

DOCKETED BY: \_\_\_\_\_

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA 2016 JUN 13 PM 3:57  
IN AND FOR THE COUNTY OF APACHE

ANNELL HOUNSHELL, 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) RECEIVED

OBJECTOR

Name Leo L. Maestas  
Address PO Box 21 Holbrook, Ariz 86025  
Telephone No. (928) 587-2385  
Statement of Claimant No. 39- \_\_\_\_\_

JUN 20 2016  
LEGAL  
DEPT OF WATER RESOURCES

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:

- Type of Use Please see filed motion CV 6417 (June 13th 2016)
- Legal Basis 12 77 77 77 77 11 12 11
- Water Sources Little Colorado River & springs Rio Colorado
- Point of Diversion White Mt Little Colorado River (Springerville, Az)
- Place of Use Springerville, Az to Flagstaff, Az
- Date of Priority Commencing in 1540 to present time & to be
- Quantity of Water Use However amount we choose to use for projects

ATTACH ANY ADDITIONAL COMMENTS, INFORMATION OR DOCUMENTATION

Please see: Attachments filed with Clerk of Apache County  
Filed June 13th 2016

STATE OF Arizona  
County of Apache

**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  
[Signature]  
Name  
P.O. Box 21 Holbrook Ariz 86025  
Address

SUBSCRIBED AND SWORN to before me this 13 day of June, 2016.

SEAL  
[Signature]  
Notary Public for the State of \_\_\_\_\_  
Deputy Clerk  
My Commission Expires \_\_\_\_\_

**CERTIFICATE OF SERVICE**

On this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, 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 \_\_\_\_ day of \_\_\_\_\_, 201\_\_, 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 18<sup>th</sup> South Terrace, Suite 370  
Denver, Colorado 80202  
*Counsel for the United States*

1 Janet L. Miller, Deputy Counsel (011963)  
2 Nicole D. Klobas, Deputy Counsel (021350)  
3 Arizona Department of Water Resources  
4 3550 N. Central Avenue  
5 Phoenix, Arizona 85012  
6 [jlmler@azwater.gov](mailto:jlmler@azwater.gov)  
7 [ndklobas@azwater.gov](mailto:ndklobas@azwater.gov)  
8 Telephone: (602) 771-8472  
9 Fax: (602) 771-8683

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
11 **IN AND FOR THE COUNTY OF APACHE**

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

16 **CV 6417**

17 **(The Honorable Mark H. Brain)**

18 **NOTICE OF PUBLICATION AND**  
19 **COMMENCEMENT OF OBJECTION**  
20 **PERIOD FOR THE FINAL HOPI**  
21 **HYDROGRAPHIC SURVEY REPORT**

22 **NOTICE IS HEREBY GIVEN** that the Arizona Department of Water Resources,  
23 as technical advisor to the court, is publishing the Final Hydrographic Survey Report for  
24 the Hopi Indian Reservation (Final Hopi HSR) on this 18<sup>th</sup> day of December, 2015.  
25 **Objections may be filed by no later than June 15, 2016.**

26 **Final Hopi HSR**

The purpose of the Final Hopi HSR is to describe and analyze the water right  
claims filed by the Hopi Tribe and the United States (on behalf of the Hopi Tribe) for the  
Hopi Indian Reservation. The Final Hopi HSR includes numerous tables and color  
figures, as well as appendices that contain additional information.

Water Resources Division  
1500 N. Central Avenue  
Phoenix, Arizona 85002  
Telephone: (602) 711-8471  
Fax: (602) 711-8472

IN THE SUPREME COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE GENERAL JURISDICTION  
OF A COURT OF THE STATE OF ARIZONA  
THE STATE OF ARIZONA  
PLAINTIFF  
VS  
THE STATE OF ARIZONA  
DEFENDANT

(The Plaintiff is Mark H. Brain)

NOTICE TO THE PUBLIC  
AND TO THE STATE OF ARIZONA  
AND TO THE STATE OF ARIZONA  
AND TO THE STATE OF ARIZONA  
AND TO THE STATE OF ARIZONA

NOTICE TO THE PUBLIC AND TO THE STATE OF ARIZONA  
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AND TO THE STATE OF ARIZONA

Mark H. Brain

The purpose of this notice is to describe and explain the water right  
claims filed by the Plaintiff and the Defendant on behalf of the Plaintiff for the  
right to water. The Plaintiff has filed a lawsuit with the State of Arizona and the  
State of Arizona as well as a separate lawsuit with the State of Arizona.

1           The Final Hopi HSR is being made available for downloading from ADWR's  
2 website at www.azwater.gov. In addition, an electronic version of the Final Hopi HSR on  
3 DVD is being made available for purchase for \$20.00. Special arrangements may be  
4 made to purchase a hard copy of all or selected portions of the Final Hopi HSR, including  
5 its appendices. Electronic and hard copies may be purchased by calling (602) 771-8634  
6 or (866) 246-1414 (toll free).

7           The Final Hopi HSR also is being made available for inspection at the following  
8 locations:

9           Arizona Department of Water Resources  
10          3550 North Central Avenue  
11          Phoenix, AZ 85012  
12          (602) 771-8634 or  
13          (866) 246-1414 (toll free)

          Clerk of Apache County Superior Court  
          70 West. Third Street  
          St. Johns, AZ 85936  
          (928) 337-7550

14          Clerk of Navajo County Superior Court  
15          S. Highway 77  
16          Navajo County Complex  
17          Holbrook, AZ 86025  
18          (928) 524-4188

          Clerk of Coconino County Superior Court  
          200 N. San Francisco Street  
          Flagstaff, AZ 86001  
          (928) 679-7600

19          Round Valley Public Library  
20          179 S. Main Street  
21          Eagar, AZ 85925  
22          (928) 333-4694

          Tuba City Public Library  
          78 Main Street  
          Tuba City, AZ 86045  
          (928) 283-5856

23          Hopi Public Library  
24          1 Main Street  
25          Kykotsmovi, AZ 86039  
26          (928) 734-4500

          Pinetop-Lakeside Public Library  
          1595 E. Johnson Drive  
          Pinetop-Lakeside, AZ 86045  
          (928) 368-6688

          Flagstaff City/Coconino County Library  
          300 W. Aspen  
          Flagstaff, AZ 86001  
          (928) 231-2333

          Winslow Public Library  
          420 W. Gilmore  
          Winslow, AZ 86047  
          (928) 289-4982

The First Hopi HSR is being made available for inspection at the following locations:

The First Hopi HSR is being made available for downloading from CDWR's website at [www.cdwr.gov](http://www.cdwr.gov). In addition, an electronic version of the First Hopi HSR on DVD is being made available for purchase for \$29.00. Special arrangements may be made to purchase a hard copy of all or selected portions of the First Hopi HSR, including its appendices. Electronic and hard copies may be purchased by calling (602) 771-8834 or (800) 246-1414 (toll free).

Location	Address	Phone
Arizona Department of Water Resources	3200 North Central Avenue Phoenix, AZ 85012	(602) 771-8834 or (800) 246-1414 (toll free)
Clerk of Apache County Superior Court	70 West Third Street St. Johns, AZ 86501	(928) 677-7530
Clerk of Navajo County Superior Court	2. Highway 77 Navajo County Complex Holbrook, AZ 86027	(928) 524-4198
Clerk of Coconino County Superior Court	200 W. Main Street Flagstaff, AZ 86001	(928) 699-7600
Flagstaff Valley Public Library	700 S. Main Street Flagstaff, AZ 86002	(928) 333-4604
Public Library	78 Main Street Tuba City, AZ 86042	(928) 287-8826
Hopi Public Library	1 Main Street Kykotsavav, AZ 86029	(928) 734-4300
Public Library	1204 E. Johnson Drive Tucson, AZ 85702	(928) 388-6888
Winnapoosin County Library	300 W. Apache Flagstaff, AZ 86001	(928) 231-3333
Winnapoosin Public Library	420 W. Gilmore Winnapoosin, AZ 86047	(928) 283-1942

1 Rim Community Library  
2 3404 Mustang Ave.  
3 Heber, AZ 85928  
4 (928) 535-5749

Show Low Public Library  
181 N. 9th Street  
Show Low, AZ 85901  
(928) 532-4070

4 **Objections**

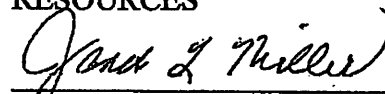
5 The enclosed Objection Booklet contains detailed information concerning the  
6 requirements for filing an objection, which must be *received* by the Clerk of the Apache  
7 County Superior Court by no later than **June 15, 2016**. An Objection Form is included in  
8 the Objection Booklet that must be used to file an objection to the Final Hopi HSR.

9 **Additional Information**

10 Additional information for claimants concerning court proceedings for the Little  
11 Colorado River adjudication and the Hopi Reservation may be found at the following  
12 website: [www.superiorcourt.maricopa.gov/superiorcourt/generalstreamadjudication](http://www.superiorcourt.maricopa.gov/superiorcourt/generalstreamadjudication). Any  
13 questions regarding this Notice should be directed to ADWR at (602) 771-8634 or (866)  
14 246-1414 (toll free).

15 **DATED** this 18th day of December, 2015.

17 ARIZONA DEPARTMENT OF WATER  
18 RESOURCES

19 

20 Janet L. Miller, Deputy Counsel  
21 Nicole D. Klobas, Deputy Counsel

22 **ORIGINAL** of the foregoing and two copies of the Hopi Final HSR sent  
23 December 18, 2015 to:

23 Clerk of the Superior Court  
24 Apache County  
25 Attention: Water Case  
26 70 West Third South  
St. Johns, AZ 85936

State of Arizona  
Department of Water Resources  
1701 N. 2nd Street  
Phoenix, AZ 85004  
(602) 296-4070

San Community Library  
2404 Mustang Ave  
Tucson, AZ 85708  
(520) 532-2749

Objections

The enclosed Objection Booklet contains detailed information concerning the requirements for filing an objection, which must be received by the Clerk of the Apache County Superior Court by no later than June 15, 2014. An Objection Form is included in the Objection Booklet and must be used to file an objection to the final HSR report.

Additional information

Additional information for claimants concerning court proceedings for the Little Colorado River adjudication and the Hopi Reservation may be found at the following website: [www.superiorcourtrules.gov/superiorcourtrules.html](http://www.superiorcourtrules.gov/superiorcourtrules.html). Any questions regarding this notice should be directed to ADWR's (602) 771-8614 or (800) 246-1414 (toll free).

DATED this 18th day of December 2013.

ARIZONA DEPARTMENT OF WATER RESOURCES

*[Signature]*

David L. Miller, Deputy Counsel

David D. Hobbs, Deputy Counsel

ORIGINAL of the foregoing and a copy of the final HSR report

December 18, 2013 to:

Clerk of the Superior Court

Apache County

Antelope Water Case

70 West Third Street

Flagstaff, AZ 86001



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**COPIES** of the foregoing and the Final Hopi HSR sent December 18, 2015 to:

Judge Mark H. Brain  
Maricopa County Superior Court  
Central Court Building, Suite 12A  
201 W. Jefferson Street  
Phoenix, AZ 85003

Special Master Susan Ward Harris  
Maricopa County Superior Court  
Central Court Building Suite 3A  
201 W. Jefferson Street  
Phoenix, AZ 85003-2205

Vanessa Boyd Willard  
Indian Resources Section, ENRD  
United States Department of Justice  
Denver Field Office  
999 18<sup>th</sup> Street  
South Terrace, Suite 370  
Denver, CO 80202  
*Counsel for the United States*

Joseph P. Mentor, Jr.  
Bill Aloe  
MENTOR LAW GROUP, PLLC  
315 Fifth Avenue South, Suite 1000  
Seattle, WA 98104  
*Counsel for the Hopi Tribe*


**COPIES** of the foregoing sent on December 18, 2015 to all parties on the court-approved mailing list for CV 6417, all claimants in the LCR adjudication and to:

Mennonite Mission Network  
ATTN: Human Resources  
P.O. Box 370  
Elkhart, IN 46515-0370  
*Fee landowner within the Hopi Reservation*

Peabody Western Coal Company  
Jim Schlenvogt, Manager, Kayenta Mine  
Navajo Route 41  
Kayenta, AZ 86033  
*Lessee within the Hopi Reservation*

**LEGAL NOTICE** of the foregoing is being published in the following newspapers and is provided on ADWR's website at [www.azwater.gov](http://www.azwater.gov):

White Mountain Independent (for Apache County and Navajo County) . . . . .  
Arizona Daily Sun (for Coconino County)

  
\_\_\_\_\_

## Final Hydrographic Survey Report Hopi Indian Reservation

### OBJECTION BOOKLET

An Objection Form is included in this booklet that must be used to file an objection to the Final Hopi Hydrographic Survey Report (HSR). An objection to the Final Hopi HSR must be in writing and be notarized. The deadline for filing an objection is **June 15, 2016**.

Only persons who have filed a statement of claimant in the Little Colorado River adjudication may file an objection to the Final Hopi HSR, but are not required to do so. An objection must be made on a legal or factual basis to ADWR's proposed water right attributes, which are found in Chapter 5 of the Final Hopi HSR. Persons who object on a legal or factual basis also may comment on other portions of the Final Hopi HSR. An objection must state in clear and concise language the legal and/or factual reasons for the objection together with a brief description of the evidence to support those reasons. Additional information or documentation may be attached to the Objection Form.

The original copy of the notarized Objection Form and two copies (including any attachments) must be filed and *received* by the Clerk of the Apache County Superior Court by no later than **June 15, 2016**. There is no filing fee for objections. Copies of the Objection Form and any attachments also must be sent to counsel for the Hopi Tribe and counsel for the United States. Addresses for the Clerk of the Apache County Superior Court, counsel for the Hopi Tribe and counsel for the United States are included on the Objection Form.

Court proceedings will be scheduled at a later date to address objections that have been filed. Those persons who file an objection will receive notice of these proceedings. Information about court orders and deadlines may be found at the following website:

[www.superiorcourt.maricopa.gov/superiorcourt/generalstreamadjudication](http://www.superiorcourt.maricopa.gov/superiorcourt/generalstreamadjudication).

Questions concerning the filing of objections should be directed to ADWR at (602) 771-8634 or (866) 246-1414.