

JUN 6 2016

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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 RIGHTS TO USE WATER IN THE
LITTLE COLORADO RIVER SYSTEM AND
SOURCE

NO. 6417

ARIZONA JUDICIAL CLERK
APACHE CO SUPERIOR COURT

OBJECTION TO THE FINAL
HYDROGRAPHIC SURVEY REPORT
FOR THE HOPI RESERVATION

(Deadline to file: June 15, 2016)

JUN 13 2016

OBJECTOR

Name FOWLER, CHELSEY R. & LYNDA J.
FOWLER, LINDA SLADE, FOWLER FAMILY LIVING TRUST

LEGAL
DEPT OF WATER RESOURCES

Address 10301 E. EDNA PLACE, TUCSON, AZ 85748

Telephone No. (520) 721-0706

Statement of Claimant No. 39- 89213

STATEMENT OF OBJECTION

The water right attributes described in Chapter 5 of the Final Hopi Hydrographic Survey Report are listed below. I object to one or more of the proposed water right attributes for the factual and/or legal reasons stated below. A description of the evidence to support those reasons is also provided:

1. Type of Use IRRIGATION USE
2. Legal Basis DECREASED WATER RIGHT, PRINCIPAL LITIGANTS, COURT, DATE AND CASE NO. : NORVELL DECREE, PP. 54-55, 1/4 OF 204.32 ACRE FEET OF RESERVOIR RIGHTS (SEE ATTACHED) / OTHER : STATE WATER CERTIFICATE NO. 92
3. Water Sources LAKE OR RESERVOIR : NAME - ATCHISON (AKA ATKINSON) TRIBUTARY TO WATER CANYON (CANYON)
4. Point of Diversion SW 1/4, SECTION 13, TOWNSHIP 7 N, RANGE 28 E
5. Place of Use COUNTY : APACHE SECTION 16, TOWNSHIP 8 N, RANGE 29 E, ACRES 52, ANNUAL WATER USE 51.08 ACRE- FEET SECTION 21, TOWNSHIP 8 N, RANGE 29 E, " " " " "
6. Date of Priority 1886
7. Quantity of Water Use 51.08 ACRE- FEET

ATTACH ANY ADDITIONAL COMMENTS, INFORMATION OR DOCUMENTATION

STATE OF Arizona
County of Maricopa

VERIFICATION

I declare under penalty of perjury that I am a claimant or the duly authorized representative of a claimant. I have read the Statement of Objection and verify, swear, and affirm that the information contained is true based on my personal knowledge, or is believed to be true based on information and belief.

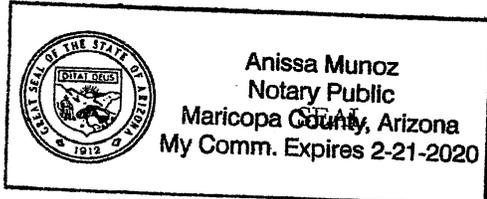
Signature of Objector or Representative

Dynda J. Fowler
Name

10301 East Edna Place
Address

Tucson, Arizona 85748

SUBSCRIBED AND SWORN to before me this 21st day of May, 2016.



Anissa Munoz
Notary Public for the State of Arizona

My Commission Expires 02/21/2020

CERTIFICATE OF SERVICE

On this 21st day of May, 2016, I hereby certify that the **original** Objection and two copies were filed with:

Clerk of the Superior Court
Apache County
70 West Third South
St. Johns, AZ 85936

On this 21st day of May, 2016, I further certify that a true and correct copy of this Objection was sent by first class mail to:

Joseph P. Mentor, Jr.
Bill Aloe
Mentor Law Group, PLLC
315 Fifth Avenue South, Suite 1000
Seattle, Washington 98104
Counsel for the Hopi Tribe

Vanessa Boyd Willard
Indian Recourses Section, ENRD
United States Department of Justice
Denver Field Office
999 18th South Terrace, Suite 370
Denver, Colorado 80202
Counsel for the United States

DAVID A. BROWN
Attorney at Law
P.O. Box 1890
St. Johns, AZ 85936
Telephone 337-4225

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE

For Departmental Use Only

File No. 39-	<u>89213</u>
Date Filed:	<u>12-20-85</u>
WFN	_____



LITTLE COLORADO RIVER WATERSHED ADJUDICATION
SUPERIOR COURT OF APACHE COUNTY

P53

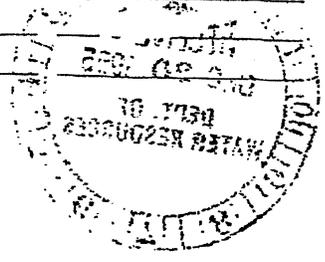
1. Claimant Name: Chelcey R. and Lynda Slade Fowler
Claimant Address: 8516 Evangeline NE City Albuquerque
State: New Mexico Zip Code 87111 Telephone 505-292-0201
2. Basis of Claim:
 - A. Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
 - B. Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
 - C. Decreed water right. Principal litigants, court, date and case no.: Norviel Decree, pp. 54-55, 1/4 of 204.32 acre feet of Reservoir Rights (see attached)
 - D. Right to withdraw groundwater.
 - E. Other, describe: State Water Certificate No. 92
3. Source of Water:
 - A. Stream: name _____, tributary to _____
 - B. Spring: name _____, tributary to _____
 - C. Lake or Reservoir: name Atchison, tributary to Water Canyon (Canon)
 - D. Groundwater. (Atkinson)
4. Legal description of the Point of Diversion: (attach additional sheet if required)
1/4, 1/4, SW 1/4, Section 13, Township 7 N/8, Range 28 E/W
5. If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion; describe:

6. Means of Diversion:
 - A. Instream pump.
 - B. Gravity flow into a ditch, canal or pipeline.
 - C. Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. _____
 - D. Other, describe: Dam
7. Means of Conveyance:
 - A. Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
 - B. Other, describe: _____

Use, Annual Water Use and Claimed Priority Date(s): (attach additional sheet if required)

Apache

Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
	16	8 N/S	29 E/W	52	51.080	1886
	21	8 N/S	29 E/W			
		N/S	E/W			



Claimed Right:

- A. Maximum Flow Rate: unknown
 - cubic-feet per second
 - gallons per minute
 - Arizona miner's inches
- B. Annual Volume of Water Use: 51.08 acre-feet
- C. Storage Right: 51.08 acre-feet

10. Attach photographs, maps or sketches necessary to show the point(s) of diversion, storage reservoir(s), means of conveyance and place(s) of use. See attached photo and map
11. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant _____
12. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Please contact attorney
13. Additional comments: _____

(attach additional sheet if required)

14. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

15. Notarized Statement:

I (We), David A. Brown, attorney for the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

David A. Brown
DAVID A. BROWN

(seal)

Beverly Euce
Notary Public

My Commission Expires:

My Commission Expires December 9, 1989.

or, _____
Authorized Personnel of the Department of Water Resources

DAVID A. BROWN
Attorney at Law
P.O. Box 1890
St. Johns, AZ 85936
Telephone: 337-4225

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE

For Departmental Use Only

File No. 39-	_____
Date Filed:	_____
WFN	_____

LITTLE COLORADO RIVER WATERSHED ADJUDICATION
SUPERIOR COURT OF APACHE COUNTY

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7. Means of Conveyance:
 - A. Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
 - B. Other, describe: _____

8. Place(s) of Use, Annual Water Use and Claimed Priority Date(s): (attach additional sheet if required)

County: Apache

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
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15. Notarized Statement:

I (We), David A. Brown, attorney for
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

(seal)

David A. Brown
DAVID A. BROWN

Beverly Euce
Notary Public

My Commission Expires:

My Commission Expires December 9, 1999.

or, _____
Authorized Personnel of the Department of Water Resources

RESERVOIRS
Little Colorado River Determination

Stream	Date	Sec.	Location
			Twp. Range
Water Canon	1886	SW $\frac{1}{4}$ 13	7 28
	1893	SE NE 1 3	7 29
	1912	SE $\frac{1}{4}$ 7	7 29
Water Canon	1895	SE $\frac{1}{4}$ 23, SW $\frac{1}{4}$ 24	7 28
Riggs Creek	1910	W $\frac{1}{2}$ E $\frac{1}{2}$ 7	7 30
Little Colorado			

RESERVOIRS
Little Colorado River Determination

Name of Owner	Name	Capacity
		Acre Feet
Geo. A. Eagar, Henry Slade and J. W. Slade	Atchison Canon	204.32
	No. 5 (now 30 to be 94.54)	23.30
Geo. A. Eagar	Rudd	609.30
Nelson and Greenwood	Bailey	321.00
Fred T. Colter	River No. 1	724.20
	Hay Lake 2	821.35
	Pool Corral 3	992.97
	Hog Wallow 4	1000.00
	Lee Valley 5	463.95
	West Side 0	586.00

JOHN T. CROSBY

Clerk of Superior Court

Apache County

P. O. Box 576

ST. JOHNS, ARIZONA 85936

May 23, 1979

Mr. Edward Slade
P. O. Box #191
Springerville, Arizona 85938

Dear Ed:

In accordance with your instructions today, I have broken down the water in the following manner and am sending you a copy:

		<u>Reservoir Rights</u>		
Water Canyon	94.54			
Slade Reservoir	609.30	1/2	47.27	1/4 23.635
Atkinson Reservoir	204.32	1/2	304.65	1/4 152.325
No. 5 or Little George	23.30	1/2	102.16	1/4 51.080
			23.30	
		Acre Feet	477.38	228.040

Class A

Ed Slade	13	Acres
Lawrence Slade	50.0	Acres
Linda S. Fowler	15	Acres
	<u>78.0</u>	Acres

Class B

Lawrence Slade	55	Acres
Linda S. Fowler	27	Acres
	<u>82</u>	Acres

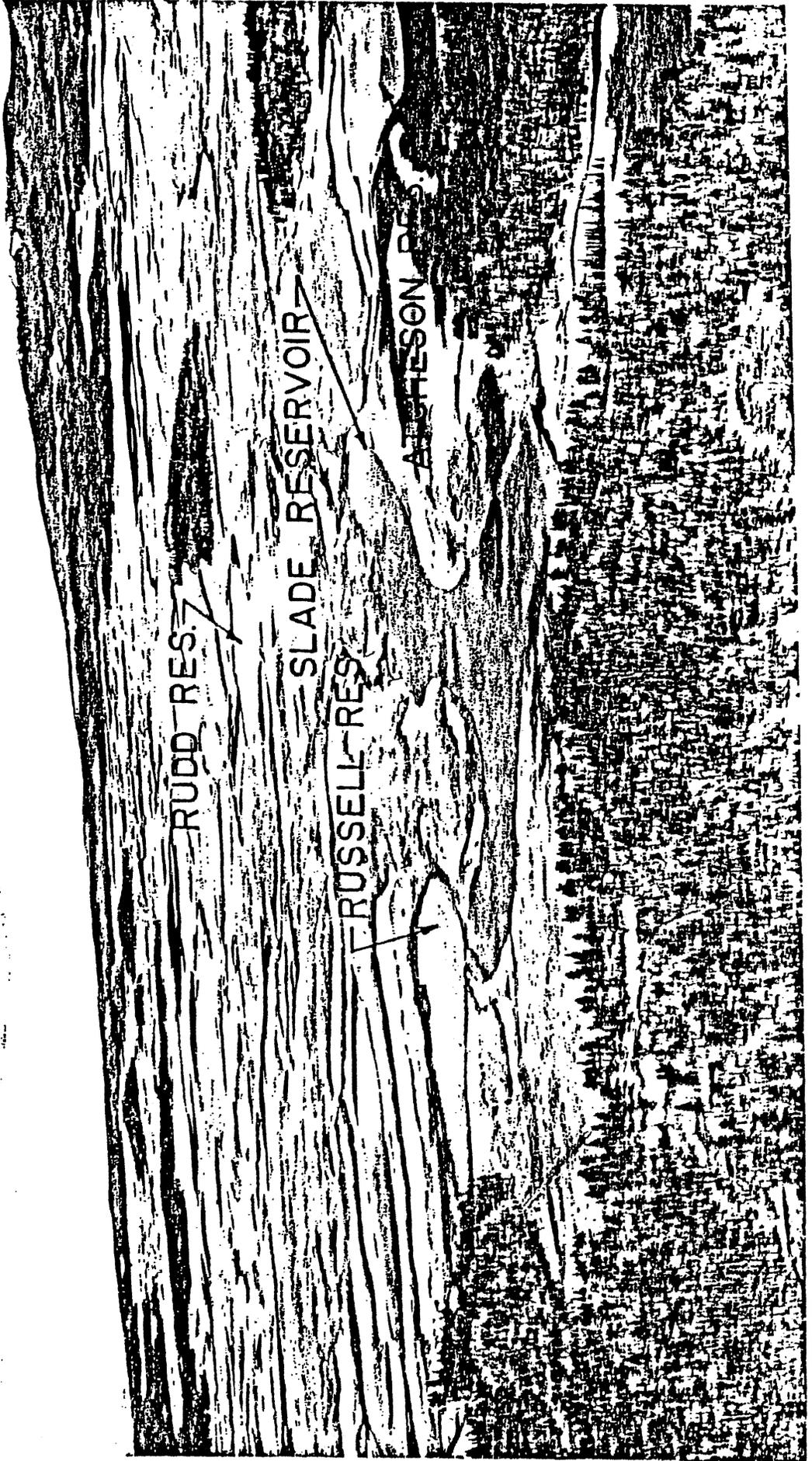
With best regards, I remain

Sincerely,

John T. Crosby
John T. Crosby

JTC:gw

cc: Lawrence Slade
Linda Fowler



RUDD RES.

SLADE RESERVOIR

RUSSELL RES.

ATCHESON RES.

