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APACHE COUNTY SUPERIOR COURT

1 Martin P. Clare  
Campbell, Yost, Clare & Norell, PC  
2 3101 North Central Avenue  
Suite 1200  
3 Phoenix, AZ 85012  
(602) 322-1600, mclare@cycn-phx.com

4 Joe Mentor, Jr.  
5 Mentor Law Group, PLLC  
315 Fifth Avenue S., Suite 1000  
6 Seattle, WA 98104  
(206) 838-7650, mentor@mentorlaw.com

7 *Counsel for the Hopi Tribe*  
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10 **IN APACHE COUNTY SUPERIOR COURT**  
11 **OF THE STATE OF ARIZONA**

12 IN RE: THE GENERAL  
13 ADJUDICATION OF ALL RIGHTS TO  
14 USE WATER IN THE LITTLE  
15 COLORADO RIVER SYSTEM AND  
SOURCE

CIVIL NOS. 6417

**THE HOPI TRIBE'S  
OBJECTIONS AND  
COMMENTS TO THE FINAL  
HYDROGRAPHIC SURVEY  
REPORT FOR THE HOPI  
RESERVATION**

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19 **Contested Case Name:** None.

20 **HSR Involved:** The Final HSR for the Hopi Reservation.

21 **Descriptive Summary:** The Hopi Tribe's Objections and Comments to the  
Final Hydrographic Survey Report for the Hopi Reservation.

22 **Date of Filing:** June 13 2016.

23 **Number of Pages:** 15 plus Verification  
24

1           **I. Introduction**

2           On December 18, 2015, ADWR issued its Final Hydrographic Survey  
3 Report for the Hopi Indian Reservation (“Final HSR”). According to the ADWR,  
4 “the scope of the Final HSR is based on the Arizona Supreme Court’s decision in  
5 *In re the General Adjudication of All Rights to Use the Water in the Gila River*  
6 *System and Source (Gila V)*, 201 Ariz. 307, 315 35 P. 3d 68 (2001). In *Gila V*, the  
7 Court ruled that “the purpose of a federal Indian reservation is to serve as a  
8 permanent home and abiding place to the Native American people living there,”  
9 and also that the amount of water to made available “must satisfy both present  
10 and future needs of the reservation as a livable homeland.” *Gila V*, 201 Ariz. At  
11 316, *citing Arizona v. California*, 373 U.S. 546, 599-600, 83 S. Ct. 1468 (1963).  
12 Nevertheless, as instructed by this Court, the ADWR limited the scope of the  
Final HSR to consideration of the Hopi Tribe’s past and present uses of water.

13           Pursuant to the Notice of Publication and Commencement of Objection  
14 Period for the Final Hopi Hydrographic Survey Report, the Hopi Tribe submits  
15 the following objections and comments to the Final HSR. The Hopi Tribe provides  
16 its comments in two parts. The first part provides the Hopi Tribe’s objections to  
17 the water right attributes assigned in Chapter 5 of the Final HSR. The second  
18 part provides the Hopi Tribe’s comments to the other portions of the Final Hopi  
19 HSR. The Hopi Tribe will present evidence in litigation to support its objections,  
and to support its claims to satisfy future needs for water.

20           **II. Objections to ADWR’s Proposed Water Right Attributes**

21           The Hopi Tribe has organized its objections to ADWR’s proposed water  
22 right attributes by type of use, as ADWR organized its proposed water rights  
23 attributes in the Final HSR. The Hopi Tribe’s objections provide the information  
24 outlined in ADWR’s objection booklet, where applicable. The Hopi Tribe asserts  
25 that the form provided in the objection book is inapplicable due to the Tribe’s  
26 claims for federal reserved water rights. Consequently, the Hopi Tribe’s

1 objections do not follow the format of the objection form provided by ADWR due  
2 to the length and complexity of the objections.

3 **a. ADWR Failed to Assign Present DCMI Water Right Attributes**

4 The Final HSR failed to propose a water right attribute for the Hopi Tribe's  
5 past and present Domestic, Commercial, Municipal and Industrial water uses  
6 (DCMI). As explained in the Hopi Tribe's Statements of Claimant and recognized  
7 by the court in *Healing v. Jones*, "no Indians in this country have a longer  
8 authenticated history than the Hopis." 210 F. Supp. 125, 134 (D. Ariz. 1962),  
9 *aff'd*, 373 U.S. 759 (1963) (*per curiam*). The Hopi people have put water to use  
10 for DCMI purposes for over a millennium and continue to do so. The ADWR  
11 should have presented a proposed water right attribute for the Hopi Tribe's past  
12 and present DCMI water rights.

13 From a factual perspective, ADWR's failure to assign a past present DCMI  
14 attribute ignores the Hopi Tribe's uninterrupted occupation and use of water in  
15 the Hopi Tribe's ancestral homeland, the *Hopitutskwa*. ADWR recognizes the  
16 need for a present DCMI water attribute in Chapter 4 but still fails to assign such  
17 an attribute in Chapter 5. Specifically, in section 4.1.3 and Table 4-1 of the Final  
18 Hopi HSR, ADWR analyzes the Hopi Tribe's DCMI claim from its Third Amended  
19 Statement of Claimant with reference to present DCMI use by nearby  
20 communities in the Little Colorado River Basin in Navajo County. In its  
21 Community Water System Program, ADWR found that the surrounding  
22 communities water use ranged from 135- 213 gpcpd. Based on ADWR's own  
23 analysis, the Hopi Tribe's claim for 160 gpcpd was within the range for present  
24 per capita DCMI uses found in the surrounding communities. In section 4.1.3.1,  
25 ADWR relied on the 160 gpcpd and the Tribe's present population to calculate a  
26 present per capita DCMI use of 1,591 Acre Feet Annually (AFA). However, ADWR  
did not assign any present DCMI attribute in Chapter 5.

ADWR also ignores the fact that United States' DCMI claim for 8,746 AFA  
explicitly included both "present and future DCMI uses on the 1882 Executive

1 Order Reservation and Moenkopi Island.” U.S. Third Amended Statement of  
2 Claimant (“U.S. Third Amended SOC”), p. 11. ADWR has failed to recognize Hopi  
3 past and present DCMI water use, and improperly left the present population of  
4 the Hopi Tribe without a proposed water right attribute for DCMI water use.

5 ADWR’s failure to assign a past and present DCMI water use ignores the  
6 admonitions of the Arizona Supreme Court in *Gila V* that “the purpose of a federal  
7 Indian reservation is to serve as a permanent home and abiding place to the  
8 Native American people living there,” *Gila V*, 201 Ariz. at 315, and that a  
9 federally-reserved water right is not dependent on beneficial use, but retains  
10 priority despite non-use. *Gila V*, 201 Ariz. 311. The lack of a present DCMI  
11 water attribute also fails to meet the Supreme Court’s requirement that any  
12 quantification of a Tribe’s reserved water rights must “satisfy the future as well  
13 as the *present needs of the reservation.*” *Arizona. v. California*, 373 U.S. at 600  
(emphasis added).

14 **b. Agricultural Water Right Attribute**

15 **i. Acreage Calculations for Past and Present Irrigation**

16 The Hopi Tribe’s claim for past and present acreage in its Third Amended  
17 Statement of Claimant broke down the claim into four constituent parts:

- 18 1) Acreage claimed by the United States;
- 19 2) Acreage of Past and Present irrigation as identified by ADWR as  
20 having “complete evidence,” but not included in the U.S. Claim;
- 21 3) acreage of past and present irrigation identified by ADWR as  
22 having “partial evidence,” but not included in the U.S. Claim; and
- 23 4) acreage from a historic irrigation project called DW 10.

24 The Hopi Tribe re-evaluated its claimed acreage in response to ADWR’s  
25 conclusion that certain elements of the Tribe’s agricultural water right claim  
26 contained overlapping acreage. Based on ADWR’s analysis, The Hopi Tribe will

1 not object to a reduction of approximately 6,261 acres of irrigated area on the  
2 basis of overlapping acreage.”<sup>1</sup>

3 Through its review of recent aerial imagery, the Hopi Tribe located a total  
4 of 1,192 acres of additional current and recent irrigation. See Exhibit 1. Table  
5 1 below summarizes the Hopi Tribe’s revised agricultural claim incorporating the  
6 deletion of overlapping Native Irrigation acreage and the addition of newly  
7 identified current/recent agricultural lands. The Hopi Tribe now claims a total  
8 of 20,554.7 acres with an average annual diversion volume of 89,002 acre-feet.  
9 See attached Exhibit 1 and Table 1 below.

10 Otherwise, the Hopi Tribe objects to ADWR’s recommended irrigation  
11 water attribute limited to its calculation of Hopi irrigation in a single year. Indian  
12 reserved water rights are not lost by non-use. *Gila V*, 201 Ariz. at 311. The Hopi  
13 Tribe’s past and present irrigation claim should include a composite of lands  
14 that the Hopi people irrigated over a period of years that accurately reflects the  
15 long-term agricultural practices of the Hopi people.  
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24 <sup>1</sup> When correcting its claim, the Hopi Tribe also determined that one tract of 120  
25 acres identified by ADWR as either partially or completely verified by ADWR as  
26 irrigated was not within the Hopi Indian Reservation. The Hopi Tribe has now  
deleted that tract from its claim.

**Table 1-Summary of Hopi Tribe’s Past and Present Irrigation Claim (Using NIR for modern farming from Final HSR)**

Category	Acres	NIR (ft/y)	Overall Irrigation Efficiency	Water Duty, ac.-feet/ac (rounded)	Avg. Ann Div. Vol, acre-feet (rounded)
U.S. 3 <sup>rd</sup> Amended Claim	13,031.6	2.38	55%	4.33	56,427
ADWR Complete Evidence not within the U.S. Claim	657.6	2.38	55%	4.33	2,847
ADWR Partial Evidence not within the U.S. Claim	5,606.4	2.38	55%	4.33	24,276
Historic project DW 10	67.5	2.38	55%	4.33	292
Additional HIA from New Aerial Imagery, Current irrigation	805.8	2.38	55%	4.33	3,489
Additional HIA from New Aerial Imagery, Recent irrigation	385.8	2.38	55%	4.33	1,671
<b>Total</b>	<b>20,554.7</b>				<b>89,002</b>

**c. Objection to Limitation on Agriculture Claim**

In the Final HSR, ADWR “recommends that the water right attribute for agricultural uses be based on the maximum acreage believed to have been irrigated in any single year, which is 9,553 acres as claimed by the United States and Hopi in their Second Amended SOC.”<sup>2</sup> Final HSR, pp 5-4 to 5-5. The Hopi Tribe objects to ADWR’s limitation on the Tribe’s historic agriculture to the 20<sup>th</sup> century, a time period when the Tribe’s population was at historic lows. More specifically, as explained by the Hopi Tribe in its Third Amended SOC, ADWR fails to consider that the Tribe historically had a much higher population and, therefore, much greater need for agricultural acreage prior to the 1900s. In the

<sup>2</sup> It is improper for ADWR to rely on the Second Amended SOC for this number. It is also incorrect for ADWR to state that the U.S. claim is a composite of lands that are believed to have been irrigated over the past 80 years. See U.S. Objection to Final HSR.

1 Preliminary HSR, ADWR acknowledged that prior to 1930, the Tribe cultivated  
2 2.5 acres per person annually. See Preliminary HSR, 8-5. When the per capita  
3 acreage is combined with the historic high population estimate of 29,305, the  
4 Hopi people likely cultivated in excess of 70,000 acres. See Peter WHITELEY,  
5 HISTORIC HOPI USE AND OCCUPANCY OF THE LITTLE COLORADO RIVER WATERSHED 104  
6 (January 2004). Applying ADWR's water duty for modern irrigation of 4.33 AF  
7 per acre results in a water right of over 300,000 AFA. Assuming arguendo that  
8 ADWR's 0.93 AF per acre water duty for traditional farming practices applies,  
9 this would still result in a water right of over 65,000 AFA.<sup>3</sup> Importantly, Indian  
10 water rights are not lost through non-use. *Gila V*, 201 Ariz. at 311; See generally,  
11 *Winters v. United States*, 207 U.S. 564 (1908). ADWR erred in not recommending  
12 a water right attribute accounting for this historic maximum population and  
13 acreage used for agriculture. Whichever water duty the Court chooses to apply;  
14 it is clear that ADWR's water right attribute of 10,325 AFA for historic  
15 agricultural use is improperly low.

16 **d. Objection to ADWR's Reliance on "Traditional" Irrigation**  
17 **Demand and Water Duties**

18 The Hopi Tribe objects on legal grounds to ADWR's application of the  
19 "Traditional" irrigation class for either the supplemental irrigation demand or  
20 water duties that ADWR used to calculate the Tribe's agricultural water right  
21 attribute. ADWR should rely on its "Modern" irrigation class for both the  
22 supplemental irrigation demand and water duties when calculating the Hopi  
23 Tribe's water right attribute for agriculture. See Final HSR, Tables 4-3 and 4-4.

24 The application of a "Traditional" agricultural model to present agriculture  
25 is analogous to the failed attempts made in the Indian fishing rights context to  
26 require the treaty Tribes to exercise their rights using only historic fishing  
technology. In that context, the courts agree that "tribes may utilize

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<sup>3</sup> See Objection in Section II(b)(iv), *infra*.

1 improvements in traditional fishing techniques, methods and gear subject only  
2 to restrictions necessary to preserve and maintain the resource.” *United States*  
3 *v. Washington*, 384 F. Supp. 312, 402, 407 (W.D. WA 1974), *aff’d* 520 F.2d 676  
4 (9<sup>th</sup> Cir 1975); *see also, Grand Traverse Band of Ottawa & Chippewa Indians*,  
5 141 F.3d 635, 639 (6<sup>th</sup> Cir. 1998) (“treaties did not in any way, limit the means  
6 by which fish were to be taken from the lakes or restrict the treaty fishers to  
7 using technology that was in existence at the time of treaty.”) To require the  
8 application of the “Traditional” model is also counter to the Arizona Supreme  
9 Court’s recognition that the “historical reality [of an implied water right] is  
10 irrelevant for purposes of establishing reserved rights—it seems strained to  
11 impute an historical definition to that imputed intent for the purpose of  
12 quantifying an extremely valuable right to a scarce resource.” *Gila V*, 201 Ariz.  
13 307, 314. Similarly, the Hopi Tribe should not be limited to a strained historical  
14 definition of its water duty or irrigation demand for the calculation of the Tribe’s  
15 agricultural water right attribute.

14 **e. Clarification needed on Classification of U.S. Type of**  
15 **Irrigation**

16 The Final HSR and the 2010 revised consumptive use report relied on by  
17 ADWR have conflicting information on which U.S types of irrigation belong to  
18 “Modern” vs “Traditional” farming. Table 4-3 of the Final HSR indicates that  
19 “Modern” farming includes the perennial and spring classes and “Traditional”  
20 farming includes the seasonal, range (pasture) and native classes of irrigation.  
21 The 2010 consumptive use report on Table 1.2 of that report indicates modern  
22 (NDI or non-deficit irrigation) farming includes only the perennial class and the  
23 traditional (DRY) farming includes the other classes except range pasture for  
24 which the farming method is labeled “Range CU”. This is somewhat confusing  
25 because the 2010 report calculated irrigation water requirements for range  
26 pasture based for both NDI and DRY methods. If the Court decides to rely on

1 these classifications, the Hopi Tribe requests clarification of these classifications  
2 to avoid confusion.

3 **f. Livestock and Water Storage for Stock**

4 The Final HSR on page 5-6 indicates that ADWR evaluated the claimed  
5 volumes of the impoundments of the Hopi Tribe and U.S. ADWR concluded that  
6 the lower values in the U.S. claim were more representative of actual historic  
7 and current conditions. The Hopi Tribe objects to the use of the U.S. capacities  
8 because the Hopi Tribe's capacities more accurately reflects the historic volume  
9 of the original impoundments. The methodology used by the Hopi Tribe to assess  
10 the volume of impoundments deduced what the original impoundment capacity  
11 was based on pond area and depth prior to the impoundments being partially or  
12 wholly silted in. It is unclear if the U.S capacities as adopted by ADWR were  
13 based on that same methodology or if they were based on current capacity. If  
14 the United States method relied on the current capacity of these impoundments,  
15 then the water right attribute assigned is incorrectly low because it reduces the  
16 impoundment volume due to siltation.

15 **g. White Ruin Canyon Wash Should have an Ecological Flow**  
16 **Water Right Attribute**

17 The Hopi Tribe submitted a report from its expert Larry Stevens  
18 summarizing its claim for an ecological flow for White Ruin Canyon Wash. The  
19 Hopi Tribe claimed 16 AFA to protect this culturally and ecologically important  
20 area. In section 5.1.7.7, ADWR stated that it "is unable to rely on the information  
21 provided in the draft report related to measurement of flows in White Ruin  
22 Canyon Wash and therefore presented no findings with regards to this claim."  
23 The Tribe objects to ADWR failing to rely on the report it submitted and its failure  
24 to assign 16 AFA for the protection of flows at White Ruin Canyon Wash.<sup>4</sup>

25 <sup>4</sup> ADWR did not opine on the Tribe's claim to water from Blue Springs or the  
26 Tribe's claim to a non-diversionary water right for instream flows in the lower Little  
Colorado River. The Hopi Tribe re-asserts these claims.

1                   **h. ADWR Mischaracterizes Legal Precedent Regarding the Hopi**  
2                   **Tribe's claims to water sources**

3                   ADWR mischaracterizes or incorrectly applies legal precedent in its Final  
4 HSR for the Hopi Reservation.

5                   **i. The Hopi Tribe's claim to Blue Springs**

6                   In section 5.1.4, ADWR discusses the Hopi Tribe's claim to water from the  
7 Blue Springs Complex. ADWR cites to the Court's March 2, 2009, Minute Entry  
8 and states that "the Hopi are preclude from claims to water from surface streams  
9 that do not abut or traverse Hopi lands." Final HSR, 5-3. ADWR appears to be  
10 drawing parallels between the Court's March 2, 2009, Minute Entry and Blue  
11 Springs. ADWR's analysis is flawed in that the Court has never ruled on the  
12 Hopi Tribe's right to the waters of the Blue Springs Complex and has never  
13 applied the March 2, 2009, Minute Entry to the Tribe's claim to those waters.  
14 The Hopi Tribe's claims to Blue Springs is factually and legally separate from any  
15 of the claims the Court ruled on in its March 2, 2009, Minute Entry.

16                   **ii. The Hopi Tribe's claim to Groundwater**

17                   Similarly, the Final HSR discusses the Hopi Tribe's claim to groundwater  
18 and correctly cites to the *Gila III* for the proposition that "a reserved water right  
19 to groundwater may only be found where other waters are inadequate to  
20 accomplish the purpose of a reservation." *In re the General Adjudication of All*  
21 *Rights to Use Water in the Gila River System and Source*, 195 Ariz. 411, 420, 989  
22 P.2d 739 (1999). While the above analysis is generally applicable, the Hopi Tribe  
23 objects on legal grounds that ADWR did not acknowledge that the surface water  
24 is inadequate to meet the Hopi Tribe's needs and that Indian reserved water  
25 rights potentially attach to all waters that were unappropriated at the creation  
26 of the water right. The Hopi Tribe should have all sources of water available to  
satisfy the purposes of the Hopi reservation.

1           **III.    Comments to ADWR's Final HSR**

2                   **a.   Chapter 2 Comments**

3           On page 2-14, the HSR indicates that the combined discharge of the  
4   springs in Pasture Canyon are measured at a USGS gage (#09401265). As noted  
5   in the Hopi Tribe's 2009 comments to the Preliminary Hopi HSR, this gage does  
6   not measure the combined discharge of all the springs, as there are some seeps  
7   and springs downstream of the gage, flows in the subsurface beneath the gage,  
8   as well as losses above the gage due to evapotranspiration. See Final HSR,  
9   Appendix D, pdf page 177 for 2009 Tribe comments.

10          Pages 2-15 and 2-16 describe the streamflow regimes of perennial,  
11   intermittent, and ephemeral based on the percentage of days each year with flow  
12   of 100 percent, 10 percent to less than 100 percent, and less than 10 percent  
13   respectively.<sup>5</sup> The Hopi Tribe comments that other states and entities have  
14   similar regimes relying on different percentage of days of flow. The application  
15   of the different percentages used by other states or entities may change the  
16   classification given by ADWR. See Final HSR, Appendix D, pdf page 345.

17          Table 2-1 provides a summary of N-aquifer withdrawals originally  
18   published by the U.S. Geological Survey. See *Groundwater, Surface-Water and*  
19   *Water Chemistry Data, Black Mesa Area, Northeastern Arizona-2011-2012*, Table  
20   1, p. 5 (2014). The table makes no attempt to separate Hopi from Navajo  
21   municipal withdrawals. In addition, with the exception of the year 2011, other  
22   values in the table are averages over certain periods of time. The average  
23   numbers mask maximum use (because it is averaged out). For example, the  
24   maximum historical annual use of N-aquifer groundwater by PWCC was

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25           <sup>5</sup> Page 2-15 fails to mention gages or list gages operated by PWCC. The 2008  
26   Preliminary HSR on page 7-3 mentioned gages by both USGS and PWCC. Even if  
the Final HSR did not use the PWCC gages in its analysis, it should mention that  
PWCC does operate some of their own gages on the leased land.

1 approximately 4,750 acre feet, significantly higher than any average value  
2 provided in the Table.

3 Figure 2-2 illustrates the lateral extent of aquifers beneath the Hopi Indian  
4 Reservation and Moenkopi. The figure includes "Alluvial/Colluvial Aquifers," but  
5 fails to show the alluvial aquifer for Moenkopi Wash. Figures 2-3 and 2-4 are  
6 based on outdated information (McGavock and Edmunds, 1974), and appear to  
7 be in error at many locations where more recent information is available. The  
8 Hopi Tribe comments that Figure 2-5 presents an incomplete picture: Not  
9 explicitly shown in the conceptual hydrologic model is that groundwater in  
10 aquifers that overlie the N-aquifer (e.g. the D-aquifer) also emanates as spring  
flow or base-flow to the alluvium in places.

11 Figure 2-8 is incorrect. The figure caption states that the figure represents  
12 the N-Aquifer saturated thickness, but in fact it represents the simulated  
13 potentiometric surface. It appears that the contours from Figure 2-9 were also  
14 used for Figure 2-8.

#### 14 **b. Chapter 3 Comments**

15 Page 3-5 mislabeled the 2015 Hopi irrigation storage claim as water for  
16 first-time fill. The Tribe claimed 333 AF storage for two existing/historic  
17 irrigation storage reservoirs plus an additional 192 AF for annual evaporation  
18 and seepage losses. Hence the 333 AF is a storage right but not a first-time fill  
19 right.

20 Under quantities of use on page 3-7 and 3-8, the 9,348 AFA of DCMI can  
21 also be considered a present claim since it includes both the present and the  
22 future increase in population. See objections *infra* Section II(a). Additionally,  
23 the Hopi Tribe included a claim for 333 AFA for irrigation storage plus  
24 evaporation and seepage losses. See Hopi Tribe Third Amended SOC, p. 27, FN  
25 6. The 333 AFA storage right for the two irrigation reservoirs is not included in  
26 the quantities of use on pages 3-7 and 3-8.

**c. Chapter 4 Comments**

Page 4-3 of the Final HSR indicates the 2015 Hopi Tribal DCMI claim is a future claim while the 2015 U.S. DCMI claim is a present and future claim. Both claims rely on the same population projections and only differ in the future proposed per capita usage rate of 160 gpcpd vs 150 gpcpd. Both claims are a combined present and future claim for DCMI. See Objections *infra* Section II(a).

On page 4-26, the Final HSR concludes there is overlap between the claimed amounts for livestock watering (adjusted for delivery efficiency) and claimed amounts of livestock storage in stock ponds. This is incorrect because the Hopi Tribe claims the 1000 AFA stock water from wells while the storage claim for stock ponds is from surface water. As indicated by the Hopi Tribe's claim, the surface water stored in stockponds can be unreliable in dry years and as such is claimed as a complementary source to wells for livestock support. For this claim, therefore, there should be a separate right for the actual consumptive use of the water (adjusted for delivery efficiency) and a separate right for the right to store water in stock ponds.

The Final HSR on page 4-30 mistakenly states that there may be an overlap between the ceremonial and subsistence claim and the claim for DCMI use. The 160 gpcpd DCMI rate may include watering small gardens on domestic lots, but it does not include irrigating with a full water supply 0.8 acre-size fields as per the Hopi Tribe's ceremonial and subsistence claim. Preliminary designs for the ceremonial and subsistence irrigation claim did not use water included in the 160 gpcpd DCMI demands.

Finally, ADWR contends that there may be some overlap between the claimed water for a future tourism resort facility and the DCMI claim. See 4-34. This may be true if a resort is ultimately located near a town served by the DCMI

1 system, but as yet the location of the resort has not been finalized. Keams  
2 Canyon might be one possible location. There also could be other locations that  
3 are not near towns and could not be served by a DCMI system. In addition, parts  
4 of a resort such as the golf course may require more water than can be  
5 economically provided by a DCMI system and likely would require a separate  
6 water source.

7 **IV. Conclusion**

8 The Hopi Tribe objects to ADWR's failure to include a past and present  
9 DCMI water right attribute for the Hopi Tribe. The Hopi Tribe also objects to  
10 ADWR's calculations of the past and present acreage of agricultural lands, and  
11 to its calculations of calculate the water duty and irrigation demand for the  
12 agricultural lands. The Hopi Tribe objects to ADWR's calculation of livestock  
13 and water storage for stock purposes. Finally, the Hopi Tribe objects to ADWR's  
14 failure to include all of the Tribe's claims for ecological flows. The Hopi Tribe will  
15 present evidence in litigation supporting these objections, and evidence of future  
16 water use requirements to ensure that the Hopi Reservation remains a  
17 permanent home and abiding place for the Hopi people.

18 Date: 13th of June, 2016

Respectfully submitted,

19 Joe Mentor, Jr.  
20 Mentor Law Group, PLLC  
21 315 Fifth Avenue S., Suite 1000  
22 Seattle, WA 98104  
23 (206) 838-7650, mentor@mentorlaw.com

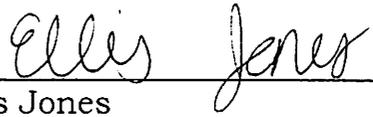
24 By:   
Joe Mentor, Jr.

25 *Counsel for the Hopi Tribe, Pro Hac Vice*

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**CERTIFICATE OF SERVICE**

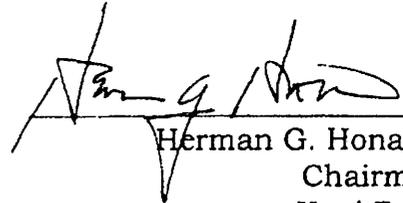
I hereby certify that I have this 13 day of June, 2016, sent via federal express to the Clerk of the Superior Court for Apache County the original and two copies of *The Hopi Tribe's Objections and Comments to the Final HSR for the Hopi Reservation*. I have also sent a true and correct copy of *The Hopi Tribe's Objections and Comments to the Final HSR for the Hopi Reservation* via U.S., first-class postage prepaid thereon, addressed to Counsel for the United States.

  
\_\_\_\_\_  
Ellis Jones

**VERIFICATION**

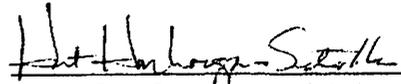
State of Arizona  
County of Navajo

I declare under penalty of perjury that I am a claimant or duly authorized representative of a claimant. I have read the 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. By making this verification, neither I, the Hopi Tribe, nor any of its agencies or personnel, waive any immunities, rights, privileges or presumptions, whether based on federal state or other statutory and/or common law, except that as clearly and unambiguously required by Congress.



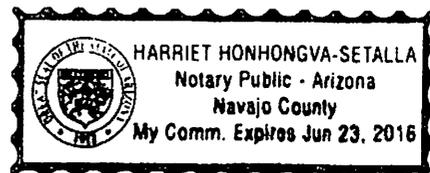
Herman G. Honanie  
Chairman  
Hopi Tribe  
P.O Box 123  
Kykotsmovi, AZ 86039

SUBSCRIBED AND SWORN to before me this 10 day of June, 2016.



Notary Public for the State of Arizona  
County of Navajo

My Commission expires 06/23/2016





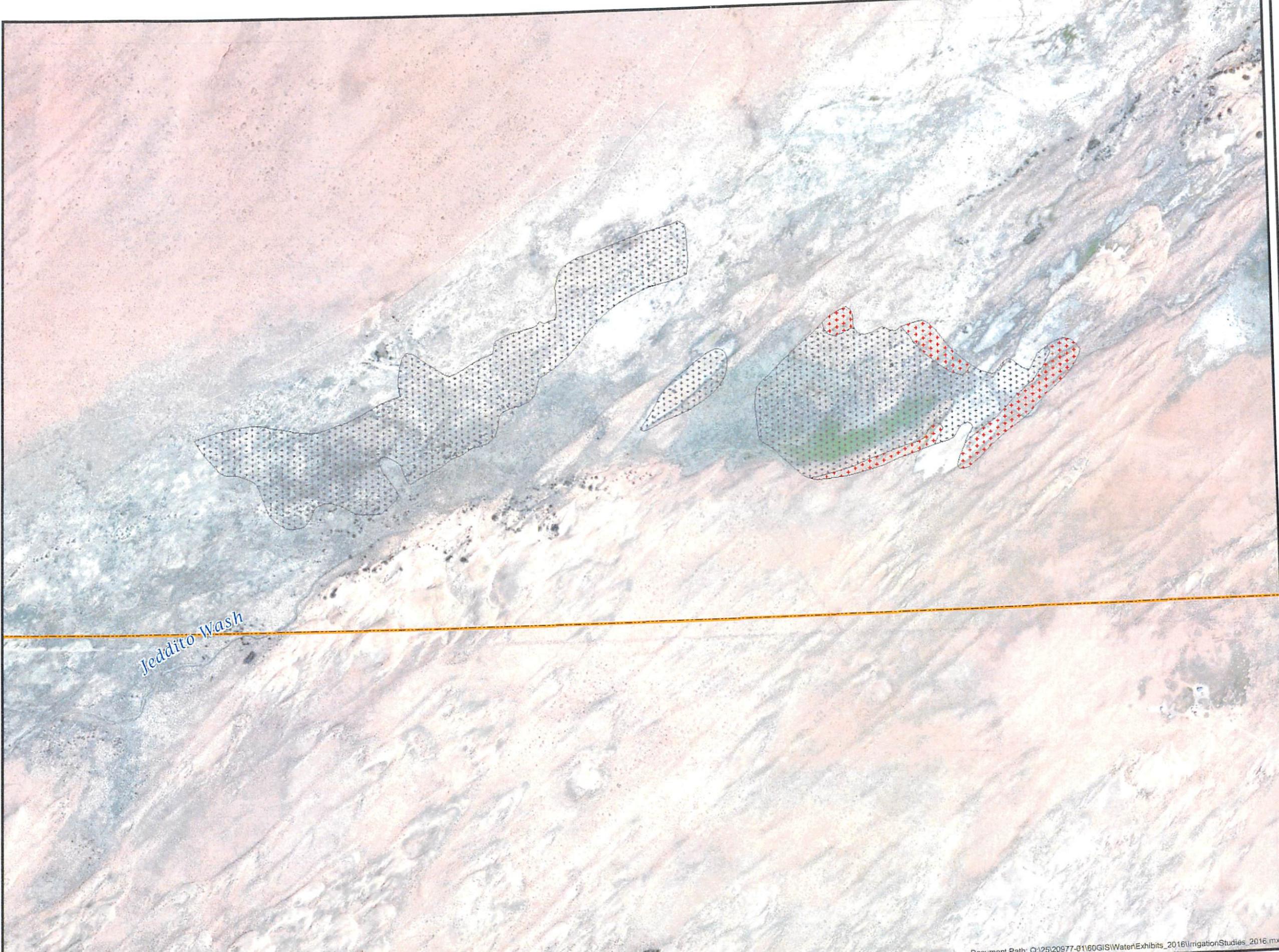
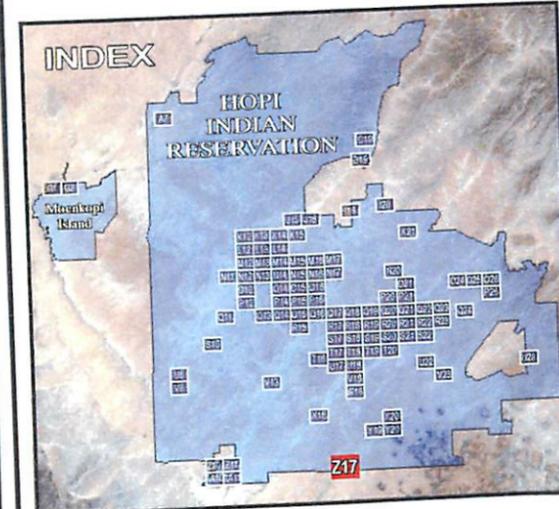
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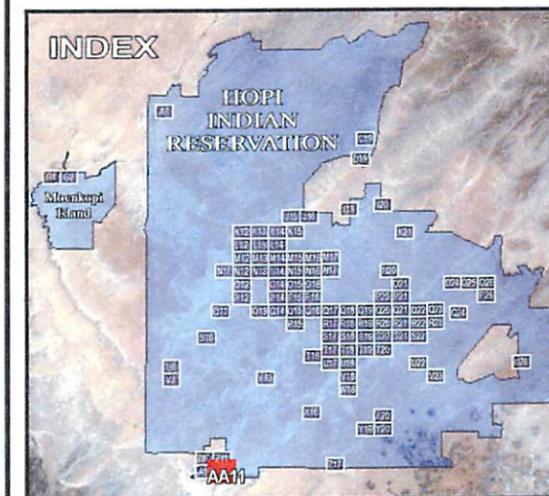
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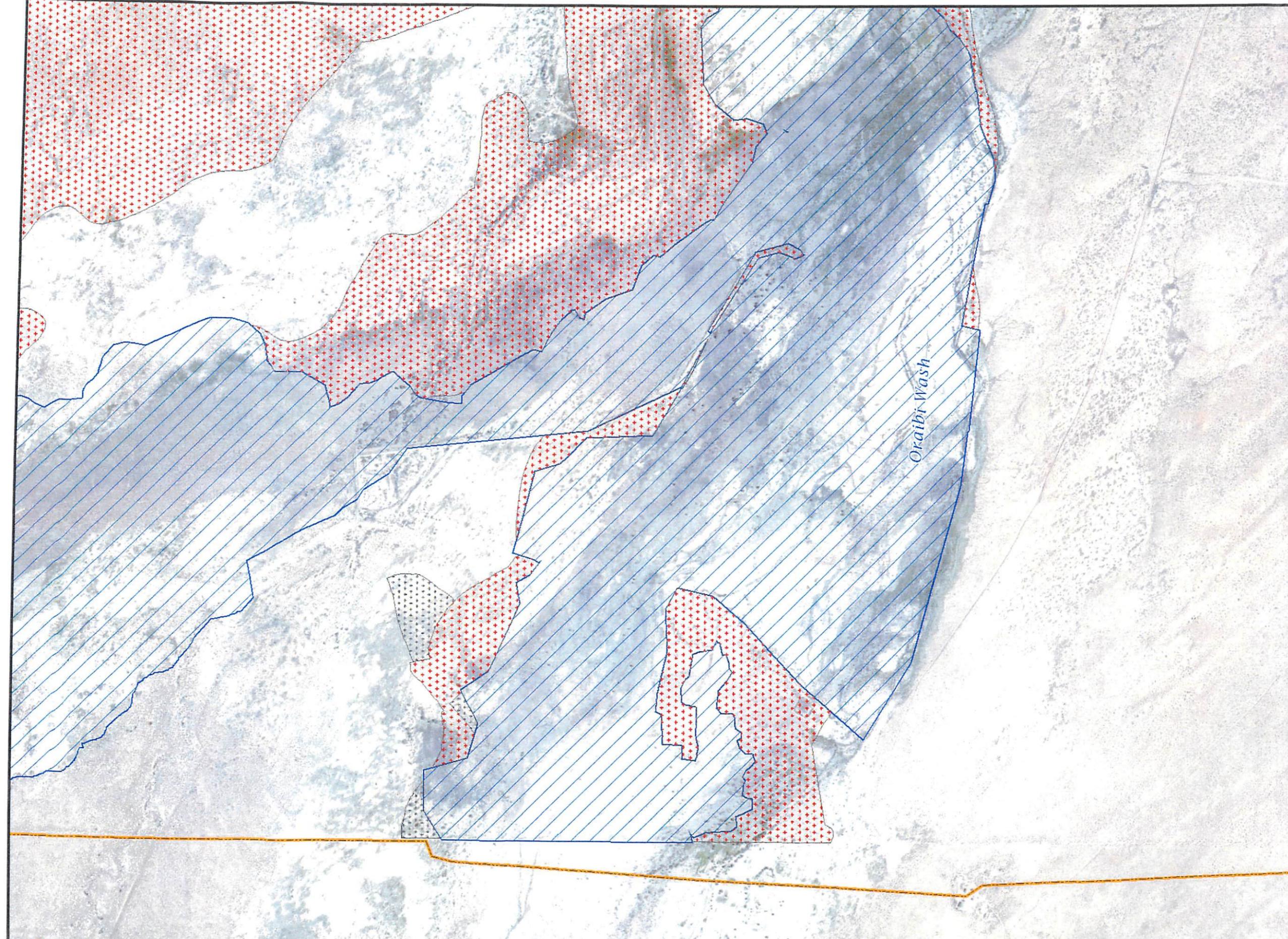
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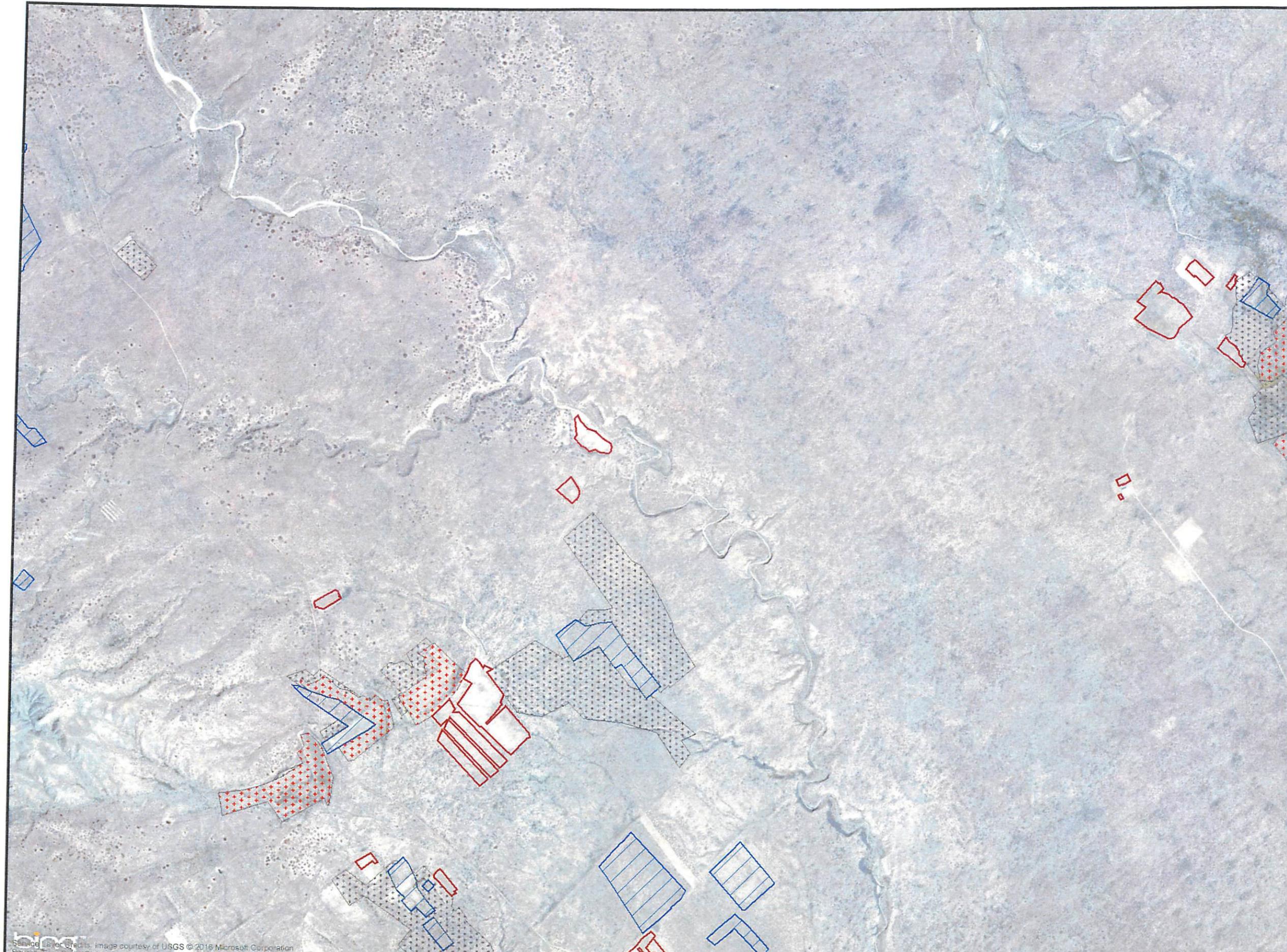
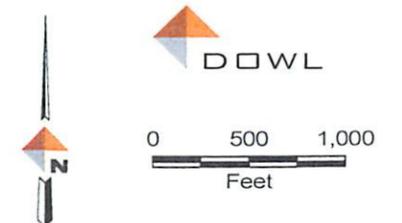
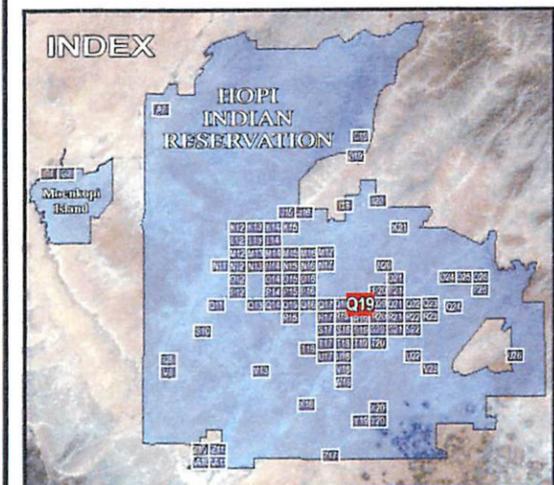
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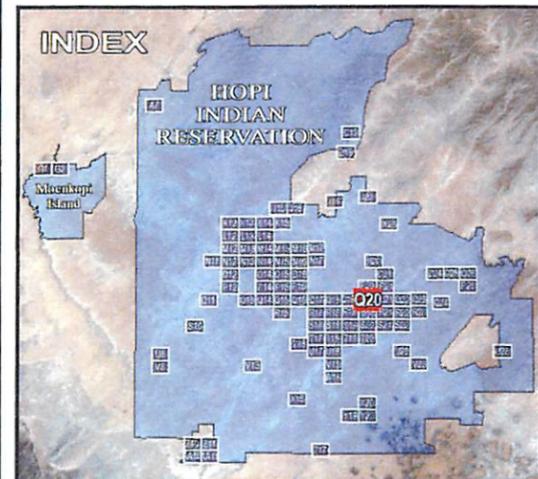
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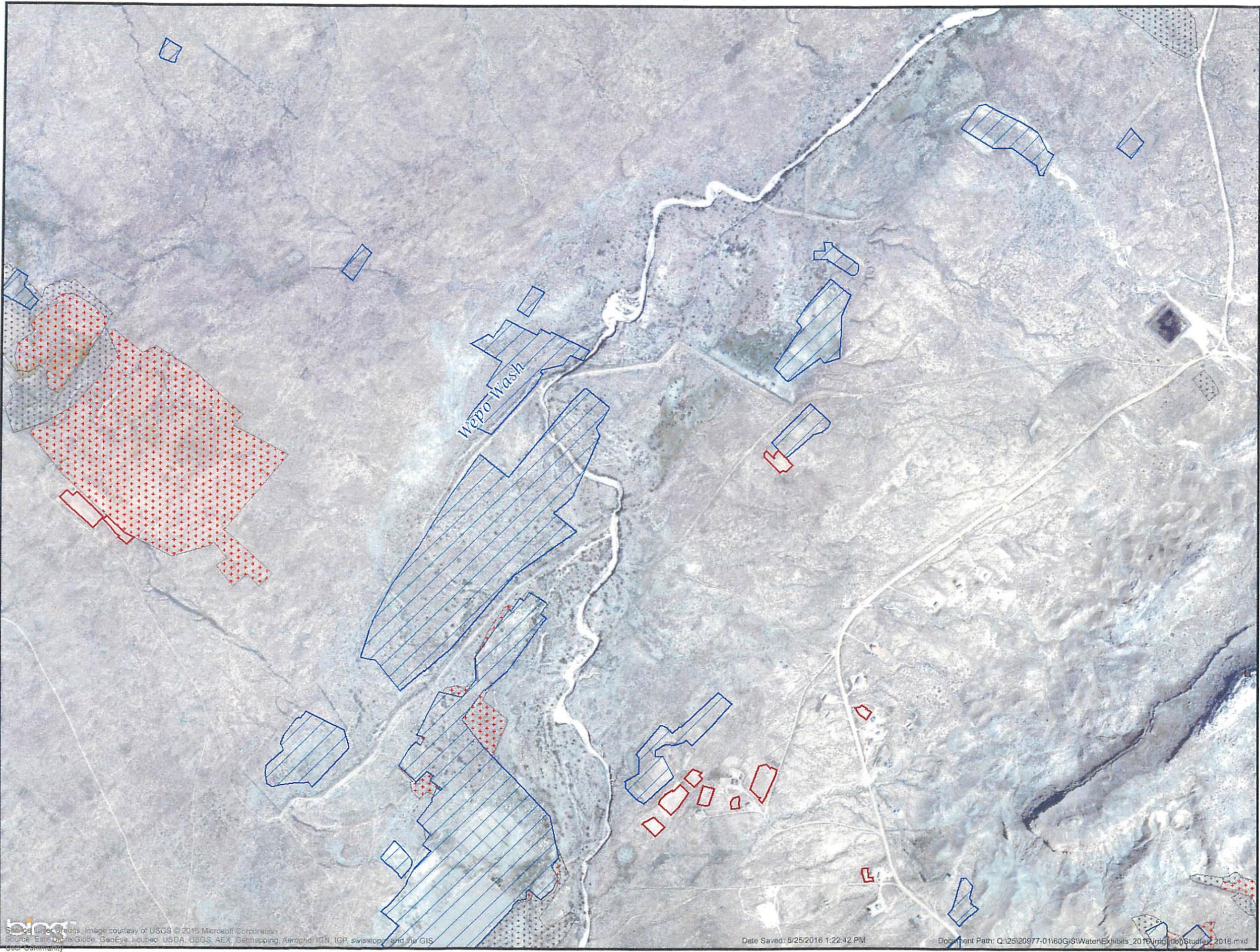
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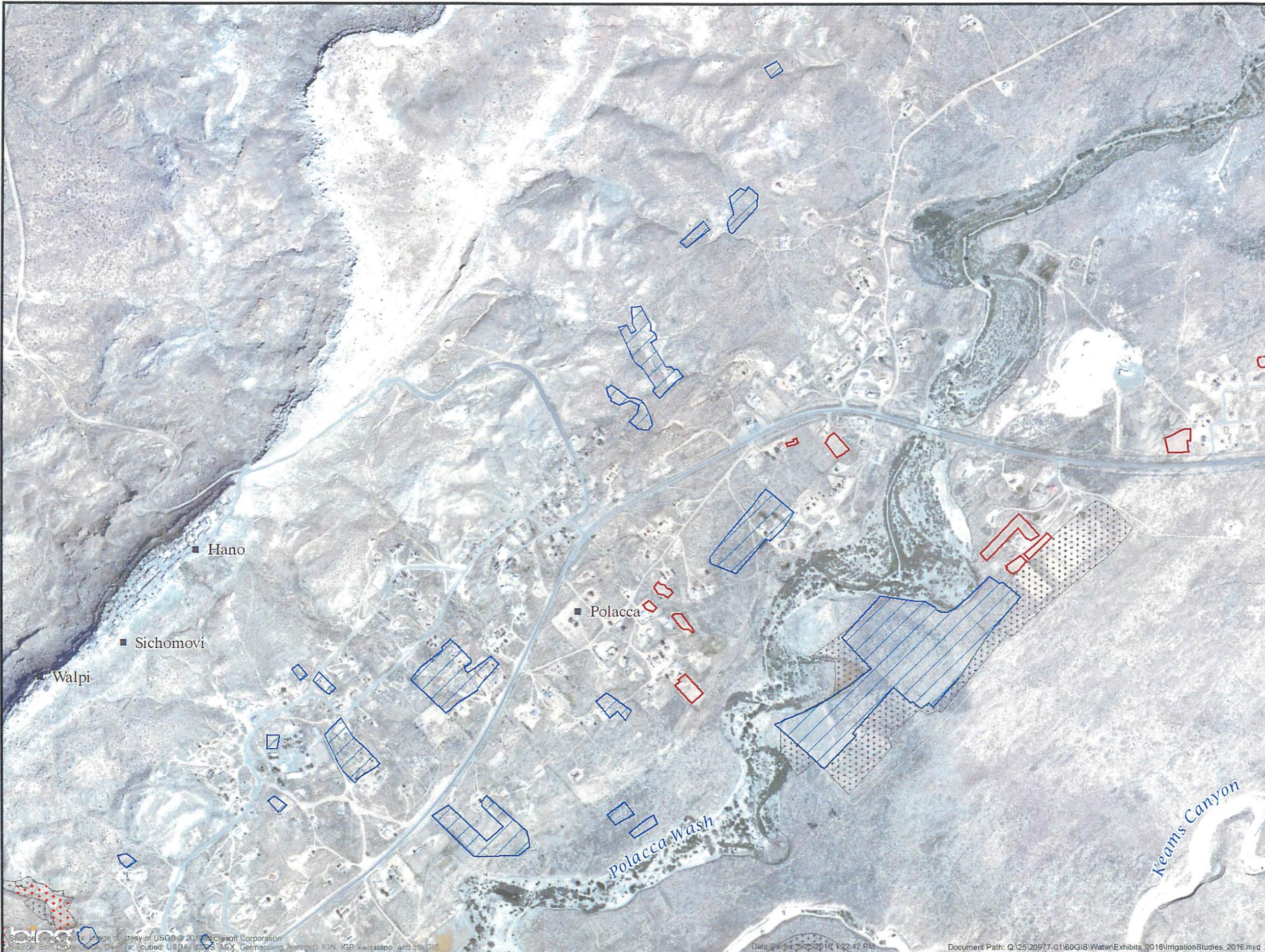
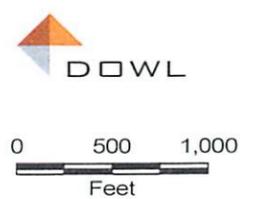
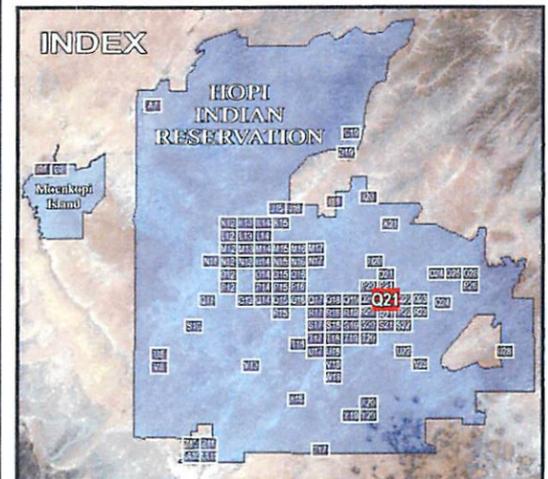
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Polacca Wash

Keams Canyon

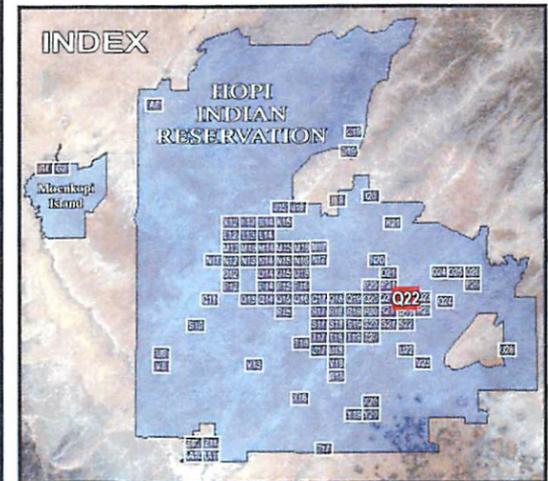
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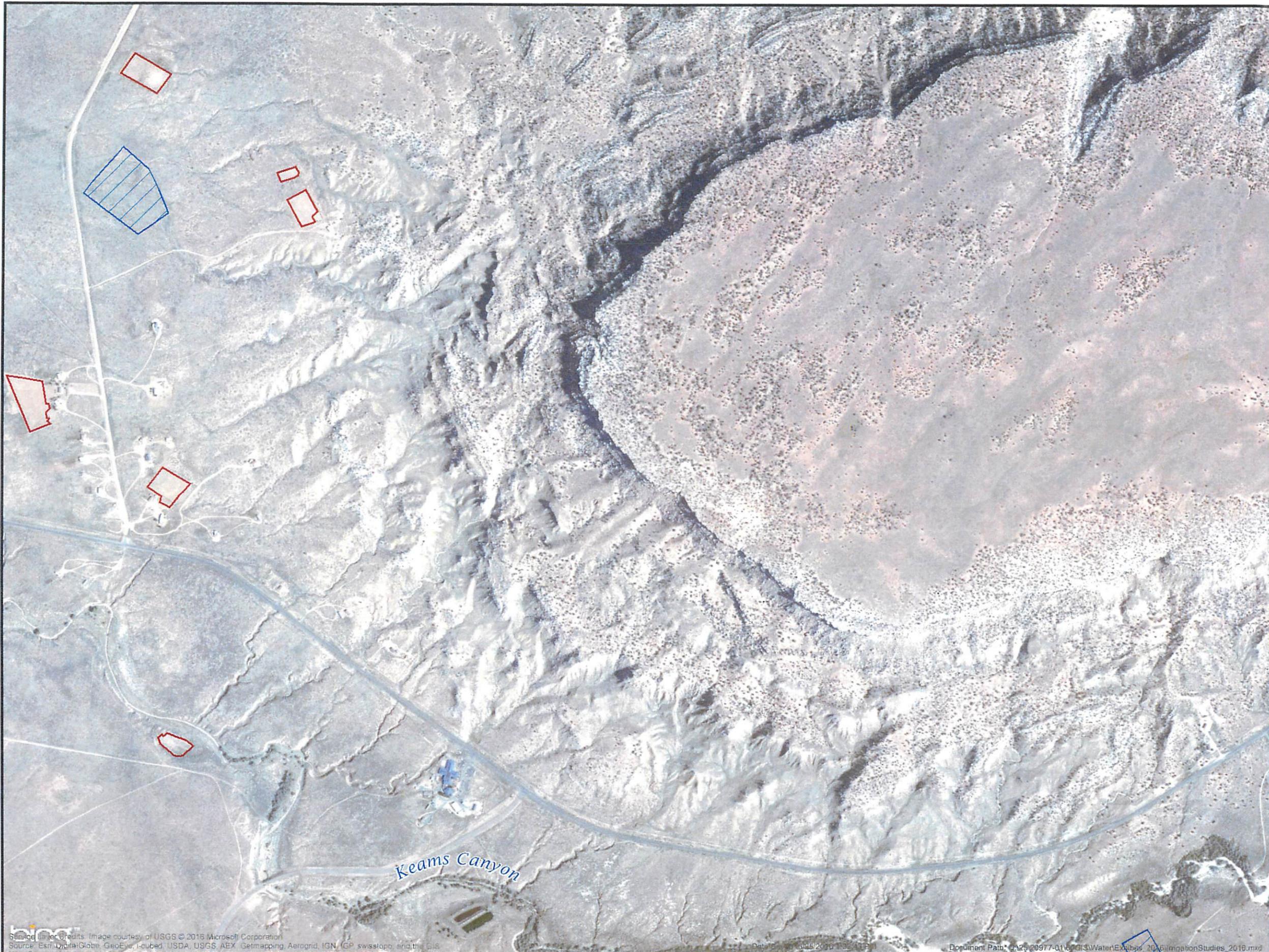
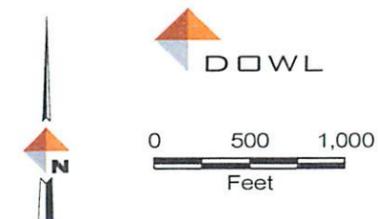
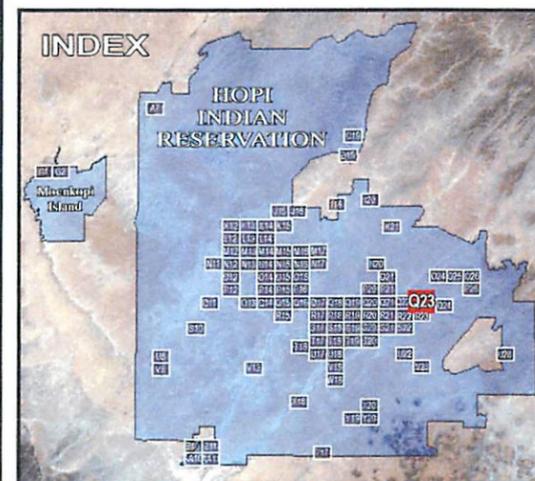
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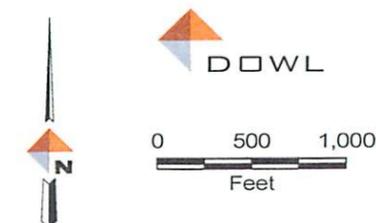
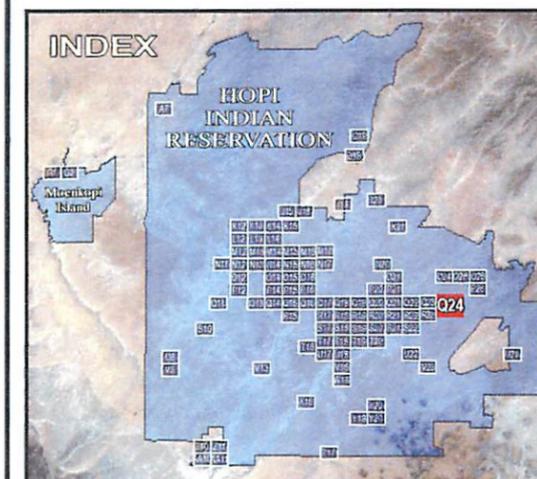
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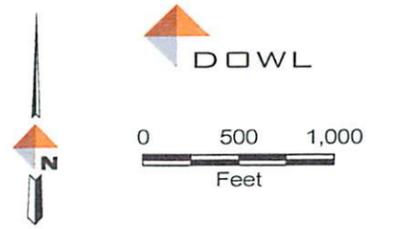
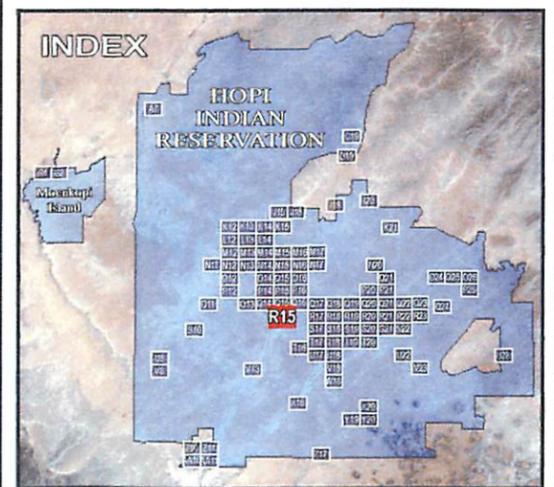


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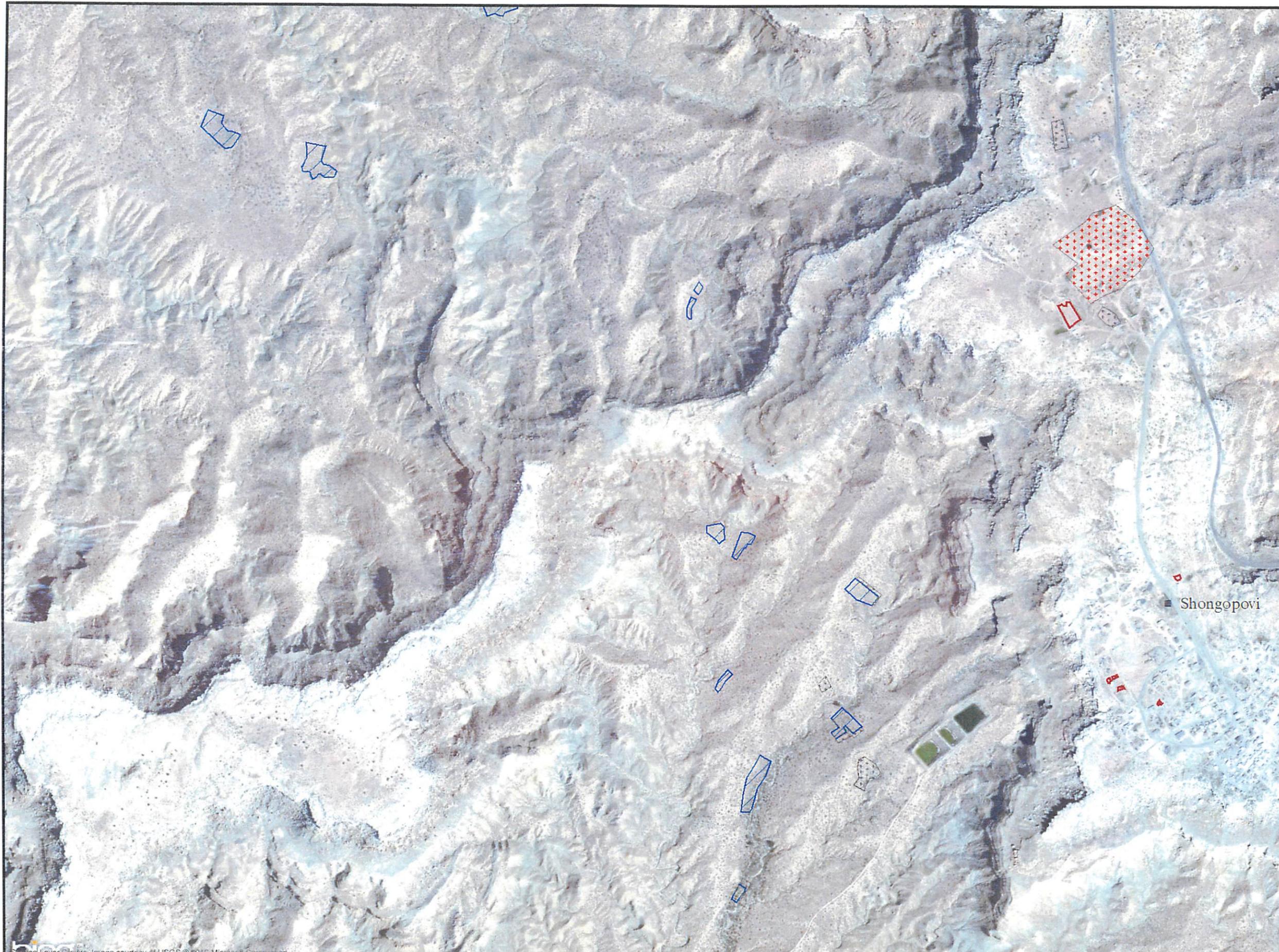
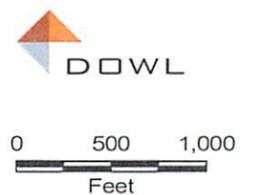
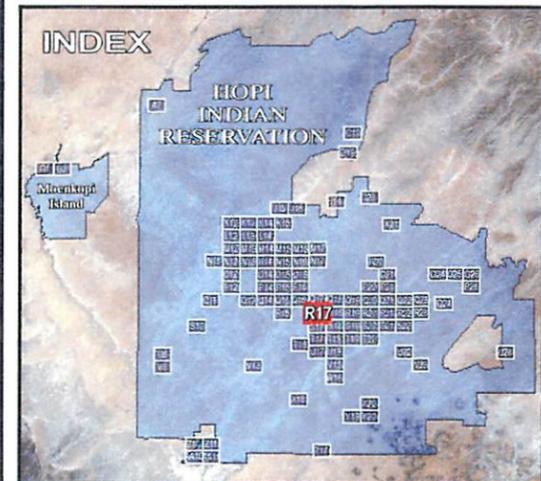
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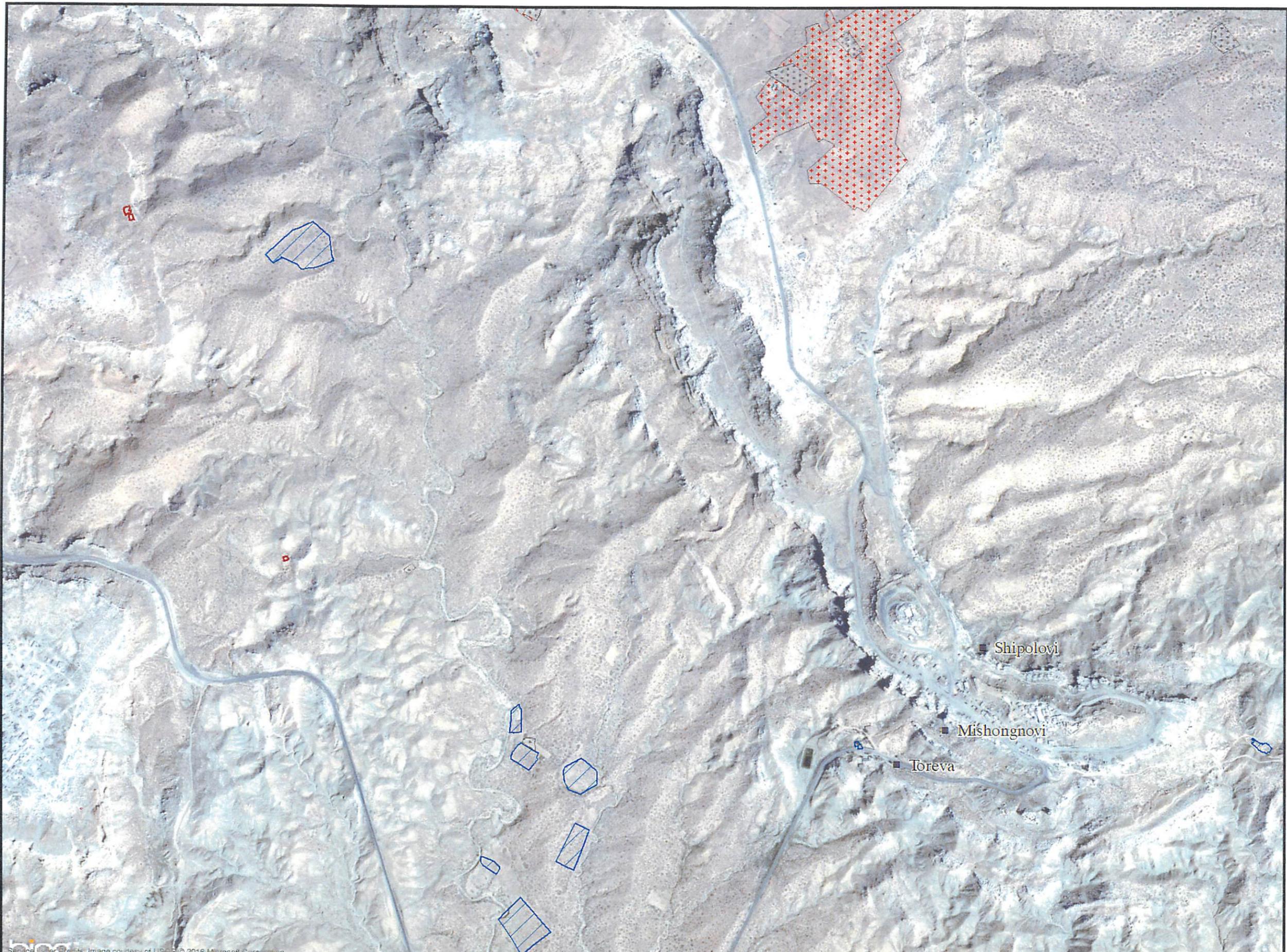
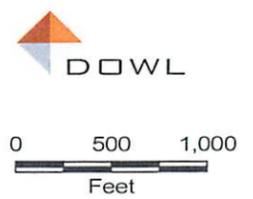
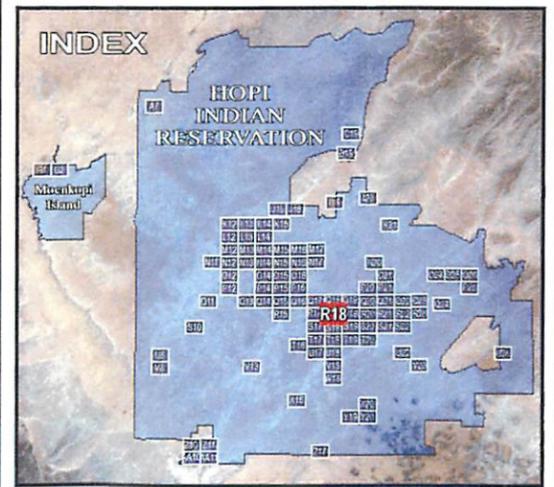
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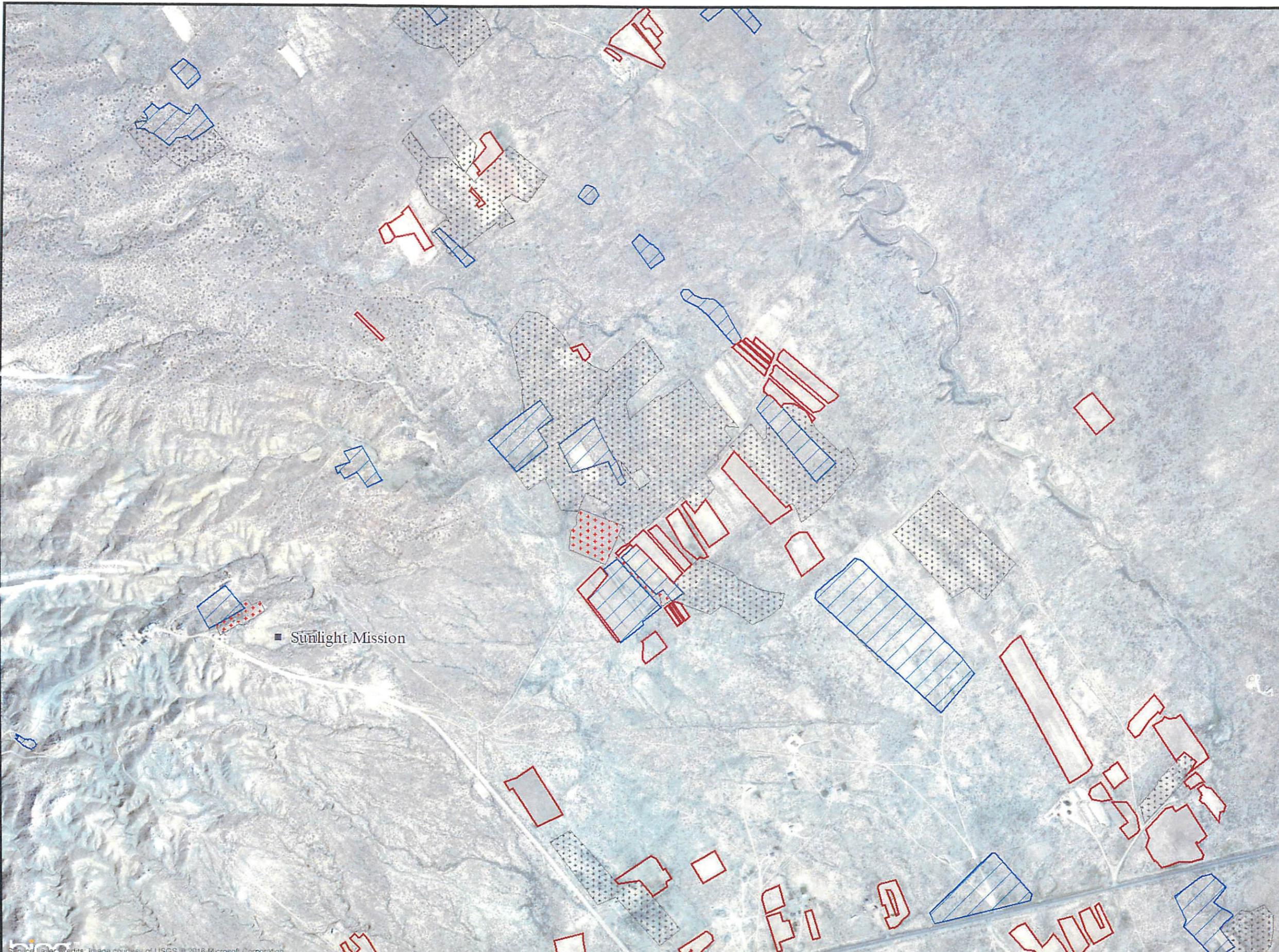
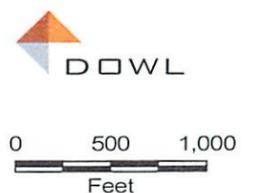
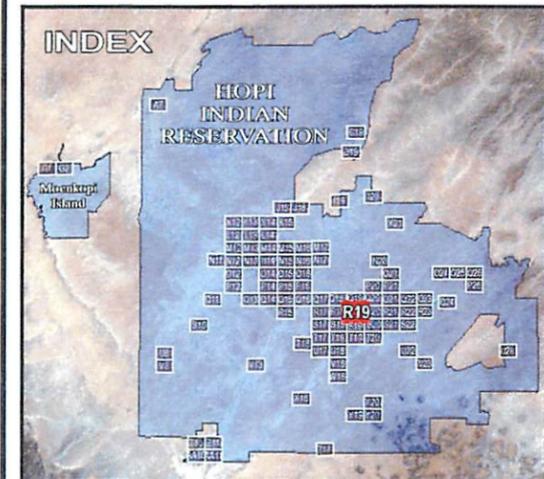
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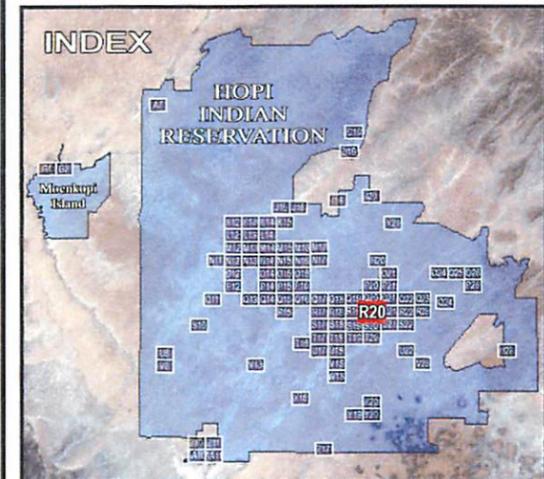
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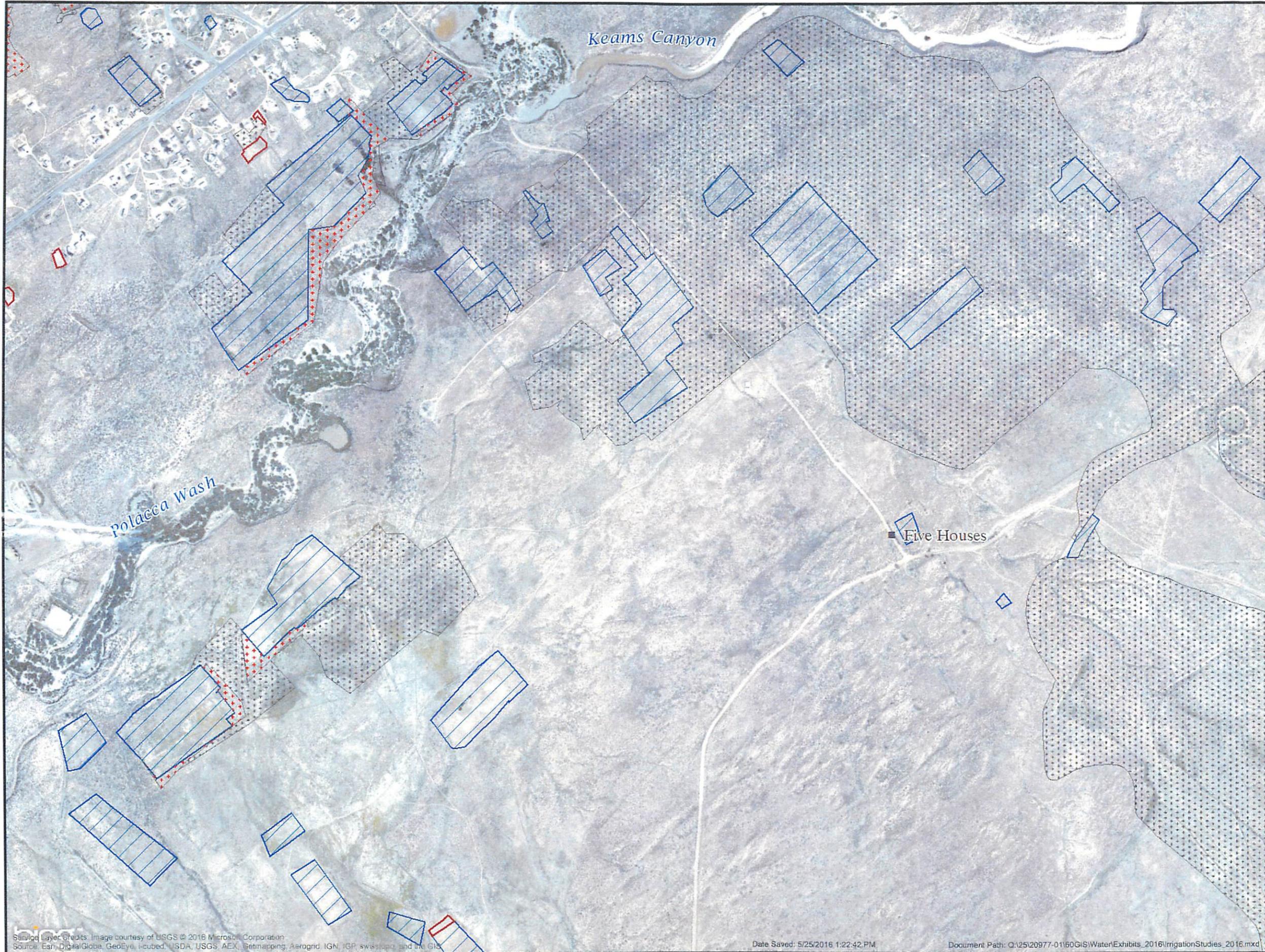
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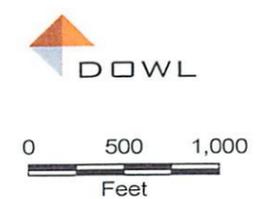
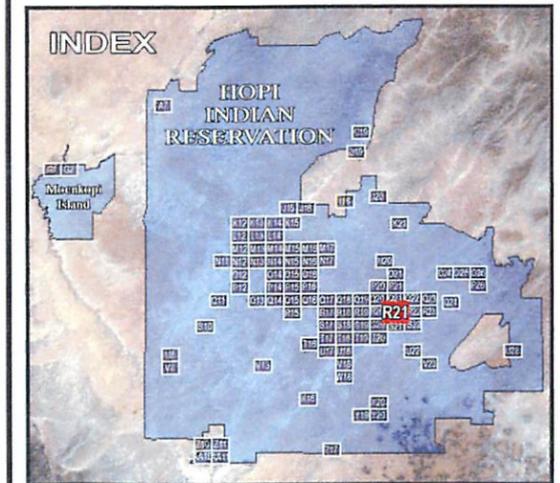
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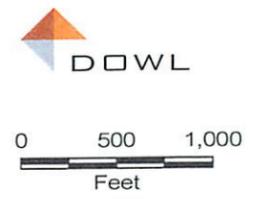
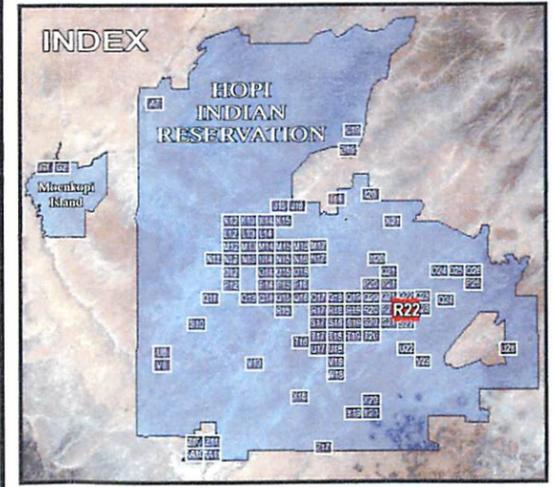
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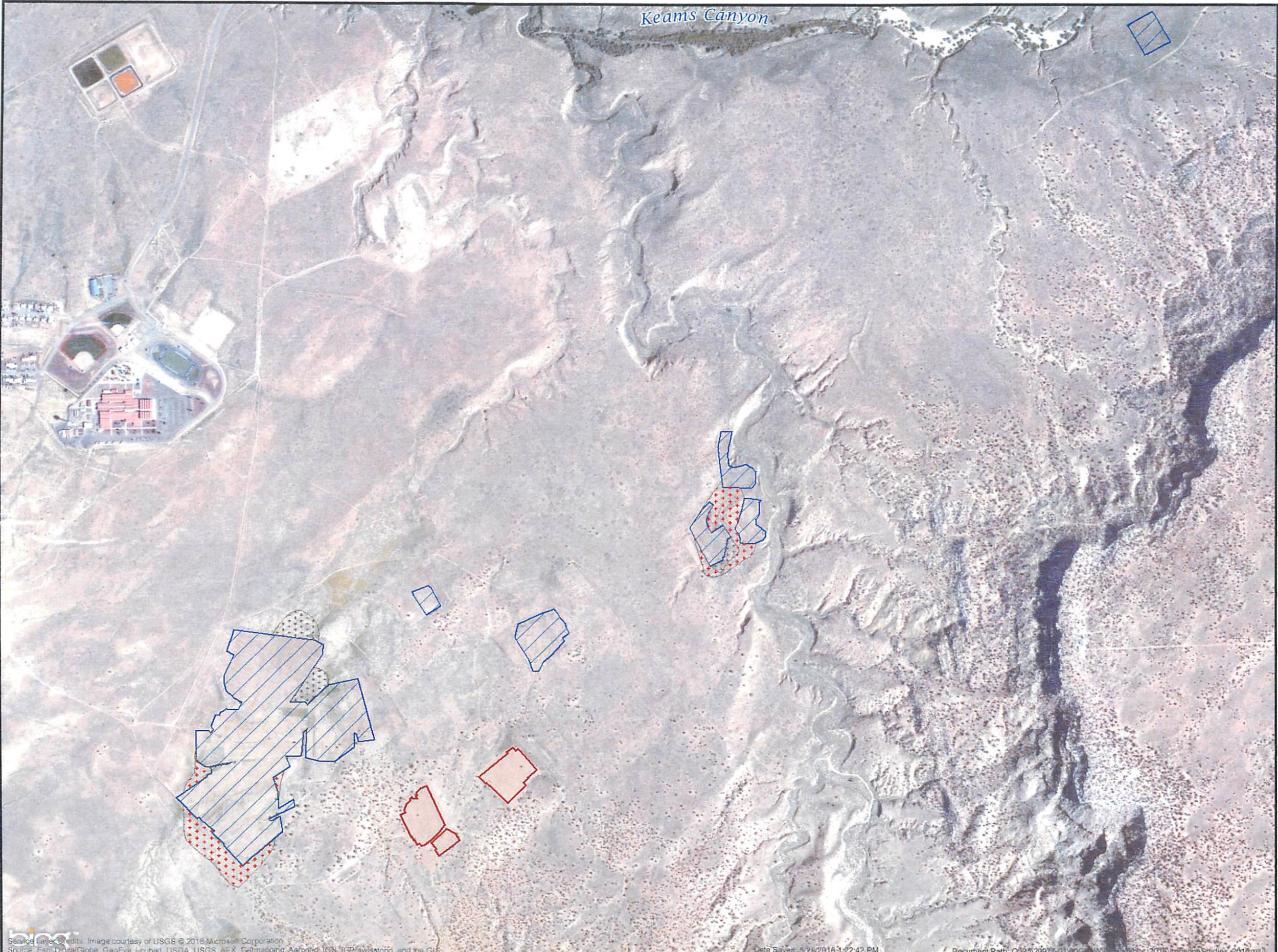
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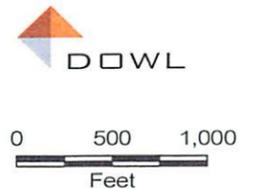
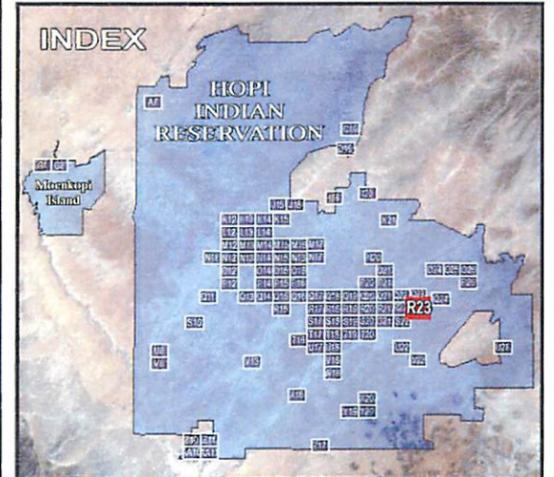
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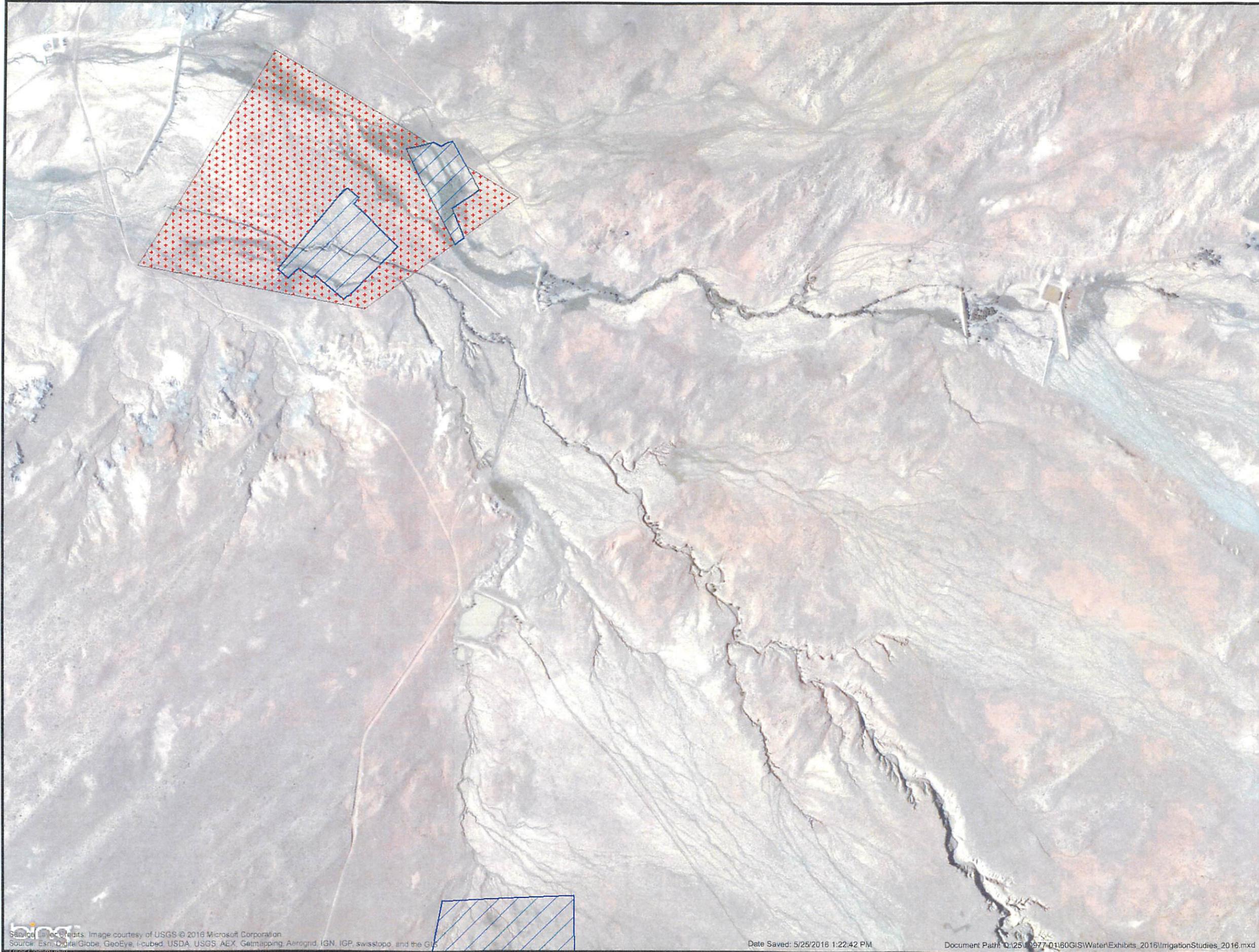
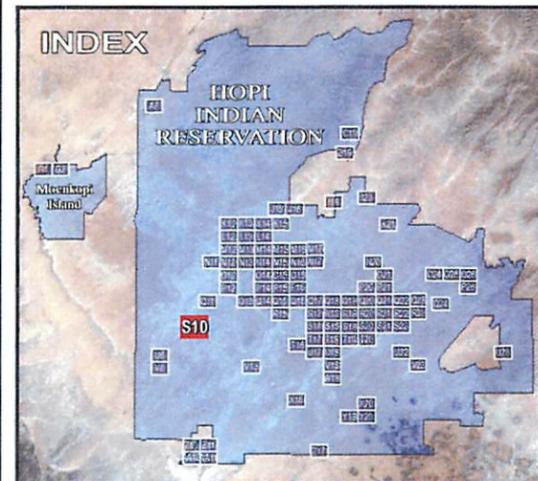
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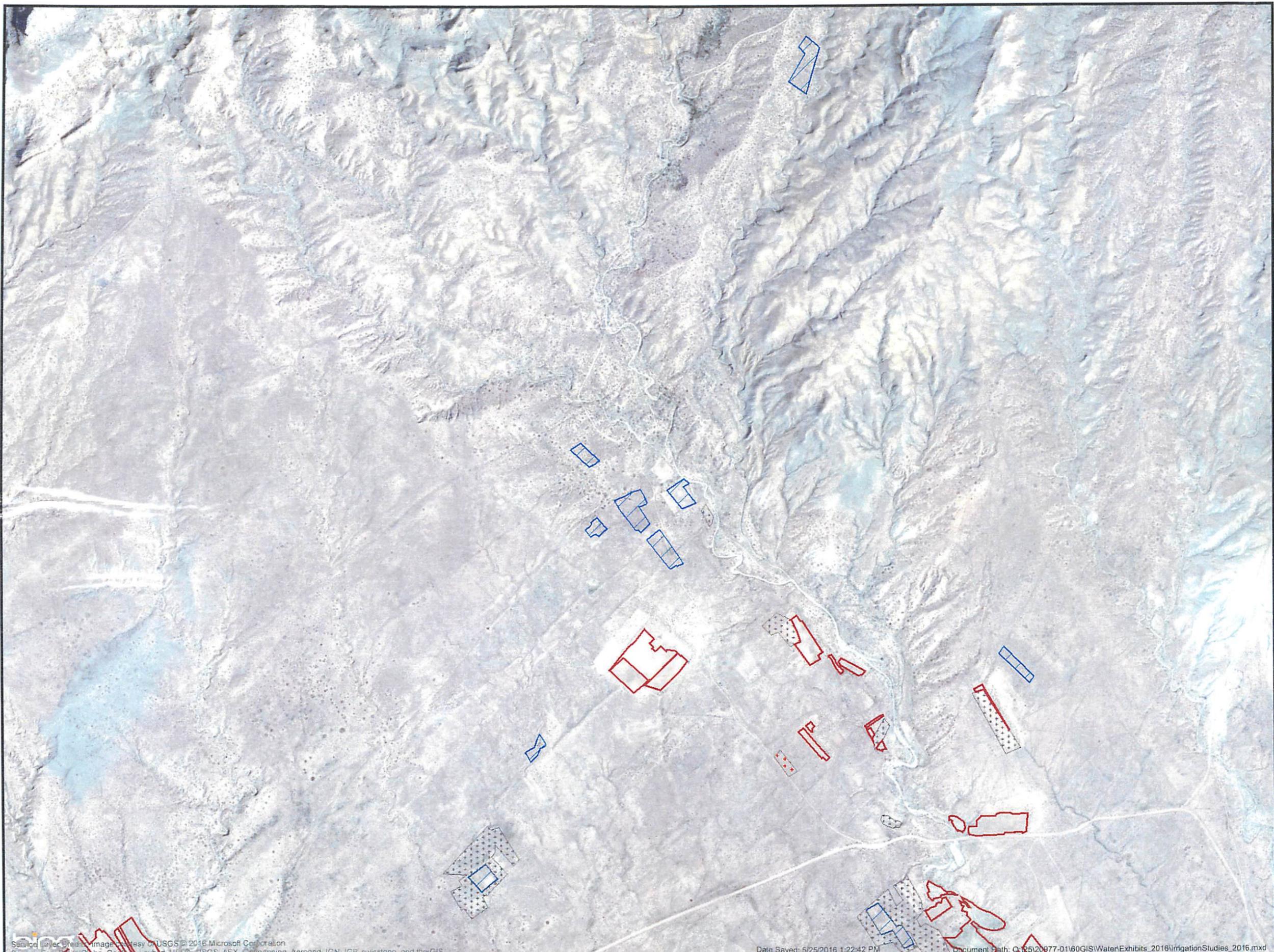
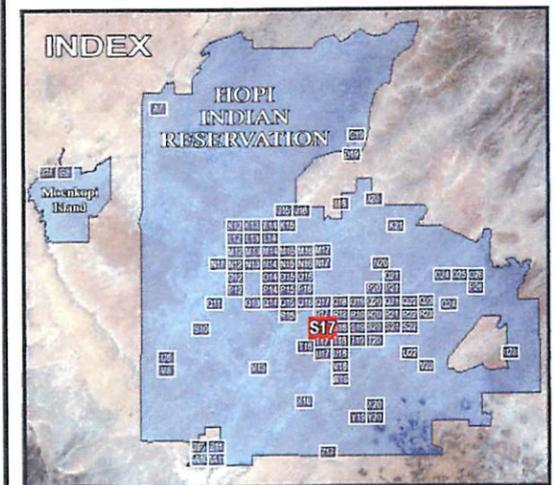
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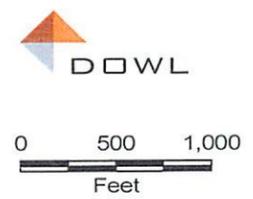
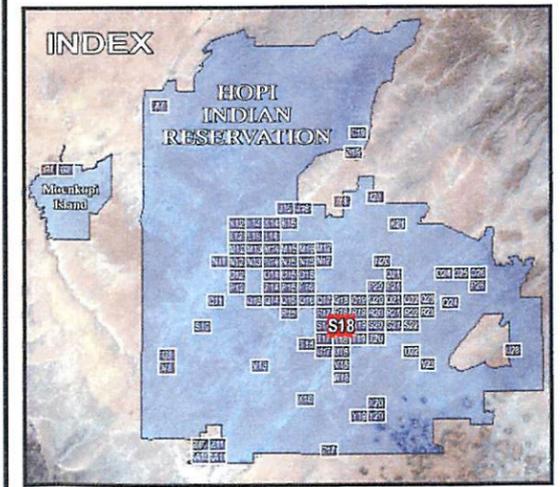
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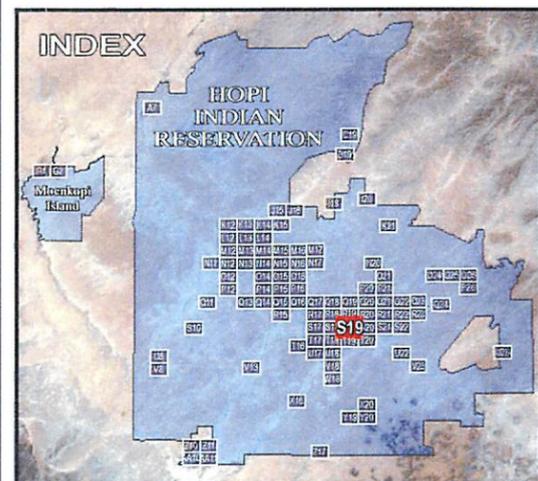
# FINAL HSR for the HOPI INDIAN RESERVATION

## HOPI TRIBE OBJECTIONS

### Legend

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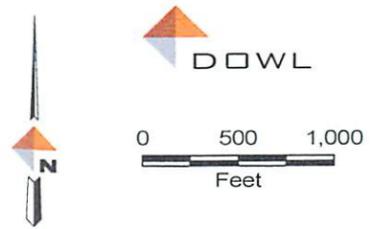
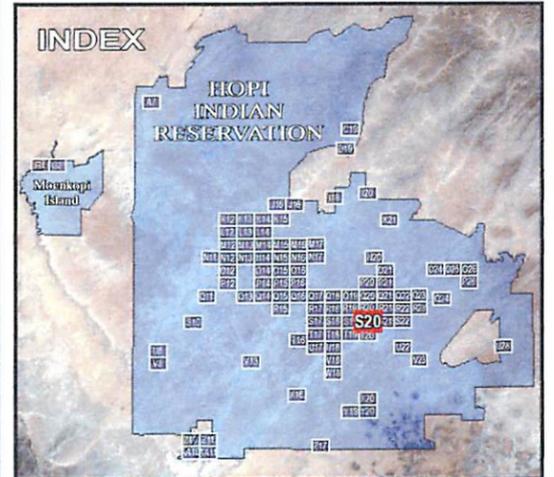
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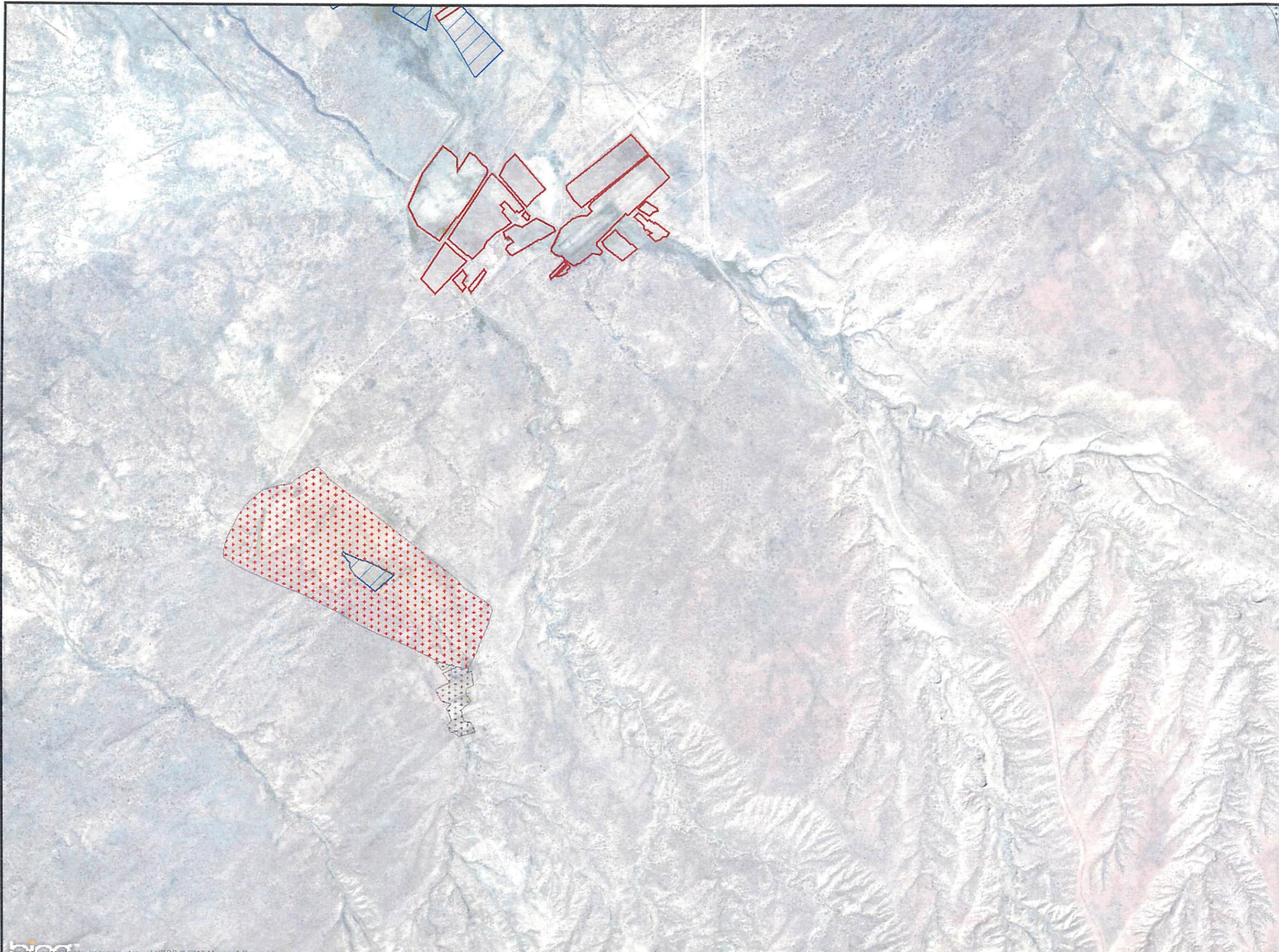
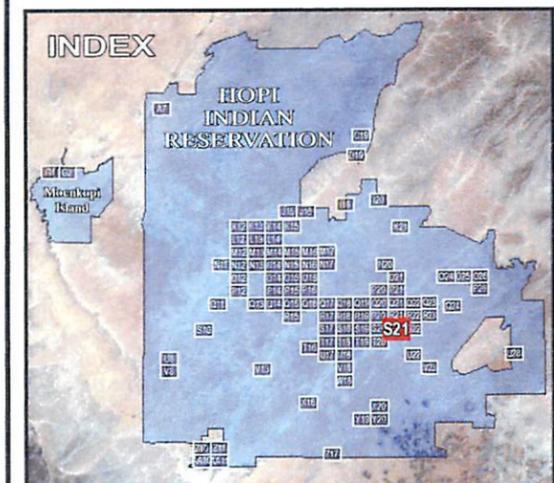
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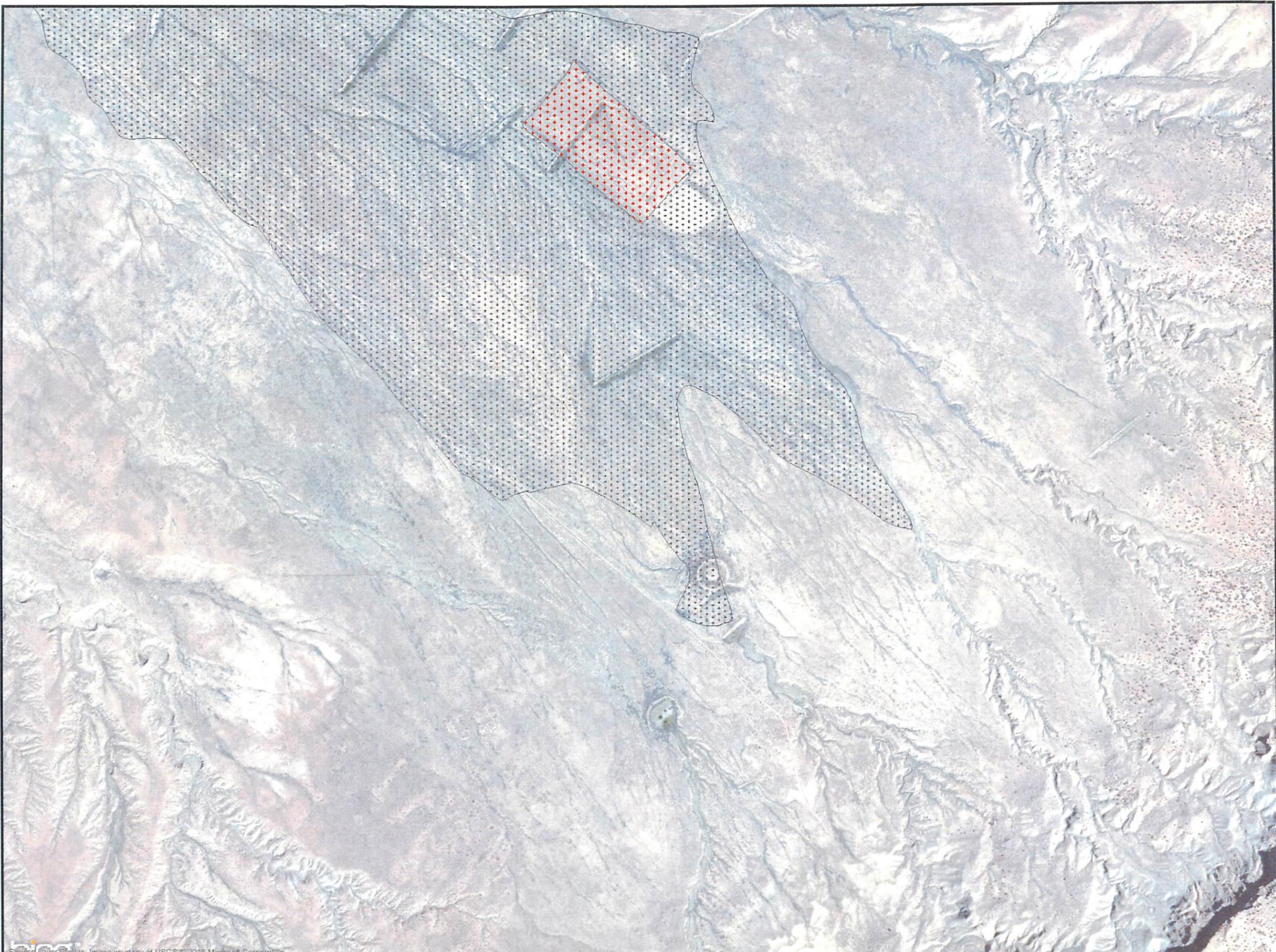
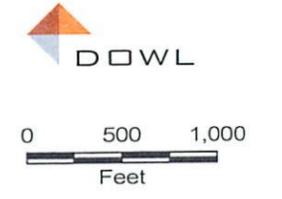
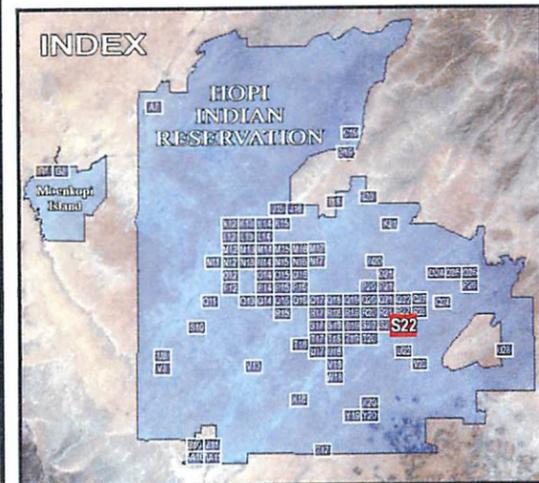
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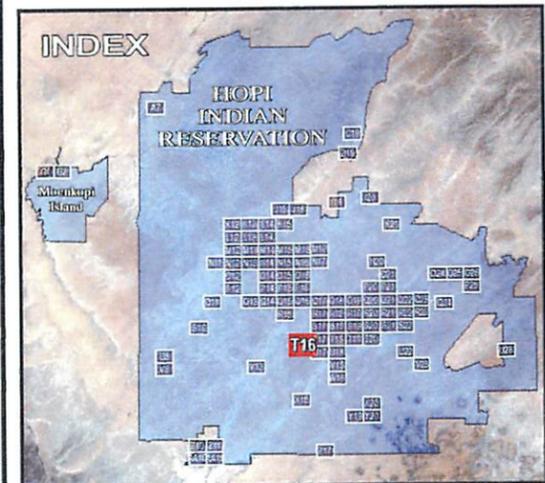
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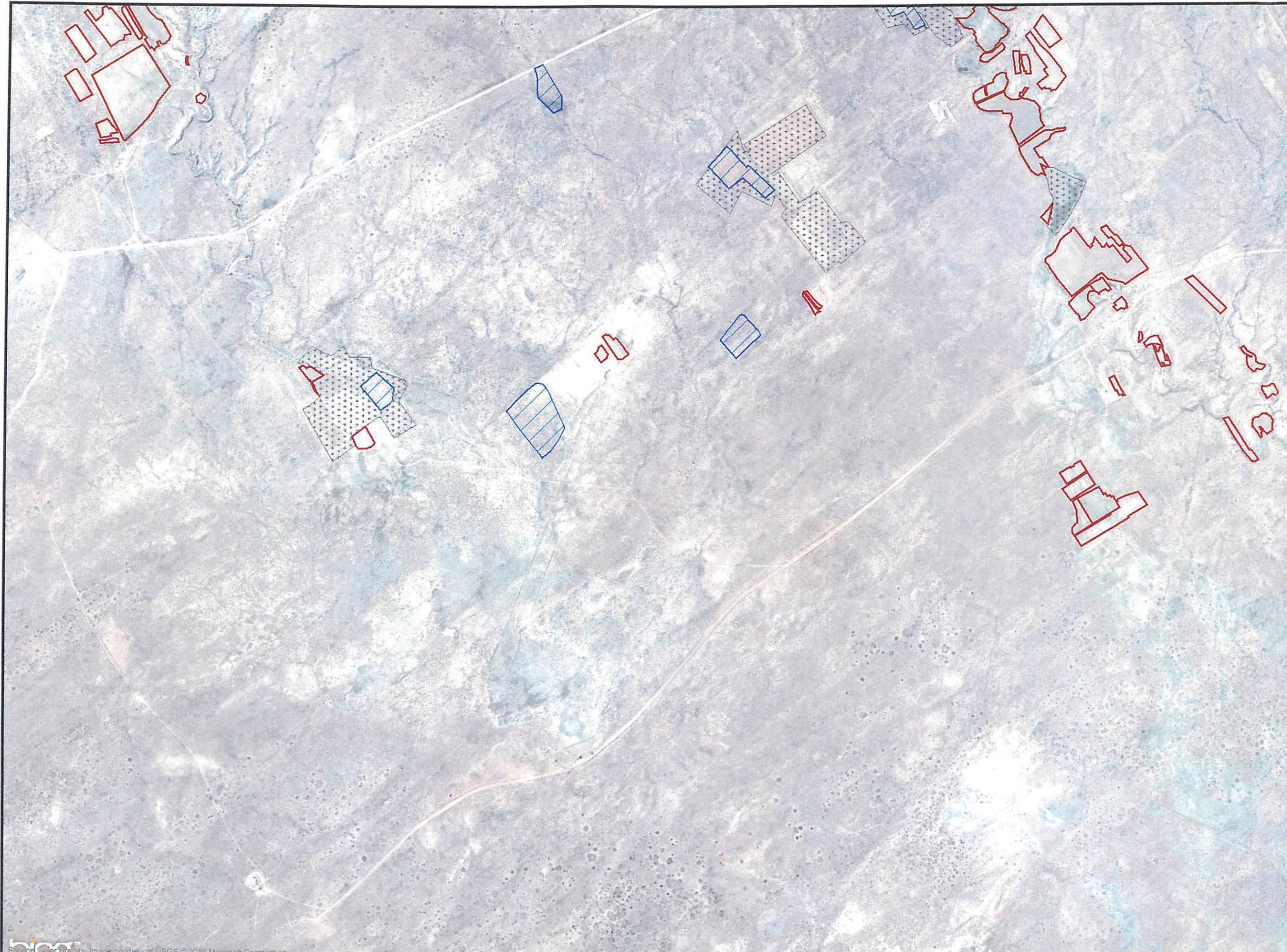
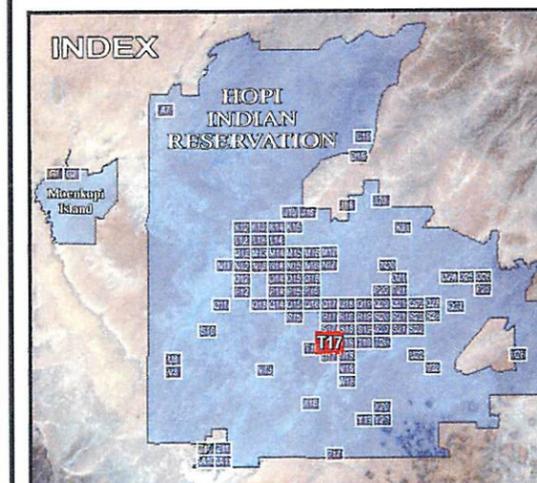
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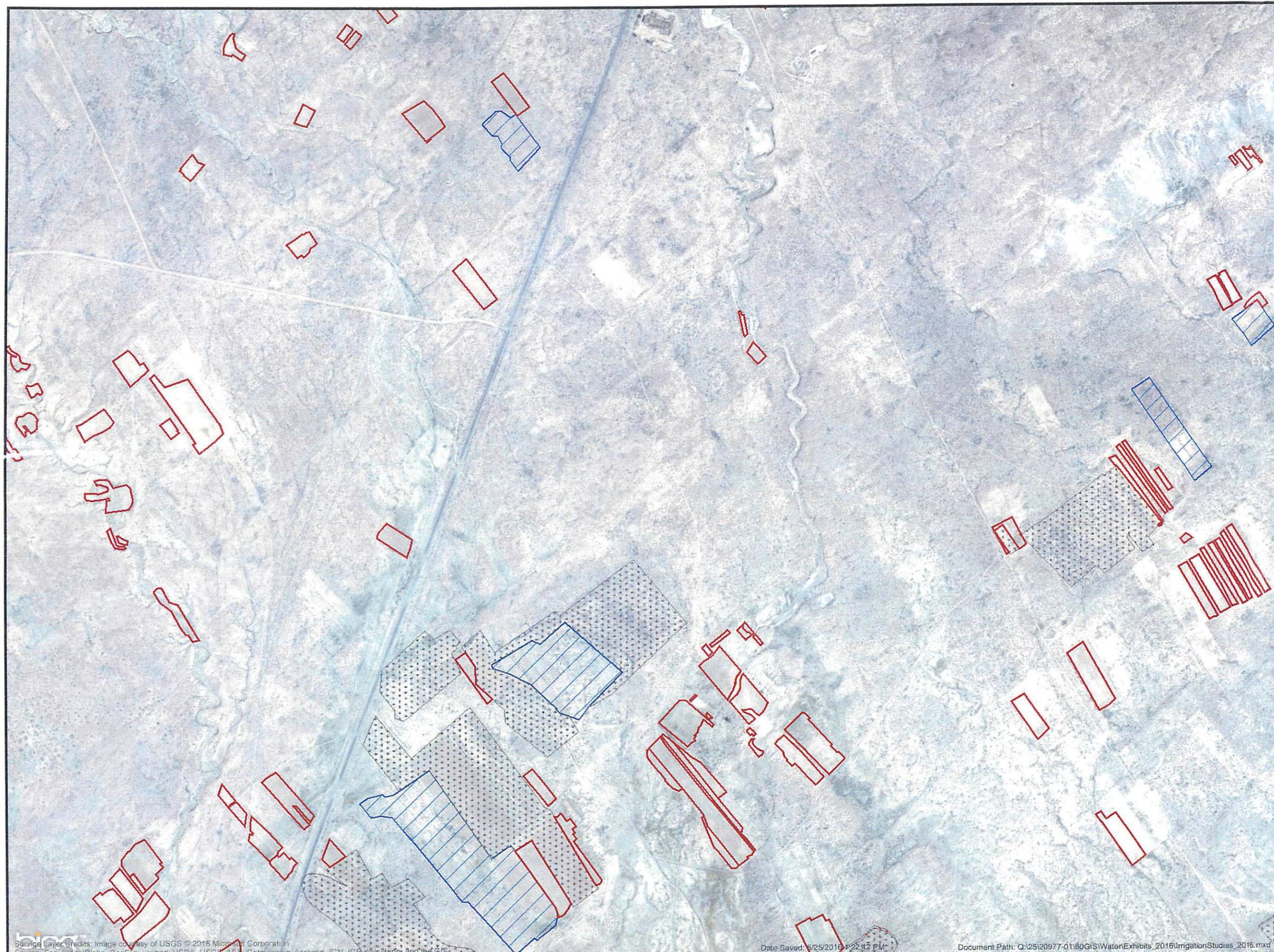
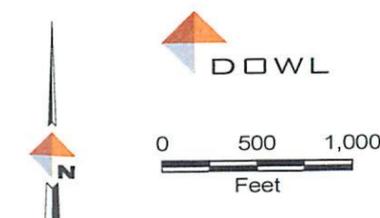
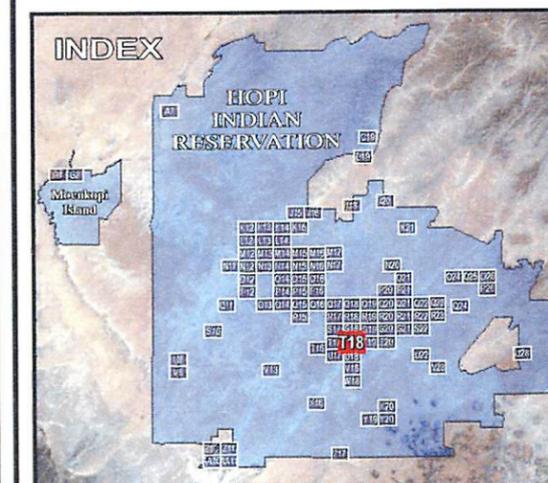
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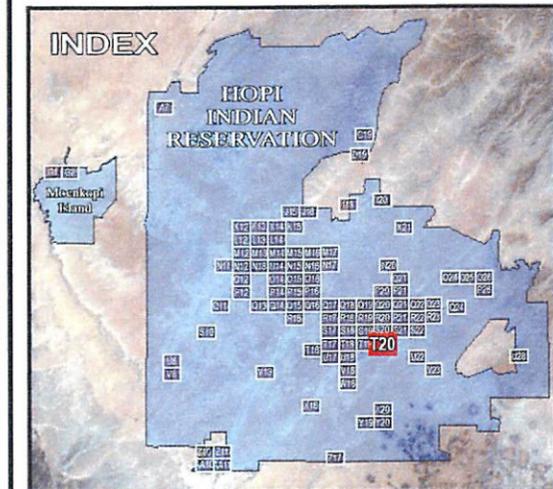
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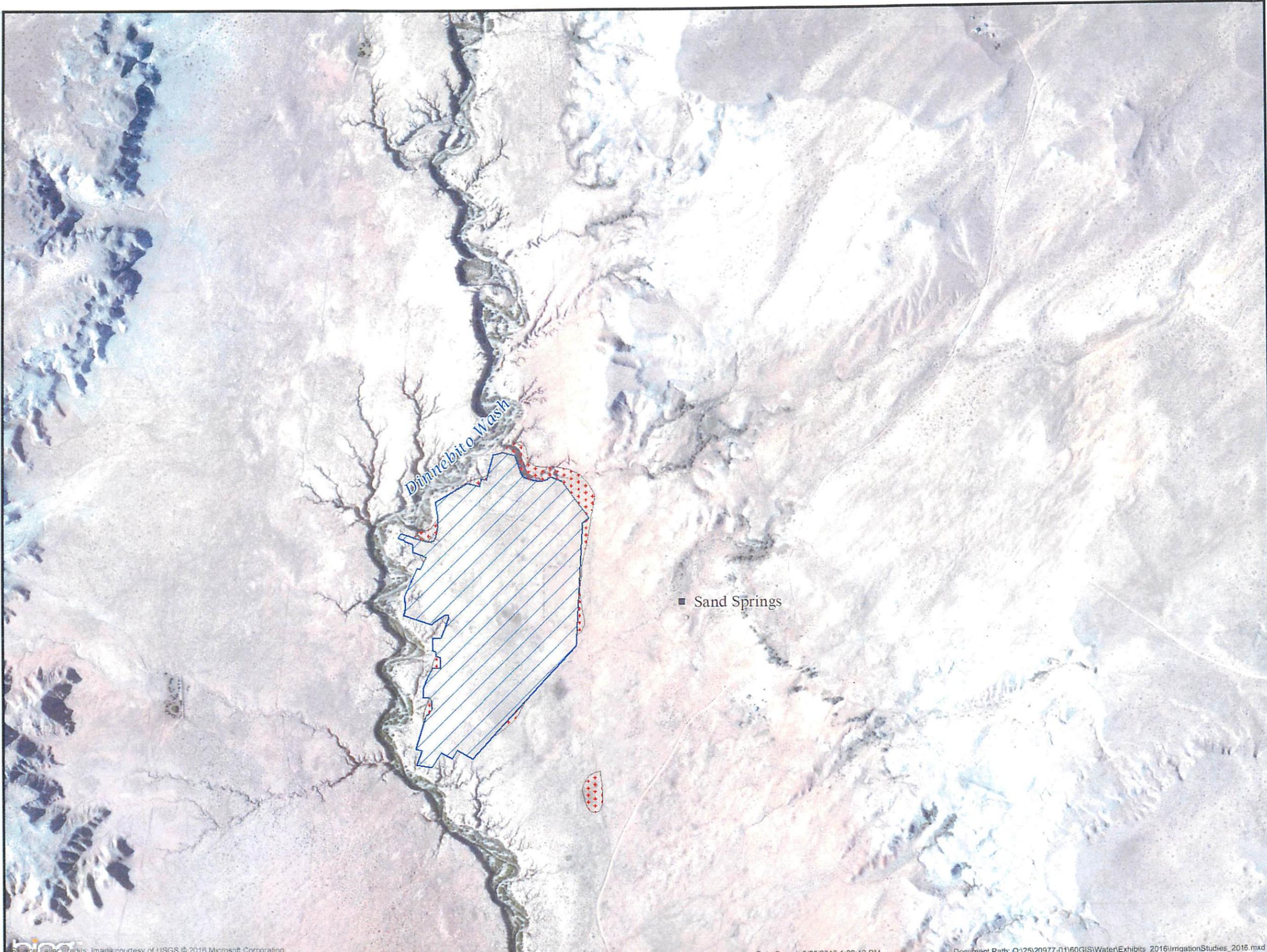
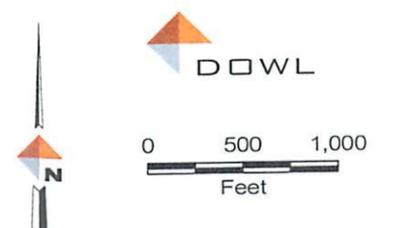
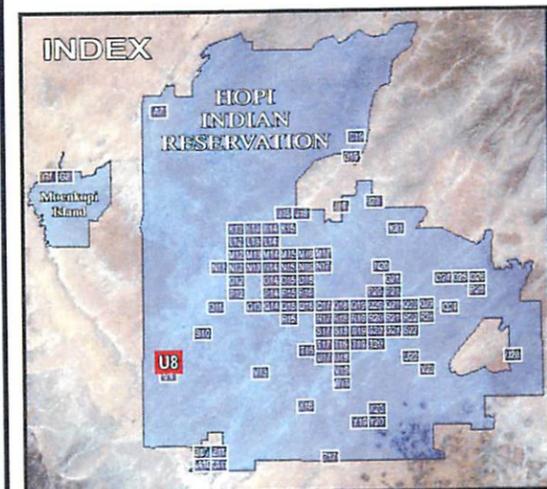
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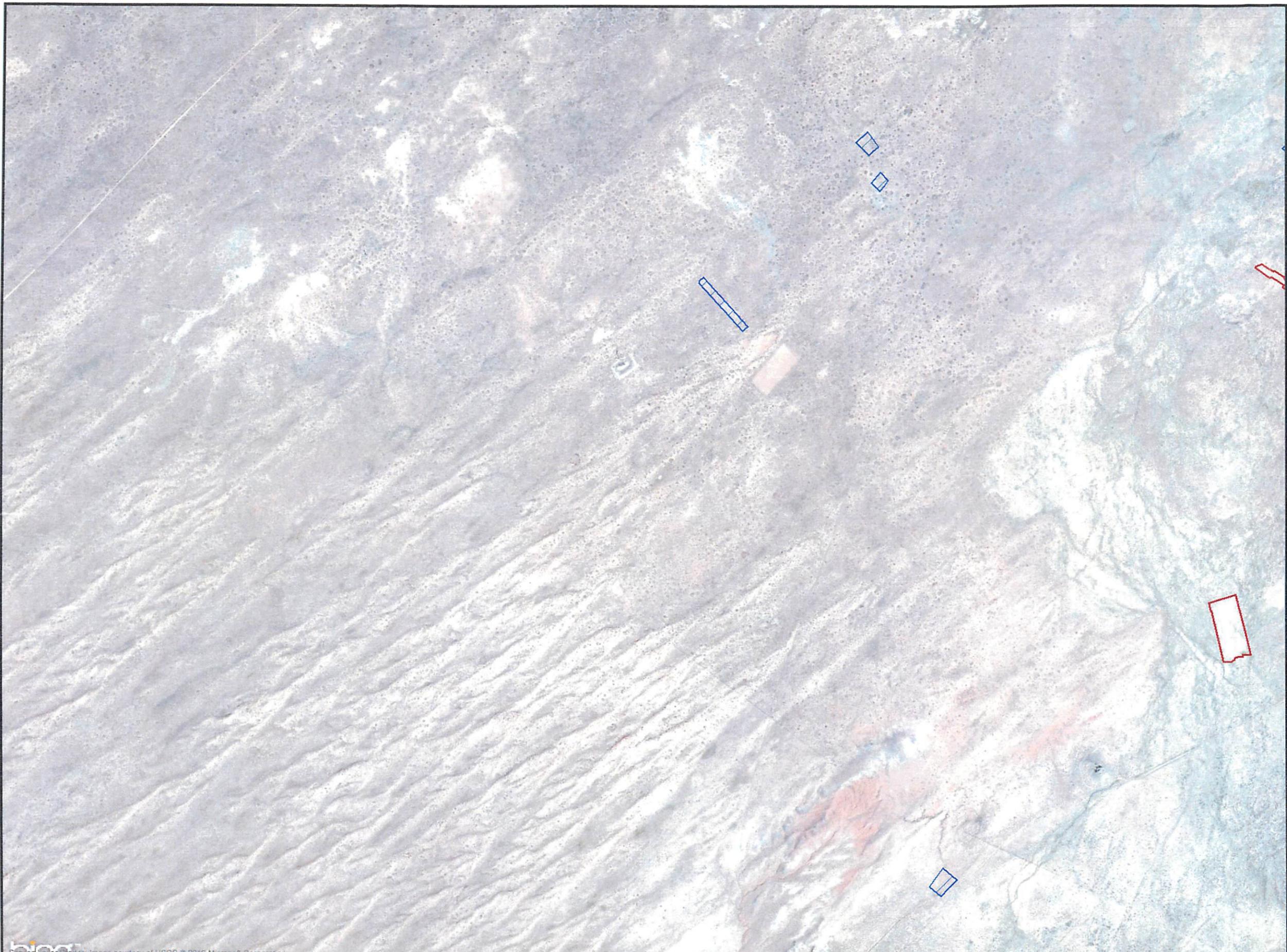
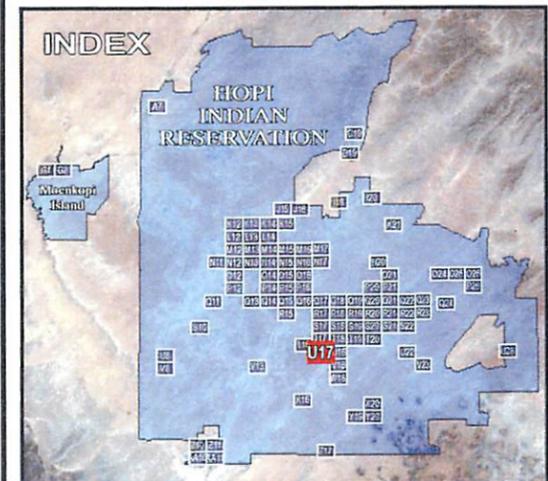
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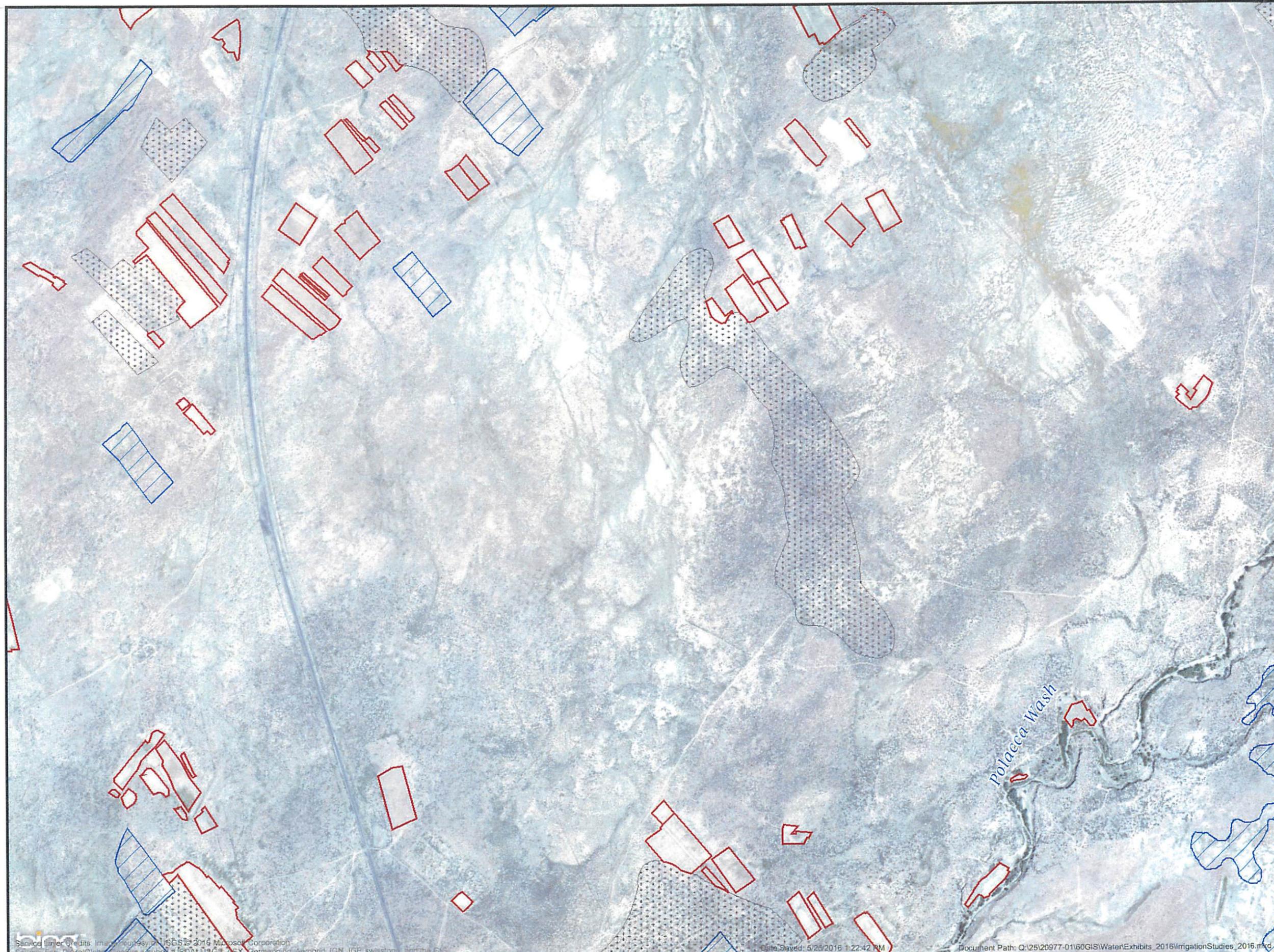
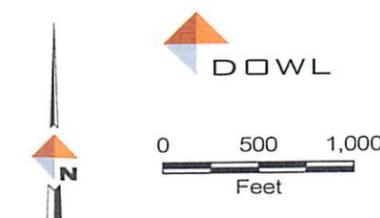
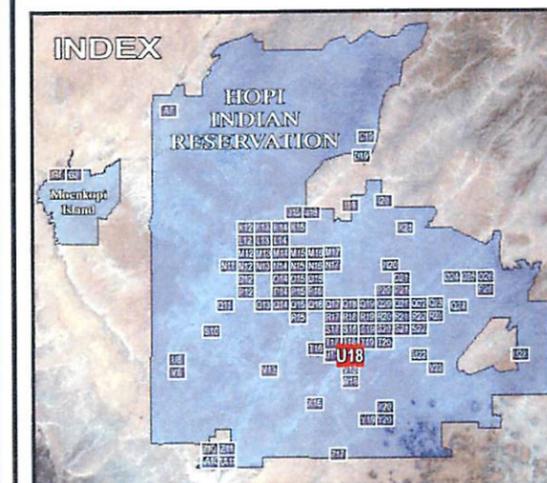
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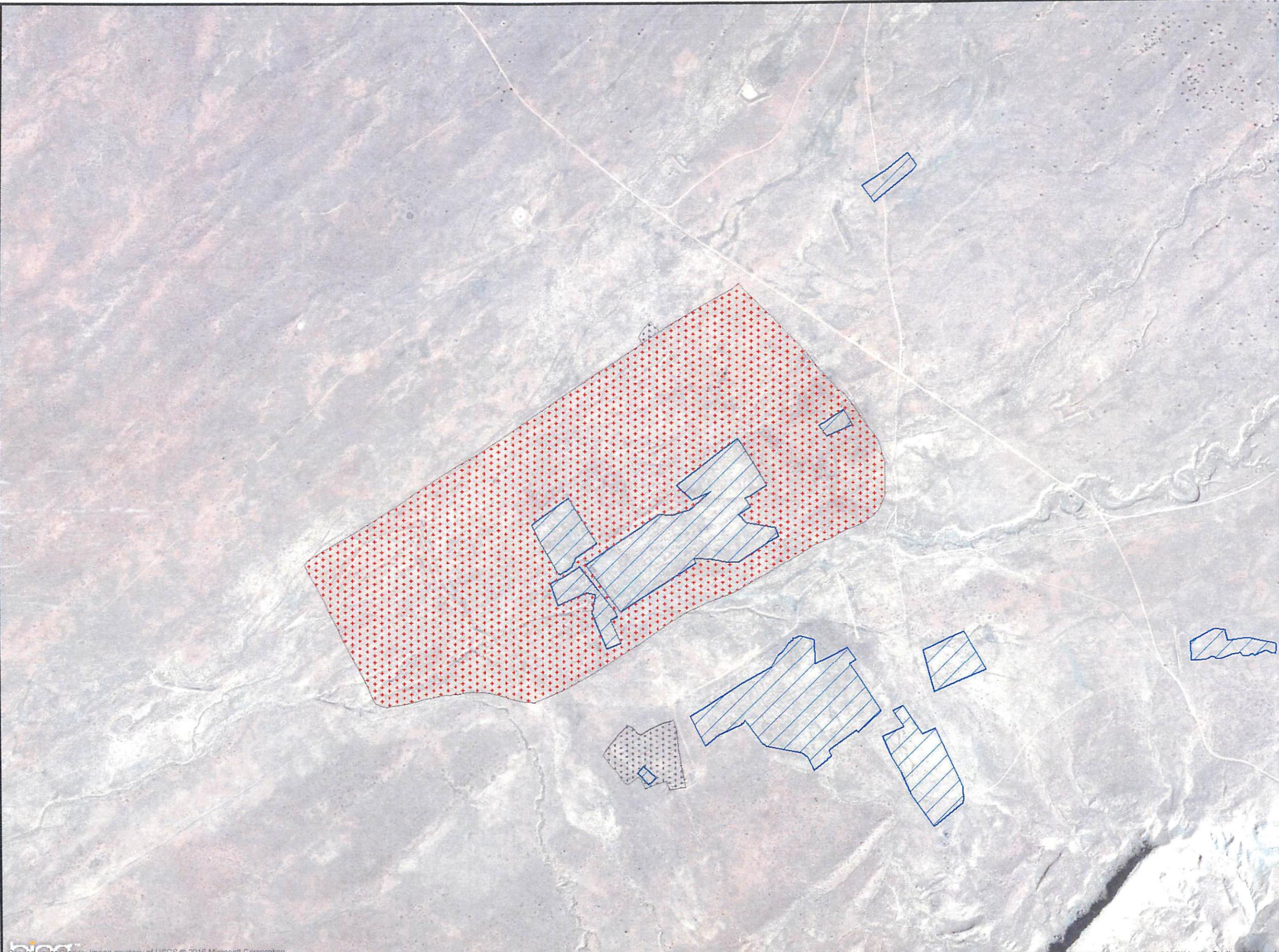
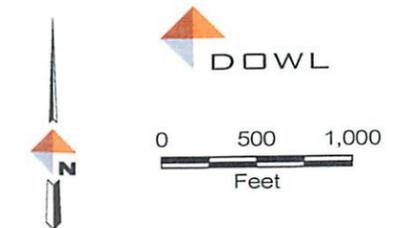
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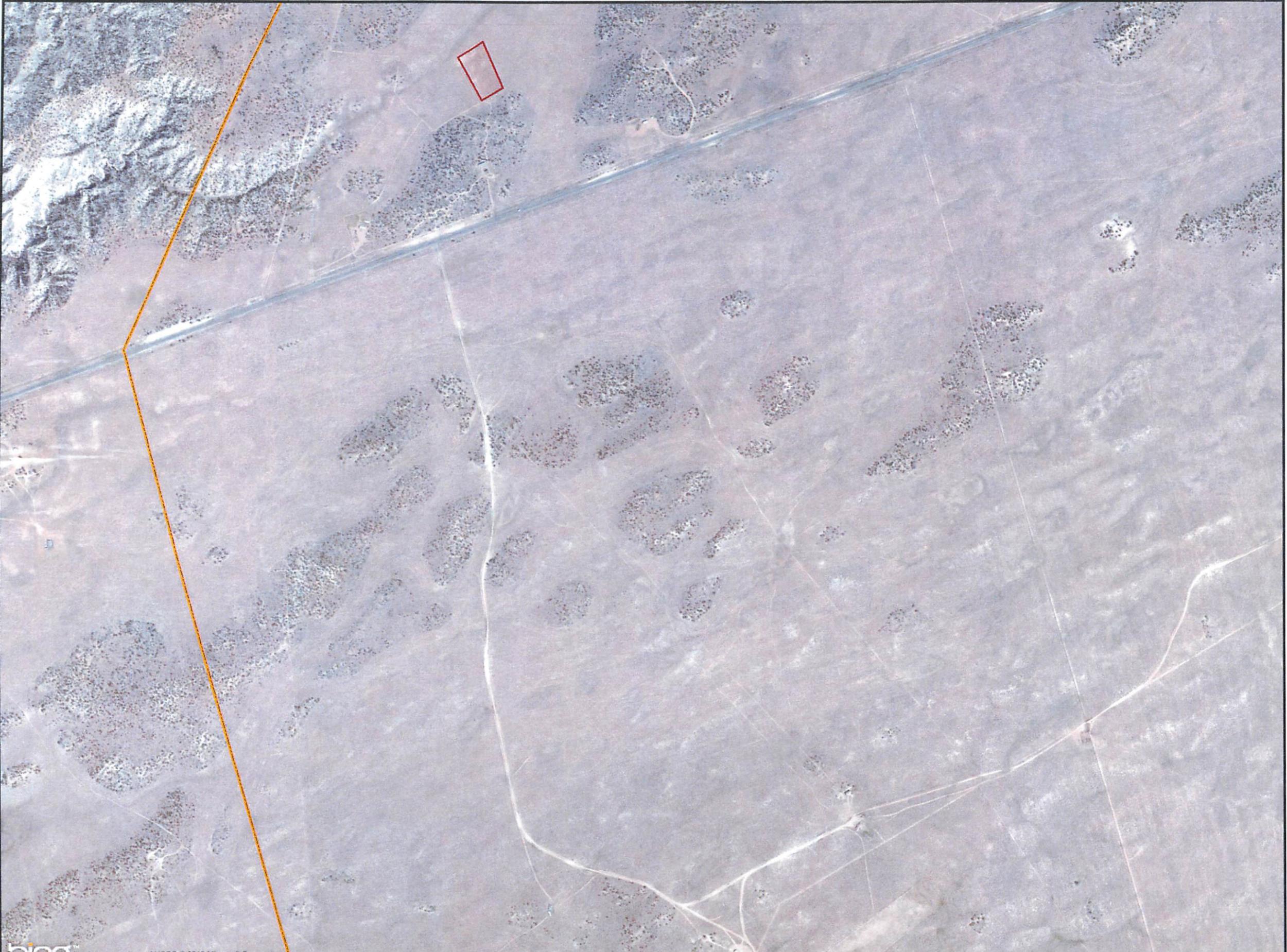
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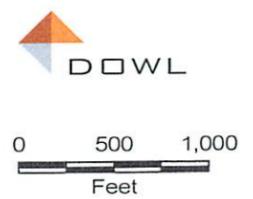
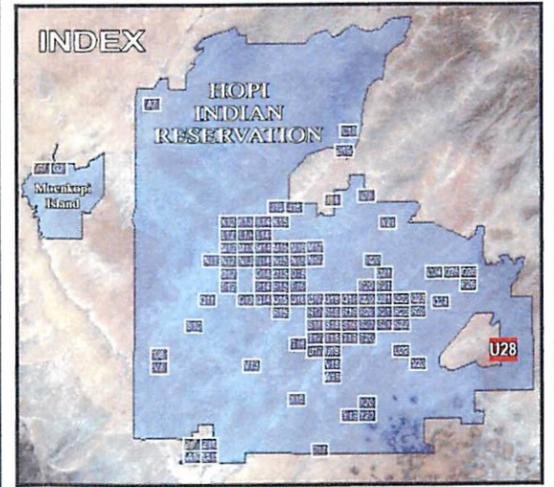
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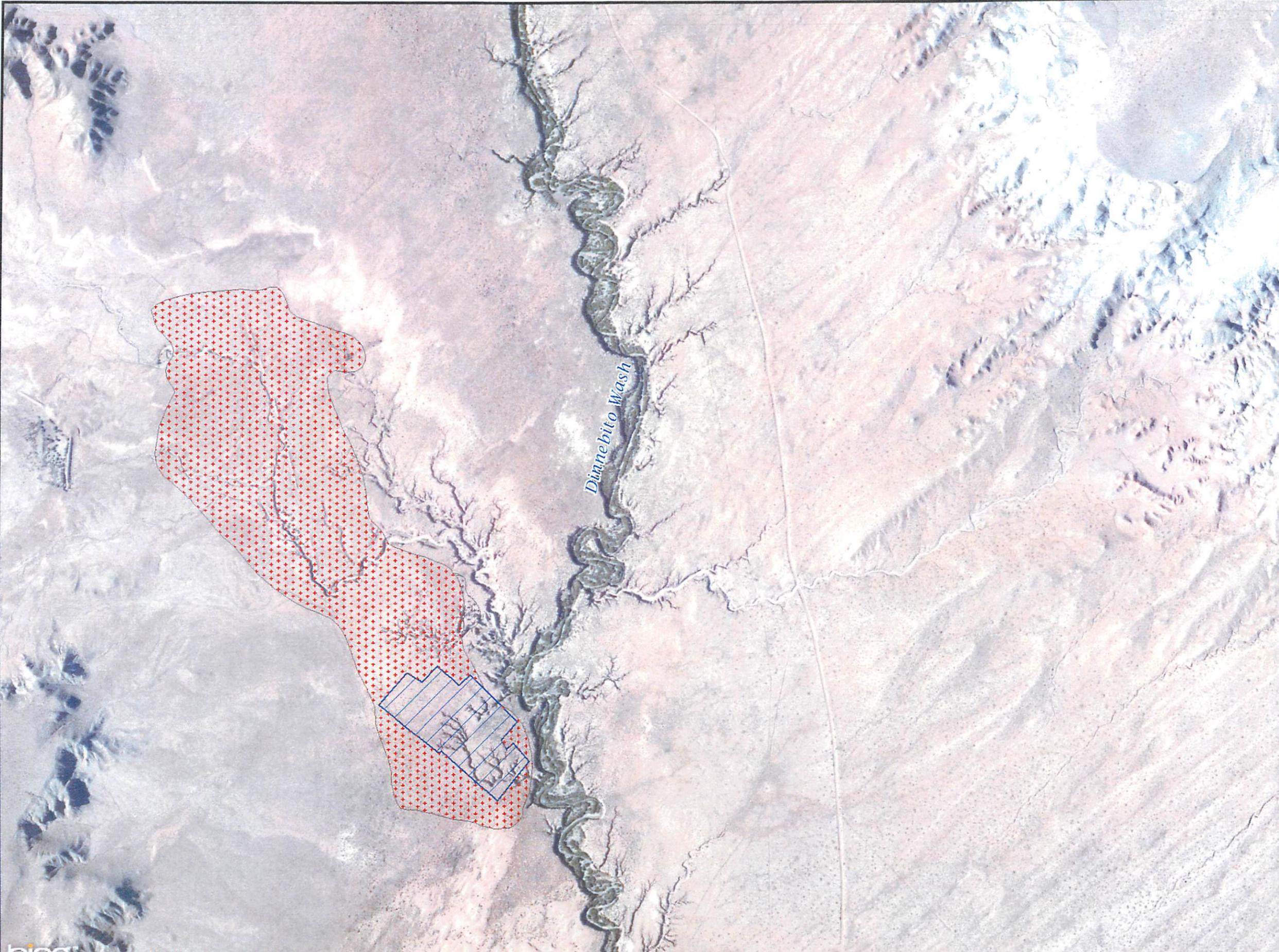
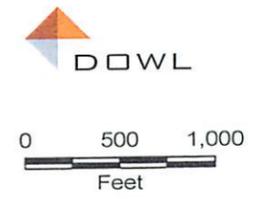
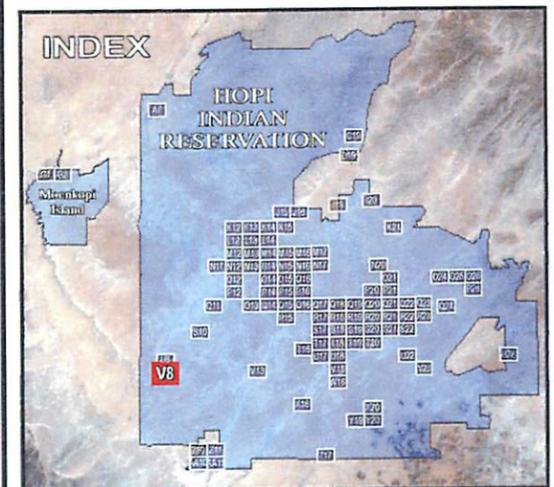
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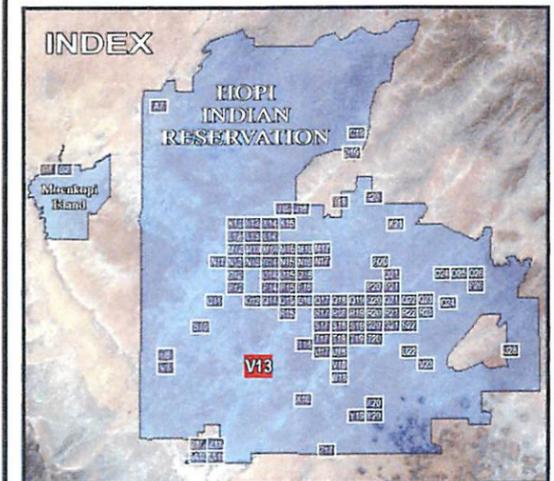
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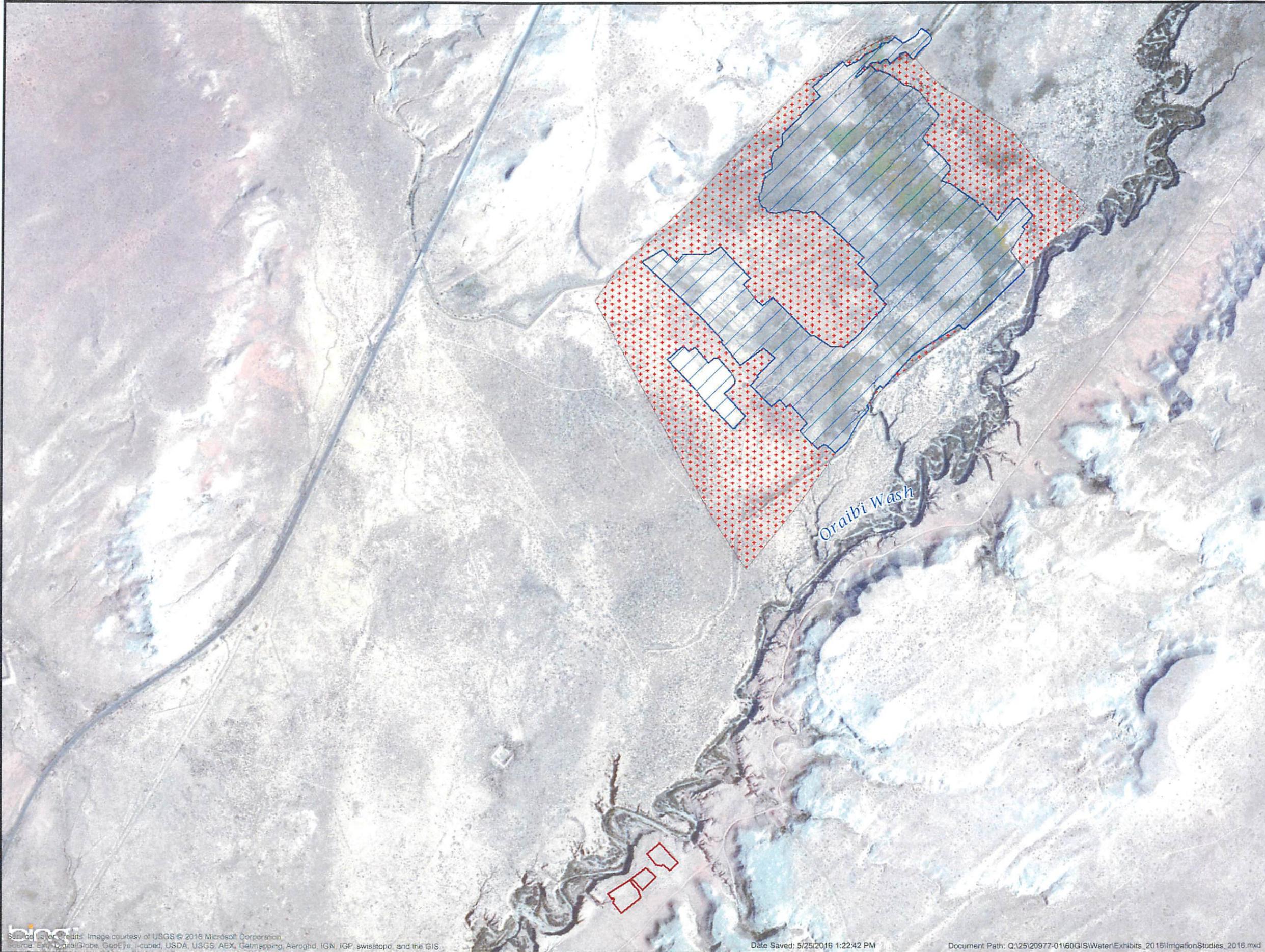
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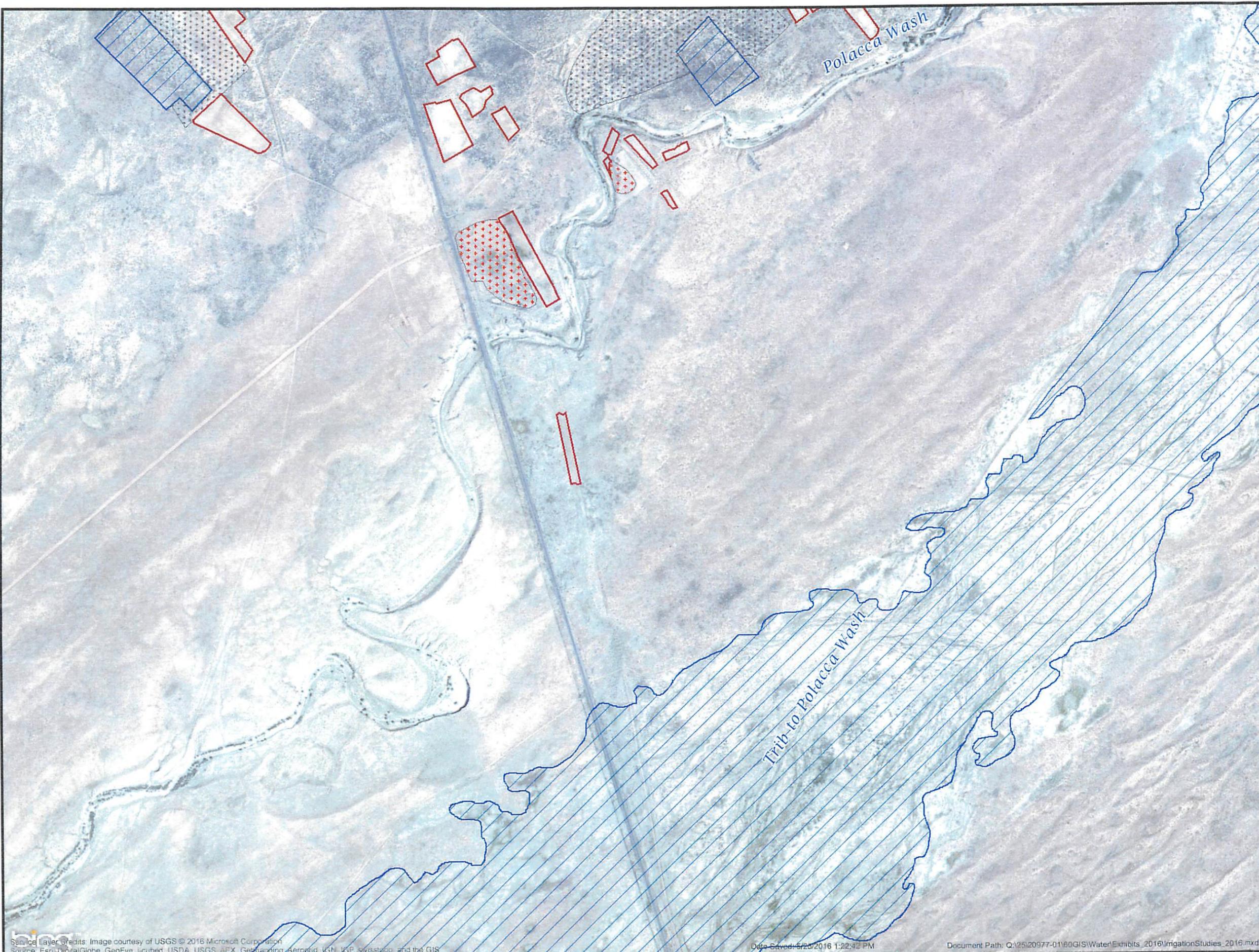
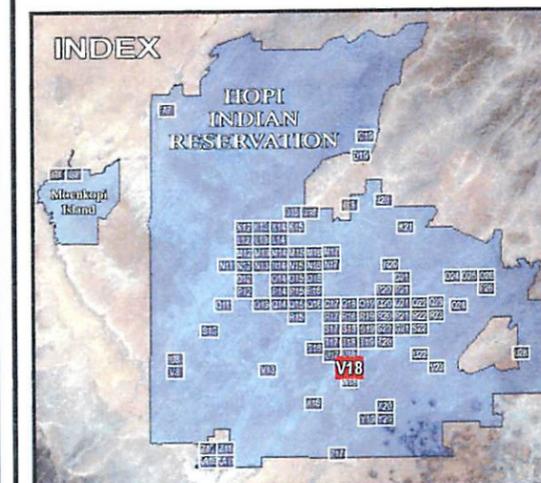
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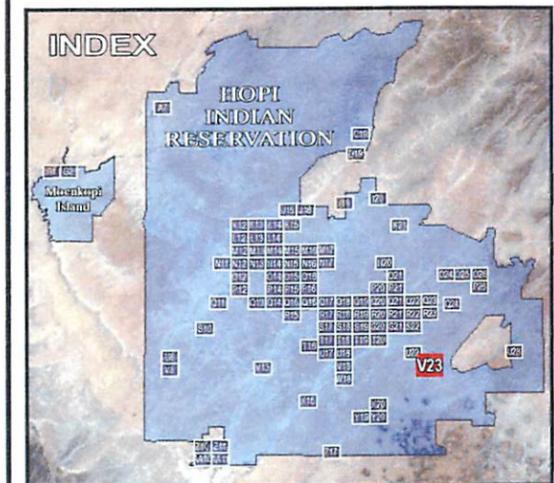
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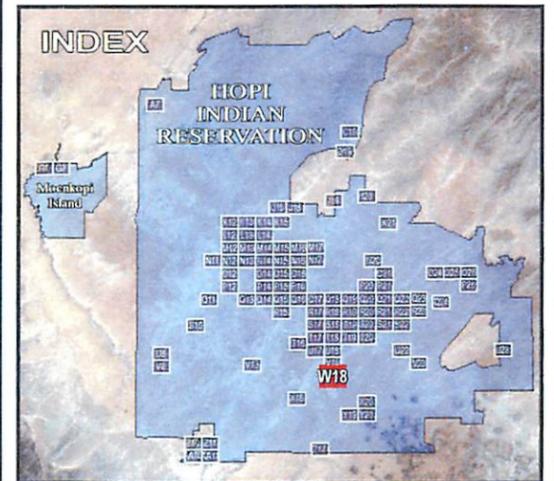
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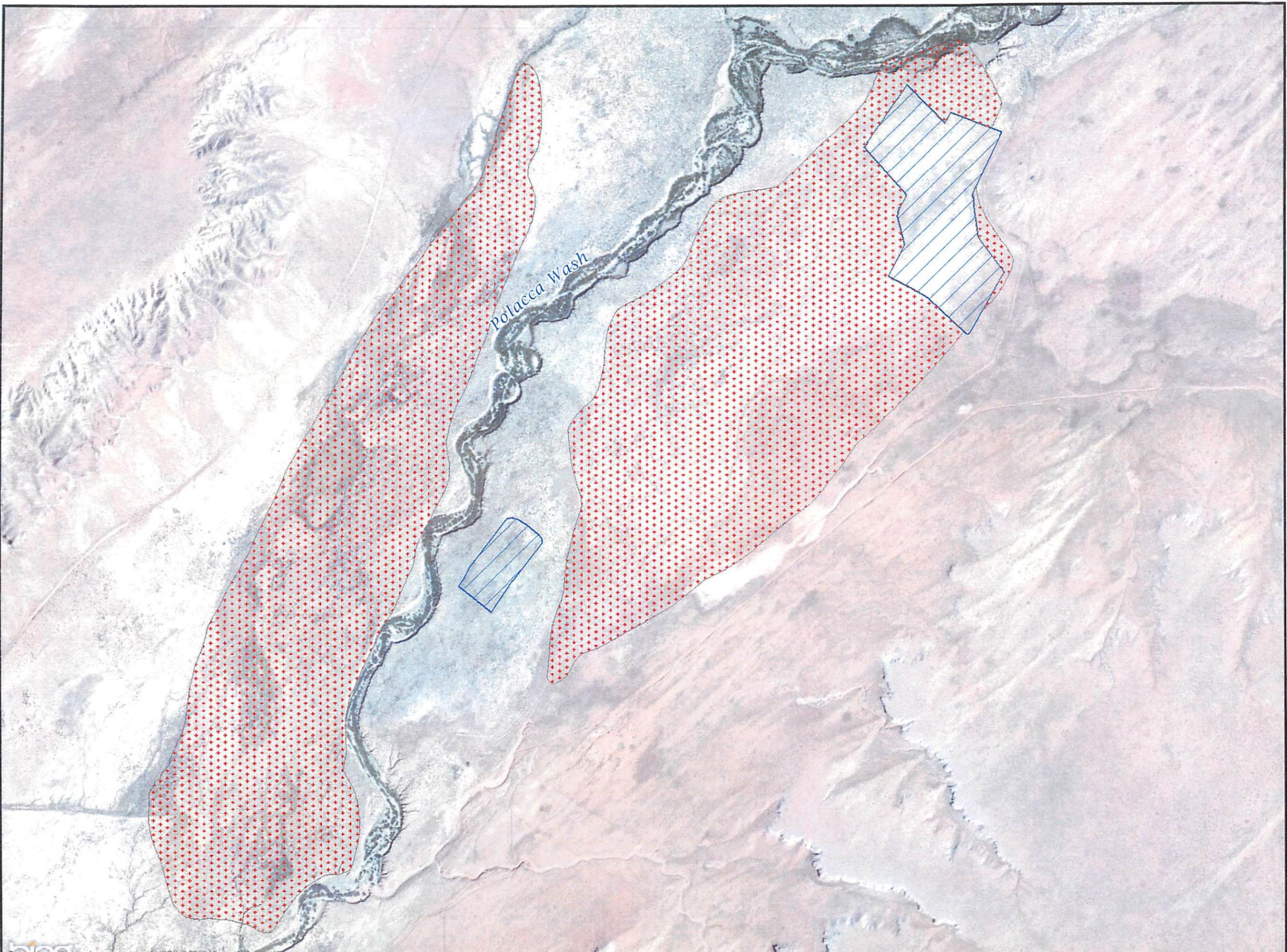
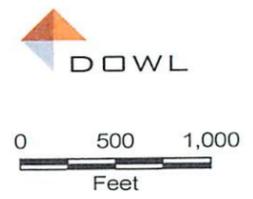
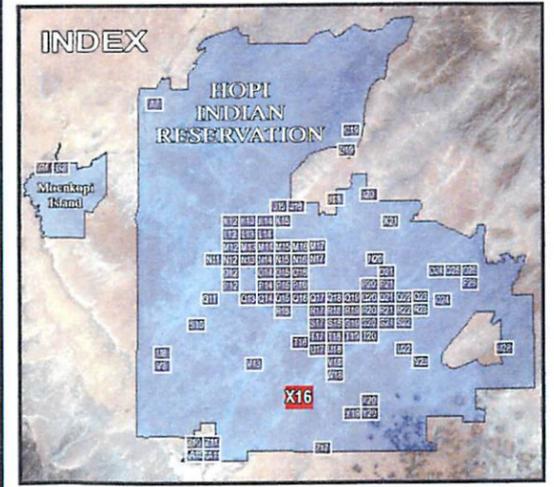
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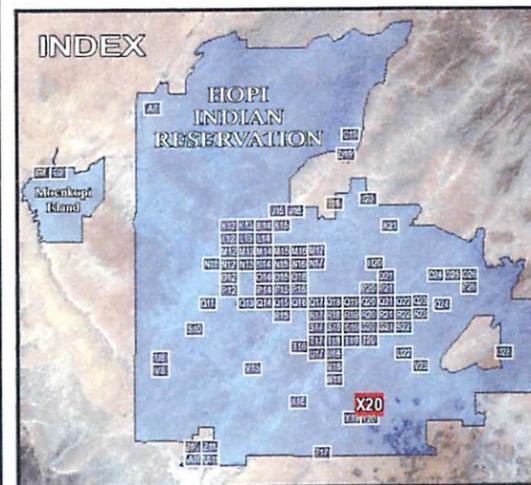
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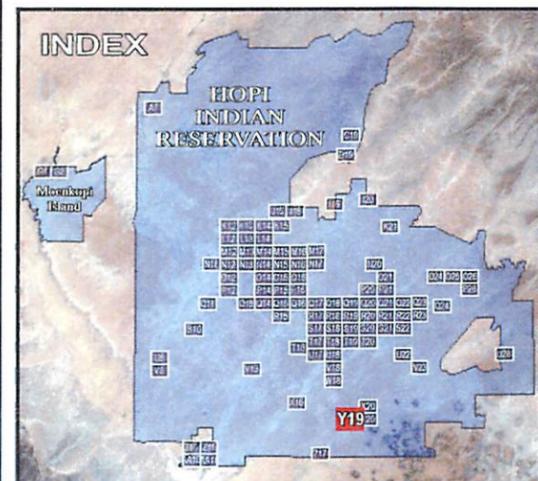
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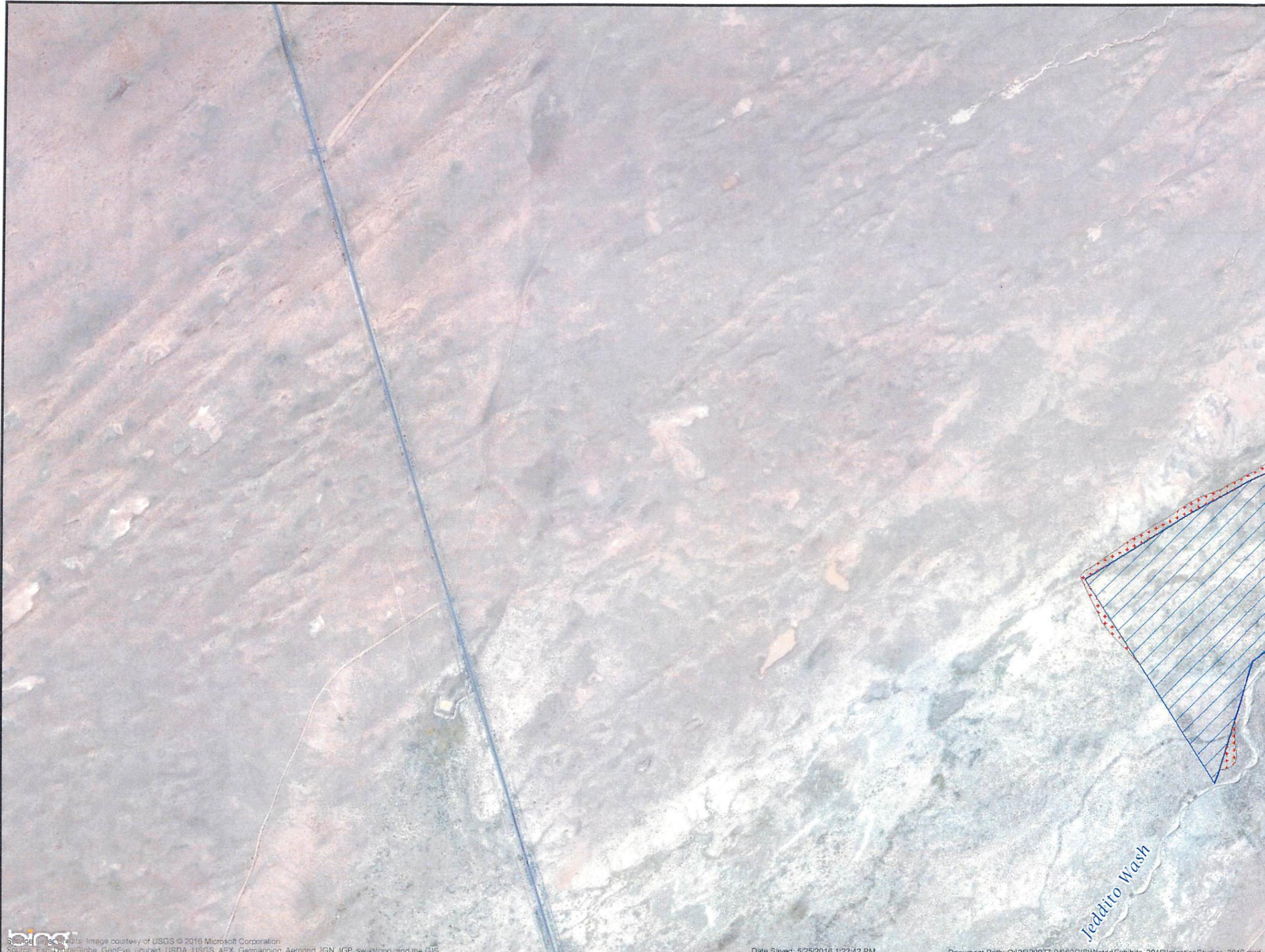
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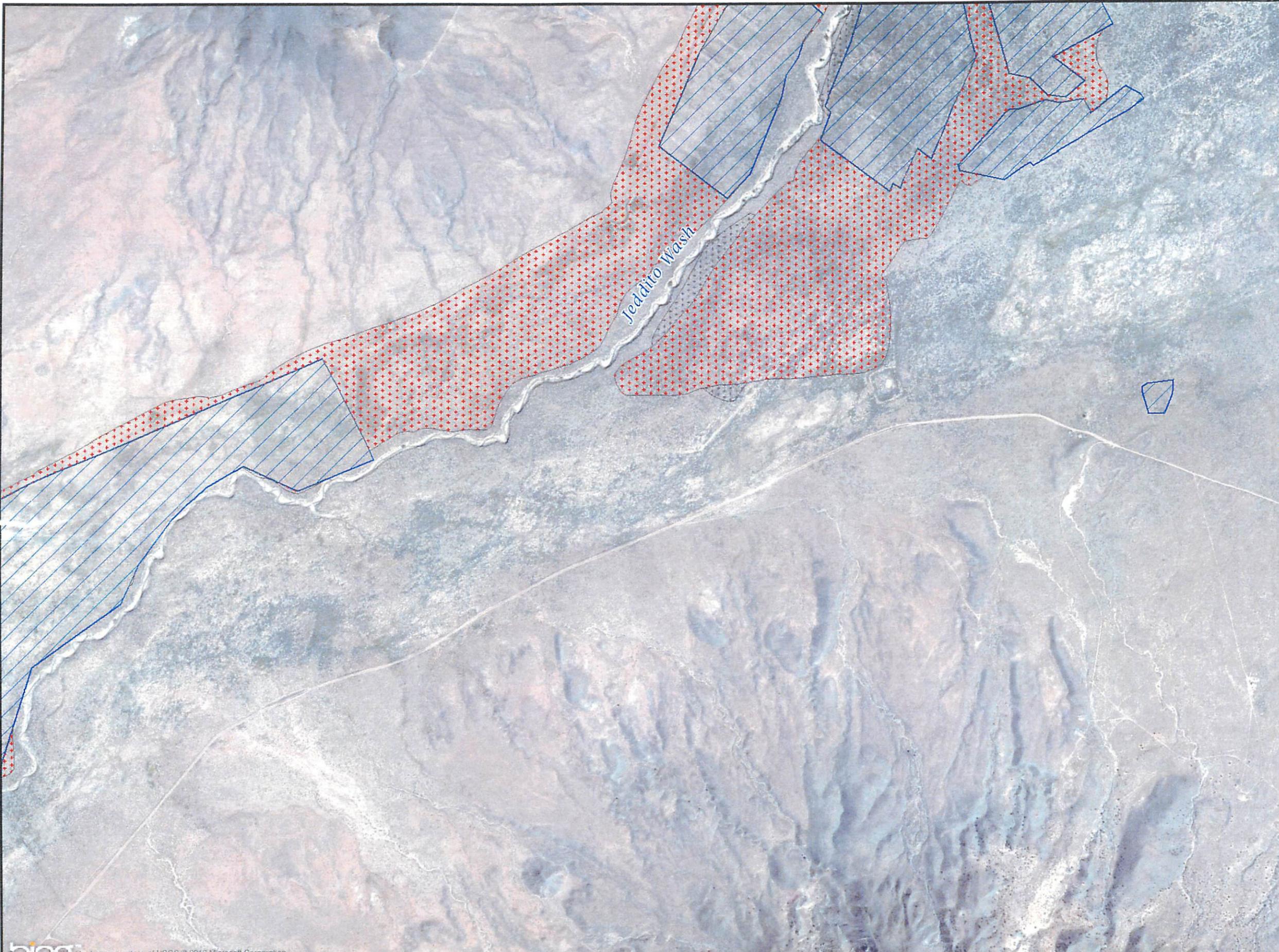
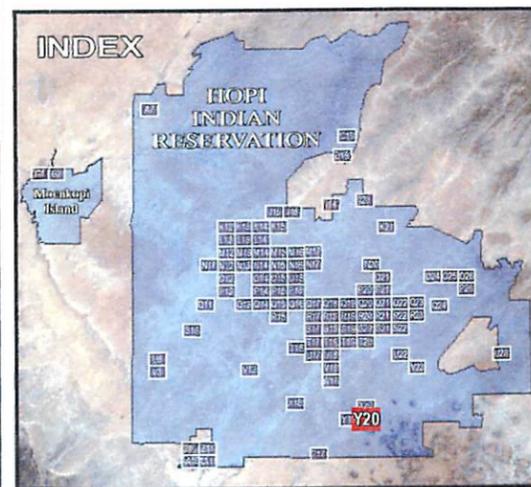
# FINAL HSR for the HOPI INDIAN RESERVATION

## HOPI TRIBE OBJECTIONS

### Legend

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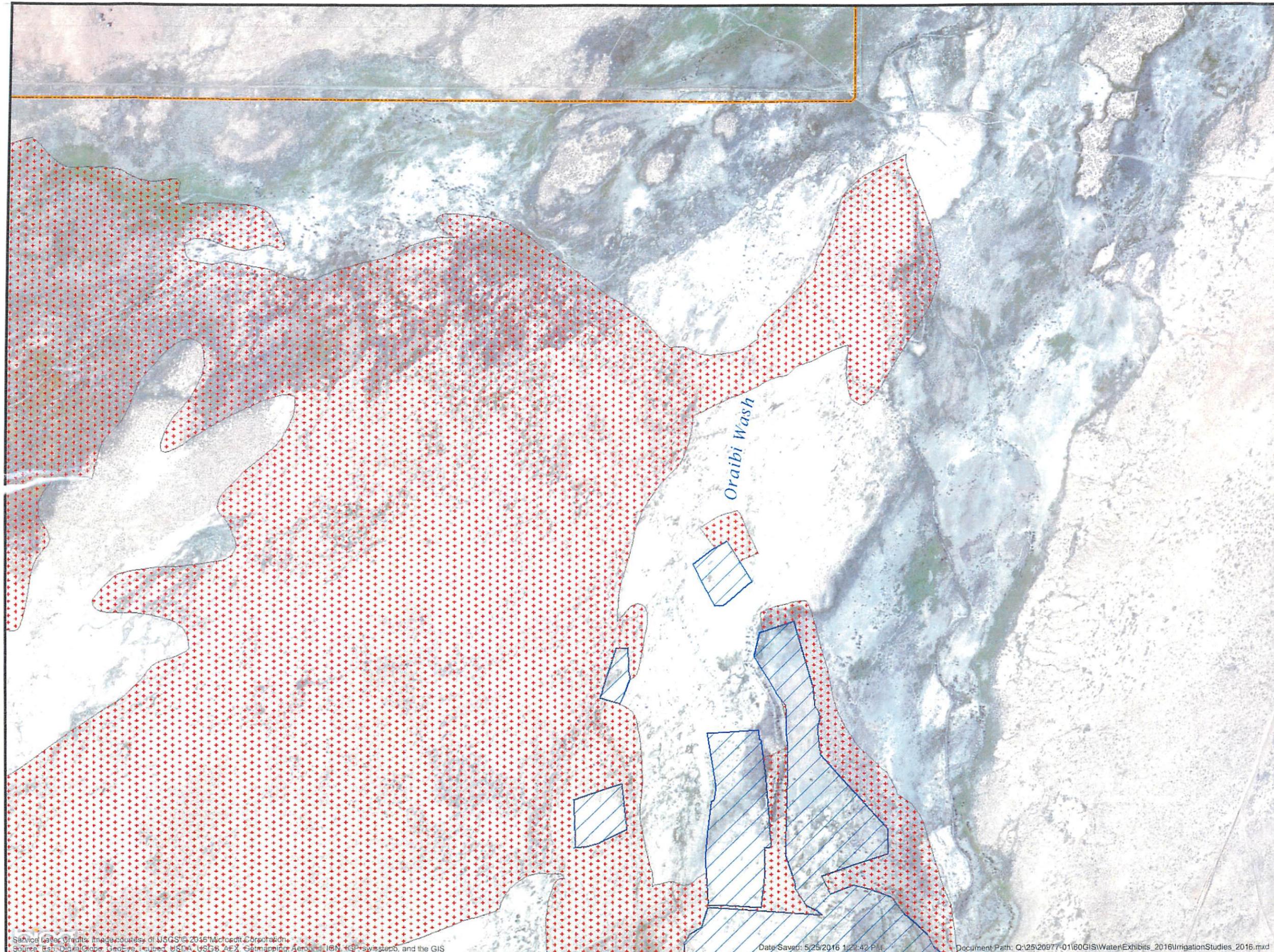
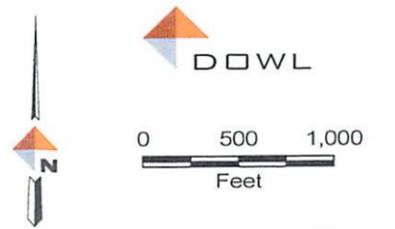
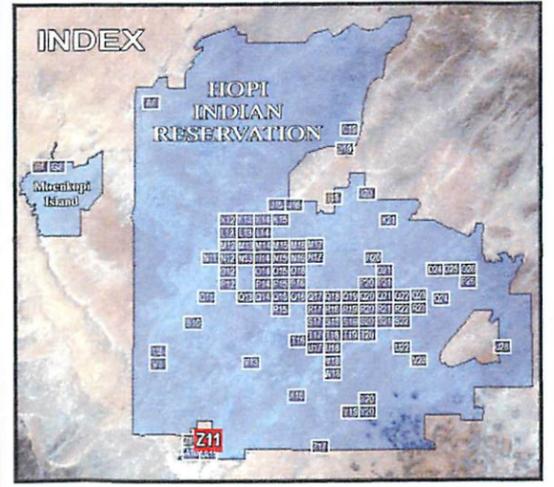


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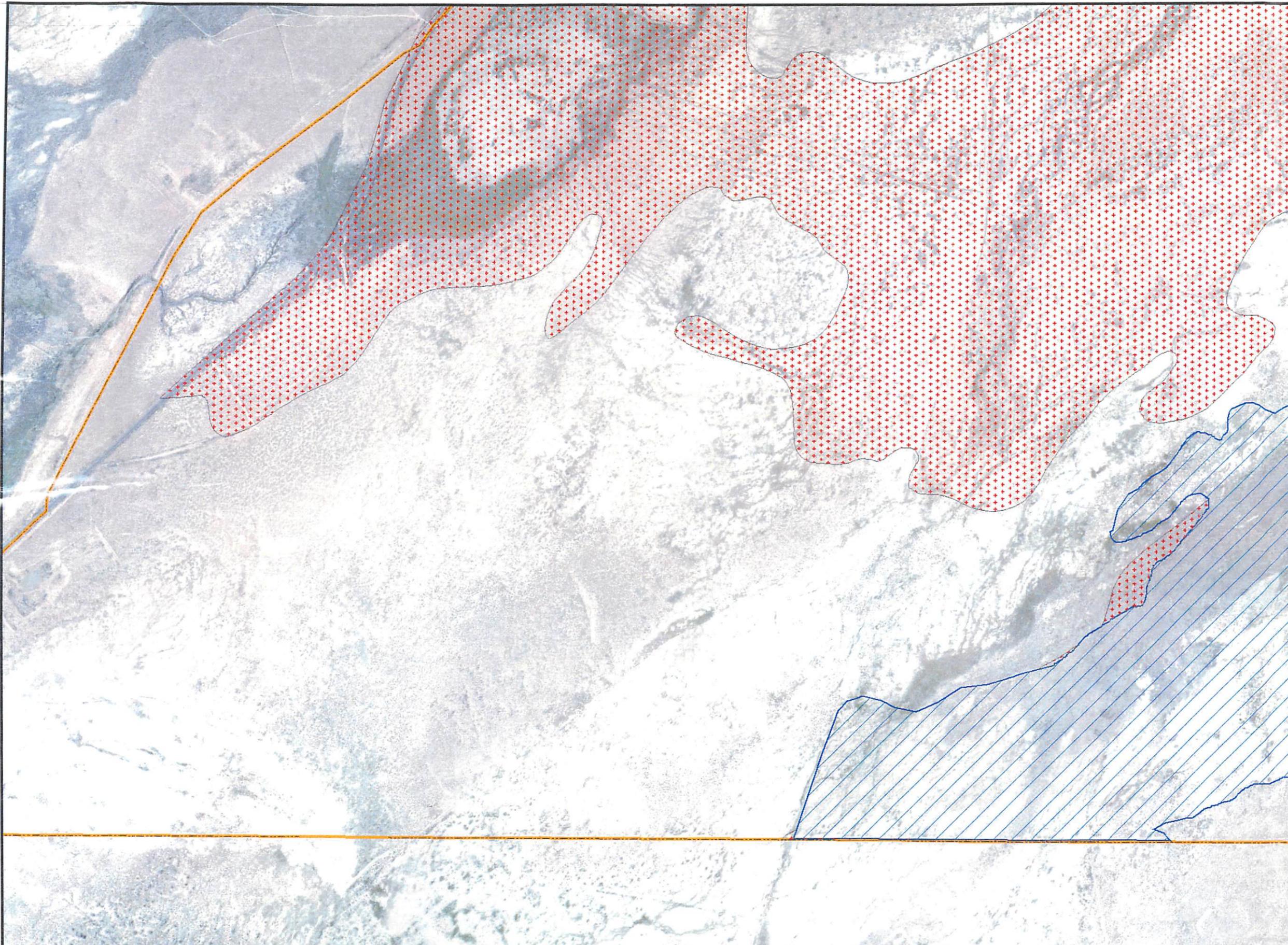
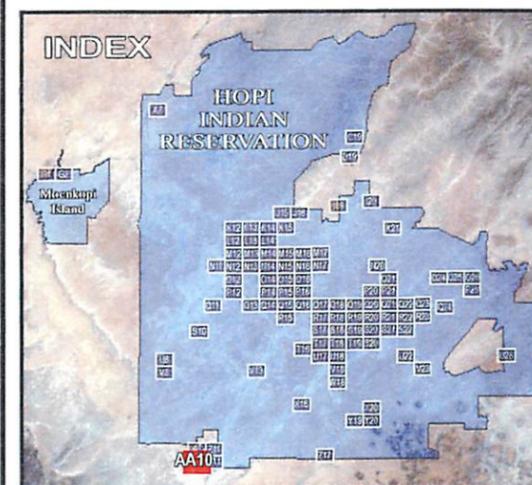
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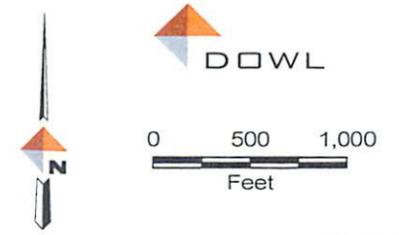
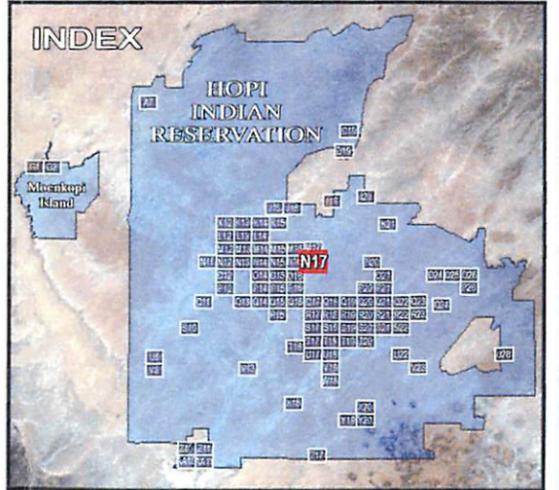


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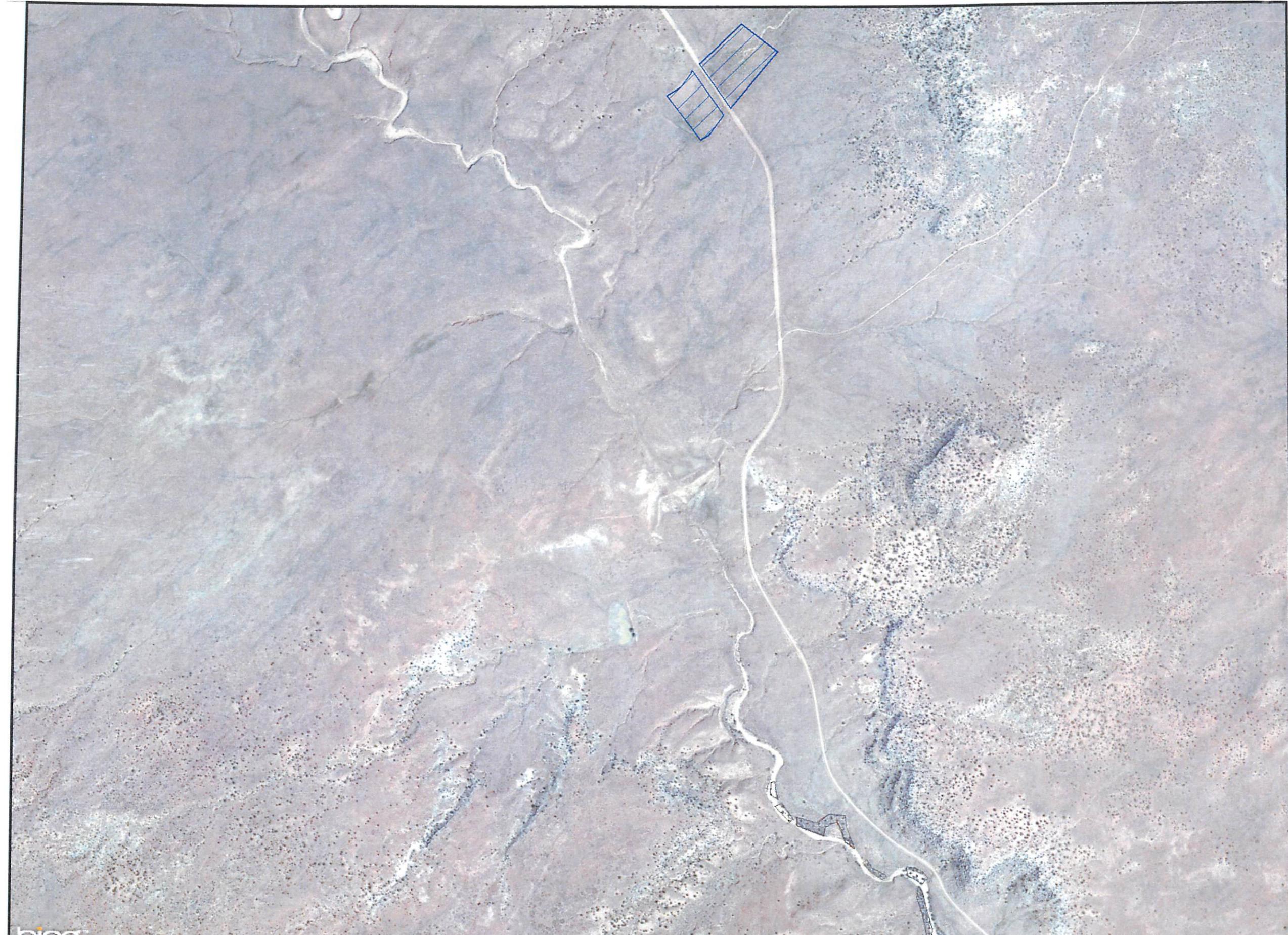
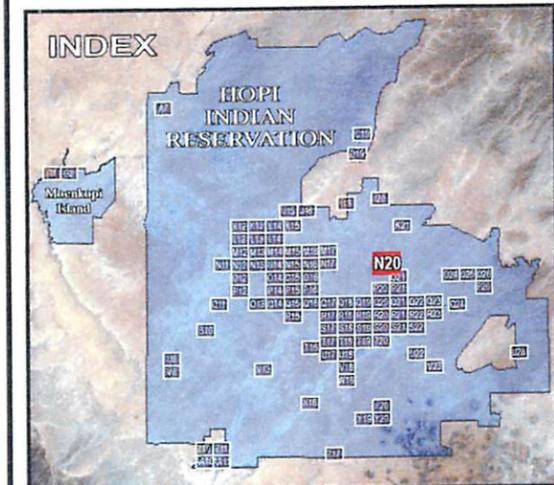
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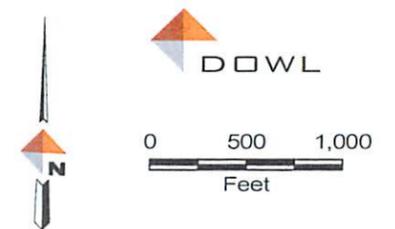
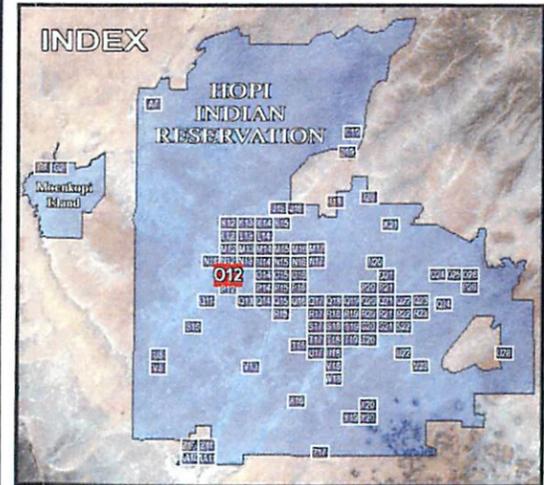
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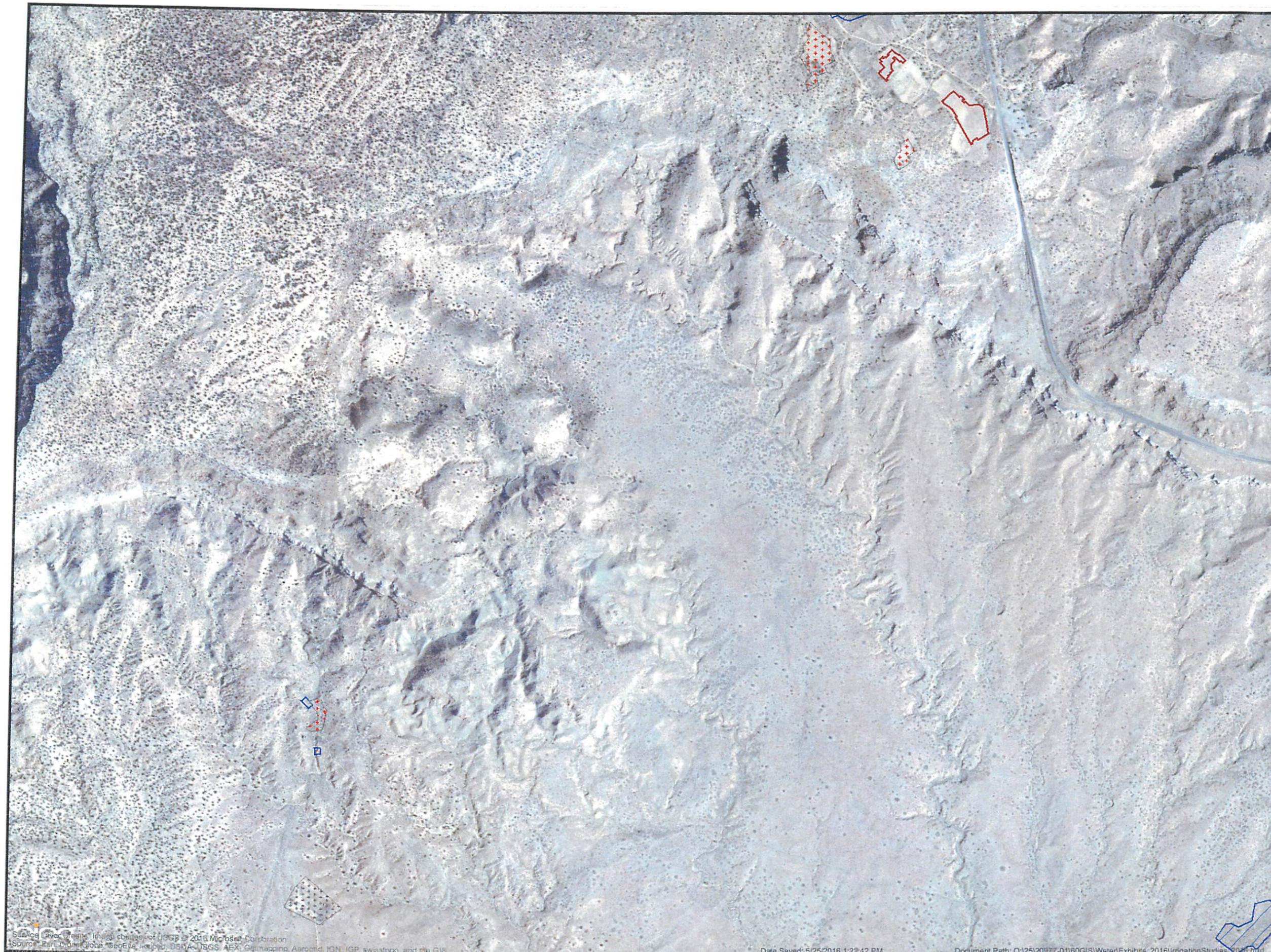
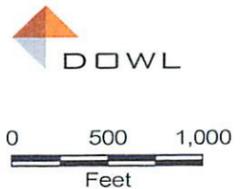
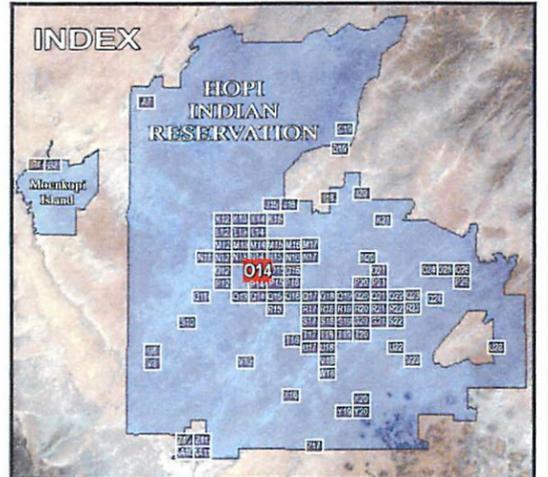
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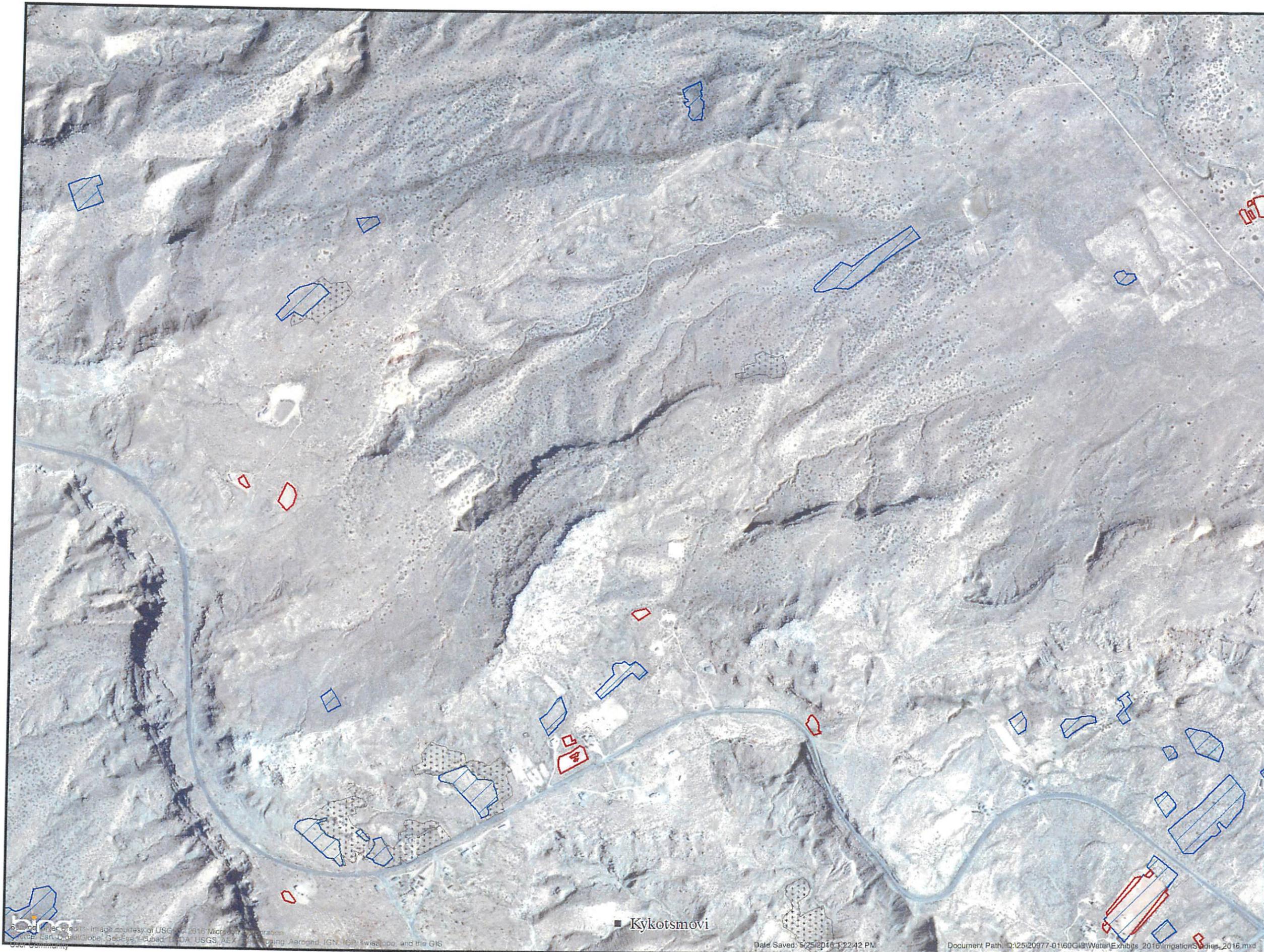
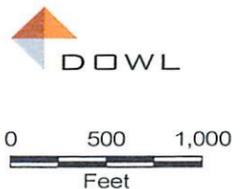
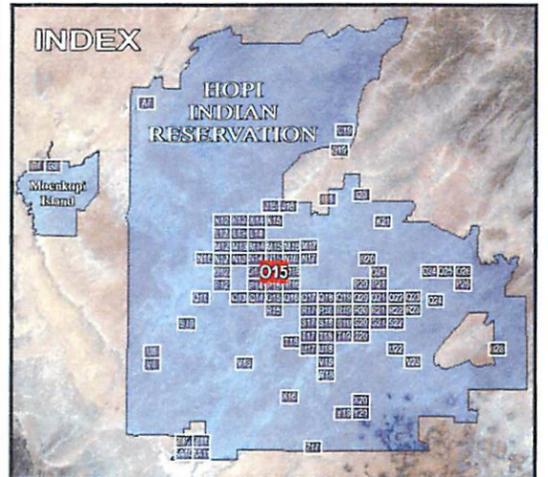
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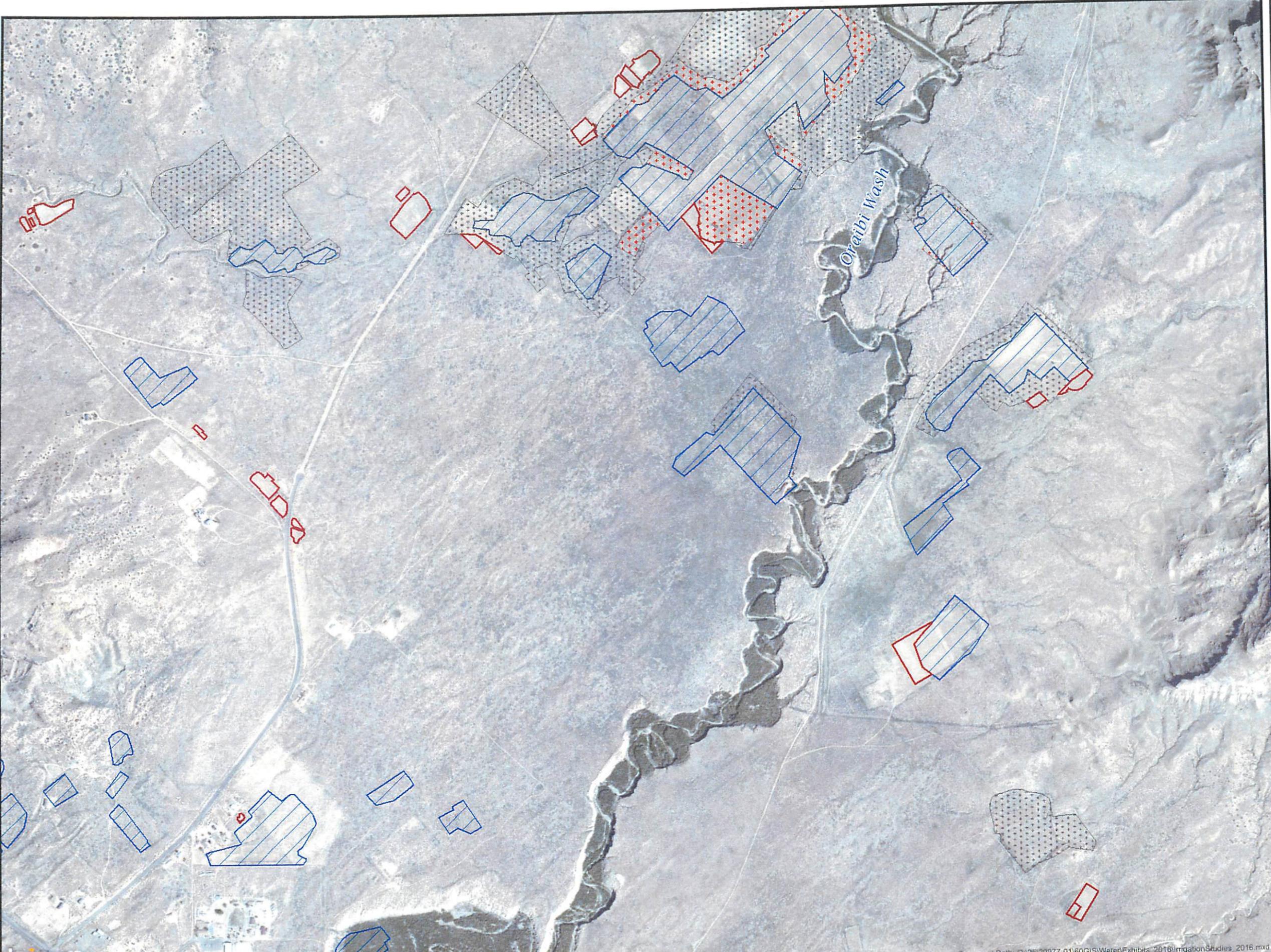
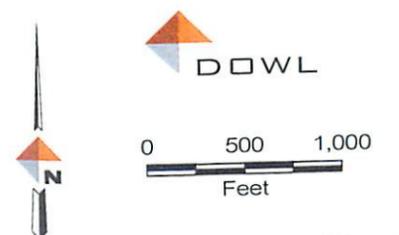
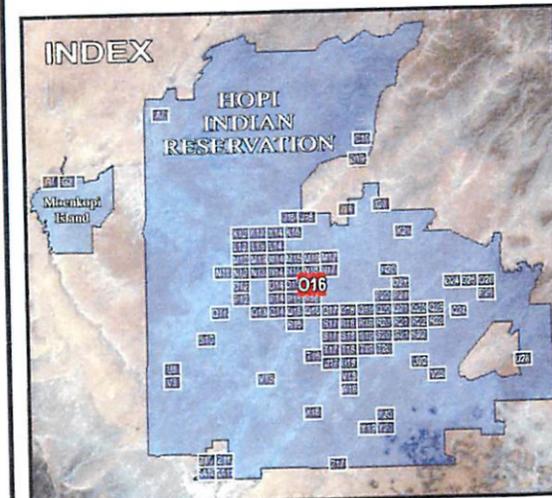
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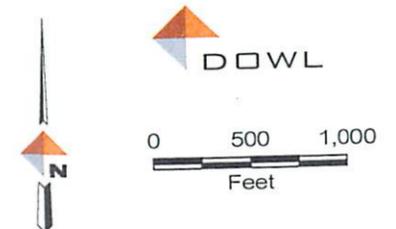
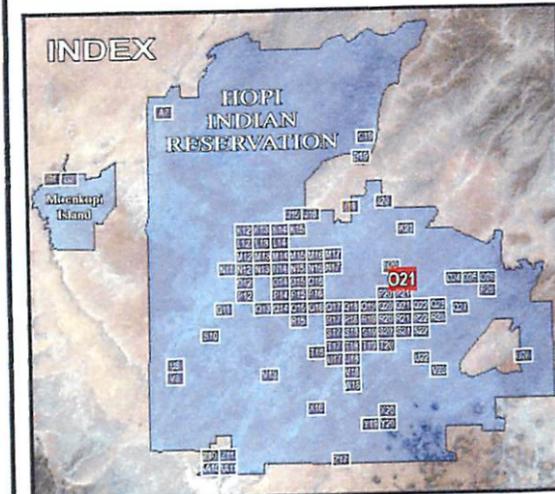
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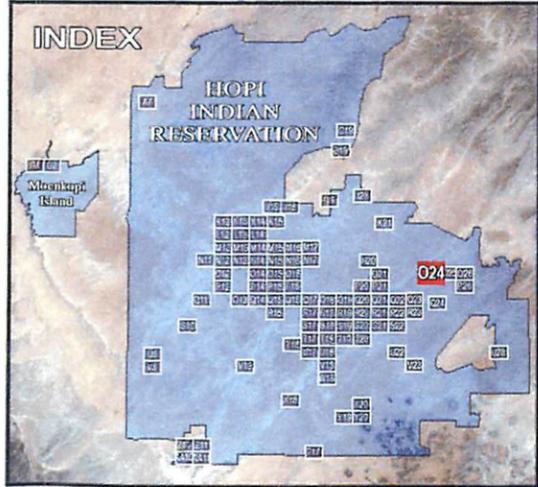
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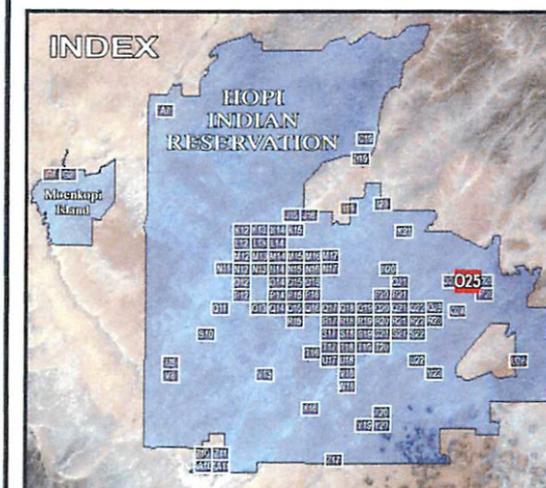
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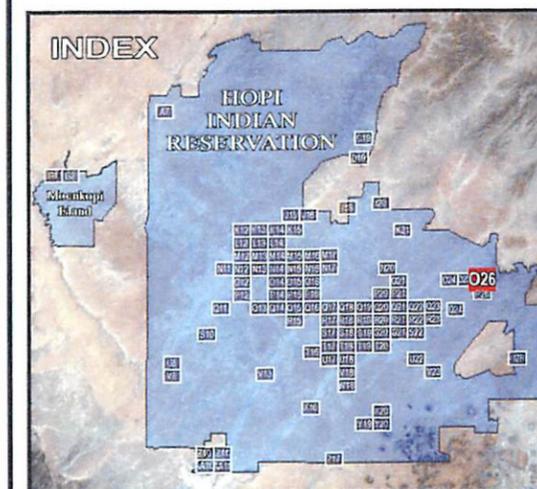
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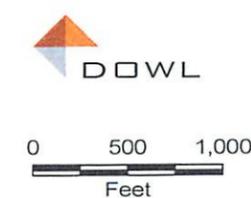
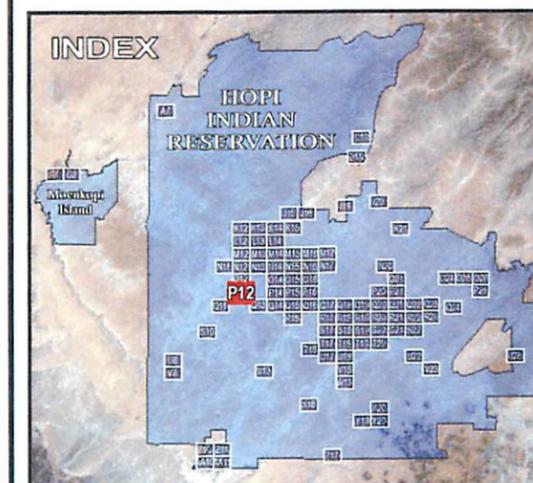
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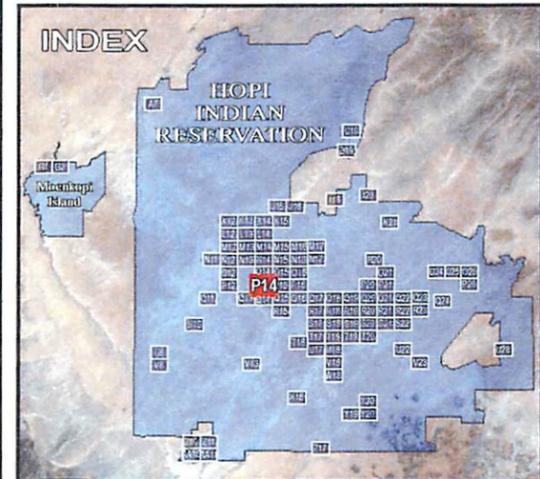
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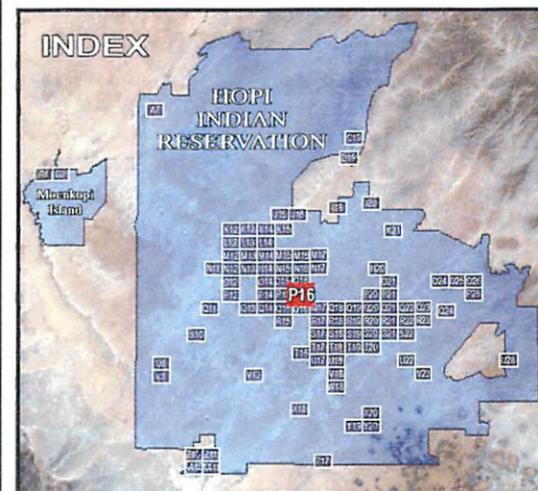
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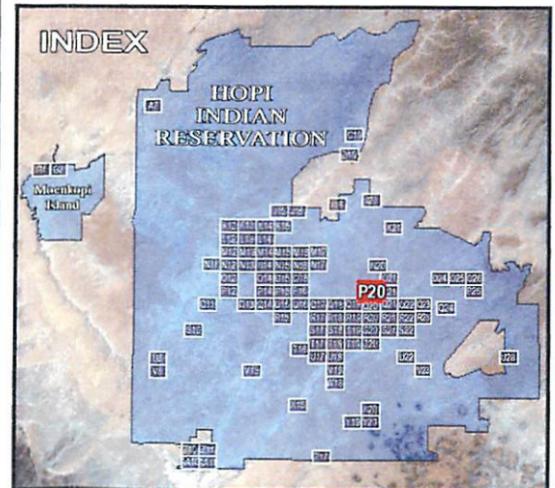
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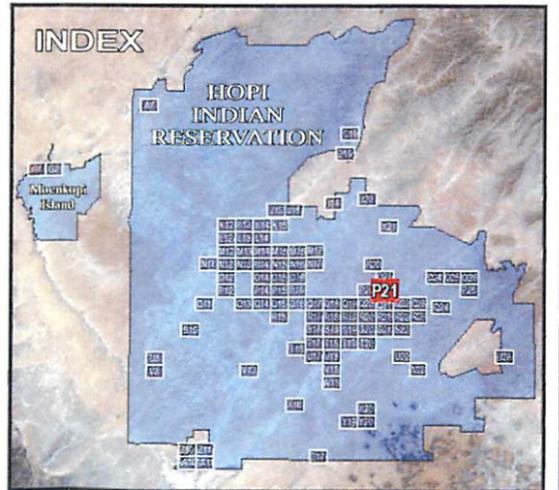
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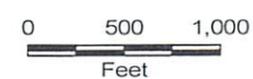
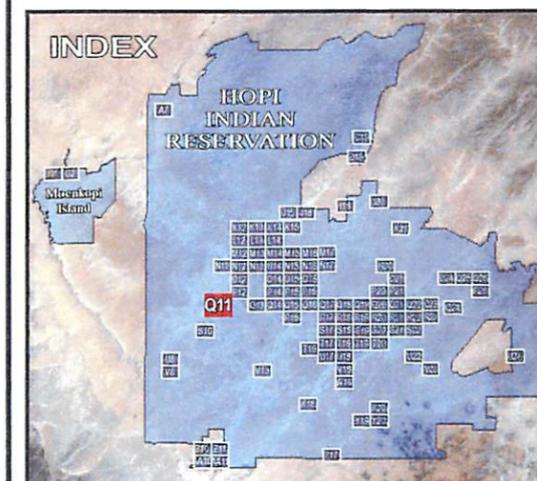
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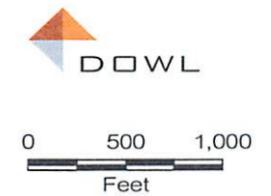
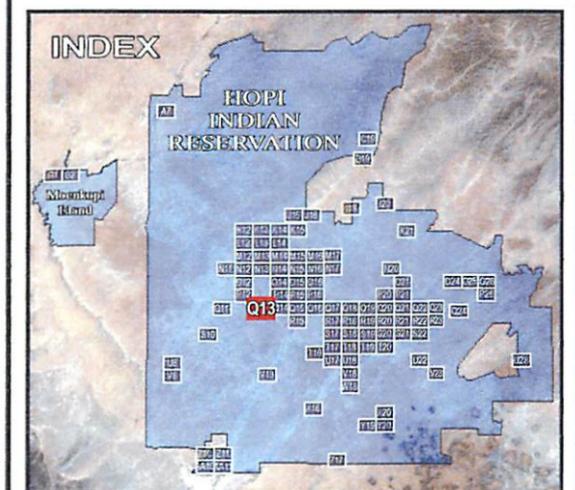
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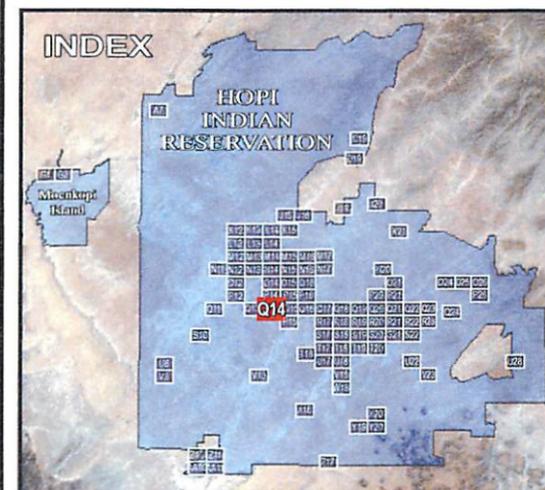
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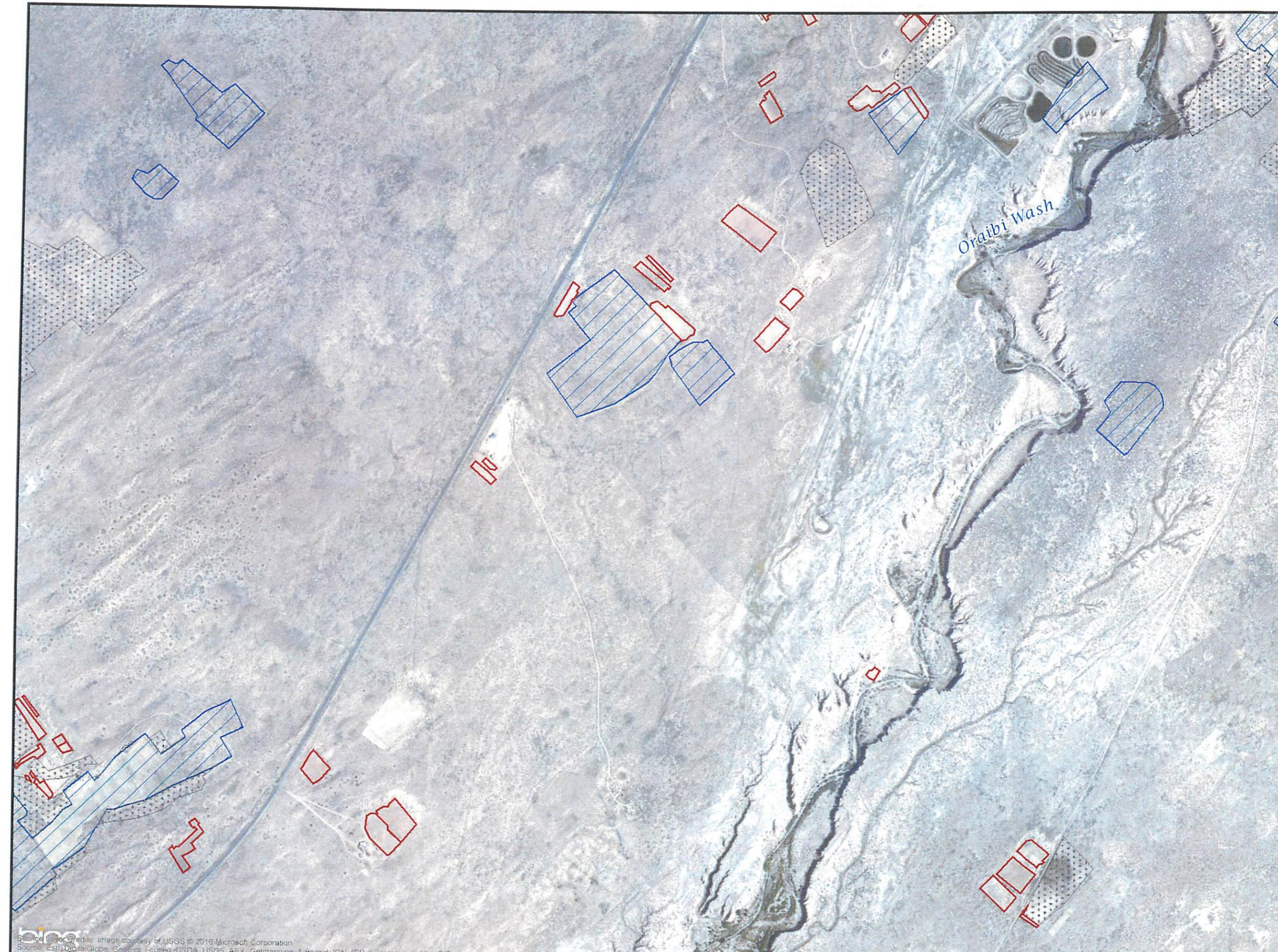
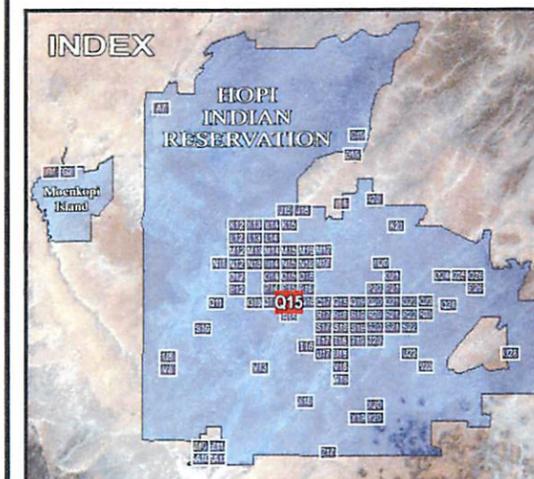
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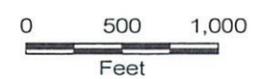
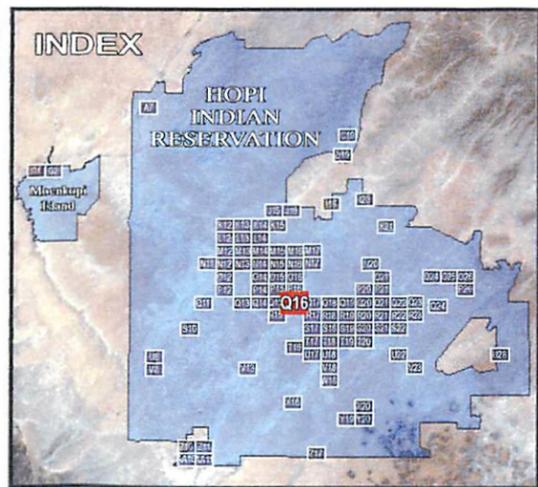
# FINAL HSR for the HOPI INDIAN RESERVATION

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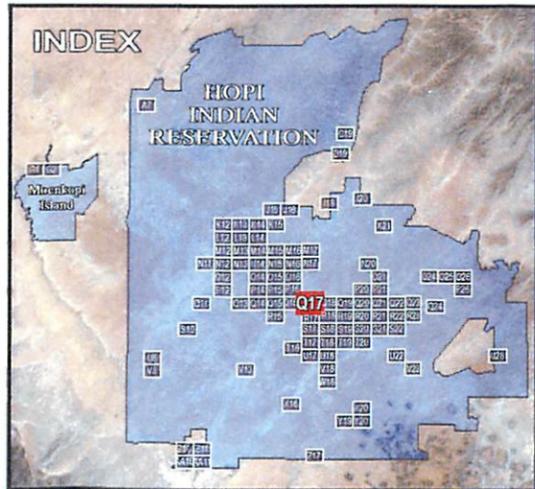
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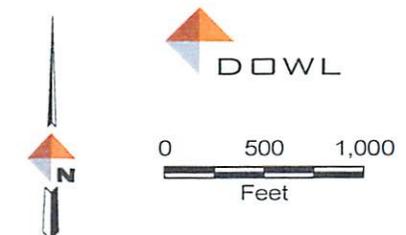
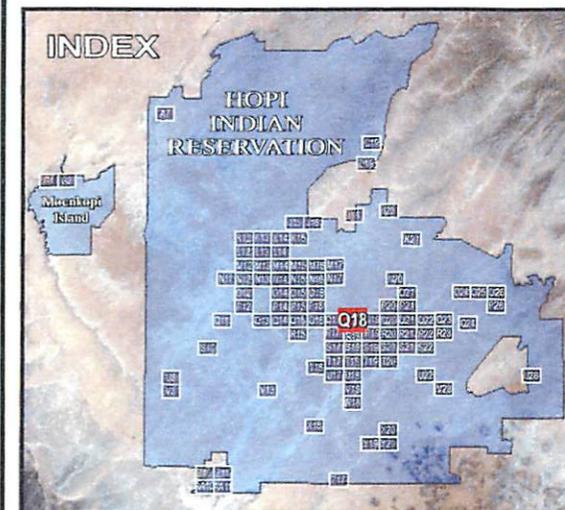
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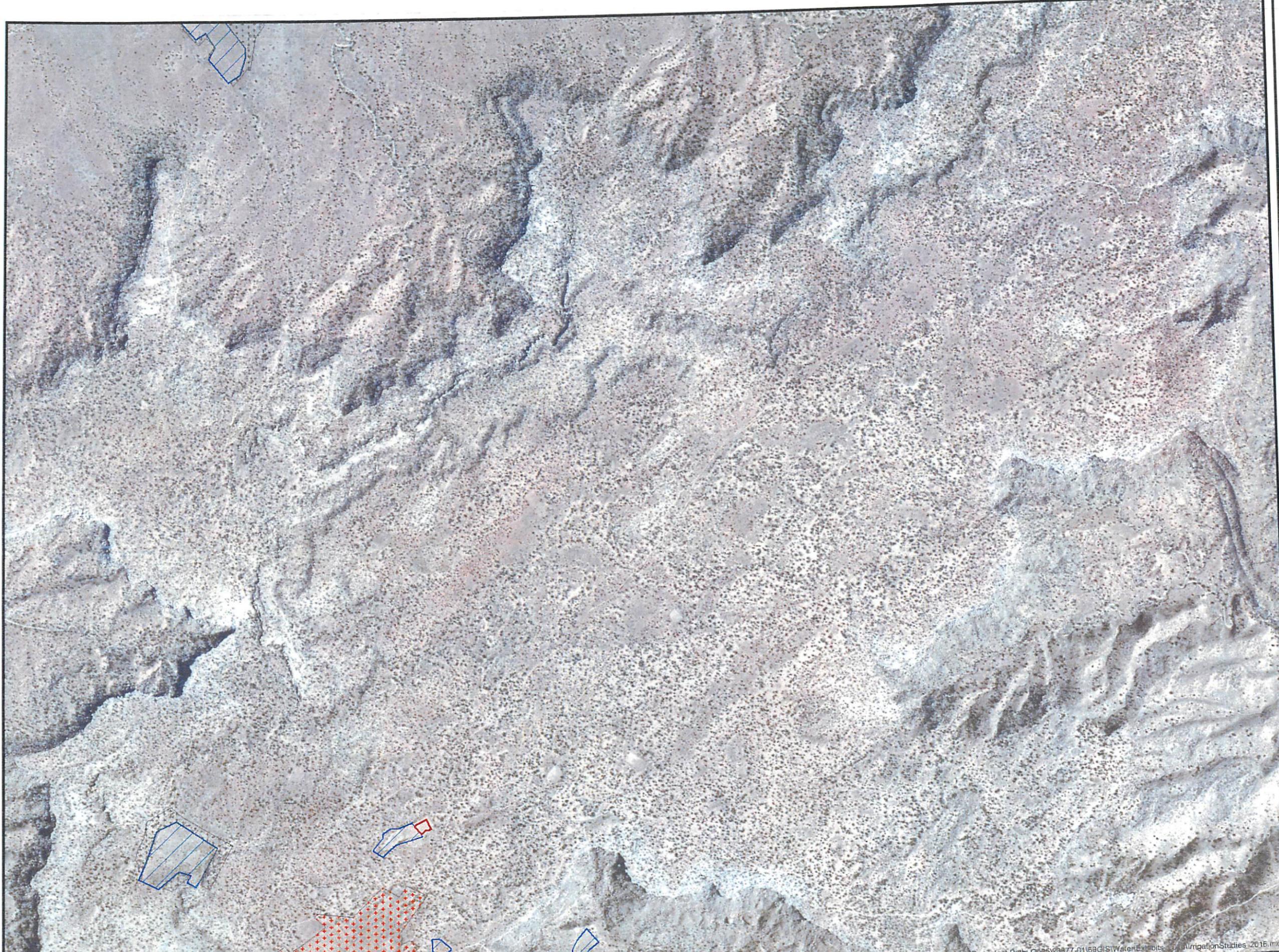
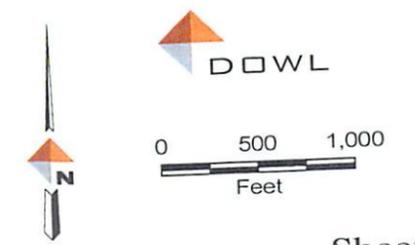
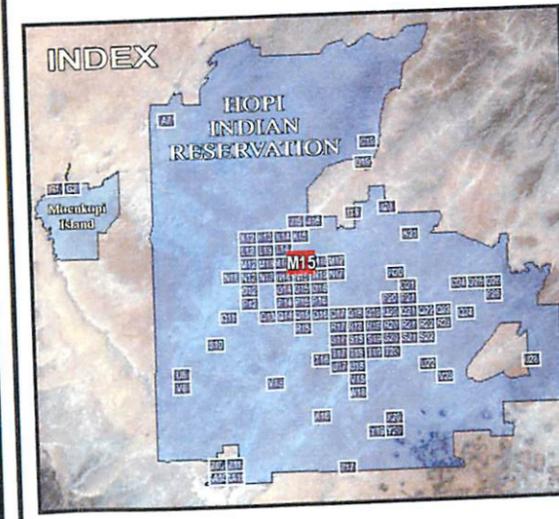
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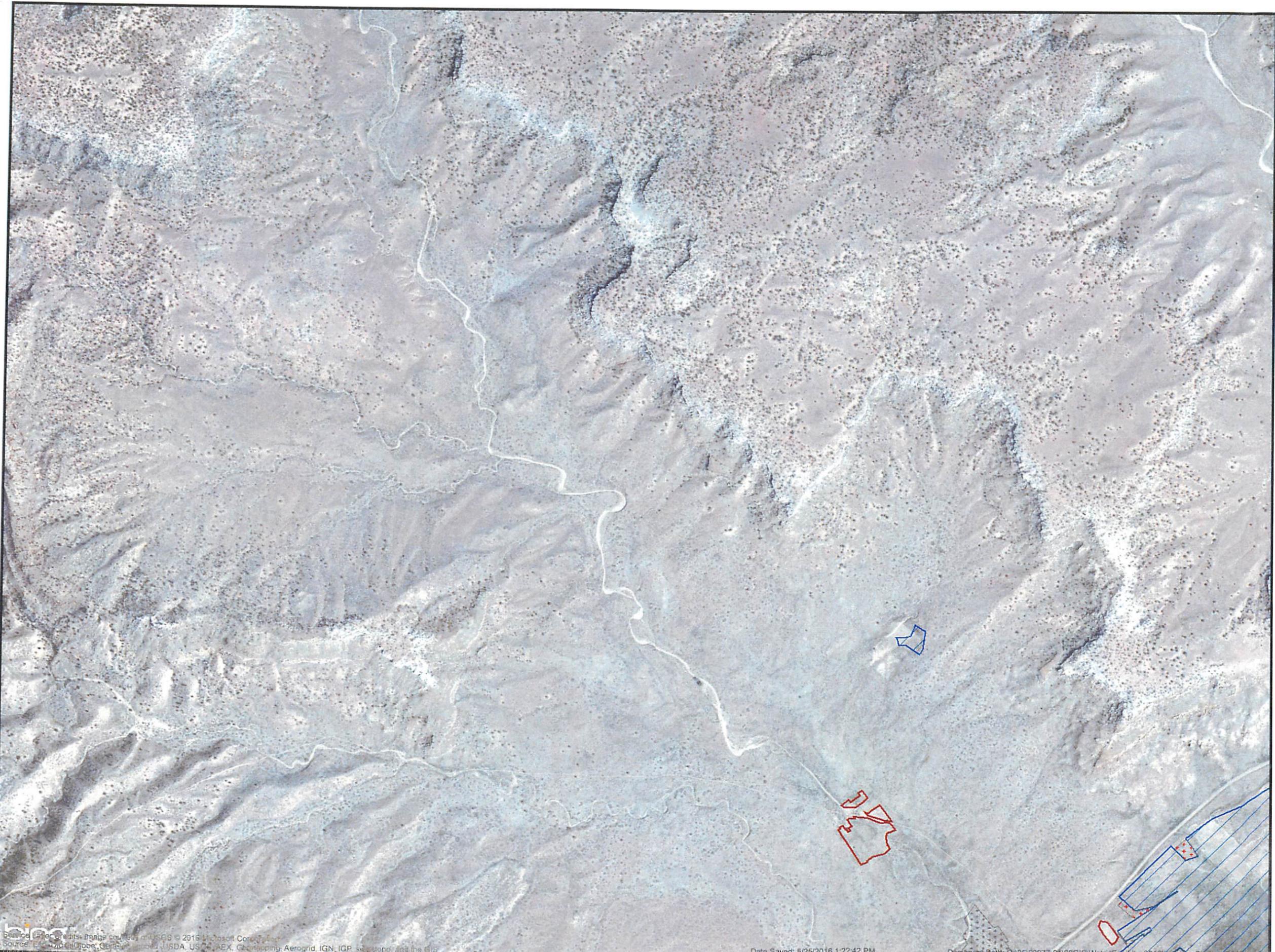
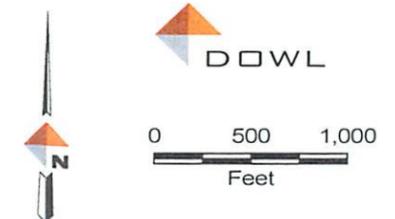
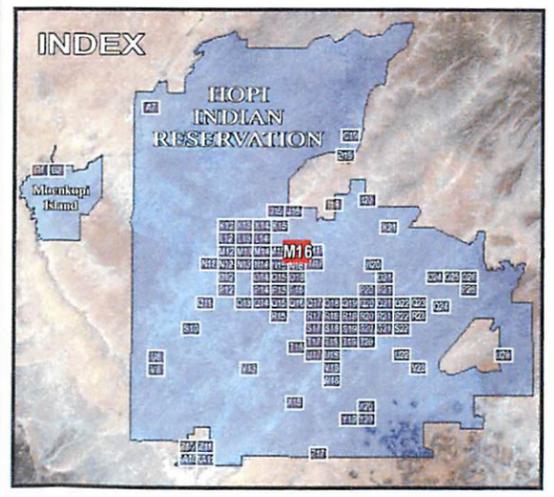
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Source: ESRI, DigitalGlobe, GeoEye, USDA, USGS, AeroGRID, IGN, IGP, and the GIS User Community

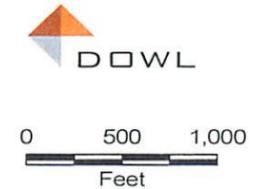
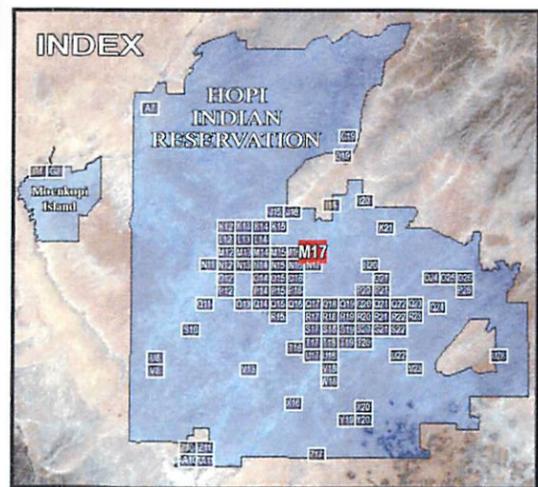
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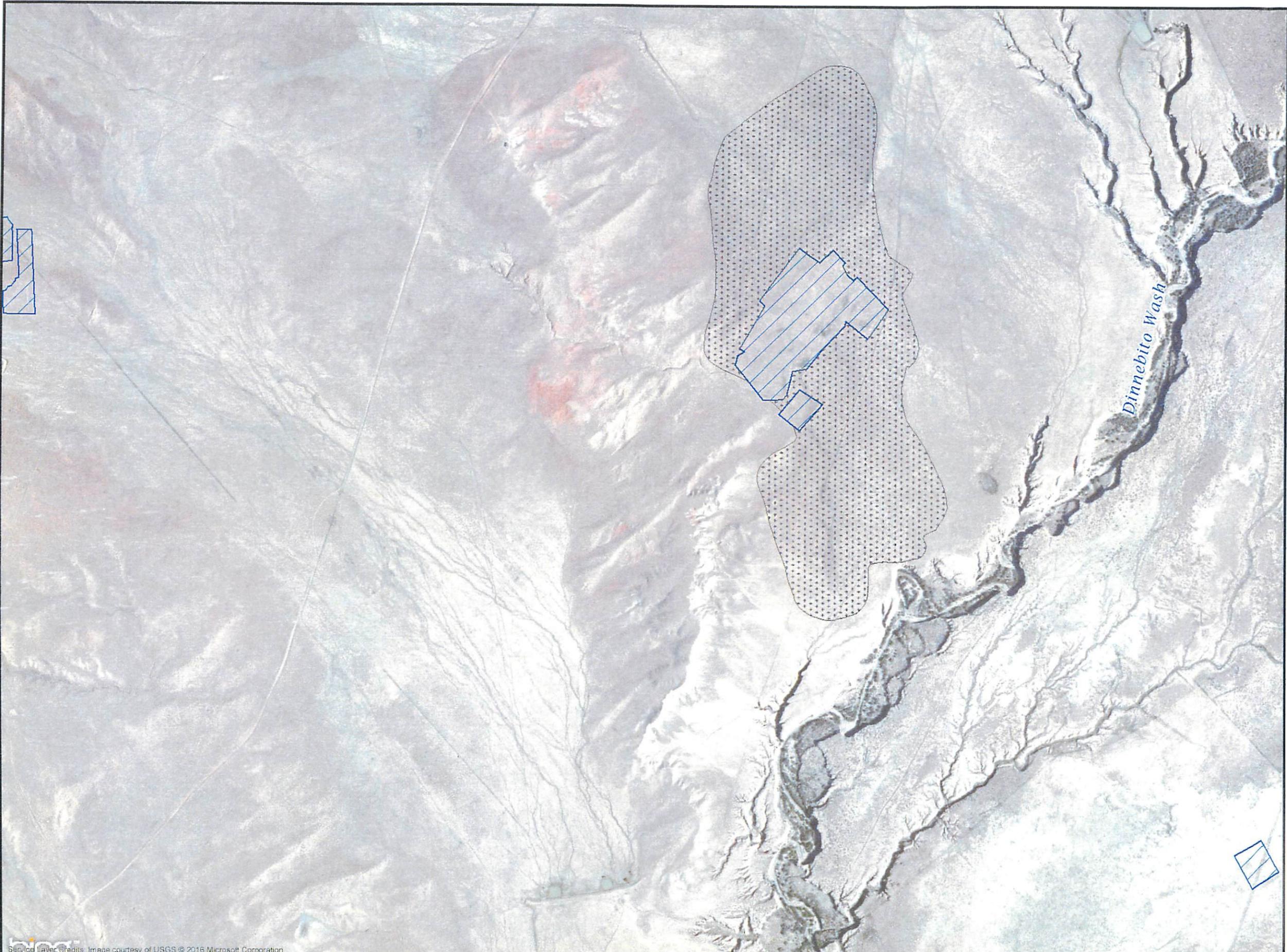
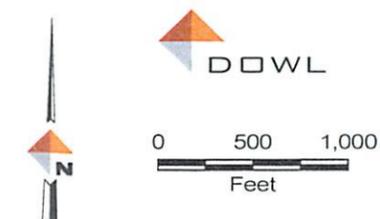
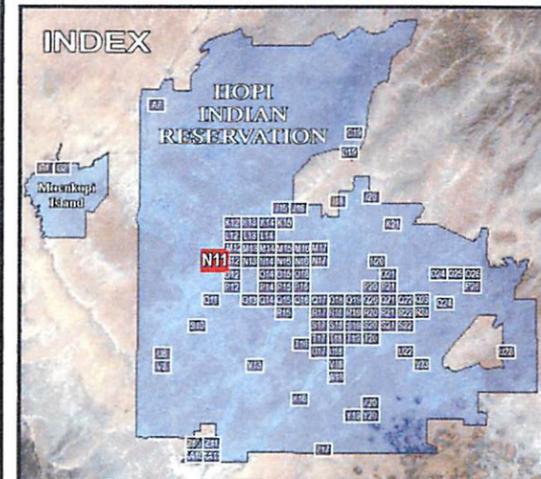
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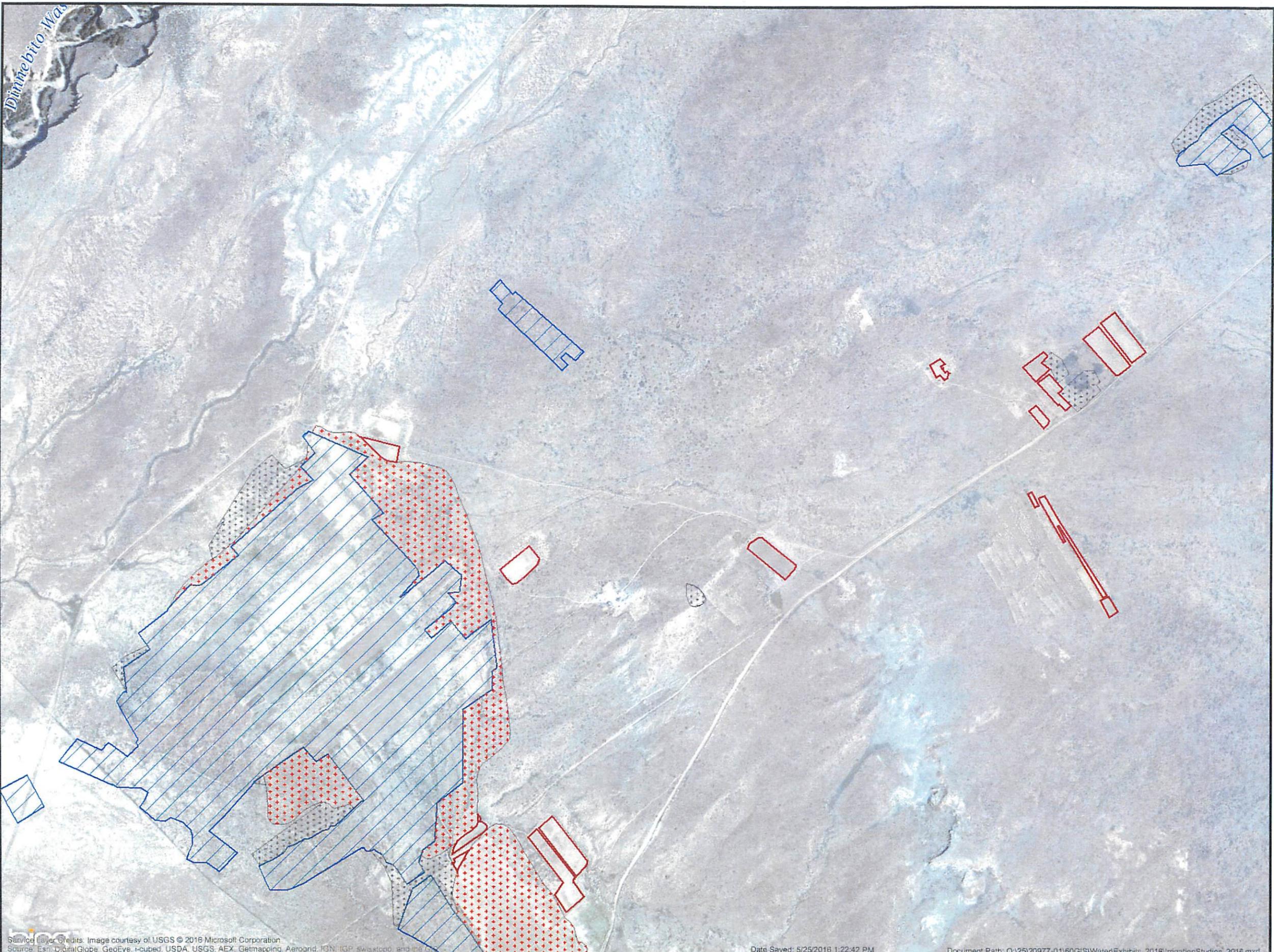
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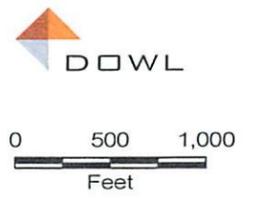
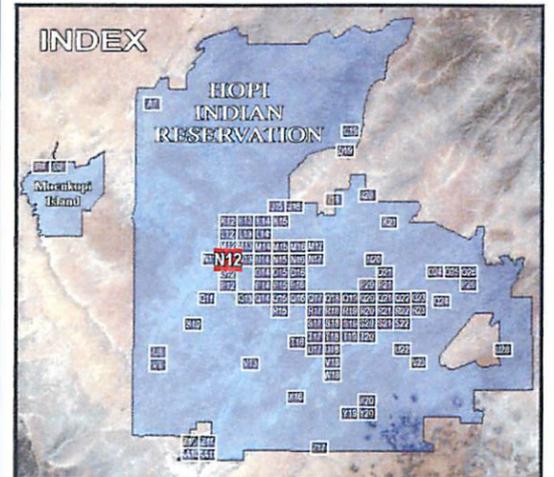
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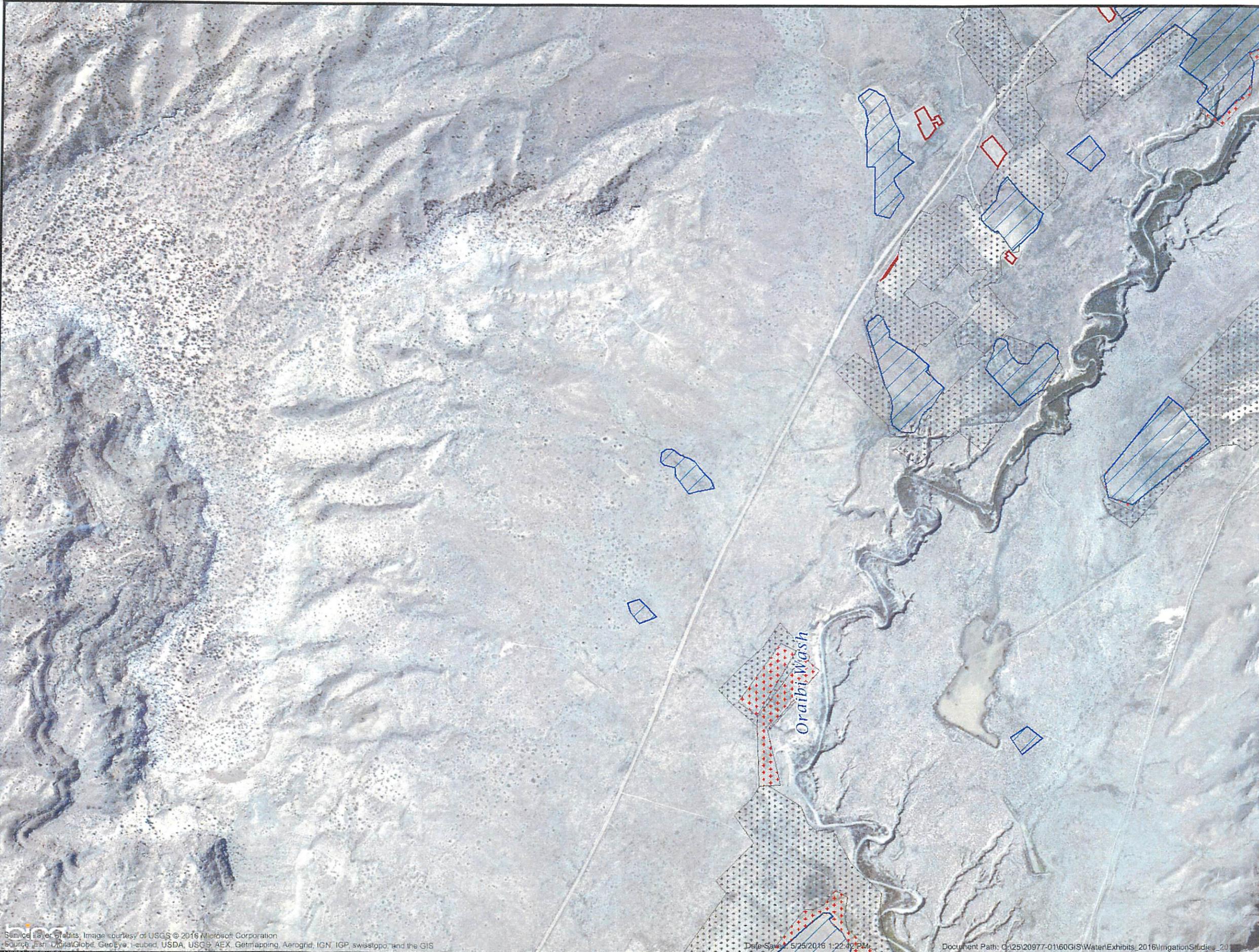
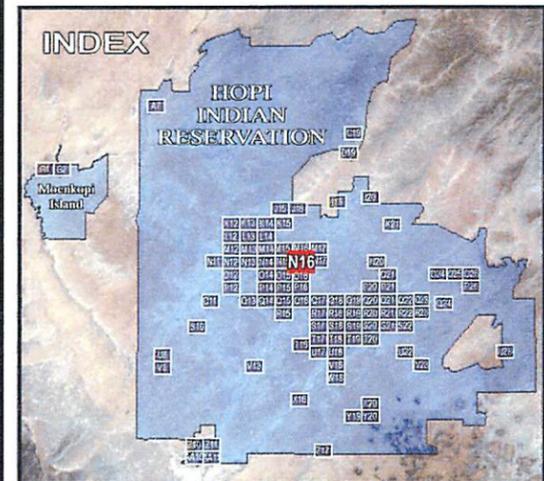
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Source layer Credits: Image courtesy of USGS © 2016 Microsoft Corporation  
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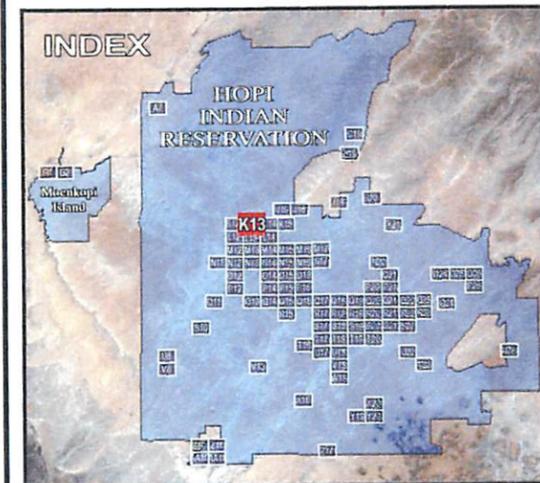
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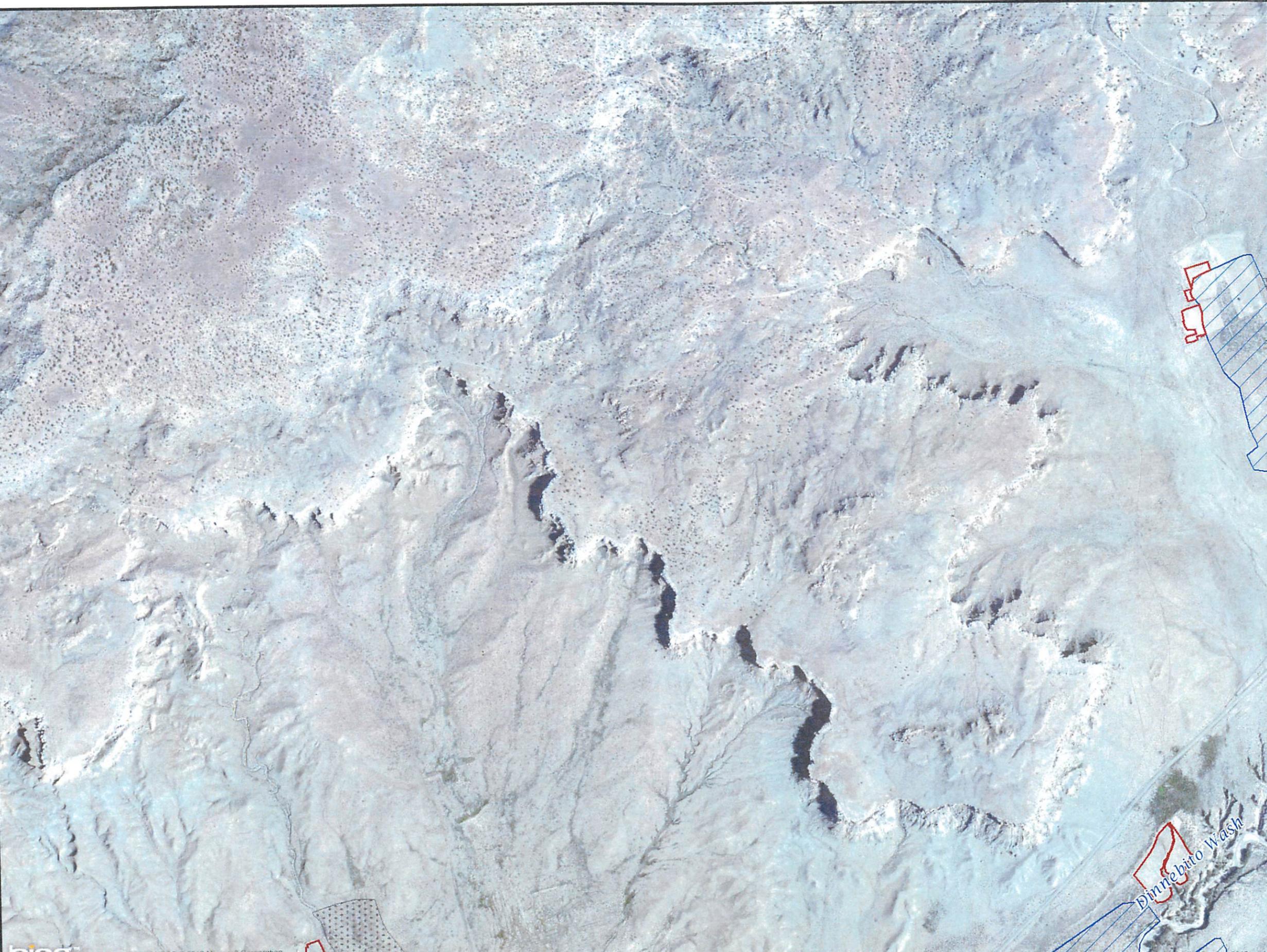
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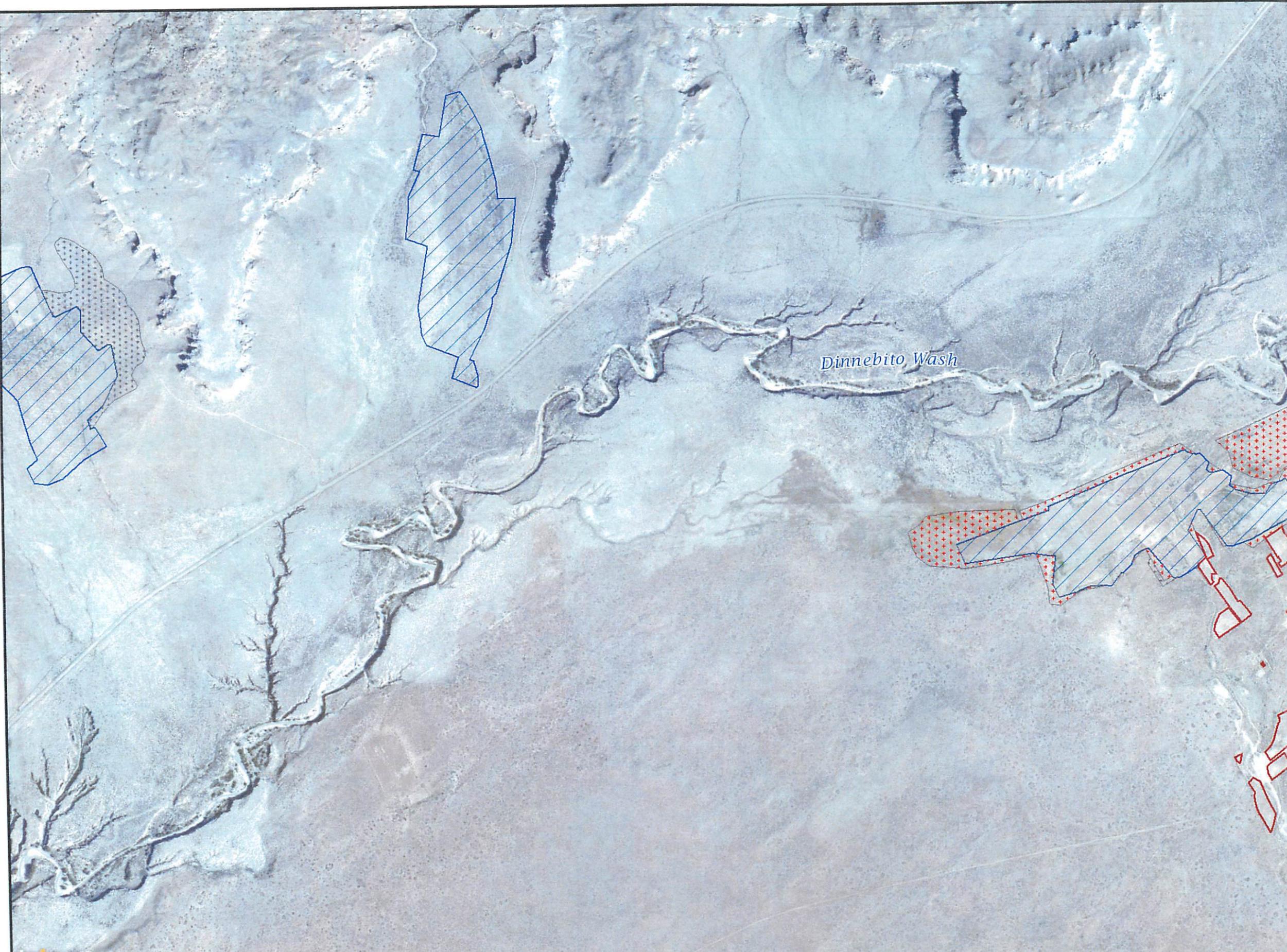
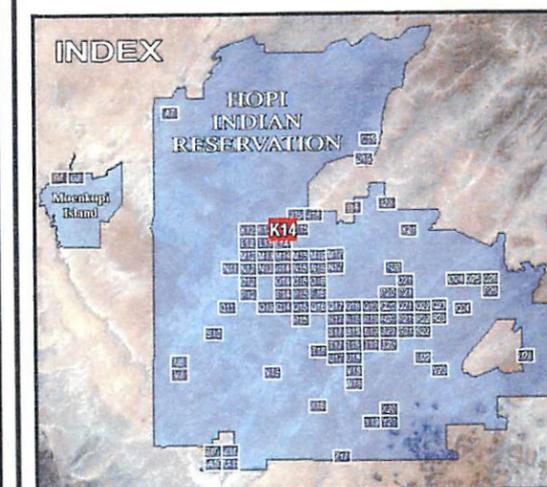
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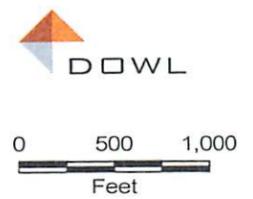
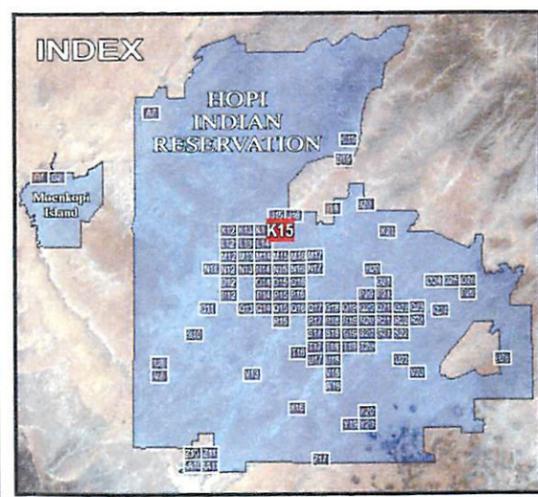


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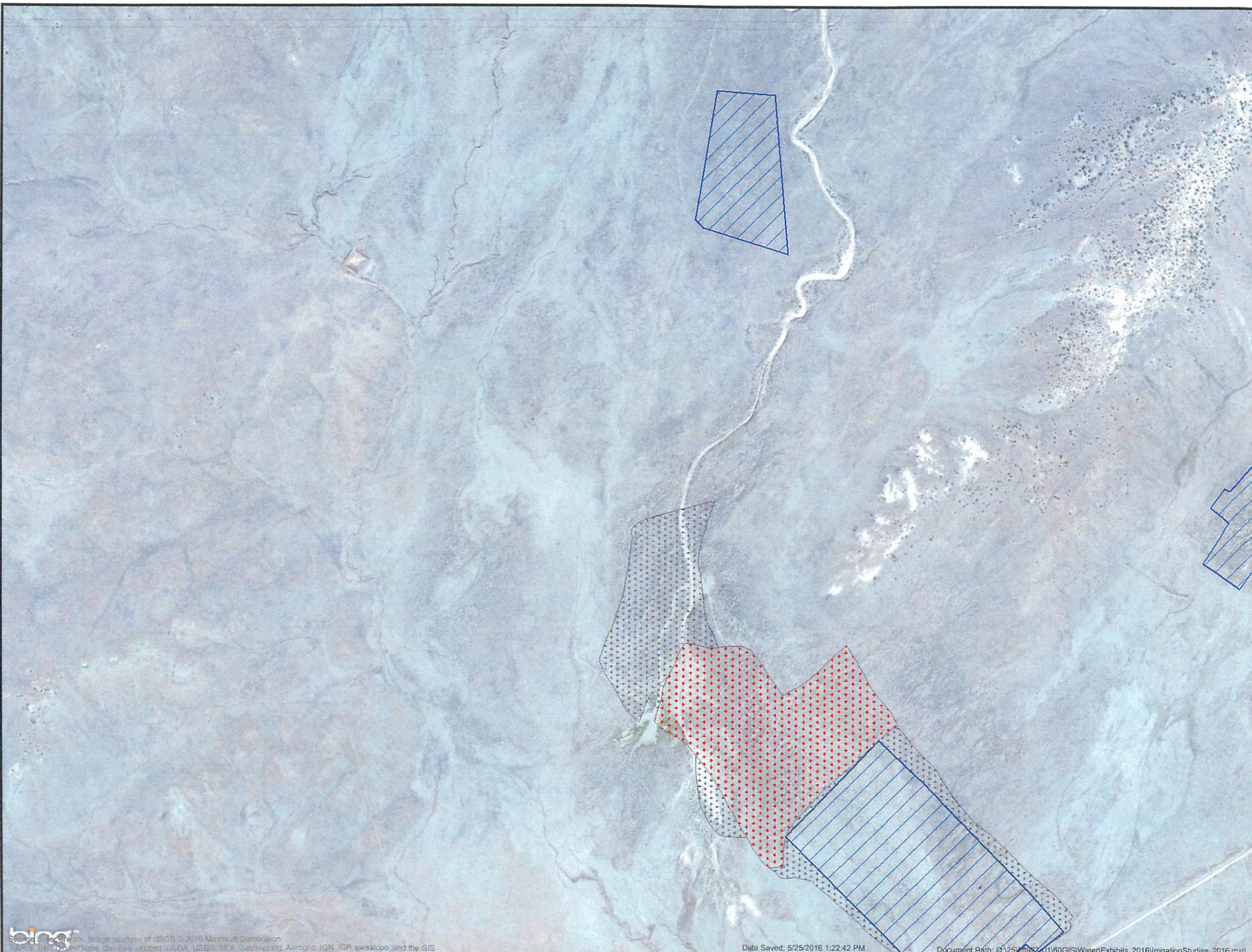
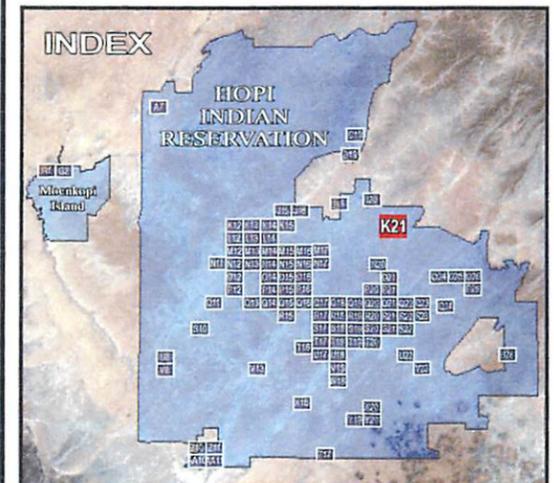
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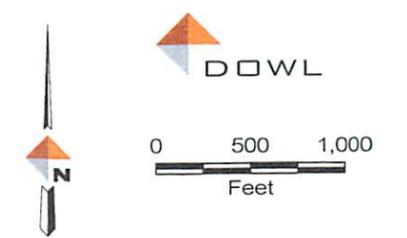
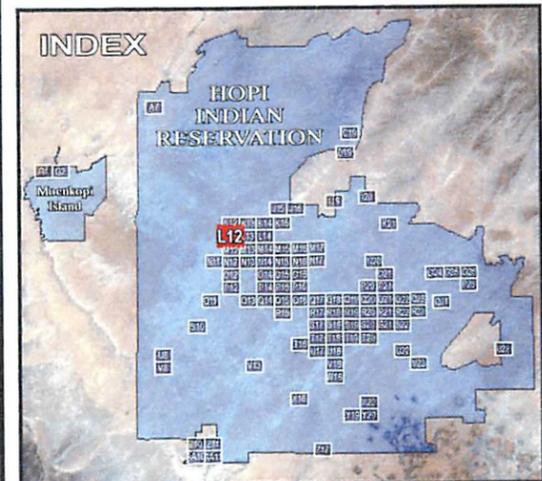
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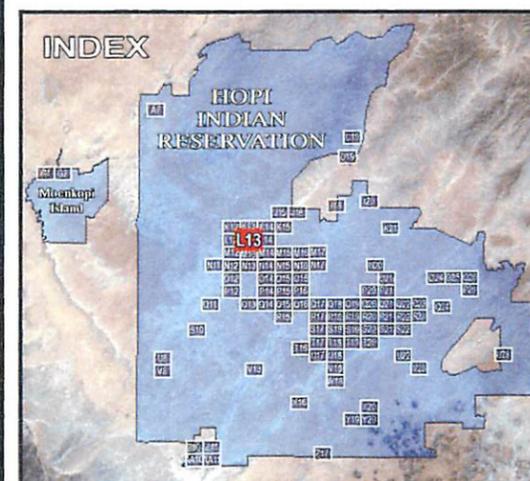
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Sheet L13



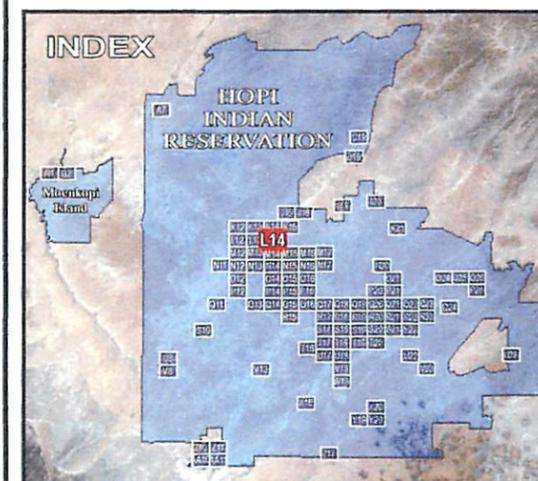
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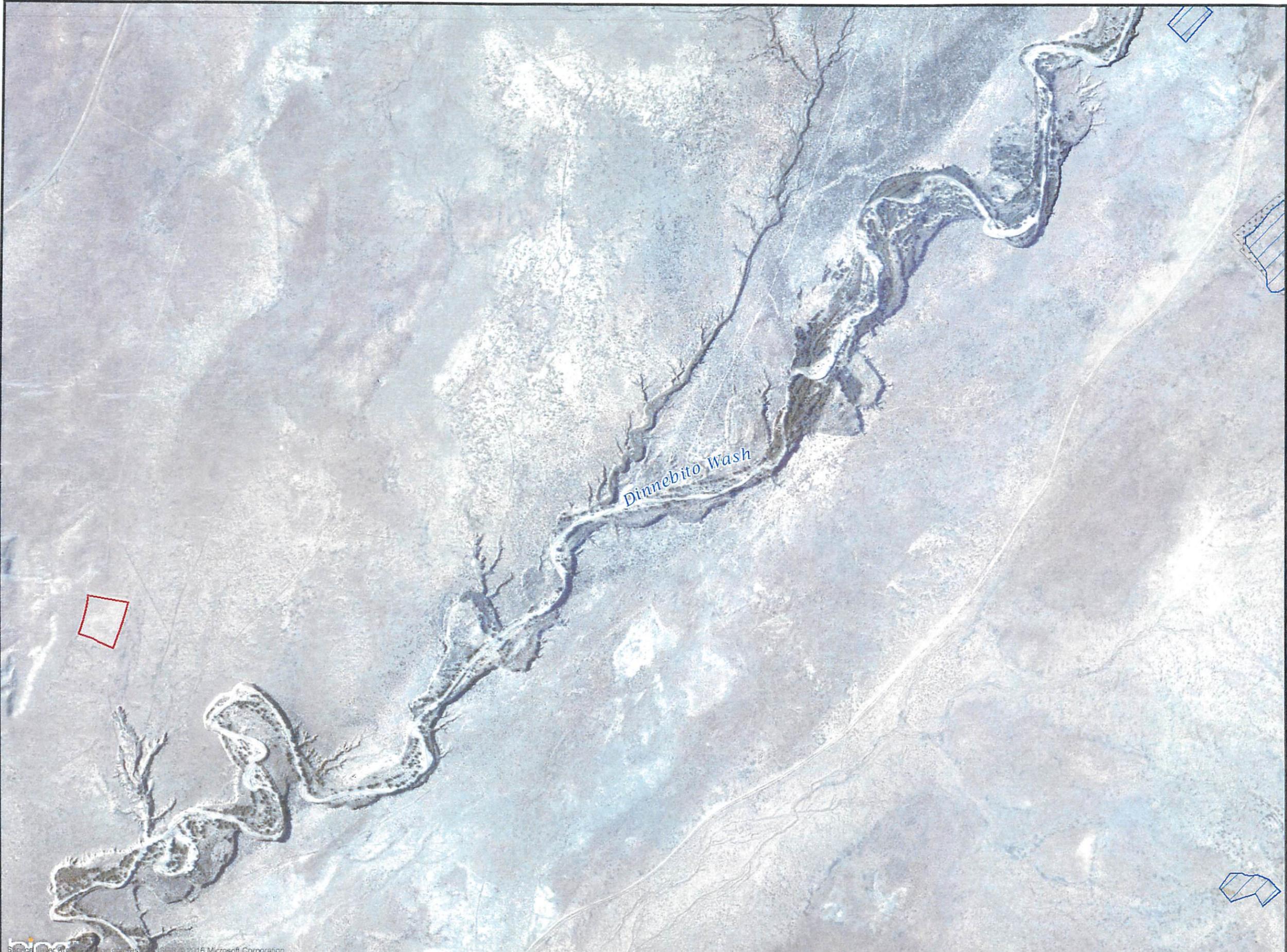
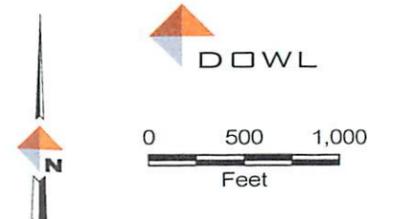
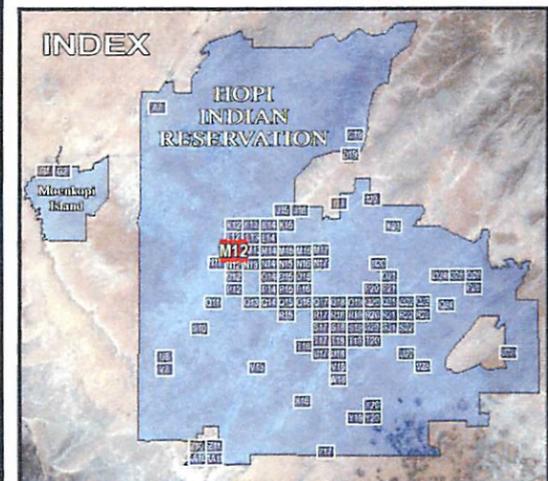
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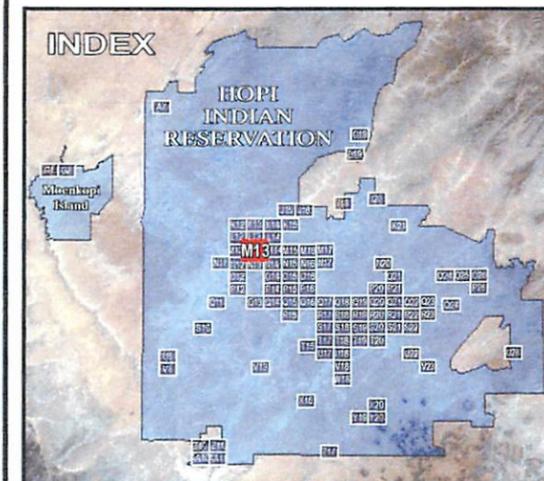
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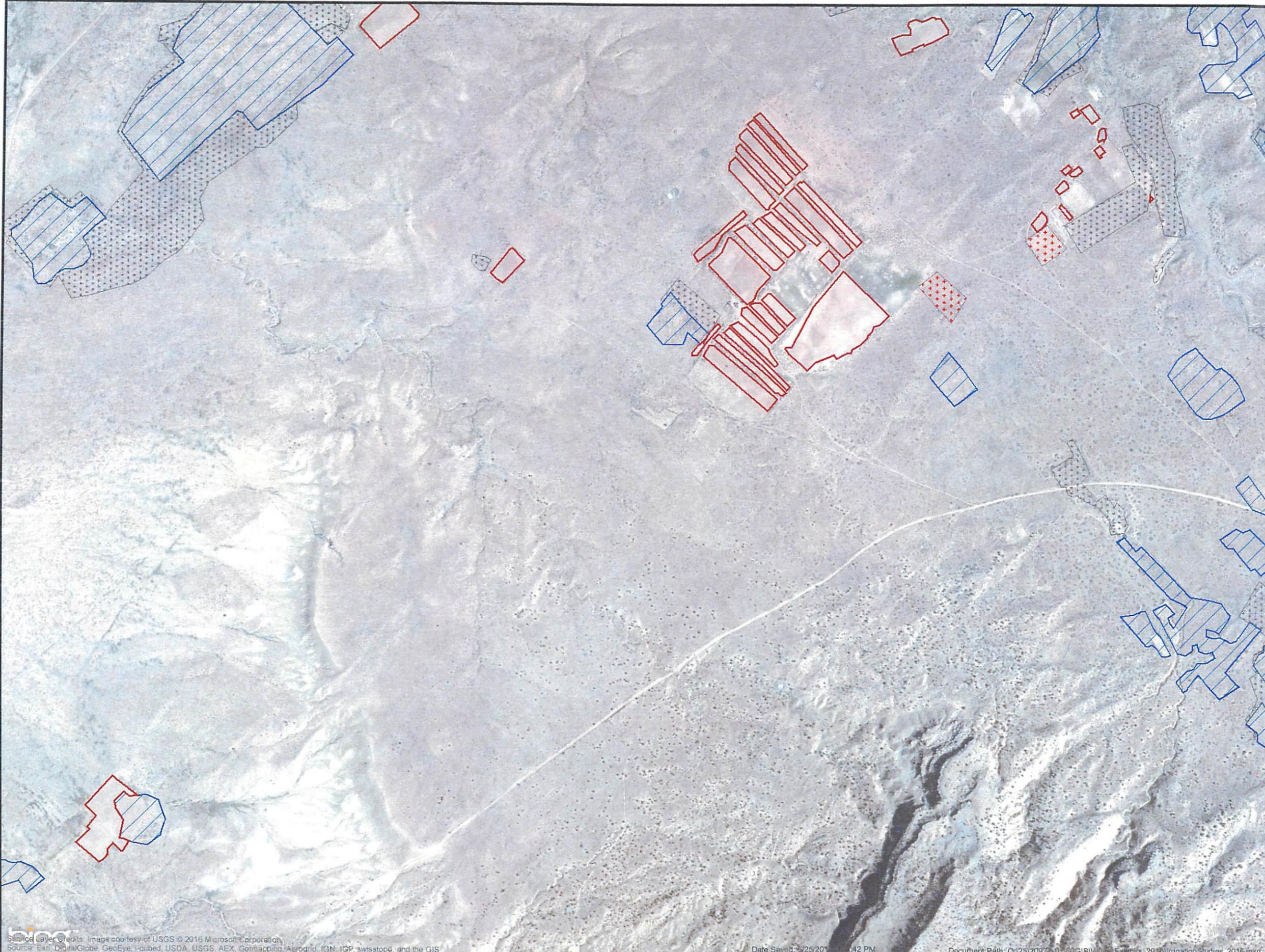
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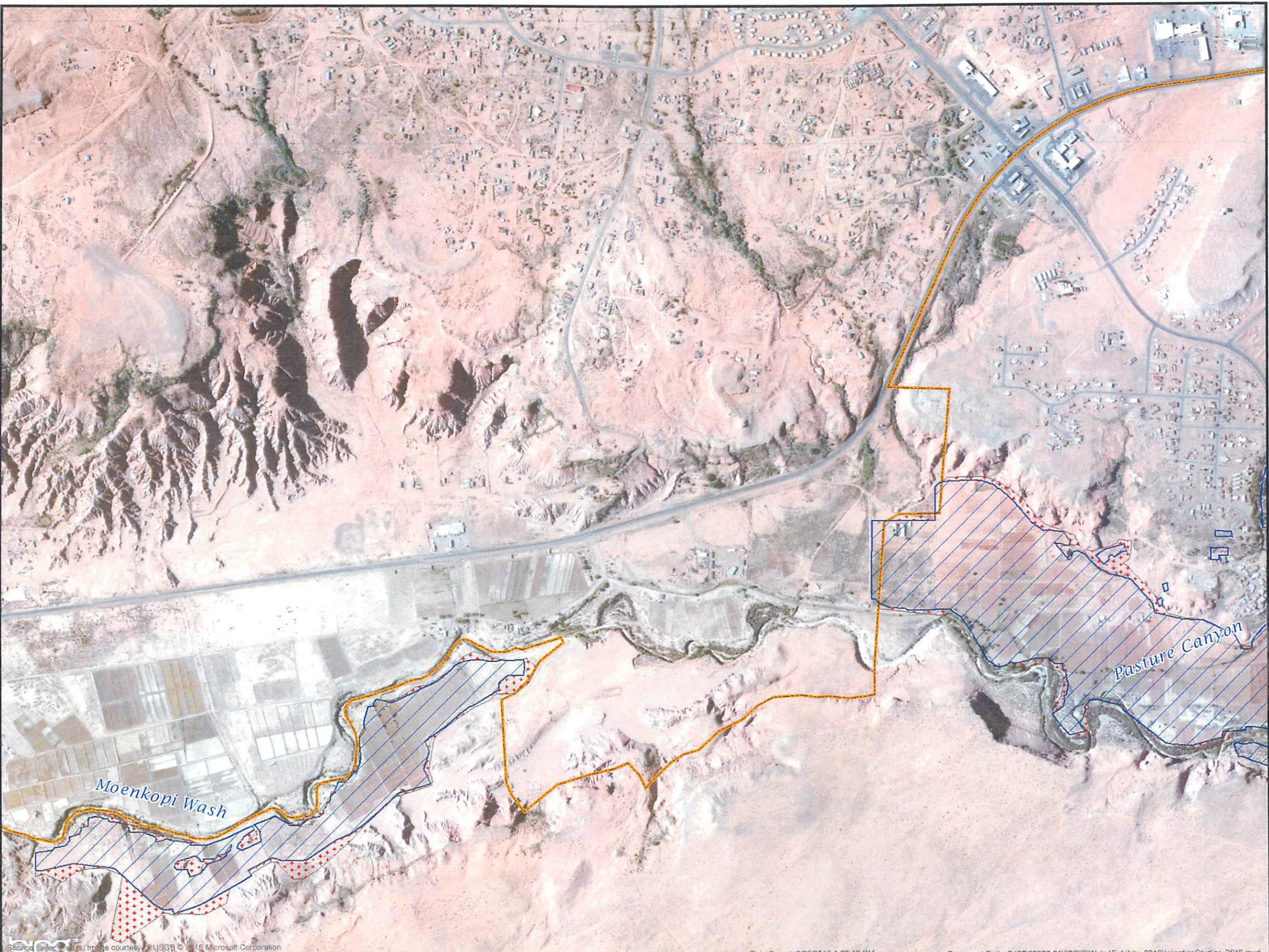
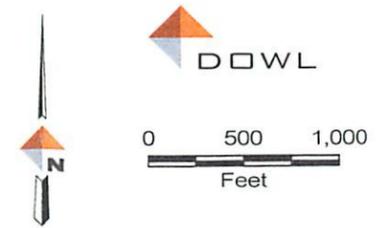
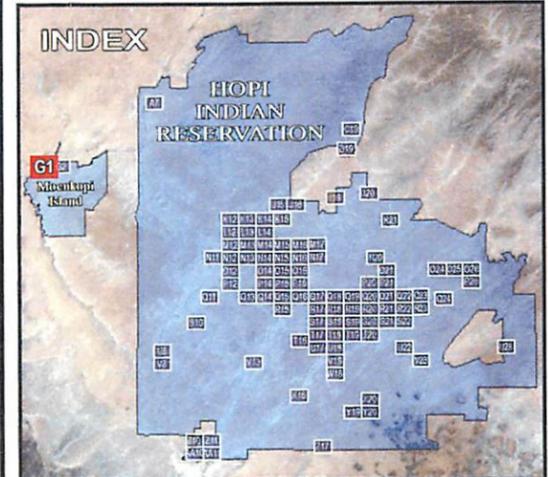


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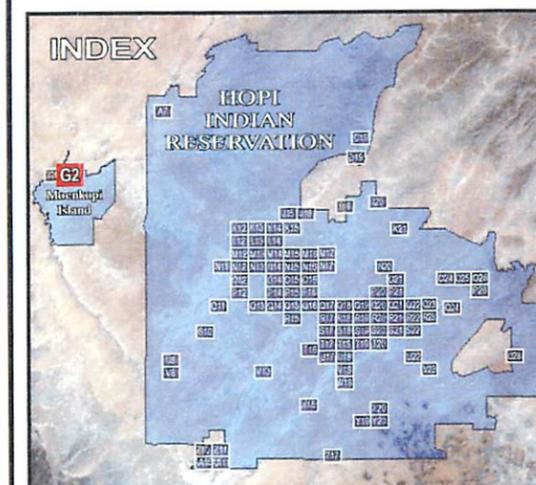
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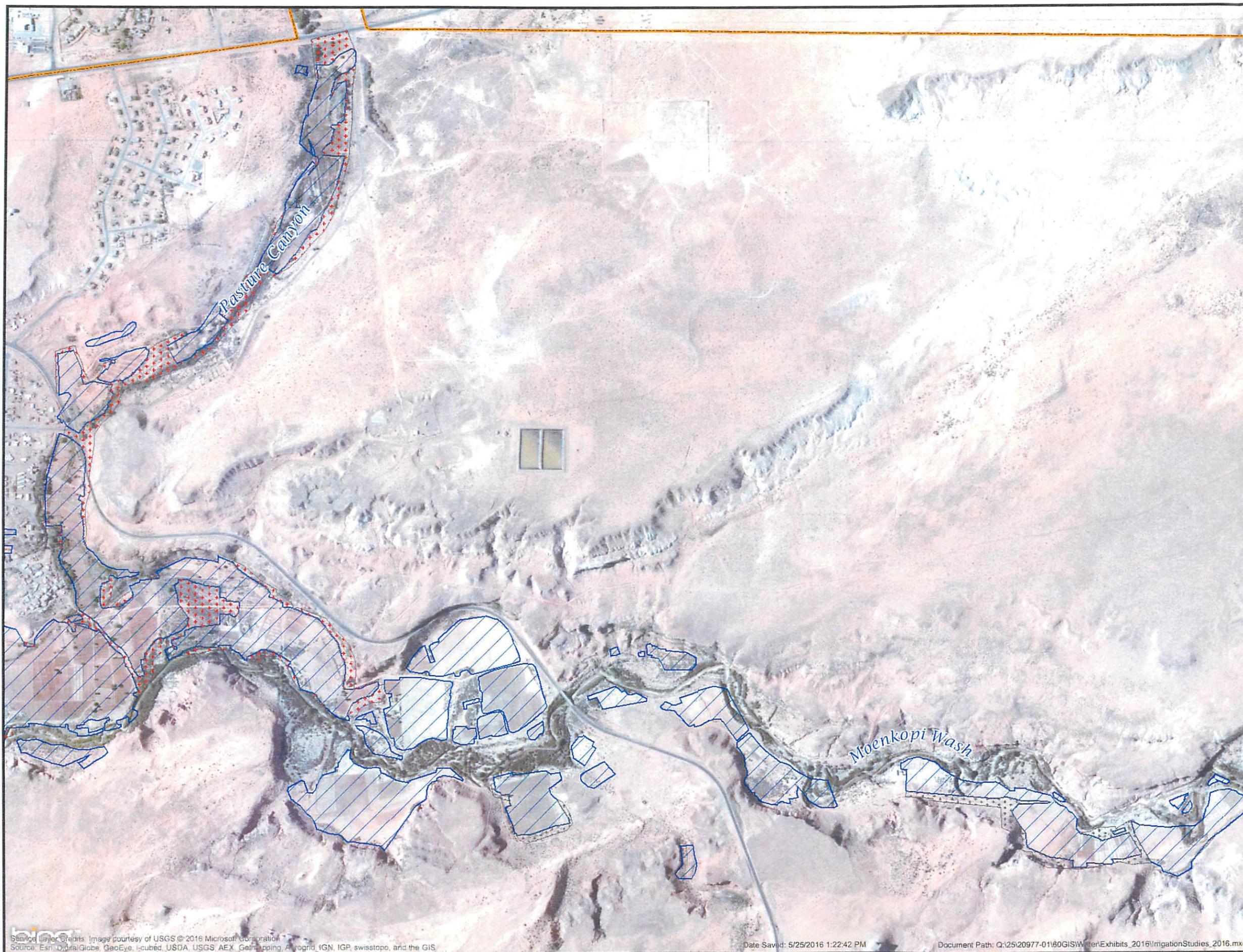
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Sheet G2



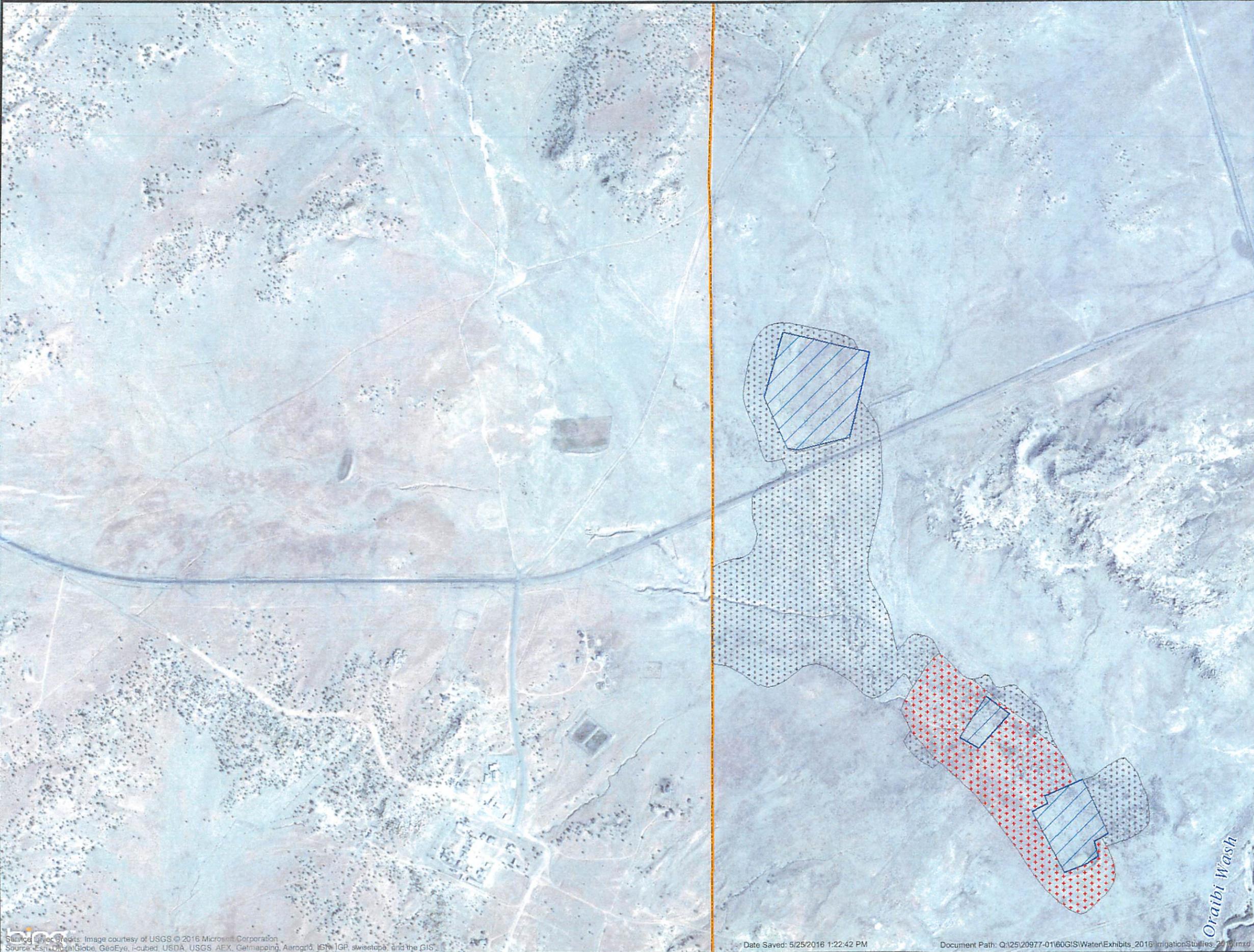
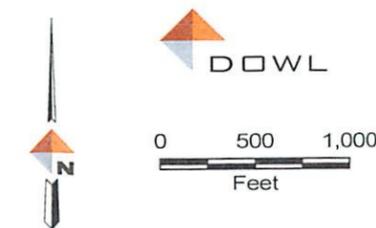
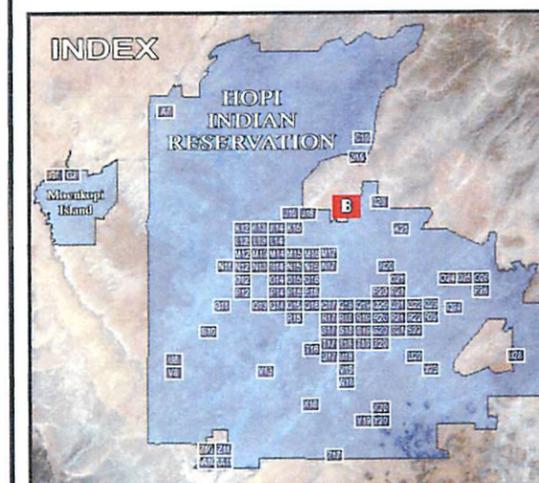
# FINAL HSR for the HOPI INDIAN RESERVATION

## HOPI TRIBE OBJECTIONS

### Legend

-  ADWR Preliminary Hopi HSR Claimed Irrigation; Complete & Partial Evidence, less Native Irrigation and less HIA in United States' 3rd Amended SOC\*  
Total = 6264 ac
-  ADWR Preliminary Hopi HSR Claimed Irrigation; Complete & Partial Evidence, Native Irrigation, less HIA in United States' 3rd Amended SOC\*  
Total = 7127 ac (Deleted from Claim)
-  Additional Current & Recent Irrigation Previously Unclaimed  
Total = 1192 ac (Added to Claim)
-  HIA Project DW10 - Total = 67.5 ac
-  HIA in United States' 3rd Amended SOC\*  
Total = 13,032 ac

\*SOC = Statement of Claimant



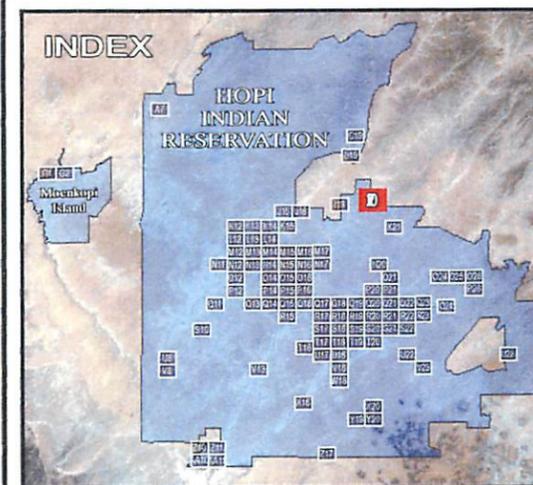
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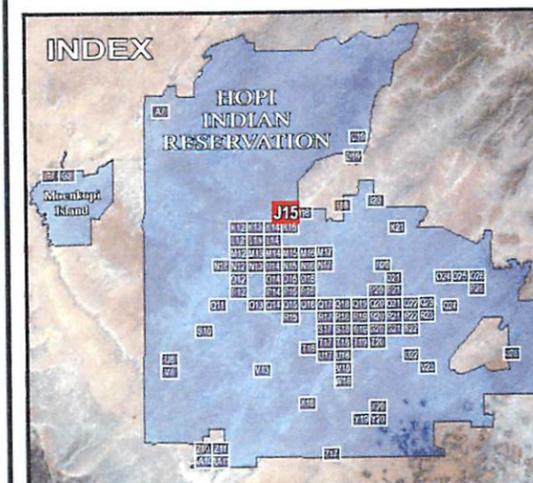
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Sheet J15



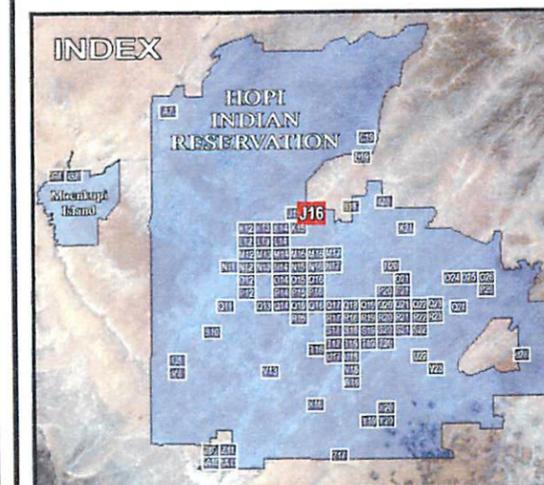
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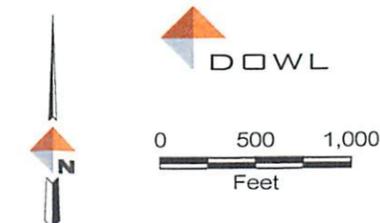
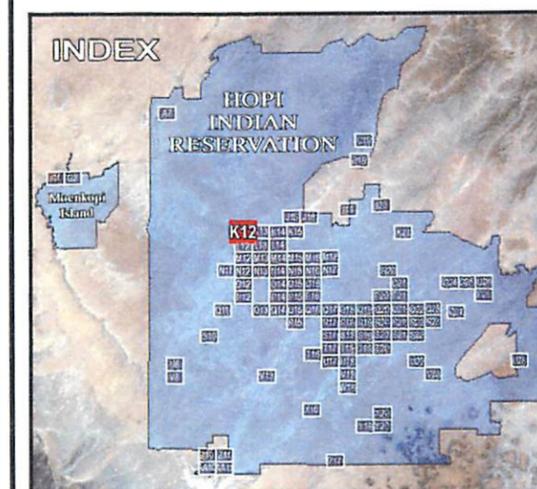
# FINAL HSR for the HOPI INDIAN RESERVATION

## HOPI TRIBE OBJECTIONS

### Legend

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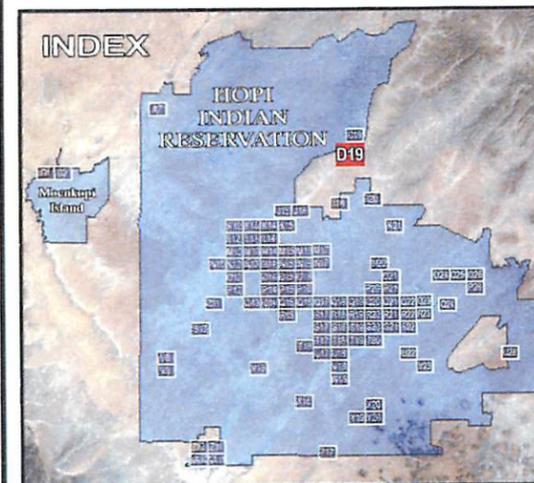
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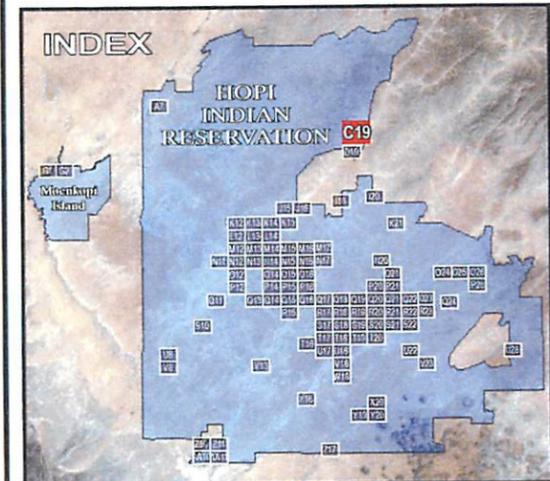
**FINAL HSR  
for the  
HOPI INDIAN  
RESERVATION**

**HOPI TRIBE OBJECTIONS**

Legend

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