUTY

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

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- 56 - ACAD - 060
(please insert no.)

OBJECTOR INFORMATION

Objector's Name:
Objector's Address:

PETERSON V. S. & BLANCHE
PETERSON S. G. & KAREN

Objector's Telephone No.:

(602) 368-5067

Objector's Watershed File Report No. (if the Objector's claimed water rights are located within the Silver Creek Watershed):

033- 56 - ACAD - 060

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
- 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)
- 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)

REASON FOR MY OBJECTION IS AS FOLLOWS (PLEASE NUMBER YOUR OBJECTIONS TO CORRESPOND TO THE BOXES CHECKED ABOVE; PLEASE ATTACH SUPPORTING INFORMATION AND ADDITIONAL PAGES AS NECESSARY):

CATEGORY NUMBER: 5, 7, 8, 9

I do not feel that there is enough acreage described in your report. Ownership has changed and we are the principle water users of this water. I think your estimates are extremely low.

I hereby make this Objection on this 29 day of May, 1991.

Signature of Objector: Karen Peterson

FOR: Karen P. (if in a representative capacity)

STATE OF Arizona COUNTY OF Navajo

VERIFICATION (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: Karen Peterson

SUBSCRIBED AND SWORN to before me this 29 day of May, 1991.

(SEAL)

Notary Public for the State of Arizona Residing at Apache Co. My commission expires 7-9-94

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 ___ day of ___, 1991, postage prepaid and addressed as follows:

Name: Address:

(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.

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

APACHE CO. SUPERIOR COURT
FILED

NO. 6417 DOCKETED

MAY 28 1991

AT 9 O'CLOCK A.M.
RICHARD D. LUPKE, CLERK
SM DEPUTY

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

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- 56 - 060
(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)

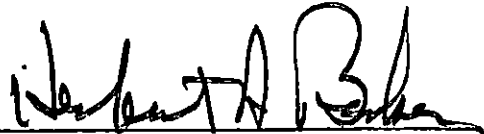
- 1. I object to the description of Land Ownership
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- 7. I object to the description of Shared Uses & Diversions for the claimed water right(s)
- 8. I object to the PWR (Potential Water Right) Summary of the claimed water right(s)
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- 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)

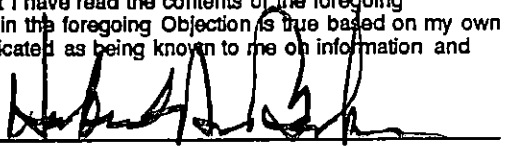
I hereby make this Objection on this 28 day of May, 1991.


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 28 day of May, 1991.


Notary Public for the State of New Mexico
Residing at San Mateo Albuquerque
My commission expires 10/3/93


{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:

03356 060
PETERSON, V.S. & BLANCHE PETERSON, J.G. & KAREN
BOX 93
LAKE SIDE AZ 85929


(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.

WFR #: 033-56-060

1. ADWR ownership maps show SP1 (Flag Hollow Lake) is not owned by these claimants, so no water right to divert from it should be awarded to them.
2. These landowners have no right to file a Statement of Claimant for Flag Hollow Dam. Use is, therefore, invalid.

There is an invalid legal foundation established for this facility. No water right permit was obtained to build this facility in 1949 and this dam has not been certified under the Stockpond Registration Act of 1977.

The adjudication filing and supporting materials show the facility was not built until 1949, so no earlier priority date can be awarded.

3. Filing 39-86831 shows that Flag Hollow Dam was to be built for irrigation and recreational purposes. ADWR found only stockpond uses at this facility, which are outside its purpose of use. Filing 39-86832 specifies that the dam was built in 1949, so no earlier priority date can be awarded.
4. The claimed source of supply is not supported by historic use.
6. Adjudication filing and attached history state that this facility was not built until 1949, so no earlier priority date could be awarded.
8. There are no applicable pre-adjudication filings. Claim has no legal foundation. The actual owners of the land containing Flag Hollow Dam did not make the adjudication claim. Uses are to be restricted only to stockwater purposes.

Documentation presented supports a 1949 date.

9. Estimated volume should be limited to current size of the facility.

6417-033-02207

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. _____ DOCKETED
No. 6417

MAY 28 1991

AT _____ O'CLOCK M
RICHARD D. LUPKE, CLERK
DEPUTY

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

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- 56- 060
(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
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- 3. I object to the description of DWR's Analysis of Filings and Decrees
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- 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.

Robert A. Baker
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.

Robert A. Baker
Signature of Objector

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

Lucinda E Hill
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:

Name: PETERSON, V.S. & BLANCHE PETERSON, J.B. & KAREN
Address: BOX 93
LAKESIDE AZ 85929

Robert A. Baker
(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.

033-56-060
39-86831

2. The claimant for this stockpond (39-86831) failed to register the stockpond under the terms set forth in the Arizona Stockpond Registration Act (1977). Further, the claimant failed to file for use of surface water as mandated by the Arizona Surface Water Act (1974). Thus, the claimant has not complied with the legally enacted procedures for registering this stockpond, therefore the potential water right should be denied.

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.

033-56-060

39-86832

2. The claimant for this stockpond (39-86832) failed to register the stockpond under the terms set forth in the Arizona Stockpond Registration Act (1977). Further, the claimant failed to file for use of surface water as mandated by the Arizona Surface Water Act (1974). Thus, the claimant has not complied with the legally enacted procedures for registering this stockpond, therefore the potential water right should be denied.

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.

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.

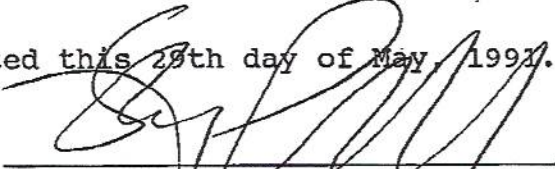
25 Date of Filing: May 29, 1991.

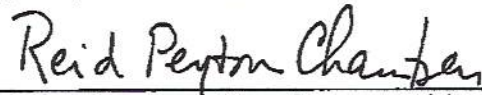
26 Number of Pages: 2 (Excluding Exhibit).

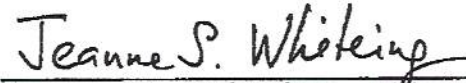
27 THE NAVAJO NATION, THE HOPI TRIBE, and THE SAN JUAN
 28 SOUTHERN PAIUTE TRIBE join in, concur with, and adopt the

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.

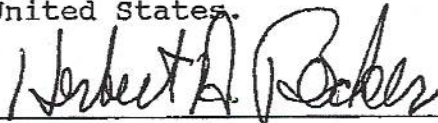
4 Respectfully submitted this 29th day of May, 1997.

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
29 Copies of the foregoing were
30 served upon each claimant to
31 which an objection was filed by
32 the United States. Service was
33 made by attaching a copy of this
34 pleading to the objections
35 served on each claimant by the
36 United States.

37 
38