6417-033-0027

IN THE SUPERIOR COURT OF THE STATE OF ARIZON NO.

APACHE CO. SUPERIOR COURT FILED

DOCKETED I

MAR 2 0 1991

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

RECOMMENDED FORM FOR OBJECTIONS TO THE Hydrographic Survey Report for the Silver Creek Watershed c. 6417 RICHARD D. LUPKE, CLERK

States. Patrice, DEPTH

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.

1105	polection	n is directed to Watersned File Report No. 033- 56 - ADBB - 1		
Ohie	ctor's	OBJECTOR INFORMATION Name: Apache-Situreaves National Forests		
- 0.7		Name: Apache-Sitgreaves National Forests Address: P.O. Box 640		
,-	2.01 0	Springerville, AZ 85938		
Obje	ctor's	Telephone No.: (602) 333-4301		
0.5	ctor's	Watershed File Report No .(if the Objector's claimed water rights are located within the Silver Creek Water-		
31150	.,.	03356002		
Or C)bjecto	r's Statement of Claimant No. (if the Objector's claimed water rights are located outside the Silver Creek Watershed):		
on t		STATEMENT OF THE OBJECTION ring are the main categories of the typical watershed file report (not all watershed file reports have all these cat- lowing page.		
appro	priate l	pox(es)		
	1.	i object to the description of Land Ownership		
X	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.			
	8.	I object to the PWR (Potential Water Right) Summary of the claimed water right(s)		
	9.	l 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)		

	Morgan Wash Tank	is at least mrtially on National Forest land and is
usea	by permittee on WFR	(33-56-002.
		*
ereby make ti	nis Objection on this 💯	_day of March_, 199 / Signature of Opjector
		FOR: Apache-Sitgreaves National Fores (If in a representative capacity)
**************************************		•
TATE OF		VERIFICATION
OUNTY OF _		(Must be completed by Objector)
neciale allasi	penalty of perjury that I an	n a claimant in this proceeding; that I have read the contents of the foregoing
bjection and k y own persona	now the contents thereof:	n a claimant in this proceeding; that I have read the contents of the foregoing and that the information contained in the foregoing Objection is true based on a portions of the Objection which are indicated as being known to me on information leve them to be true. Signature of Objector
bjection and k y own persona	now the contents thereof; all knowledge, except for those	and that the information contained in the foregoing Objection is true based on a portions of the Objection which are indicated as being known to me on information leve them to be true. Signature of Objector
bjection and k y own persona nd belief and,	know the contents thereof; and the contents thereof; and the contents the contents thereof; as to those portions, I believed the contents the conten	and that the information contained in the foregoing Objection is true based on a portions of the Objection which are indicated as being known to me on information eve them to be true. Signature of Objector ORN to before me this based on March, 199
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF APACHE

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

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.

	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 (Please insert no.)		
	OBJECTOR INFORMATION		
	Objector's Name: Salt River Project Objector's Address: Post Office Box 52025		
THE PERSON NAMED IN	Objector's Telephone No: Chjector's Watershed File Report No. (If the Objector's claimed water rights are located within the Silver Creek Water-		
	shed):		
	Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the Silver Creek Watershed):		
	39- <u>82193 - 82206</u> 39- <u>87343</u>		
116	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		
7	on the following page.		
	1. I object to the description of LAND OWNERSHIP		
The state of the s	2. I object to the description of APPLICABLE FILINGS AND DECREES		
Tr	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. 1 object to the description of RESERVOIRS used for the claimed water right(s)		
1	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)		

STATEMENT OF THE OBJECTION

- 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
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- 8. I object to the PWR (POTENTIAL WATER RIGHT) SUMMARY of the claimed water right(s)
- 9. I object to the description of the QUANTITIES OF USE for the claimed water right(s)
- 10. I object to the EXPLANATION provided for the claimed water right(s)
- X 11. Other Objections (please state volume number, page number and line number for each objection)

4	
My reason for my objection is as follows (please number) please attach supporting information and additional pages	your objections to correspond to the lines listed above; as necessary).
See attached Salt River Proj	ect Objections to the Hydrographic Surve
Report for the Silver Creek Wate	webad wal
a hereby mand anto dojection on this <u>zeth</u> day of <u>May</u> , 199	01.
	Signature of Objector
	1-200 - 95.05-200 - 900 - 400
	FOR: Salt River Project (if in a representative capacity)
STATE OF Arizona VERIFI	
COUNTI OF Maricona	
my own personal knowledge, except for those personal knowledge, except for those personal knowledge.	this proceeding; that I have read the contents of the foregoing rmation contained in the foregoing Objection is true based on
and belief and, as to those portions, I believe them to be	rmation contained in the foregoing Objection is true based on a Objection which are indicated as being known to me on information
, , ,	1. 10014
· · · · · · · · · · · · · · · · · · ·	David C. Kolan
	Signature of Objector
SUBSCRIBED AND SWORN to	before me this 24th day of May, 1991.
LINDA JEPPERSON Notary Public - State of Administration MARICOPA COUNTY	Notary Public for the State of Arizona
My Comm. Expires March24, 1995	Residing at Maricopa County
	My commission expires
CÉRTIFI	CATE OF MAILING.
N•3	
Does not need to be asset	ject to another Claimant's watershed file report.
THE PERSON OF TH	d if you file an Objection to your own watershed n contained in Volumes 1 or 2 of the Hydrographic Survey
Report.)	Tooltained in volumes 1 or 2 of the Hydrographic Survey
I hereby certify that a copy of the foregoing Objection was copies thereof on the day of, 199_ postage prepaid Name:	s served upon the following Claimant(s) by mailing true and correct d and addressed as follows:
Address:	
	· · · · · · · · · · · · · · · · · · ·
• • • • • • • • • • • • • • • • • • • •	
	(Signature of Objector or person mailing in Objector's behalf)
Objections must be filed wish at all it	======================================
Box 365, St. Johns, AZ 85936, on or before May 29, 1991. 1 office no later than 5:00 p.m. on Wednesday, May 29, 1991.	urt in and for Apache County, Apache County Courthouse, P.O. This means that the Objection must be received at the Clerk's

6417-033-02984

IN THE SUPERIOR COURT OF THE STATE OF ARIZONAL COUNT IN AND FOR THE COUNTY OF APACHE NO.

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

> 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 - 056 - ADBB - 001 (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 boylest

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

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 Me	ay , 199 1
•	FOR: · United States of America
	(If in a representative capacity)
STATE OF New Mexico VERIFICATION COUNTY OF Bernallilo Must be completed I declare under penalty of perjury that I am a claimant in this pro Objection and know the contents thereof; and that the information personal knowledge, except for those portions of the Objection vehicle and, as to those portions, I believe them to be true.	by Objector) Seeding: that I have read the contents of the foregoing or contained in the foregoing Objection is true based on my own
SUBSCRIBED AND SWORN	to before me this 28 day of May 1991.
{SEAL}	Notary Public for the State of New Mexico Residing at Albuquerque My commission expires 10/2/93
	E OF MAILING Ciaimant's watershed file report. Does not

03356ADBB001

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:

EVANS, ET AL 1415 RIH DRIVE FLAGSTAFF AZ 86001

(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 - 056 - ADBB - 001

- The lower small reservoir (SR5) is used by others as a point of diversion for delivering water supplies for irrigation use off the property, but no documentation is presented that any other person has the legal right to divert water off this property.
- 2. There is no indication in the historic record that the individuals who filed the notices of water rights cited as support for this claim ever initiated the water use claimed in 0091458, and 10-0092015 are for lands located outside of the locations identified for number is also questionable. The county filing contained no places of use within the either water use or an early priority date.

Adjudication filing 39-80946 is for water storage in two lakes while there are five springs on the property. There are no claims made for the other three facilities, so no water right can be awarded for them.

The landowner's uses are for stockponds and small reservoirs. ADWR identifies that they were mostly built around 1950. These facilities should legally have had a water right permit before they were constructed. Only SP1 has been registered with the State of Arizona, so no other facility is entitled to a water right.

There is no valid water right foundation for the small reservoirs and stockponds. There are no valid water right permits for the small reservoirs to support the adjudication claim. The pre-adjudication filing (36-66961) claims a 1900 priority date for facilities built much later.

There is no agreement that describes how Evans' facilities are incorporated into the irrigation of U.S. Forest Service land.

3. There is no indication in the historic record that the individuals who filed the notices of water rights cited as support for this claim ever initiated the water use claimed in 0091458, and 10-0092015 are for lands located outside of the locations identified for number is also questionable. The county filing contained no places of use within the either water use or an early priority date.

The adjudication filings list only two out of the five lakes. Based on the dates of apparent first use established by ADWR, pre-adjudication filings should have been based on post-1919 water right permits, rather than filing 36-66961.

The claimed sources of supply are not supported by historic use.

WFR #:

033 - 056 - ADBB - 001

Diversion DO1 is not part of the service area and appurtenant water delivery facilities associated with this claimant.

- There is no irrigation use on this property. Filing 39-91644 is for irrigation on adjacent
- Reservoir SR5 provides no irrigation water to Evans. This use is associated with

With the exception of small reservoir SR4, all storage facilities were built around 1950 and the priority date should be the date permits are obtained for each facility.

Claimed storage rights are not clear as to multiple fillings of each facility.

8. There is no indication in the historic record that the individuals who filed the notices of water rights cited as support for this claim ever initiated the water use claimed in 0091458, and 10-0092015 are for lands located outside of the locations identified for number is also questionable. The applicability of 10-0092002 to this watershed file watershed filing area. These notices of water rights should not be used to confirm either water use or an early priority date.

The claimant should have obtained water right permits for SR1 to SR2 rather than file pre-adjudication filing 36-80946 since the facilities were not built until about 1950. These facilities have no legal foundation. Except for perhaps SR4, the Notices of Appropriation of Record are not applicable to water uses on this property.

Priority dates should be the date of the water right permits which must still be obtained for these storage facilities.

- The total volume of storage must not exceed the 44 acre-feet claimed for all facilities.
- 10. There is no indication in the historic record that the individuals who filed the notices of water rights cited as support for this claim ever initiated the water use claimed in 0091458, and 10-0092015 are for lands located outside of the locations identified for number is also questionable. The applicability of 10-0092002 to this watershed file watershed filing area. These notices of water rights should not be used to confirm either water use or an early priority date.

IN THE SUPERIOR COURT OF THE STATE OF AF CO. SUPERIOR COUR IN AND FOR THE COUNTY OF APACHE

No. 6417

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

> 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- ADBB- 001

(picase 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(jes) of the watershed file report to which you object, and state the reason for the objection on the following page.

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- [XX]2. I object to the description of Applicable Filings and Decrees
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- [] 9. I object to the description of Quantities of Use for the claimed water right(s)
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- [.]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)

l hereby m	ake this Objection on this 28TH day of M	lay, 1991. Signisture of Objector
	FOR:	JNITED STATES OF AMERICA
		(If in a representative capacity)
STATE OF COUNTY Of declare under know the contexcept for tho I believe them	DF Bernalillo (Must be completed be penalty of perjury that I am a claimant in this proceed tents thereof; and that the information contained in the se portions of the Objection which are indicated as here.	y Objector) seding; that I have read the contents of the foregoing Objection and a foregoing Objection is true based on my own personal knowledge, sing known to me on information and belief and, as to those portions, signature of Objector
	SUBSCRIBED AND SWORN to be	efore me this 28th day of May 1991. Lucinda & Hill
	{SEAL}	Notary Public for the State of New Mexico Residing at Albuquerque My commission expires 7-21-92
	(Must be completed if you object to another Clai completed if you file an Objection to your own water 1 or 2 of the Hydrographic Survey Report.)	E OF MAILING mant's watershed file report. Does not need to be shed file report or to information contained in Volumes
I hereby certification the	s cour day or may, 1991, postage prepaid and addre	I upon the following Claimant(s) by mailing true and correct copies asset as follows:
Name: Address:	EVANS, BT AL 1415 RIN DRIVE PLACETARY AZ 86001	(Signature of Objector or person making in Objector's behalf)
Cournous	e, r.u. box 365. St. Johns. Az 85936. on o	erior Court in and for Apache County, Apache County r before May 29, 1991. This means that the Objection 1 5:00 p.m. on Wednesday, May 29, 1991.

6417-033-0676

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

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

No. 6417

APACHE CO. SUPERIOR COURT
FILED
DOCKETED

MAY 28 1991

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

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. 033-56-ADBB-001 (Please insert no.) OBJECTOR INFORMATION Objector's Name: Salt River Project Objector's Address: Post Office Box 52025 Phoenix, Arizona 85072-2025 Objector's Telephone No: (602) 236-2210 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- 82193 - 82206

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.

- 1. I object to the description of LAND OWNERSHIP -
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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)

My reason for my objection is as follows (please number your objections to correspond to the lines listed above; please attach supporting information and additional pages as necessary). SEE ATTACHMENT 1 I hereby make this objection on this 15th day of May, 1991. FOR: Salt River Project (if in a representative capacity) STATE OF Arizona VERIFICATION COUNTY OF _Maricopa (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 SUBSCRIBED AND SWORN to before me this 15th day of May, 199 OFFICIAL SEAL TERRY R. HOLMES Notary Public for the State of Arizona Alctary Public - State of Arizona MARICOPA COUNTY Residing at Maricopa County My Comm. Expires Sept. 24, 1992 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 28th day of May, 1991 postage prepaid and addressed as follows: EVANS, ET AL-Name: 1415 RIM DRIVE Address: FLAGSTAFF, AZ 86001

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.

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

ATTACHMENT 1

WFR CATEGORY 8 - PWR SUMMARY

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, particularly notices of appropriation, are the evidentiary foundation for the date of priority associated with a water right. a notice of appropriation and a Water Rights Registration Act filing have been matched to the same PWR but suggest different dates of priority, the date evidenced by the notice should form the basis for the apparent date of first use, unless sufficient historic evidence indicates a contrary date. Further, where two or more notices of appropriation have been matched to the same PWR but suggest different dates of priority, the date evidenced by the oldest notice should form the basis for the apparent date of first use, unless sufficient historic evidence indicates a contrary date.

The Watershed File Report fails to articulate sufficient historic evidence to refute the priority date evidenced by the oldest notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by the oldest notice. (This objection applies to: SR005.)

* * * *

WFR CATEGORY 8 - PWR SUMMARY (continued)

The Salt River Project objects to the absence of an apparent date of first use for this domestic Potential Water Right (PWR). Previous filings, where available, are the evidentiary foundation for the date of priority associated with any appropriative right, including domestic uses. This domestic PWR has been matched to a notice of appropriation and a Water Rights Registration Act (WRRA) filing. However, the WRRA filing claims a different priority date than that evidenced by the notice. In such a situation, the date evidenced by the notice should form the basis for the apparent date of first use, unless sufficient historic evidence indicates a contrary date.

The Watershed File Report fails to articulate sufficient historic evidence to refute the priority date evidenced by the notice of appropriation matched to this domestic PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by the notice. (This objection applies to: DM001.)

* * * *

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, particularly notices of appropriation, are the evidentiary foundation for the date of priority associated with a water right. Where a notice of appropriation and a Water Rights Registration Act filing have been matched to the same PWR but suggest different dates of priority, the date evidenced by the notice should form the basis for the apparent date of first use, unless sufficient historic evidence indicates a contrary date. Further, where two or more notices of appropriation have been matched to the same PWR but suggest different dates of priority, the date evidenced by the oldest notice should form the basis for the apparent date of first use, unless sufficient historic evidence indicates a contrary date.

The Watershed File Report fails to articulate sufficient historic evidence to refute the priority date evidenced by the oldest notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by the oldest notice. (This objection applies to: SR004, SW001 and SW002.)

* * * *

WFR CATEGORY 8 - PWR SUMMARY (continued)

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, in this case, filings made pursuant to the Water Rights Registration Act (WRRA), are the evidentiary foundation for the priority date associated with a water right. The Watershed File Report fails to set forth sufficient historic evidence to refute the date of priority claimed in the WRRA filing matched to this PWR. In the absence of such evidence, the apparent date of first use for this PWR should be the date claimed in the WRRA filing. (This objection applies to: SROO1, SROO2 and SROO3.)

* * * *

The Salt River Project objects to the weight placed upon aerial photography in determining the apparent date of first use for this Potential Water Right (PWR). Where DWR concludes that no use exists on a parcel as of a given photo date, it does not follow that a claimant either had no water right to start with or abandoned that right by nonuse. Scattered photos over a fifty-year time span may reflect occasional periods of nonuse but should not be interpreted by DWR to refute the priority date or dates evidenced by a claimant's previous filings. (This objection applies to: SR001, SR002, SR003 and SR005.)

WFR CATEGORY 9 - QUANTITIES OF USE

The Salt River Project objects to the lack of specificity of the quantity of use assigned to this storage Potential Water Right (PWR). The Watershed File Report fails to indicate whether the volumetric quantity assigned to this PWR implies a continuous fill, one fill per year, or one fill only. Unless evidence from previous filings, or other sufficient historic evidence, indicates a clear intention to the contrary, the quantity of use assigned to a storage PWR should be sufficient to permit continuous filling of the storage reservoir. (This objection applies to: SR001, SR002, SR003, SR004 and SR005.)

* * * *

WFR CATEGORY 9 - QUANTITIES OF USE (continued)

The Salt River Project objects to the failure of DWR to assign a quantity of use to this Potential Water Right (PWR). All water rights subject to the court's jurisdiction must be quantified in accordance with A.R.S. 45-257(B). This PWR is no exception. (This objection applies to: DM001, SW001 and SW002.)

* * * *

The Salt River Project objects to the failure of DWR to calculate a diversion rate for this Potential Water Right (PWR). All PWRs assigned a point or points of diversion should be assigned a separate diversion rate for each point of diversion. Diversion rates should be calculated at the point of diversion and should include transportation losses from the point of diversion to the place of use. (This objection applies to: DM001.)

033-56-ADBB-001 39-89960

- The claimant failed to file for a water right under the terms of the Arizona Surface Water Act (1974). Thus, the claimant has not complied with the legally enacted procedures for surface water use and the claim should be denied.
- 8. The Arizona Department of Water Resources (ADWR) assigned this claim a potential water right despite the claimants failure to file for the right to use surface water as required by the Arizona Surface Water Act (1974). ADWR should rescind the potential water right assigned to this claim.

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

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

No. 6417



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.

	(Please insert no.)	
	OBJECTOR INFORMATION	
Objector's Name: Objector's Address:	Salt River Project	•
objector's Address:	Post Office Box 52025	
02,00000	Phoenix, Arizona 85072-2025	
Objector's Telephone	Phoenix, Arizona 85072-2025 No: (602) 236-2210 No. (If the Objector's claimed water rights are located within the Silver (
Objection D Tomophod	No.: (If the Chiector's claimed water rights are located within the Silver	Creek Water-
Objector-2 sateranes into velocit	1902 (2) olio emilores, n mediuma unana l'abrier at a re-	
	033	*
	/ J J	
o el transla Bestanne of Blair	ant No. (if the Objector's claimed water rights are located outside the Sil	ver Creek Watershed
or Objector's Statement of Claim	ant No. (IT the colector's cramed water fights are resulted and are	
94	39- 82193 - 82206	
	39- 87343	
	14 ¹² 8/343	

the following are the main categories of the typical materished file report (not all materished file report and attack the category (ies) of the materished file report to which you object, and state the reason for the object on the following page.

- 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 PHR (POTENTIAL WATER RIGHT) SURMARY of the claimed water right(s)
- 9. I object to the description of the QUANTITIES OF USE for the claimed water right(s)
- 10. I object to the EXPLANATION provided for the claimed water right(s)
- X 11. Other Objections (please state volume number, page number and line number for each objection)

&a	
please attach supporting information and additional pages as n	objections to correspond to the lines listed above; necessary).
See attached Salt River Project	Objections to the Hydrographic Sur
Report for the Silver Creek Watersh	
	\
	Sand C. Rleit
S	ignature of Objector
·	FOR: Salt River Project
	(if in a representative capacity)
	, - The public of the same state of the same same .
STATE OF Arizona VERIFICAT	
I declare under penalty of periumy that I am a claimage to acc.	eted by Objector)
I declare under penalty of perjury that I am a claimant in this objection and know the contents thereof; and that the information of the personal knowledge assert for all the personal knowledge assert for all the personal knowledge.	ing conformed in the forestime distantian to a t.
my own bersolds whose cases top those portions of the Up	inction which are indicated as being bear as
and belief and, as to those portions, I believe them to be true	
	David C. Klost
	Signature of Objector
SUBSCRIBED AND SWORN to bef	ore me this 24th day of May, 1991.
OFFICIAL SEAL	.0
LINDA JEPPERSON	Linda Jepperna.
Notary Public - State of Archana MARICOPA COUNTY	Notary Public for the State of Arizona
My Comm. Expires Narchald, 1995	Residing at Maricopa County
	Hy commission expires
•	TE OF MAILING.
(Must be completed if you object	t to another Claimant's watershed file report.
file report or to information a	f you file an Objection to your own Matershed
Report.)	ontained in Volumes 1 or 2 of the Hydrographic Survey
I hereby certify that a copy of the foregoing Objection was so copies thereof on the day of, 199_ postage prepaid at Name:	erved upon the following Claimant(s) by mailing true and co nd addressed as follows:
Address:	
•	
	ONE COME AND ADDRESS OF THE STATE OF THE STA
	• • • • •
	(Signature of Chiector or person mailing in Chiectoric hab

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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.

Stanley M. Pollack (S.B. No. 011046) Navajo Nation Department of Justice P.O. Drawer 2010 Window Rock, AZ 86515 Attorneys for THE NAVAJO NATION Reid Peyton Chambers Sonosky, Chambers, Sachse & Endreson 5 | 1250 Eye Street, N.W., Suite 1000 Washington, D.C. 20005 Attorneys for THE HOPI TRIBE Jeanne S. Whiteing Whiteing & Thompson 1136 Pearl Street, Suite 203 Boulder, CO 80302 Attorneys for THE SAN JUAN SOUTHERN PAIUTE TRIBE

NO. 4 SUPERIOR COURT DOCKETED ET MAY 2 8 1991

AT O'CLOCK 4.509 M.
RICHARD D. LUPKE, CLERK

FOR THE SILVER CREEK

WATERSHED

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

THE NAVAJO NATION, THE
HOPI, TRIBE, THE SAN JUAN
SOUTHERN PAIUTE TRIBE WITH
ALL OBJECTIONS SUBMITTED
BY THE UNITED STATES TO THE
HYDROGRAPHIC SURVEY REPORT

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

Statement of Claimant Numbers: Not Applicable.

Date of Filing: May 29, 1991.

Number of Pages: 2 (Excluding Exhibit).

THE NAVAJO NATION, THE HOPI TRIBE, and THE SAN JUAN 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 bbjection on its own behalf. Respectfully submitted this 28th day of 4 5 6 Stanley M./ Follack, Attorney for THE NAVAJO NATION Navajo Nation Department of Justice 7 P.O. Drawer 2010 8 Window Rock, AZ 86515 (602) 871-6931 9 10 Reid Peyton Chambers, Attorney for 11 THE HOPI TRIBE Sonosky, Chambers, Sachse & Endreson 12 1250 Eye Street, N.W., Suite 1000 Washington, D.C. 20005 13 (202) 682-0240 14 15 Jeanne S. Whiteing, Attorney for THE SAN JUAN SOUTHERN PAIUTE TRIBE 16 Whiteing & Thompson 1136 Pearl Street, Suite 203 17 Boulder, CO 80302 (303) 444-2549 18 Copies of the foregoing were served upon each claimant to 20 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 State 23

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