

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA 2016 JUN 10 PM 3: 07  
IN AND FOR THE COUNTY OF APACHE

ANNEL M. HILL, CLERK,  
APACHE CO. SUPERIOR COURT

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

NO. 6417

OBJECTION TO THE FINAL  
HYDROGRAPHIC SURVEY REPORT FOR  
THE HOPI RESERVATION  
(Deadline to file: June 15, 2016)

**OBJECTOR**

Name Salt River Project Agricultural Improvement and Power District

Address Mail Station PAB 110 P. O. Box 52025 Phoenix, AZ 85072-2025

Telephone No. (602) 236-5689

Statement of Claimant No. 39- 84543, 39- 82193, 39- 82194, 39- 82195, 39- 82196, 39- 82197, 39- 82198, 39- 82199, 39- 82200, 39- 82201, 39- 82202, 39- 82203, 39- 82204, 39- 82205, 39- 82205, 39- 87365, 39- 87366, 39- 87367, 39- 87368, 39- 87369, 39- 87370, 39- 87393, 39- 89038

**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:

**Agricultural**

1. Type of Use Agricultural (Traditional)
2. Legal Basis Unresolved legal matter
3. Water Sources Groundwater and surface water
4. Point of Diversion Throughout the Reservation
5. Place of Use District 6, Hopi Partioned Lands (HPL), Moenkopi Island
6. Date of Priority Unresolved matter pending before the Court\*
7. Quantity of Water Use Crop consumptive use estimates for dry land acreage without a diversion from a water source should not be included in the quantity of use recommended for a water right.

## Subsurface Mineral Rights

1. Type of Use Subsurface Mineral Rights
2. Legal Basis This use of water appears to be an off-reservation use associated with flows in the Little Colorado and Blue Springs, which is contrary to Judge Ballinger's March 2009 minute entry ruling. The Hopi Tribe has no legal basis to use water from a water source that is not located on or immediately adjacent to the Hopi reservation.
3. Water Sources Unresolved legal matter\*
4. Point of Diversion Unresolved legal matter\*
5. Place of Use Unresolved legal matter\*
6. Date of Priority Unresolved legal matter\*
7. Quantity of Water Use Undetermined\*

## Moenkopi Island

1. Type of Use Agricultural, Domestic, and Livestock
2. Legal Basis There are Hopi allotments in the Moenkopi Island parcel that were made before the land was set aside as a reservation for the Hopi Tribe. Therefore, ADWR should have investigated whether there are uses of water associated with each of the allotments and, if so, proposed attributes for each of those water uses.
3. Water Sources Unresolved legal matter\*
4. Point of Diversion Unresolved legal matter\*
5. Place of Use Moenkopi Island
6. Date of Priority Unresolved legal matter\*
7. Quantity of Water Use Undetermined\*

**Domestic, Commercial, Municipal, and Industrial**

1. Type of Use Domestic, Commercial, Municipal, and Industrial (DCMI)
2. Legal Basis This Hydrographic Survey Report (HSR) should determine and describe ADWR's proposed water right attributes for past and present domestic, commercial, municipal, and industrial water uses on the Reservation.
3. Water Sources Groundwater and surface water
4. Point of Diversion Throughout the Reservation
5. Place of Use Throughout the Reservation
6. Date of Priority Unresolved legal matter pending before the Court\*
7. Quantity of Water Use This Hydrographic Survey Report (HSR) should determine and describe ADWR's proposed water right attributes for past and present domestic, commercial, municipal, and industrial water uses on the Reservation.

**ATTACH ANY ADDITIONAL COMMENTS, INFORMATION OR DOCUMENTATION**

\* Since ADWR did not propose specific attributes for this descriptive water right category, we reserve the right to participate in any litigation to address the attributes of this category of the potential water right.

VERIFICATION

STATE OF ARIZONA

COUNTY OF Maricopa

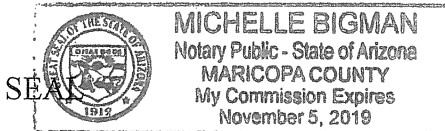
I declare under penalty of perjury that I am a claimant or the duly authorized representative of a claimant. I have read the Statement of Objection and verify, swear, and affirm that the information contained is true based on my personal knowledge, or is believed to be true based on information and belief.

Signature of Objector or Representative

Christa M. Junkin  
Name

PO Box 52025 Phoenix, AZ 85072-2025  
Address

SUBSCRIBED AND SWORN to before me this 9 day of June, 2016.



Michelle Bigman

Notary Public for the State of Arizona

My Commission Expires 11/05/2019

CERTIFICATE OF SERVICE

On this 9<sup>TH</sup> day of JUNE, 2016, I hereby certify that the **original** Objection and **two** copies were files with:

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

On this 9<sup>TH</sup> day of JUNE, 2016, I further certify that a true and correct copy of this Objection was sent by first class mail to:

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Bill Aloe  
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*Counsel for the Hopi Tribe*

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*Counsel for the United States*