

**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

NO. _____ DOCKETED ☒

MAY 28 1991

AT 9 O'CLOCK A 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. 033-50-CBA-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
39- 87343

=====

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
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)
- X 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)
11. Other Objections (please state volume number, page number and line number for each objection)

Maximum Annual Quantification

The Salt River Project objects to DWR's estimates of maximum annual water duty since inaccurate crop irrigation requirements, low consumptive use crops or overly high efficiency estimates are used to calculate maximum annual water duty. An accurate estimate of maximum annual water duty is essential since that value will closely approximate the quantity of actual historic beneficial use. This objection applies to all irrigation (IR) and most recreation (RC) PWRs.

In addition, the Salt River Project objects to DWR's failure to report maximum annual water duties at all for other (OT) and some recreation-related (RC) irrigation uses. The maximum annual water duties for these uses must be reported by DWR for consideration by the Master in determining entitlements.

Average Efficient Quantification

The Salt River Project objects to DWR's reporting of average efficient water duties in WFRs for irrigation uses since the methodology and results are inconsistent with Arizona law. In determining average efficient water duties, DWR uses the Arizona Groundwater Code Method of "areas of similar farming conditions" (ASFC). The ASFC method assigns a weighted average consumptive use requirement to the water duty equation based upon the types of crops recently grown by appropriators in a designated area. Historic information or records evincing an individual claimant's actual cropping patterns and the quantities of water actually used to cultivate such crops since the time of appropriation are not considered. The use of the ASFC method to calculate water entitlements is objectionable for the following reasons.

First, the ASFC concept is entirely inconsistent with Arizona's doctrine of prior appropriation, which requires that the extent of an appropriator's water right be measured according to actual, rather than average, water use. Under the prior appropriation doctrine, an appropriator who has grown alfalfa on his property historically is entitled to a water duty that will support alfalfa, regardless of the crops that he or his neighbors are currently growing. Under DWR's "averaging" approach, an appropriator in this situation would be assigned an apparent entitlement inadequate to meet his needs.

Additionally, under the ASFC concept, the efficiency of various irrigation methods is averaged between appropriators, thus further exacerbating the inadequate water duty for the appropriator who does not have a system with above-average efficiency.

Evapotranspiration for Pine Trees

p. A-6, Table A-2; p. A-10, Table A-4

The Salt River Project objects to DWR's reporting of inexplicably high evapotranspiration (consumptive use) values for pine trees as compared to all other crops. DWR has reported Christmas tree or pine tree consumptive use in its various management plans for Active Management Areas at about one-half of the value shown in Table A-2.

Pasture Peak Use

p. A-5, lines 30-31; p. A-7, Fig. A-1; p. A-8, Fig. A-2

The Salt River Project objects to DWR's reporting of pasture peak use that exceeds corn peak use. Corn peak use should be higher than pasture since it is taller and has a crop coefficient (kc) that is higher than that of pasture at peak use.

Effective Precipitation

p. A-9, lines 1-31

The Salt River Project objects to DWR's failure to report how it estimates effective precipitation during the non-growing season. The Salt River Project also objects to the use of a 3-inch rather than 4-inch depth of irrigation water application in its estimation of growing season effective precipitation for alfalfa. Furthermore, the Salt River Project objects to DWR's use of a 50 percent probability of precipitation, which results in an inadequate supply in one-half of the years. A 50 percent probability indicates that average effective precipitation is subtracted from crop consumptive use when DWR calculates the irrigation requirement. This means that in years of below-average precipitation, irrigation users would be unable to replace the lack of precipitation with additional irrigation water. The amount of precipitation that is available 80 percent of the time for field crops and 90 percent of the time for orchards and vegetables is appropriate.

Efficiency Estimates

pp. A-10 through A-13; pp. A-31 through A-65

The Salt River Project objects to DWR's estimates of efficiencies for water uses served by irrigation districts and major surface water diverters where average rates of diversion from a few measurements are used to calculate total deliveries and no consideration is given to supplemental supplies obtained by individual users. The Salt River Project also objects to the failure of DWR to include conveyance losses where appropriate in efficiency estimates in the "second procedure," which employs categories of systems.

Irrigation Water Duties

pp. 101 through 125; pp. A-3 through A-65

The Salt River Project objects to DWR's estimation of water duty under both the "maximum annual" and "average efficient" methods. In the absence of decreed rights, which must be accepted by the court in the absence of abandonment, Arizona law requires that the extent of an appropriative right be measured according to the quantity of water that the appropriator diverted for beneficial use since the time of the appropriation. A.R.S. § 45-141.(B) ("Beneficial use shall be the basis, measure and limit to the use of water"). Neither the "maximum annual" or "average efficient" quantification methods employed by DWR properly estimate actual historic beneficial use as required by law.

**EXCERPT FROM
SALT RIVER PROJECT OBJECTIONS TO
VOLUME 1 OF THE SILVER CREEK HSR**

IRRIGATION QUANTITY ESTIMATES

(page numbers refer to Volume 1)

Introduction

The Salt River Project objects to DWR's estimation methods and results for irrigation water quantities for the following reasons:

First, there are several technical errors in DWR's calculation of crop consumptive use including estimates of relative humidity, wind, evapotranspiration (ET) for pine trees, pasture peak use and effective precipitation. Although these problems are relatively small, the effect of these errors is magnified since consumptive use is divided by irrigation efficiency to calculate the water duty for irrigated land.

Second, the efficiency estimates used by DWR are inappropriate for the reasons set forth below in that section of the objections. Again, the effect of even a small error in efficiency estimates can result in a larger error in the resulting water duty.

Third, the irrigation water duties computed by DWR are inaccurate as a result of the technical errors in consumptive use and efficiency estimates discussed above and, further, are inconsistent with Arizona water law. The "maximum annual" and "average efficient" quantification methods employed by DWR do not properly estimate actual historic beneficial use as required by statute.

These objections are more fully set forth in the following sections.

Relative Humidity

p. A-4, lines 23-25

The Salt River Project objects to DWR's failure to specify whether it used minimum relative humidity as specified in Food and Agricultural Organization (FAO) Paper 24. The Salt River Project also objects to DWR's use of relative humidity from Winslow when data for the Show Low, Snowflake and Snowflake 15W weather stations can be converted to mean minimum relative humidity through the use of the 6AM and 6PM estimates adjusted with the assistance of "Useful Arizona Climatic Graphs and Data, Series #7."

Wind

p. A-4, lines 26-32

The Salt River Project object's to DWR's use of wind travel data at a height of 2 feet (Snowflake #15) and windspeed data at a height of 10 meters (Winslow) without converting to a 2 meter height as required by FAO Paper 24.¹

¹The wind travel data for Snowflake can be adjusted by use of the formula:

$$WT_2 = WR_{.61}(2/0.61)^2 = 1.27 WT_{.61}$$

The windspeed data for Winslow can be adjusted by use of the formula:

$$W_2 = W_{10}(2/10)^2 = 0.72 W_{10}$$

ATTACHMENT 1

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: PS001, SR001 and SR002.)

* * * *

The Salt River Project objects to the quantities of use assigned to this Potential Water Right (PWR). The methods used by DWR for determining quantities of use for agricultural, recreational and other irrigation PWRs are inconsistent with the Arizona doctrine of prior appropriation; these methods are also technically inaccurate. For an additional discussion of the problems associated with DWR's methods of quantification for these types of PWRs, see the Salt River Project's Volume 1 objections to these methods, a copy of which is attached to this objection and incorporated herein by reference. (This objection applies to: IR001 and IR002.)

* * * *

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: IR001, IR002 and SR002.)

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 14th day of May, 1991.

David C. Blatz
Signature of Objector

FOR: Salt River Project
(if in a representative capacity)

STATE OF Arizona
COUNTY OF Maricopa

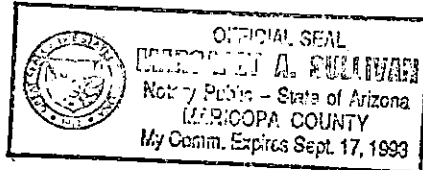
VERIFICATION

(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.

David C. Blatz
Signature of Objector

SUBSCRIBED AND SWORN to before me this 14th day of May, 1991.



Margaret A. Sullivan
Notary Public for the State of Arizona
Residing at Maricopa County
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:

Name: WILLIAMS, JUNIOR G. ET AL

Address: H C 31 BOX 163
SHOW LOW, AZ 85901

David C. Blatz
(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.

6417-033-02131

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
No. 6417 FILED
DOCKETED ☒

RECOMMENDED FORM
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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- 50- CBA- 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 box(es)

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- ☒ 2. I object to the description of Applicable Filings and Decrees
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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)

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

[Signature]
Signature of Objector

FOR: [Signature]
(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]
Signature of Objector

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

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

{SEAL}

CERTIFICATE OF MAILING

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2. The claimant for this stockpond (39-80958) 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.

033-50-CBA-001
39-80959

2. The claimant for this stockpond (39-80959) 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.

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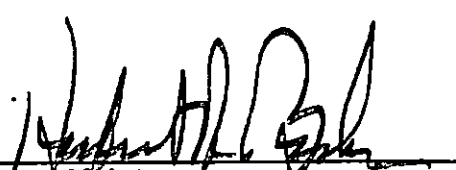
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NUMBER

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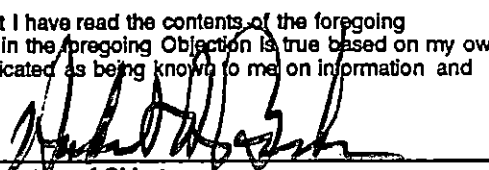

Signature of Objector

FOR: United States of America
(If in a representative capacity)

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COUNTY OF Bernalillo } (Must be completed by Objector)

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Signature of Objector

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

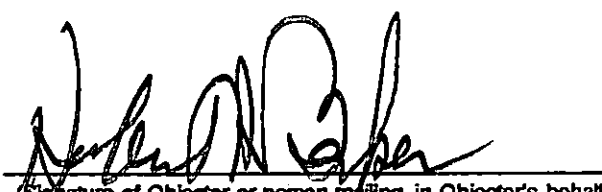
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WFR #:

033- 050 - CBA - 001

1. The same Statement of Claimant is being used on this property and for an adjacent landowner.

There is no official irrigation company established. Therefore, each landowner is responsible to file their own Statement of Claimant.

2. 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.

The currently available historical record does not support the priority date claimed under this watershed file number. The dates should be changed to reflect the date that water was first beneficially used.

No appropriate pre-adjudication filings have been made to support filings 39-80958 or 39-80959. The owner claims a pre-1919 priority water right. Therefore, pre-adjudication filings should have been made under the Water Registration Act of 1974. The stockponds should have been registered under the Stockpond Registration Act of 1977.

There are uses made from storage facilities without any previous filings of record. Water right permits and/or registrations should legally have been obtained for PS1, SR1, SR2, SP1 and SP2.

There are claims made for the same tracts of land by multiple claimants. Filing 39-80958 is also being claimed in watershed file 033-50-CBA-002 by Cyrus and Genene Williams for the same legal description.

There is no distinct breakout between storage rights and direct flow rights relative to priority date, place of use and quantity of use.

3. There are no claims made for storage water for irrigation in adjudication filings 39-80958 and 39-80959. No pre-adjudication filings have been made for any of the stockponds, small reservoirs or primary storage reservoirs. None of the uses have any legal foundation.

Storage rights must be separated out from direct flow rights.

4. The point of diversion for location DO2 and the diversion out of SR2 are not supported.
5. The legal description for the claimed areas is not of sufficient detail so that a comparison can be made with the irrigation taking place on this property only.

WFR #:

033- 050 - CBA - 001

There is no distinction made as to what lands are served from direct flow, storage or both.

- 6. None of these facilities have proper pre-adjudication filings of record.**
- 7. The owner has no legal basis to provide water to Cyrus and Genene Williams et al., adjacent landowners.**
- 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 recind the potential water right assigned to this claim.**

There are no applicable pre-adjudication filings to support adjudication filings 39-80958 or 39-80959. There is no legal foundation for any uses on this property.

There is no distinction made between storage rights and direct flow rights for each tract of land. Priorities should be broken out by source of supply.

- 9. The average efficient water duty of 5.5 acre-ft/acre estimated by ADWR is unreasonable. The maximum annual water duty estimated for an individual landowner by ADWR is too high. The water duty should be 2.8 acre-ft/acre.**

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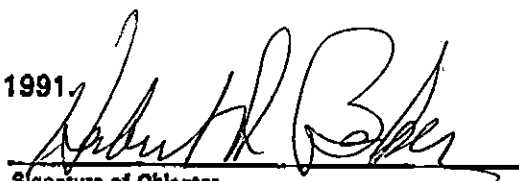
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NUMBER

SEE ATTACHED SHEET(S)

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

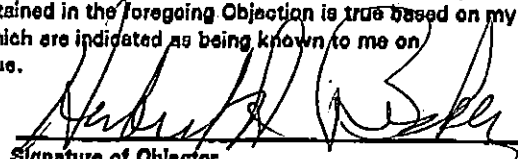

Signature of Objector

FOR: UNITED STATES OF AMERICA

(If in a representative capacity)

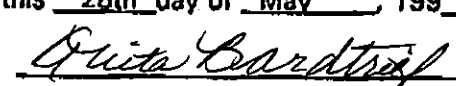
STATE OF New Mexico } VERIFICATION
COUNTY OF Bernalillo } (Must be completed by Objector)

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.

{SEAL}


Notary Public for the State of New Mexico

Residing at New Mexico

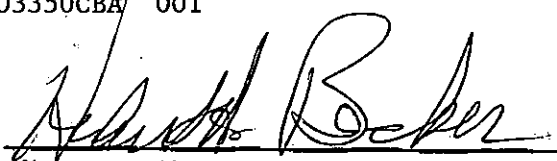
My commission expires 06-16-95

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: WILLIAMS, JUNIOR G. ET AL 03350CBA 001
Address: H C 31 BOX 163
SHOW LOW AZ 85901


(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.

1. The same Statement of Claimant is being used on this property and for an adjacent landowner.

There is no official irrigation company established. Therefore, each landowner is responsible to file their own Statement of Claimant.

2. 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.

The currently available historical record does not support the priority date claimed under this watershed file number. The dates should be changed to reflect the date that water was first beneficially used.

No appropriate pre-adjudication filings have been made to support filings 39-80958 or 39-80959. The owner claims a pre-1919 priority water right. Therefore, pre-adjudication filings should have been made under the Water Registration Act of 1974. The stockponds should have been registered under the Stockpond Registration Act of 1977.

There are uses made from storage facilities without any previous filings of record. Water right permits and/or registrations should legally have been obtained for PS1, SR1, SR2, SP1 and SP2.

There are claims made for the same tracts of land by multiple claimants. Filing 39-80958 is also being claimed in watershed file 033-50-CBA-002 by Cyrus and Genevieve Williams for the same legal description.

There is no distinct breakout between storage rights and direct flow rights relative to priority date, place of use and quantity of use.

3. There are no claims made for storage water for irrigation in adjudication filings 39-80958 and 39-80959. No pre-adjudication filings have been made for any of the stockponds, small reservoirs or primary storage reservoirs. None of the uses have any legal foundation.

Storage rights must be separated out from direct flow rights.

4. The point of diversion for location DO2 and the diversion out of SR2 are not supported.
5. The legal description for the claimed areas is not of sufficient detail so that a comparison can be made with the irrigation taking place on this property only.

WFR #:

033- 050 - CBA - 001

There is no distinction made as to what lands are served from direct flow, storage or both.

6. None of these facilities have proper pre-adjudication filings of record.
7. The owner has no legal basis to provide water to Cyrus and Genene Williams et al., adjacent landowners.
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 recind the potential water right assigned to this claim.

There are no applicable pre-adjudication filings to support adjudication filings 39-80958 or 39-80959. There is no legal foundation for any uses on this property.

There is no distinction made between storage rights and direct flow rights for each tract of land. Priorities should be broken out by source of supply.

9. The average efficient water duty of 5.5 acre-ft/acre estimated by ADWR is unreasonable. The maximum annual water duty estimated for an individual landowner by ADWR is too high. The water duty should be 2.8 acre-ft/acre.

6417-033-02263

APACHE CO. SUPERIOR COURT
FILED

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

DOCKETED ☒

MAY 28 1991

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

AT 9 O'CLOCK A.M.
No. 6417 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- 50 - CBA - 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 box(es)

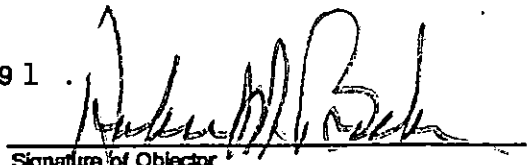
- [xx] 1. I object to the description of Land Ownership
[xx] 2. I object to the description of Applicable Filings and Decrees
[xx] 3. I object to the description of DWR's Analysis of Filings and Decrees
[] 4. I object to the description of the Diversions for the claimed water right(s)
[] 5. I object to the description of the Uses for the claimed water right(s)
[xx] 6. I object to the description of Reservoirs used for the claimed water right(s)
[xx] 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)
[xx] 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 28 day of May, 1991.

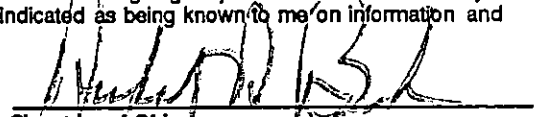

Signature of Objector

FOR: United States of America
(If in a representative capacity)

STATE OF New Mexico } VERIFICATION

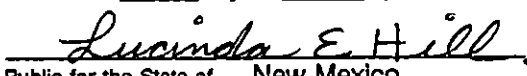
COUNTY OF Bernalillo } (Must be completed by Objector)

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.

{SEAL}


Notary Public for the State of New Mexico

Residing at Albuquerque

My commission expires 7-21-92

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:

03350CBA 001

WILLIAMS, JUNIOR G. ET AL
E C 31 BOX 163
SHOW LOW AZ 85901


(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 #:

033-50-CBA-001

- 1. There is no documentation presented that the claimant has the legal right to divert and deliver water from Big Tank for irrigation use on property that he does not own. There is no official irrigation company established to deliver water from Big Tank to multiple owners.**
- 2. No appropriate pre-adjudication filings have been made to support a claim for primary reservoir PS-1. This claim is for a pre-1919 priority water right without filing a claim under the Water Registration Act of 1974 (36 form). ADWR identifies first use from this facility in 1953. This is post-1919 and a water permit should have been obtained before Big Tank Dam was constructed.**

The Statement of Claimant Stockpond Use form is the incorrect document for filing a irrigation storage claim. Due to the size and uses of this facility a Statement of Claimant form for "Other Uses" should have been filed for Big Tank.

There are claims made for Big Tank and the same tracts of land by multiple claimants. Adjudication filing 39-80958 is also being claimed by Cyrus and Genene Williams.

There is no distinct breakout of what lands are to receive storage rights from this facility.

The currently available historical record does not support the priority date 1918 listed by the claimant in the filings 39-80958 and 39-80959 listed under this Watershed File Number.

- 3. There are no claims made for storage water for irrigation in adjudication filings 39-80958 and 39-80959.**

Recreation, Fish and Wildlife was not a claimed use and should not be referenced.

- 6. This facility (PS-1 or Big Tank) does not have the necessary adjudication and pre-adjudication filings of record. Further, there are conflicts between the date of first use and the claimed priority date. ADWR has identified apparent first use using 1953 aerial photography.**
- 7. The owner is acting as an unofficial irrigation company by providing water to Cyrus and Genene Williams et. al. for irrigation. There is no legal basis for furnishing water to an adjacent landowner from Big Tank.**
- 8. There are no applicable adjudication or pre-adjudication filings to support the Big Tank Primary Reservoir for any purpose.**

WFR #: 033-50-CBA-001

There is no distinction made between storage rights and direct flow rights for each irrigated tract of land. Priorities should be broken out by source of supply for this primary reservoir.

- 9. No adjudication filing was made for irrigation storage in Big Tank. Therefore, no PWR should be established for PS-1.**

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

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

6 Reid Peyton Chambers
7 Sonosky, Chambers, Sachse & Endreson
8 1250 Eye Street, N.W., Suite 1000
9 Washington, D.C. 20005
10 Attorneys for THE HOPI TRIBE

11 Jeanne S. Whiteing
12 Whiteing & Thompson
13 1136 Pearl Street, Suite 203
14 Boulder, CO 80302
15 Attorneys for THE SAN JUAN
16 SOUTHERN PAIUTE TRIBE

17
18 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

19
20 IN AND FOR THE COUNTY OF APACHE

21
22 IN RE THE GENERAL ADJUDICATION) No. 6417
23 OF ALL RIGHTS TO USE WATER IN)
24 THE LITTLE COLORADO RIVER) JOINDER AND CONCURRENCE OF
25 SYSTEM AND SOURCE) THE NAVAJO NATION, THE
26) HOPI TRIBE, THE SAN JUAN
27) SOUTHERN PAIUTE TRIBE WITH
28) ALL OBJECTIONS SUBMITTED
BY THE UNITED STATES TO THE
HYDROGRAPHIC SURVEY REPORT
FOR THE SILVER CREEK
WATERSHED

29
30 Descriptive Summary: The Navajo Nation, the Hopi Tribe,
31 and the San Juan Southern Paiute Tribe (Tribes) join in, concur
32 with, and adopt the Statements of Objection for all Watershed File
33 Reports submitted by the United States.

34 Statement of Claimant Numbers: Not Applicable.

35 Date of Filing: May 29, 1991.

36 Number of Pages: 2 (Excluding Exhibit).

37 THE NAVAJO NATION, THE HOPI TRIBE, and THE SAN JUAN
38 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, 1992.

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

9 Reid Peyton Chambers
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 Jeanne S. Whiteing
15 Jeanne S. Whiteing, Attorney for
16 THE SAN JUAN SOUTHERN PAIUTE TRIBE
Whiteing & Thompson
17 1136 Pearl Street, Suite 203
Boulder, CO 80302
18 (303) 444-2549

19 Copies of the foregoing were
20 served upon each claimant to
21 which an objection was filed by
22 the United States. Service was
23 made by attaching a copy of this
24 pleading to the objections
25 served on each claimant by the
26 United States.

27
28 Herbert A. Baker