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12 *Attorneys for the San Carlos Apache Tribe
13 and Tonto Apache Tribe*

14 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
15 **IN AND FOR THE COUNTY OF MARICOPA**

16 IN RE: THE GENERAL
17 ADJUDICATION OF ALL RIGHTS
18 TO USE WATER IN THE GILA
19 RIVER SYSTEM AND SOURCE

Civil Nos. W-1, W-2, W-3, W-4
(Consolidated)

Contested Case No. W1-11-2664

**SAN CARLOS APACHE TRIBE AND
TONGO APACHE TRIBE'S FINAL
SUPPLEMENTAL DISCLOSURE
STATEMENT**

20 **CONTESTED CASE NAME:**

In re Redfield Canyon Wilderness Area

21 **H.S.R. INVOLVED:**

San Pedro River Watershed Hydrographic
Survey Report

22 **DESCRIPTIVE SUMMARY:**

The San Carlos Apache Tribe and Tonto Apache
Tribe submit their final supplemental disclosure
statement pursuant to Arizona Rule of Civil
Procedure 26.1, and the Special Master's Minute
Entry filed January 18, 2017.

23 **STATEMENT OF CLAIMANT #:**

24 39-12676, 39-63614 (San Carlos Apache Tribe)
25 39-50058, 39-12675 (Tonto Apache Tribe)

26 **NUMBER OF PAGES:**

27 3

1 **DATE OF FILING:**

March 6, 2017

2
3 The San Carlos Apache Tribe and the Tonto Apache Tribe ("Tribes") submit their Final
4 Supplemental Disclosure Statement pursuant to Arizona Rule of Civil Procedure 26.1 and the
5 Special Master's Minute Entry filed January 18, 2017.

6 **I. Issues Designated for Briefing**

7
8 In accordance with paragraphs XI(2)-(4) of the Special Master's July 9, 2014 Order,
9 this disclosure statement is limited to matters concerning the following issues:

- 10 A. How much, if any, unappropriated water was available on November 28,
11 1990?
- 12 B. If unappropriated water was available on November 28, 1990, what is the
13 quantity of water sufficient to fulfill the purposes of the Redfield Canyon
14 Wilderness Area?

15 Special Master's July 9, 2014 Order at 12.

16 **II. The Tribes' Supplemental Disclosure**

- 17 **A. The factual basis of the Tribes' claims concerning each of the designated**
18 **issues:**

19 Previously, the Tribes took no position as to the quantity of water sufficient to fulfill
20 the purposes of the Wilderness Area. The Tribes now take the position that the United States
21 is entitled to the instream use of all natural flows within the Redfield Canyon Wilderness
22 Area, subject to senior perfected rights upstream.

- 23
- 24 **B. The legal theory upon which the Tribes' claims are based including, where**
25 **necessary for a reasonable understanding of the claim, citations of**
26 **pertinent legal or case authorities:**
- 27

1 In general, the Tribes agree with the legal theory of the United States as stated in the
2 United States' Initial Disclosure Statement filed April 19, 2013.

3
4 Respectfully submitted this 6th day of March, 2017.

5 THE SPARKS LAW FIRM, P.C.

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16 ORIGINAL of the foregoing mailed
17 for filing this 6th day of March, 2017 to:

18 Clerk of the Arizona Superior Court

19 Maricopa County

20 Attn: Water Case

21 601 W. Jackson St.

22 Phoenix, AZ 85003

23 COPIES will be mailed the 7th day of March, 2017
24 to all people listed on the Court Approved Mailing
25 List for Contested Case No. W1-11-2664, dated January 19, 2017.

26
27 Laurel A. Herrmann