



U.S. Department of Justice

Environment and Natural Resources Division

HM:WAWwhite:gpr
90-6-2-54

Washington, D.C. 20530

November 22, 1994

Mr. Richard Lupke
Clerk of the Court
Apache County Superior Court
70 West 3rd Street
St. Johns, Arizona 85936

Dear Mr. Lupke:

Re: In re: The General Adjudication Of All
Rights Of Water Use In The Little Colorado
River System And Source, Civil No. 6417,
Superior Court, Apache County Arizona.

Enclosed for filing please find an original and one copy of the "United States' Statement of Amended Claims." Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. A. White".

William A. White
Attorney, Indian Resources Section
Environment and Natural Resources
Division

Enclosure

1
2
3 BRADLEY S. BRIDGEWATER
4 U.S. Department of Justice
5 999 18th Street, Suite 945
6 Denver, Colorado 80202
7 (303) 294-1900

8 WILLIAM A. WHITE
9 U.S. Department of Justice
10 Environment and Natural Resources Division
11 Indian Resources Section
12 P.O. Box 44378
13 Washington, D.C. 20026-4378
14 (202) 272-4125

15 Attorneys for the United States

16 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

17 IN AND FOR THE COUNTY OF APACHE

18 IN RE THE GENERAL ADJUDICATION) NO. 6417
19 OF ALL RIGHTS TO USE WATER IN)
20 THE LITTLE COLORADO RIVER) UNITED STATES' STATEMENT
21 SYSTEM AND SOURCE) OF AMENDED CLAIMS
22)
23)
24)
25)
26)

27 CONTESTED CASE NAMES: *In re Reporting of Diversion*
28 *Information and Other Objections.*

29 DESCRIPTIVE SUMMARY: Statement supporting the filing
30 of amended claims by the United States on behalf of the Hopi
31 Indian Tribe, the Navajo Nation, the White Mountain Apache
32 Tribe and the Zuni Pueblo, their lessees and allottees.

33 DATE OF MAILING TO CLERK OF THE COURT: November 22,
34 1994.

35 NUMBER OF PAGES: 4

36 Attached to this statement is a copy of Report of
Supplemental Water Claims By the United States of America for

1
2 the Indian Lands in the Little Colorado River Basin [Report]
3 which constitutes the amended claims to use water being filed
4 by the United States on its own behalf and as trustee for the
5 Navajo Nation, the Hopi Indian Tribe, the White Mountain
6 Apache Tribe and the Zuni Pueblo. This statement is being
7 filed in accordance with the Court's *Minute Entry* of April 18,
8 1994, and the *Memorandum from Special Master to Water Rights*
9 *Claimants in the Little Colorado River General Stream*
10 *Adjudication* (September 23, 1994), 5.

11 These amended claims are inclusive of all of the
12 categories discussed by the special master in the September
13 23, 1994, memorandum, to wit: (1) statements of claimant filed
14 by the United States on behalf of the tribes asserting water
15 rights based on **federal** law; (2) statements of claimant filed
16 by the United States on behalf of the tribes asserting water
17 rights based on **state** law;¹ (3) statements of claimant filed
18 by **lessees** of the tribes or of the United States asserting
19 tribal water rights based on **federal** law; (4) statements of
20 claimant associated with **allotments** of former reservation land
21 asserting water rights based on **federal** law (Walton rights);
22 (5) statements of claimants associated with lands owned by the
23
24

25 ¹The extent to which the Pueblo of Zuni may assert water
26 rights based on state law is being investigated and its claims
may be supplemented as necessary.

1
2 tribes that are not located on the reservation, new lands, or
3 fee lands.

4 The amended claims filed herewith represent the work
5 which has been accomplished to date and is not intended to be
6 a definitive statement of all claims to be made by the United
7 States on behalf of the tribes. The reconfiguration of this
8 litigation occasioned by the Court's order of January 27,
9 1994, and the short deadlines imposed upon the parties since
10 then has not permitted the United States to complete the work
11 on all its potential claims on behalf of the tribes by the
12 present date. See *Memorandum of United States, the Navajo*
13 *Nation, the Hopi Tribe and San Juan Southern Paiute Tribe in*
14 *Support of Their Motion to Delay the Filing of the*
15 *Hydrographic Survey Report for Indian Lands in the Little*
16 *Colorado River System*, 3-7. This situation is particularly
17 true for the claims made on behalf of the Zuni Pueblo for
18 water to be used for religious purposes. See Report, 10.

19 The finality of many of our claims filed so far is
20 further complicated by the uncertain situation with regards to
21 groundwater in the watershed. Once the groundwater issues now
22 before the Arizona Supreme Court are resolved, it may be
23 necessary for the United States to amend its claims in order
24 to conform with the Court's determinations.
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Respectfully submitted this 22nd day of November,
1994.

BRADLEY S. BRIDGEWATER
U.S. Department of Justice
999 18th Street, Suite 945
Denver, Colorado 80202
(303) 294-1900



WILLIAM A. WHITE
U.S. Department of Justice
Environment and Natural
Resources Division
Indian Resources Section
P.O. Box 44378
Washington, D.C. 20026-4378
(202) 272-4125



NATURAL RESOURCES CONSULTING ENGINEERS, INC.
CIVIL, ENVIRONMENTAL, AND WATER RESOURCES CONSULTANTS

November 22, 1994

Bradley S. Bridgewater
 U.S. Department of Justice
 999 18th Street, Suite 945
 Denver, Colorado 80202

William A. White, Esq.
 U.S. Department of Justice
 Environmental and Natural Resources Division
 Indian Resources Section
 P.O. Box 44378
 Washington, D.C. 20026-4378

Gentlemen:

Transmitted herewith is a summary of the amended water rights claims for the Indian Lands in the Little Colorado River basin. The claims, which include both agricultural and non-agricultural water uses, are summarized below.

Water Demand (Acre-feet)			
Water Use	Present or Recent	Future Additional	Total
Irrigation (Surface)	160,737	228,868	389,605
Irrigation (Ground)	7,874	124,519	132,393
Evaporation from Irrigation Storage	1,158	30,370	31,528
Municipal and Domestic	12,657	30,490	43,147
Stockponds	22,677	873	26,741
Recreation	2,478	404	2,882
Industrial	291	33,072	33,363
Mining	8,449	11,065	19,514
Religious	Study in Progress	Study in Progress	Study in Progress
Total	219,512	459,661	679,173

The studies conducted to arrive at the above claims were reconnaissance in nature and were based upon field studies and existing data and information. Additional data collection, field investigations and feasibility level studies will be necessary to refine the claims. Therefore, it can be expected that, at some future date, it will be necessary to revise the statement of claims.

Sincerely,
NATURAL RESOURCES CONSULTING ENGINEERS, INC.

Woldezion Mesghinna

Woldezion Mesghinna
President

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NATURAL RESOURCES CONSULTING ENGINEERS, INC.

CIVIL, ENVIRONMENTAL, AND WATER RESOURCES CONSULTANTS

**REPORT OF AMENDED WATER CLAIMS
BY
THE UNITED STATES OF AMERICA
FOR THE INDIAN LANDS
IN THE LITTLE COLORADO RIVER BASIN**

In Connection With
The General Adjudication of
All Rights of Water Use in the
Little Colorado River System
and Source, Civil No. 6417,
Superior Court, Apache County, Arizona

Prepared for
U.S Department of Justice

November 22, 1994

Prepared by
NATURAL RESOURCES CONSULTING ENGINEERS, INC.

11 Old Town Square, Suite 250
Fort Collins, Colorado 80524
(303) 224-1851/FAX (303) 224-1885

1250 Addison Street, Suite 204
Berkeley, California 94702
(510)841-7814/FAX (510)841-3728

East Africa Office
Ras Dashen Street #5
Asmara, Eritrea

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INTRODUCTION

This amended claim has been prepared in response to the Draft Hydrographic Survey Report for Indian Lands in the Little Colorado River System prepared by the Arizona Department of Water Resources in September 1994. This supplemental claim includes water claims associated with the Navajo, Hopi, White Mountain Apache Indian Reservations, San Juan Southern Paiute Lands and the Zuni Pueblo in Arizona.

The studies conducted to arrive at this claim were reconnaissance in nature and were based upon field study, existing data and information. Additional data collection, field investigations, and feasibility level studies will be necessary to refine the claims. Therefore, it can be expected that, at some future date, it will be necessary to revise the statement of claims.

IRRIGATION WATER USE (SURFACE WATER)

Description of Water Use

Current or recent use of surface waters for irrigation and diversion of water from the Little Colorado River or its tributaries to off-stream projects and storage facilities for future irrigation use.

Location and Source of Water Use

There are approximately 104,304 acres of currently or recently irrigated land using surface waters on Indian Lands in the Little Colorado River basin. Based on interpretation of aerial photos and limited field investigation, there are 69,223 irrigated acres on the Navajo Reservation and 32,893 acres on the Hopi Reservation. There are 28.5 acres claimed on San Juan Southern Paiute Lands and 2,159 acres on the Zuni Pueblo in Arizona. Water claims for these irrigated lands are tabulated by reservation in Table I.

On the Hopi and Navajo Reservations, 64,480 of future irrigated acres will be served directly from the Little Colorado River and 19,103 acres will be served from the various tributaries of the Little Colorado River. Of this acreage, 79,213 future irrigable acres are on the Navajo Reservation and 4,400 acres are on the Hopi Reservation. 703 acres on the Navajo New Lands will be irrigated from the Puerto River and Playa streams. Based on aboriginal rights, 4,270 future additional acres on the Zuni Pueblo will be irrigated from the Little Colorado, and Zuni Rivers, their tributaries, and groundwater. Water claims for these future lands are also tabulated by reservation in Table I.

Table I Irrigation Water Use (Surface Water)

Tribe	Current or Recent Irrigation Water Use (AF)	Future Additional Irrigation Water Use (AF)	Total Irrigation Water Use (AF)
Navajo	108,464	194,388	302,852
Hopi	42,937	15,780	58,717
San Juan Southern Paiute	160	0	160
Zuni	9,176	18,700	27,876
Total	160,737	228,868	389,605

EVAPORATION FROM IRRIGATION STORAGE

Description of Water Use

Evaporation from both current or recent, and planned future irrigation reservoirs.

Location of Water Use

The claims for 18 current or recent, and 13 future irrigation reservoirs on the tributaries of the Little Colorado River are located on the Navajo and Hopi Reservations. The evaporation from irrigation storage is tabulated in Table II.

Table II Evaporation from Irrigation Storage

Tribe	Current or Recent Evaporation Use (AF)	Future Additional Evaporation Use (AF)	Total Evaporation Use (AF)
Navajo	969	21,008	21,977
Hopi	186	9,359	9,545
San Juan Southern Paiute	3	3	6
Total	1,158	30,370	31,528

IRRIGATION WATER USE (GROUND WATER)

Description of Water Use

Current or recent, and future additional use of groundwater for irrigation.

Location and Source of Water Use

There are 1,287 acres of currently or recently irrigated lands using groundwater from the Indian Lands in the Little Colorado River basin. Based on interpretation of aerial photos and limited field verification, 881 acres irrigated by groundwater are on the Navajo Reservation. 289 acres are on the Hopi Reservation, 15 acres on the San Juan Southern Paiute Lands, and 371 acres on the Zuni Pueblo in Arizona. Claims for the Navajo New Lands are currently under investigation.

The future irrigable lands are served by sources underlying the Reservations. Groundwater for the Indian Reservation lands will be diverted from four aquifers: (1) N-aquifer, mainly Navajo Sandstone; (2) C-aquifer, mainly Coconino Sandstone; (3) the alluvium of the Little Colorado River; (4) D-aquifer, mainly Dakota Sandstone. Other water bearing formations may also be used.

On the Navajo and Hopi Reservations, 4,529 acres will be served by groundwater from the Little Colorado Alluvium near Leupp, and 30,072 acres of irrigable land will be served by other aquifers. There are 29,341 acres of future irrigable land that will be served by groundwater on the Navajo Reservation, 5,260 acres on the Hopi Reservation, 4,489 acres on the Navajo New Lands, and 1,732 acres on San Juan Southern Paiute Lands. Water requirements for these lands these acres are tabulated by reservation in Table III.

Table III Irrigation Water Use (Ground Water)

Tribe	Present or Current Irrigation Use (AF)	Future Additional Irrigation Use (AF)	Total Irrigation Use (AF)
Navajo*	4,962	103,574	108,536
Hopi	1,250	15,780	17,030
San Juan Southern Paiute	85	5,165	5,250
Zuni	1,577	0	1,577
Total	7,874	124,519	132,393

*Includes Navajo New Lands

MUNICIPAL AND DOMESTIC GROUNDWATER USE

Description of Water Use

Municipal and Domestic water use is for communities, towns, villages, homesites and farmsteads.

Location and Source of water Use

The Navajo Tribe is currently compiling a recently completed inventory that, to date, has identified a total of 1,056 wells and 551 springs on the Reservation and other tribal land. An inventory of Navajo wells conducted in 1990 identified 82 public water supply systems with 159 wells. This inventory included private companies, business and trading posts, schools and missions, Navajo Tribal Utility Authority systems, and tribally operated wells.

Recently completed inventories identified 302 stock and domestic wells and 205 stock and domestic springs on the Hopi Reservation. A previous study identified 23 additional Hopi public water supply wells.

There are 45 wells and springs on the San Juan Southern Paiute Lands. Of these, at least 40 have stock use, 35 have domestic use and 9 have irrigation use. The Zuni Reservation has 10 wells and springs. Of these, 5 have stock use, 6 have domestic use, 2 have irrigation use and several have religious use. The White Mountain Apache Reservation has 2 wells with municipal, domestic, commercial and industrial, and recreational uses. An inventory of wells and springs for domestic, municipal and stock uses is provided in Table IV.

Future additional municipal and domestic uses will occur throughout the Reservations by expanding the present communities and by changing from water hauling practices to the public water supply systems. The future water demand for the Navajo, Hopi, and San Juan Southern Paiute is based on the population projections to 2040.

The sources of water for both present and future use is ground water in various aquifers and water-bearing rocks and deposits that are located throughout the Reservations. The municipal and domestic uses by Reservation are listed in Table V.

Table IV Inventory of Wells and Springs

Tribe	Wells & Springs
Navajo	1,607
Hopi	507
San Juan Southern Paiute	45
White Mountain Apache	2
Zuni	10
Total	2,171

Table V Municipal and Domestic Water Use

Tribe	Present Domestic Use (AF)	Future Additional Use (AF)	Total Use (AF)
Navajo	10,481	25,199	35,680
Hopi	1,793	4,367	6,160
San Juan Southern Paiute	36	88	123
White Mountain Apache	323	777	1,100
Zuni	24	59	83
Total	12,657	30,490	43,146

RECREATION WATER USE

Description of Water Use

Present recreation water use is for camping, fishing and evaporation from lakes and reservoirs. Proposed additional future water uses include additional lakes and related facilities on the Reservations.

Location and Source of Water Use

The recreational water sources are located on all the Reservations. The sources of water for recreational uses are the watersheds tributary to the lakes and reservoirs. The Navajo Reservation has 58 current, and 4 future lakes and reservoirs. The Hopi Reservation has 4 current, and 3 future lakes and reservoirs. There are two wells on the White Mountain Apache Reservation which also serve recreational uses.

Table VI Recreational Water Use

Tribe	Present Recreational Use (AF)	Future Recreational Use (AF)	Total Recreational Use (AF)
Navajo	2,236	227	2,463
Hopi	80	151	231
White Mountain Apaches	162	26	188
Total	2,478	404	2,882

RELIGIOUS WATER USES

Description

The Zuni Pueblo in Arizona has current and recent use of water for religious purposes near the confluence of the Little Colorado and Zuni Rivers (Zuni Heaven). The source of water is surface water from the Little Colorado River and its tributaries, lakes and springs, and groundwater.

Location and Source of Water Use

The Pueblo of Zuni has used the Zuni Reservation in Arizona, known as Kolhu/wala:wa or "Zuni Heaven" for traditional religious purposes since time immemorial. The uses associated with the area include traditional religious and cultural uses requiring sufficient water to restore and maintain the lakes, springs and riparian habitat. The total water use is currently under investigation and this claim will be supplemented upon completion of such investigation.

STOCK WATER USE

Description of Water Use

Stock water use is based on an estimated average volume and a single annual fill of the stockponds. This volume includes, among other losses, losses due to evaporation and stock water use.

Location and Source of Water Use

The Navajo Nation is currently compiling a recently completed inventory that has, to date, identified 2,422 stockponds on the Navajo Reservation and other tribal land. An additional 535 stockponds on the Hopi Reservation have been investigated or mapped. 29 stockponds are located on the Zuni Pueblo and 22 are on the San Juan Southern Paiute Land.

Additional future stockpond usages will be located throughout the Reservations.

The sources of water for both present and future stock water purposes is ground water present in various aquifers and water-bearing rocks and deposits that are located throughout the Reservations. Water can also come from surface runoff. The stockpond facilities are summarized in Table VII

Table VII Stockpond, Lake and Reservoir Water Use

Tribe	Stockpond Use (AF)	Future Stockpond Use (AF)	Total Stockpond Use (AF)
Navajo	20,829	675	21,504
Hopi	4,601	176	4,777
San Juan Southern Paiute	189	12	201
Zuni	249	10	259
Total	25,868	873	26,741

INDUSTRIAL WATER USE

Description of Water Use

Water consumed for processing, light industries, steam power plant cooling and other miscellaneous industrial applications.

Location and Source of Water Use

The sources for present and future additional industrial water use are primarily the N-aquifer (mainly Navajo Sandstone) and the C-aquifer (Coconino Sandstone). Other aquifers throughout the Reservations may provide water for industrial applications. The Navajo Nation has 338 wells with industrial use. Both of the White Mountain Apache wells serve industrial uses. The industrial water uses are presented in Table VIII.

Table VIII Industrial Water Use

Tribe	Present Industrial Use (AF)	Future Additional Use (AF)	Total Industrial Use (AF)
Navajo	129	31,970	32,099
Hopi	0	1,102	1,102
White Mountain Apache	162	0	162
Total	291	33,072	33,363

MINING WATER USE

Description of Water Use

Water consumption for pipeline slurry, dust control, construction, potable purposes, evaporation from sedimentation ponds and related mining activities.

Location and Sources of Water Use

The location of present mining uses are at the Peabody Coal Company mine on Black Mesa. Future mining activities may be located throughout the Reservations. Additional future uses will result from development of future sedimentation ponds which will be located at or near future mining sites. There are 56 wells on the Navajo Reservation which serve mining uses. The current and future uses on the Navajo and Hopi reservations are listed in Table IX.

Sources of mining water use will be primarily from the N-Aquifer (mainly Navajo Sandstone) and C-Aquifer (mainly Coconino Sandstone). However, groundwater in other aquifers and water bearing rocks and deposits may be used. Additional water is derived from surface runoff.

Table IX Mining Water Use

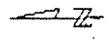
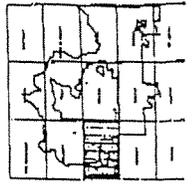
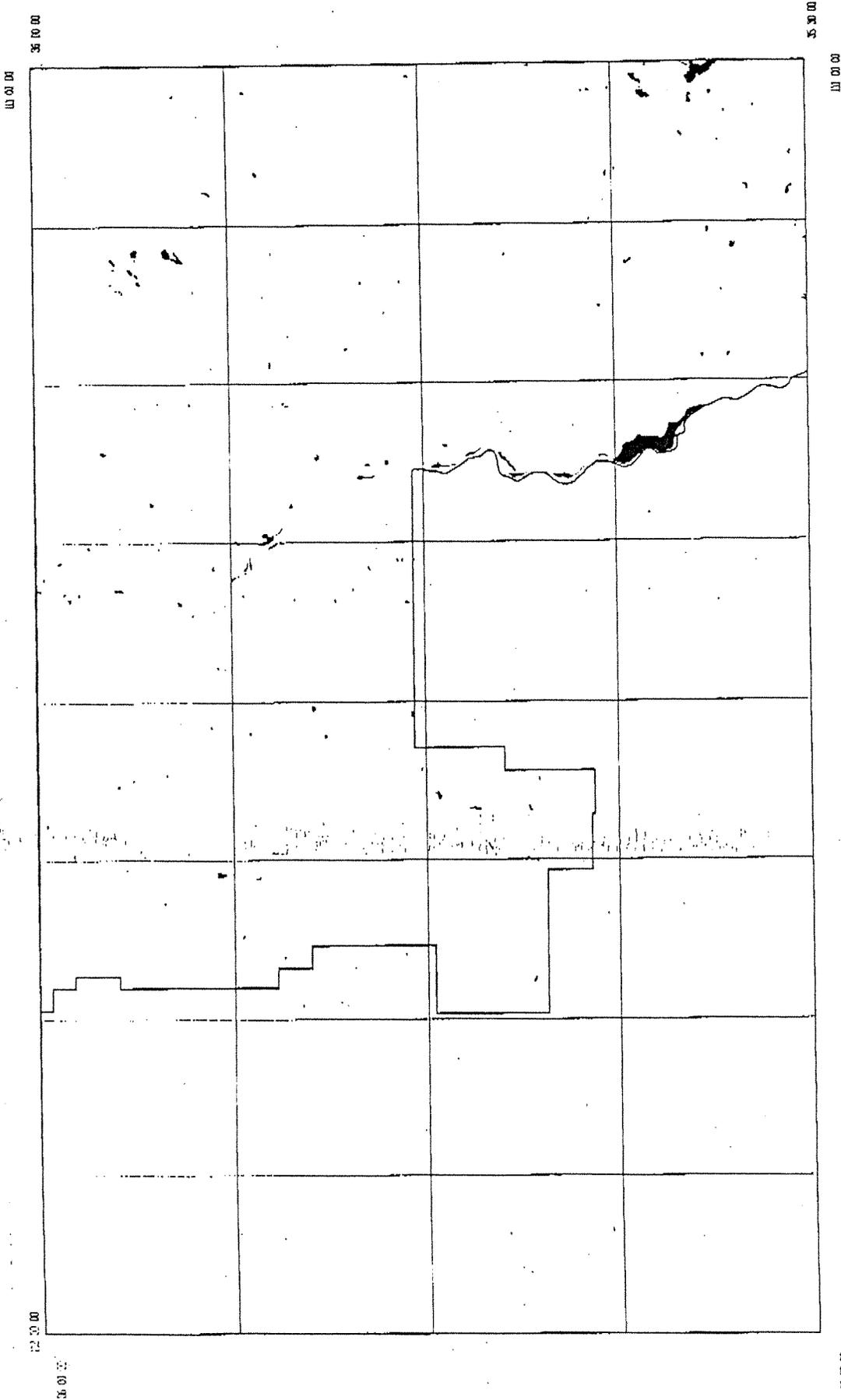
Tribe	Present Mining Use (AF)	Future Mining Use (AF)	Total Mining Use (AF)
Navajo & Hopi	8,449	11,065*	19,514
Total	8,449	11,065	19,514

*Aggregated from the 1985 SOC (39-05-91441)

MAPS

Photo-Interpreted Existing & Historic Irrigated Lands

Cameron



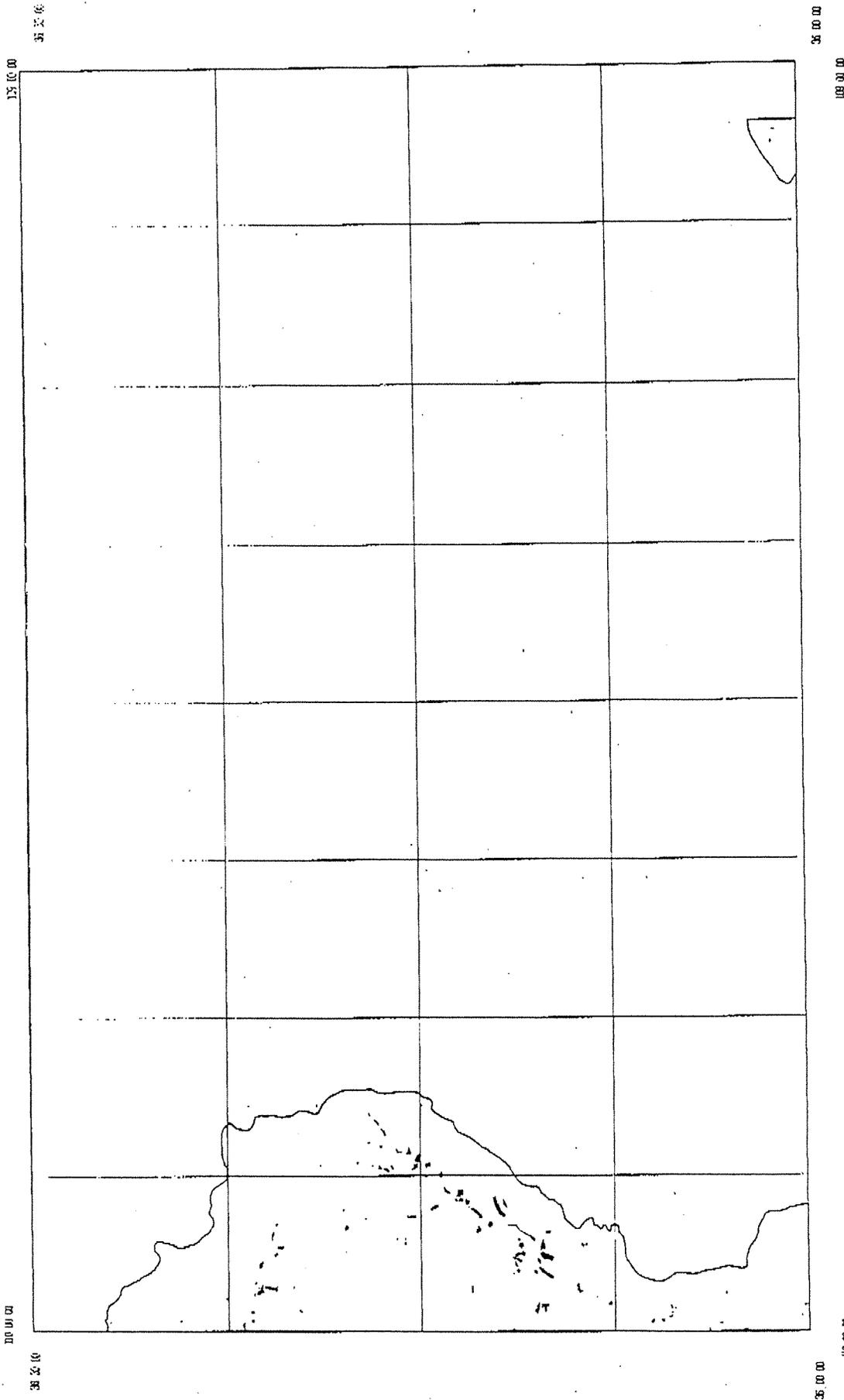
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- Canals
- Reservation Boundary
- 7.5' Quad Boundary

Map was created by David S. Goodrich, Inc. and Khorst L.

Photo Interpreted Existing and Historic Irrigated Lands - Cameron

Photo-Interpreted Existing & Historic Irrigated Lands

Canyon de Chelly

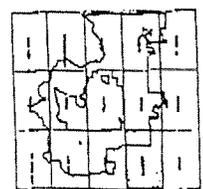
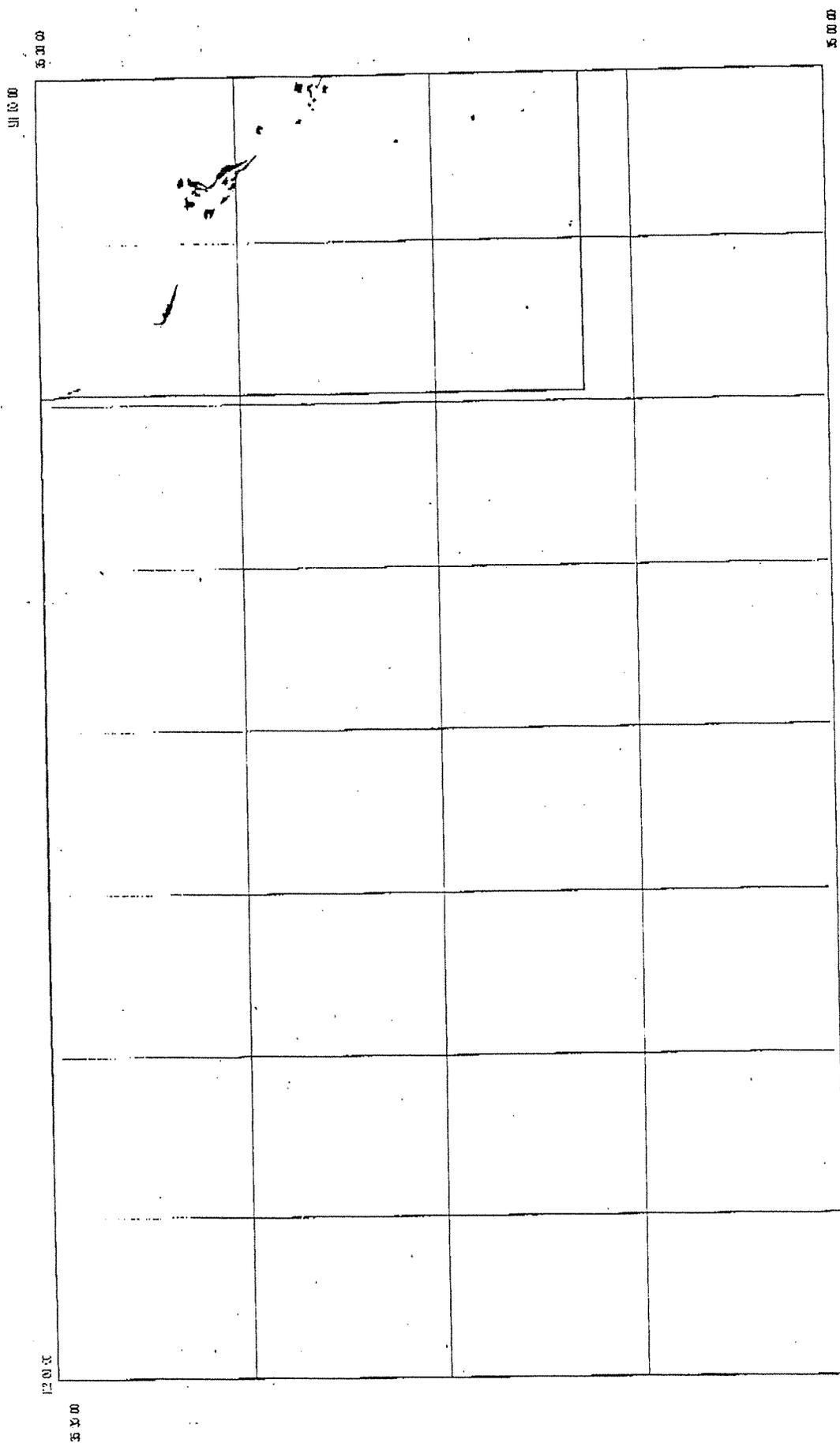


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- ▨ Canals
- ▭ Reservation Boundary
- ▩ 7.5' Quad Boundaries

Database compiled by BE/SPD by Elvert & Associates, Inc. and Edward L. Gaudin & Associates in cooperation with the Department of Justice and the Bureau of Indian Affairs
 Forester 1991

Photo Interpreted Existing and Historic Irrigated Lands - Canyon de Chelly

Photo-Interpreted Existing Historic Irrigated Lands
Flagstaff



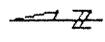
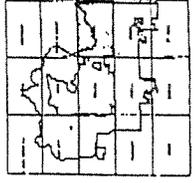
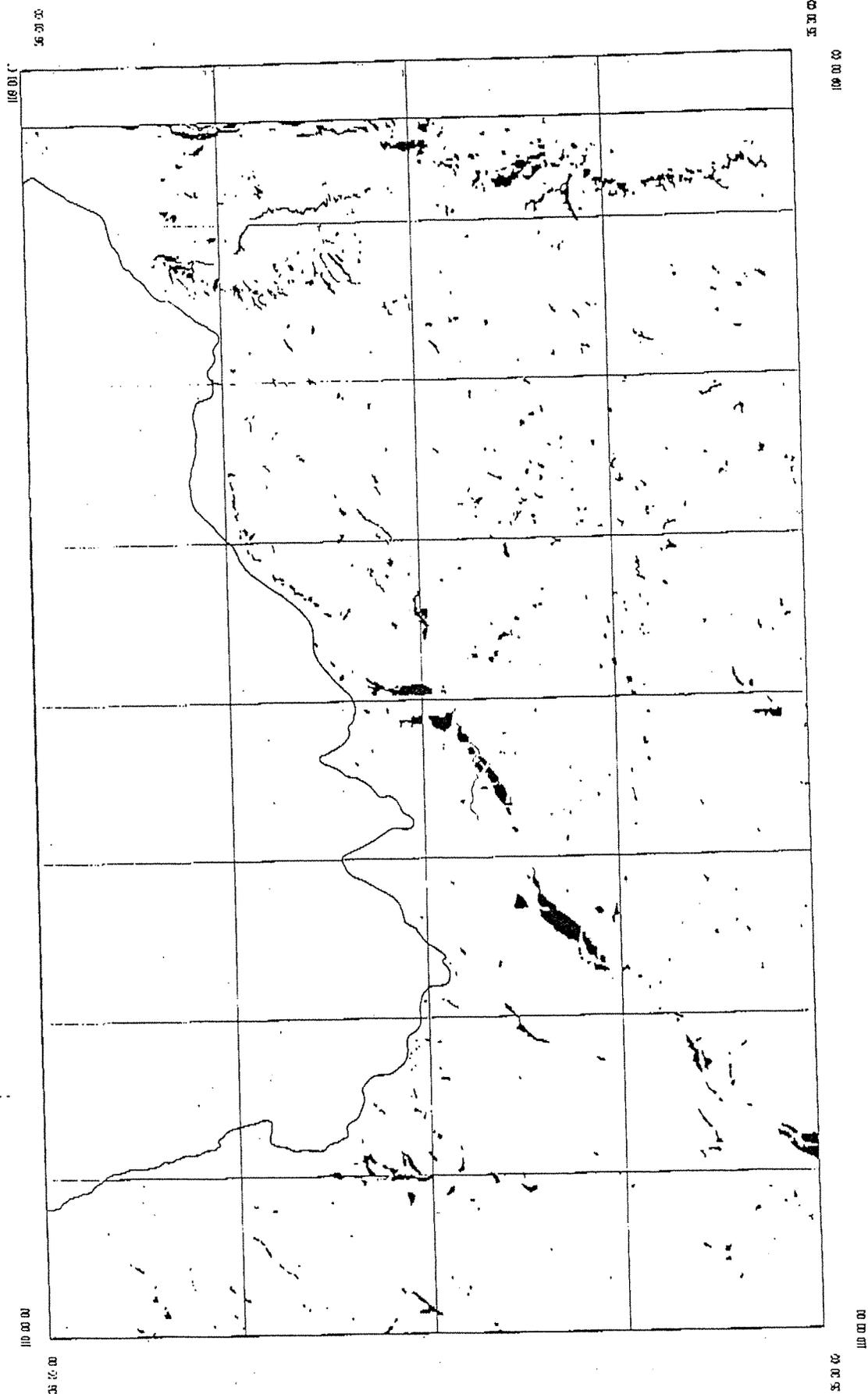
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- ▣ Reestablishment Boundary
- ▤ 7.5' Quad Boundaries

Available compiled by NR/HRD by East & Associates, Inc. and Howard L. Gaudin & Associates in cooperation with the Department of Justice and the Bureau of Indian Affairs.

Photo Interpreted Existing and Historic Irrigated Lands - Flagstaff

Photo-Interpreted Existing Historic Irrigated Lands

Ganado



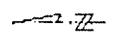
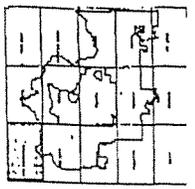
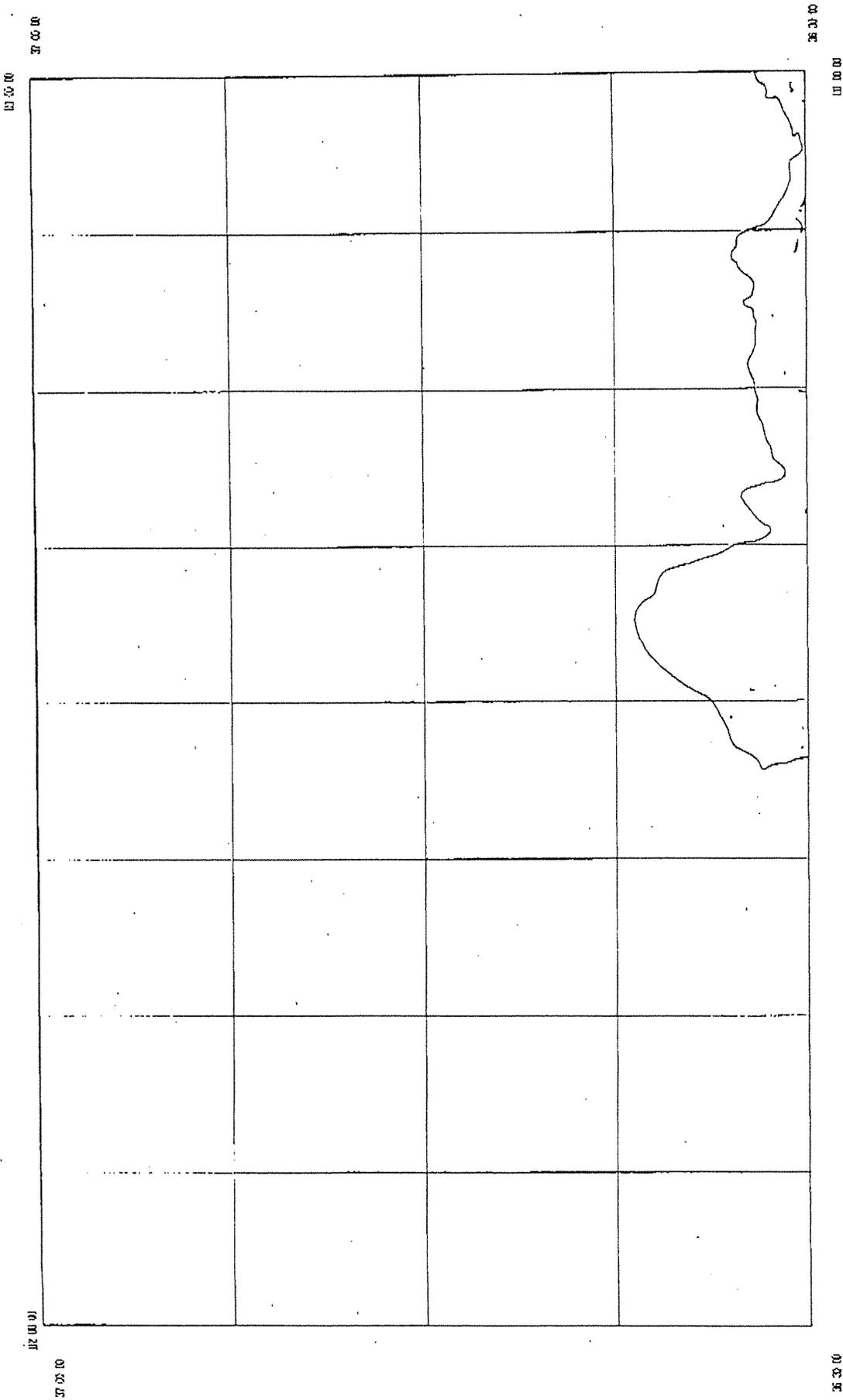
- Fields
- Canals
- ⊗ Recreation Boundary
- ⊠ 7.5' Road Boundaries

Database compiled by MC/HRD by Ebert & Associates, Inc. and Edward L. Coe & Associates in cooperation with the Department of Justice and the Bureau of Indian Affairs

Photo Interpretation Existing and Historic Irrigated Lands - Ganado

Photo-Interpreted Existing & Historic Irrigated Lands

Glen Canyon Dam



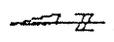
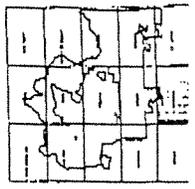
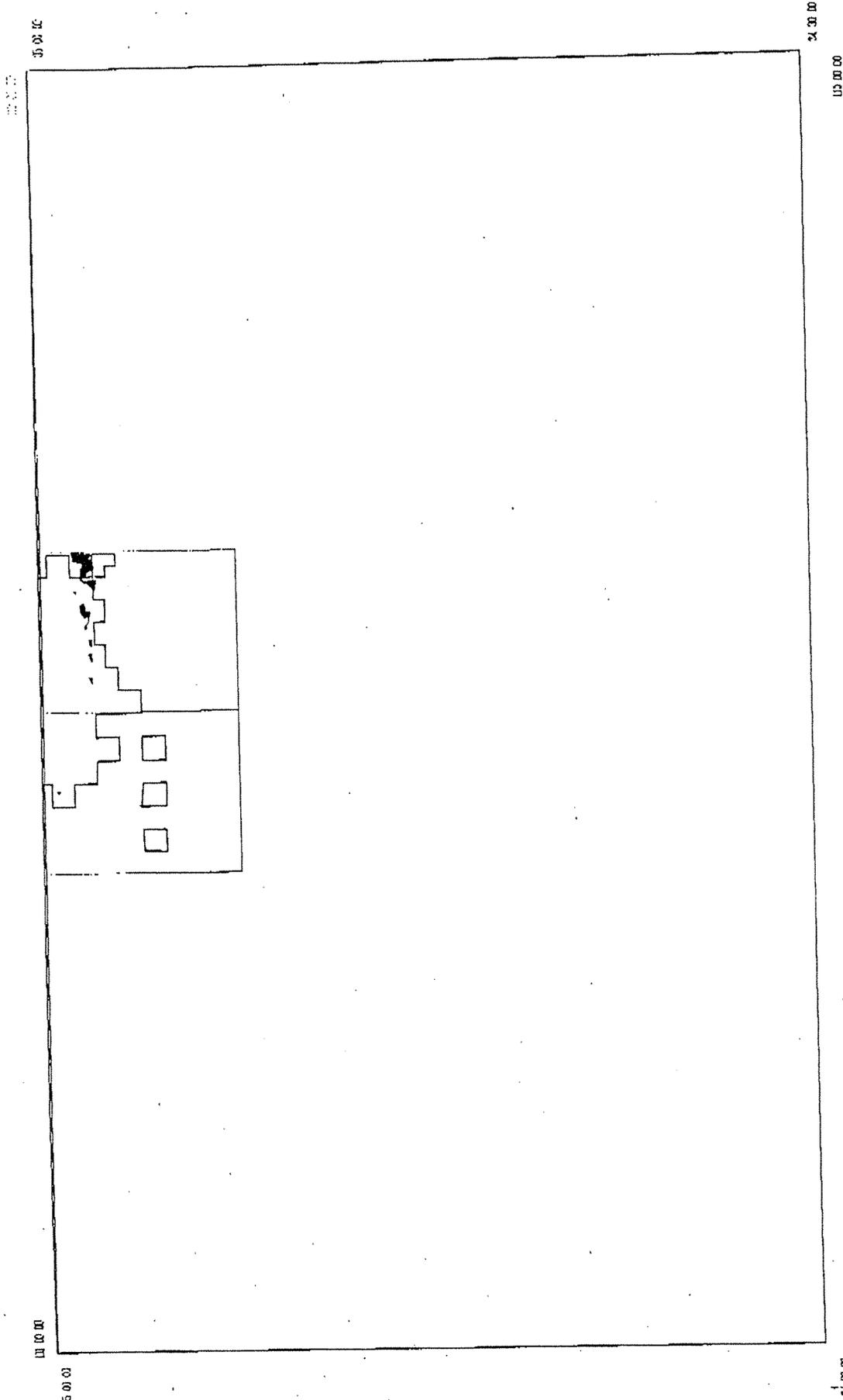
- Fields
- Canals
- ▤ Reservation Boundary
- ▦ 7.5' Quad Boundaries

Materials compiled in 1979 by Herb J. Brubaker, Inc. and Ronald L. Gaudin & Associates in cooperation with the Department of Justice and

Photo Interpreted Existing and Historic Irrigated Lands - Glen Canyon Dam

Photo-Interpreted Existing & Historic Irrigated Lands

Holbrook

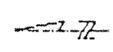
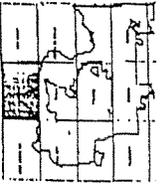
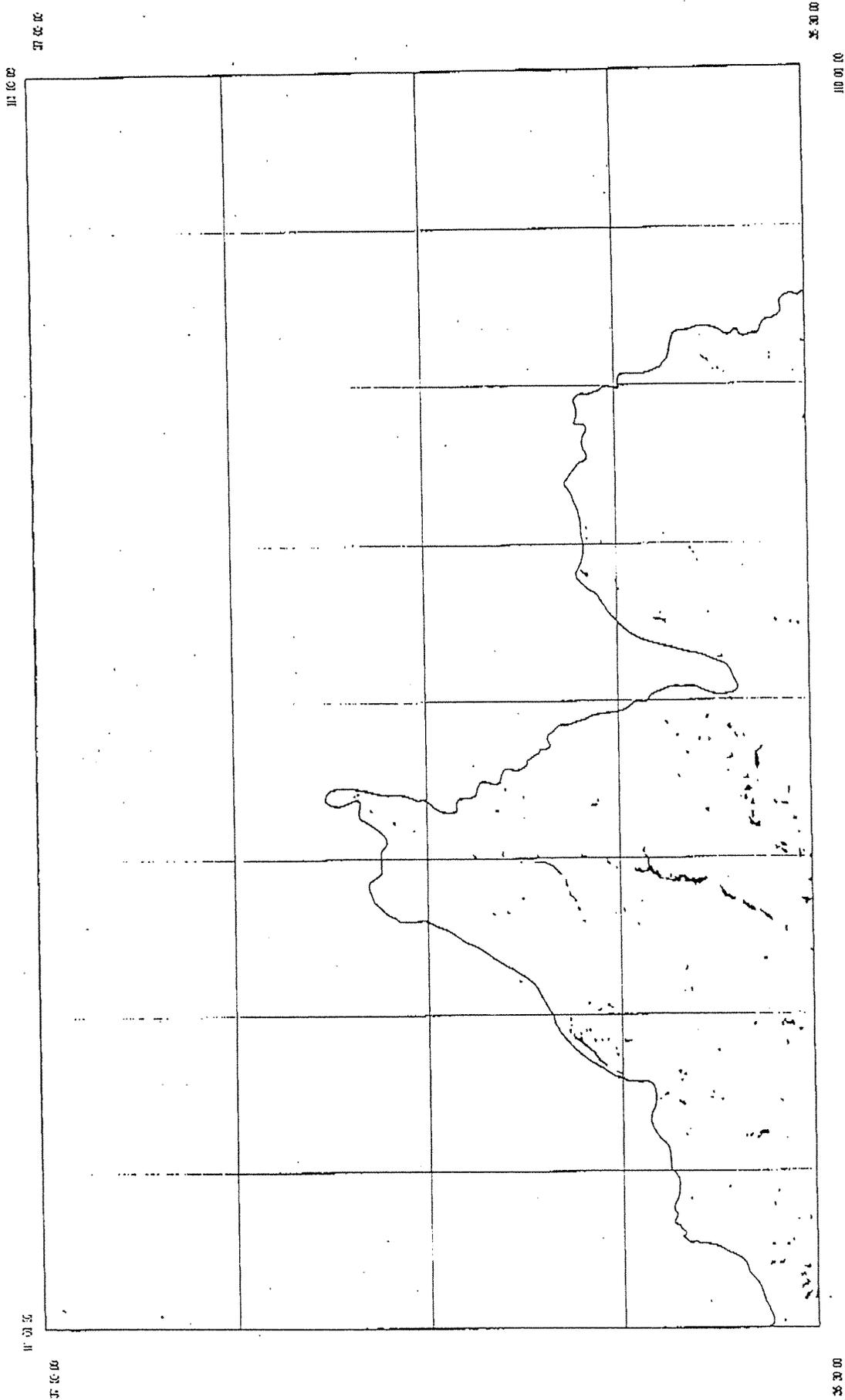


- Fields
- ▨ Canals
- ▩ Reservation Boundary
- ▧ 7.5' Quad Boundaries

Database compiled by ERI/HRG by ERI & Associates, Inc. and Howard L. ...

Photo Interpreted Existing and Historic Irrigated Lands - Holbrook

Photo-Interpreted Existing & Historic Irrigated Lands
Kayenta



- Fields
- ▨ Canals
- ▤ Reservation Boundary
- ▧ 7.5' Grid Boundaries

Database compiled by DORIS to Dept. of Agriculture, Inc. and Elbert

Photo Interpreted Existing and Historic Irrigated Lands - Kayenta

Photo-Interpreted Existing & Historic Irrigated Lands

Pinon

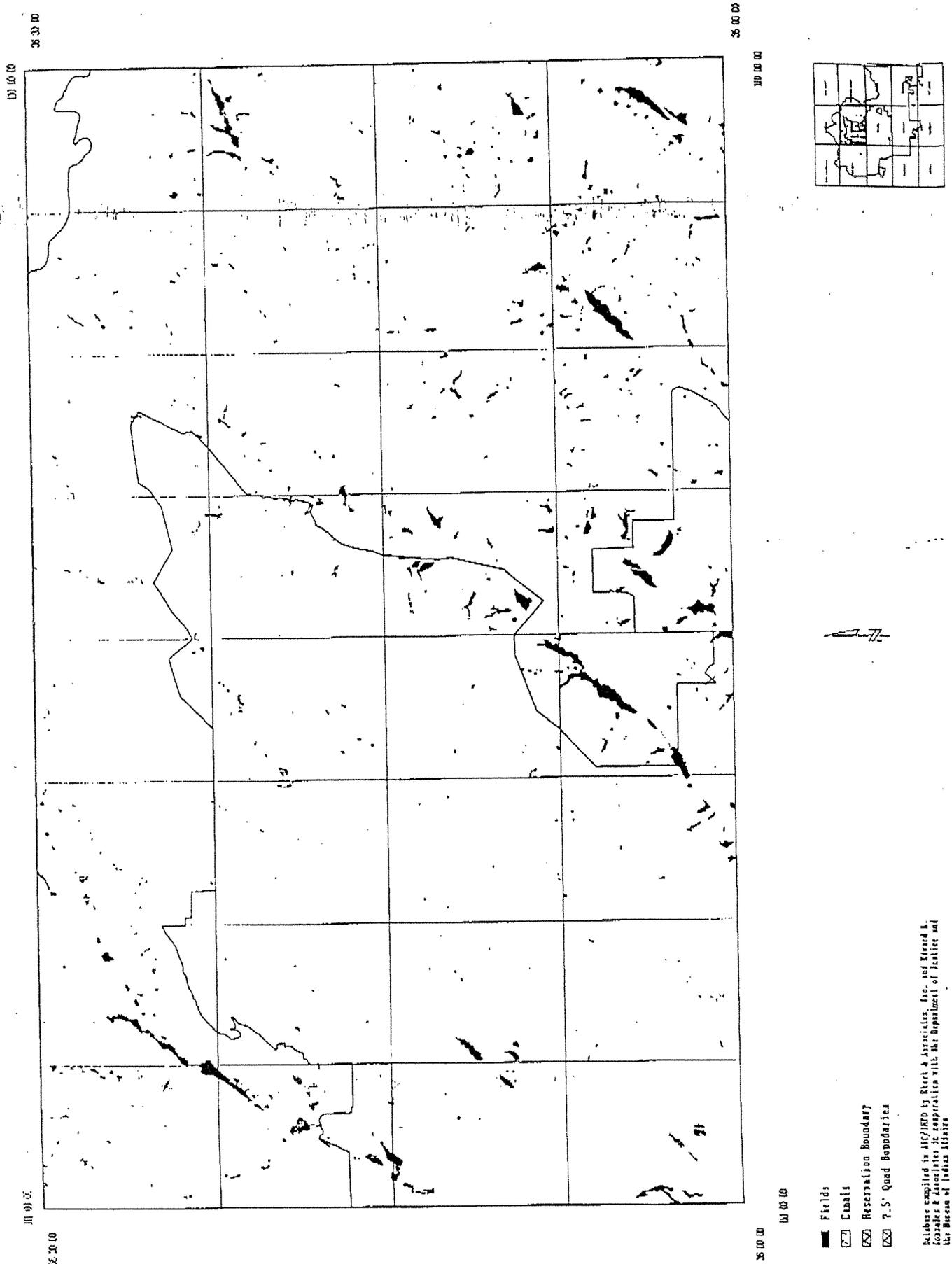
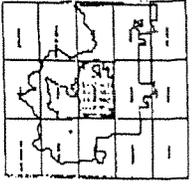
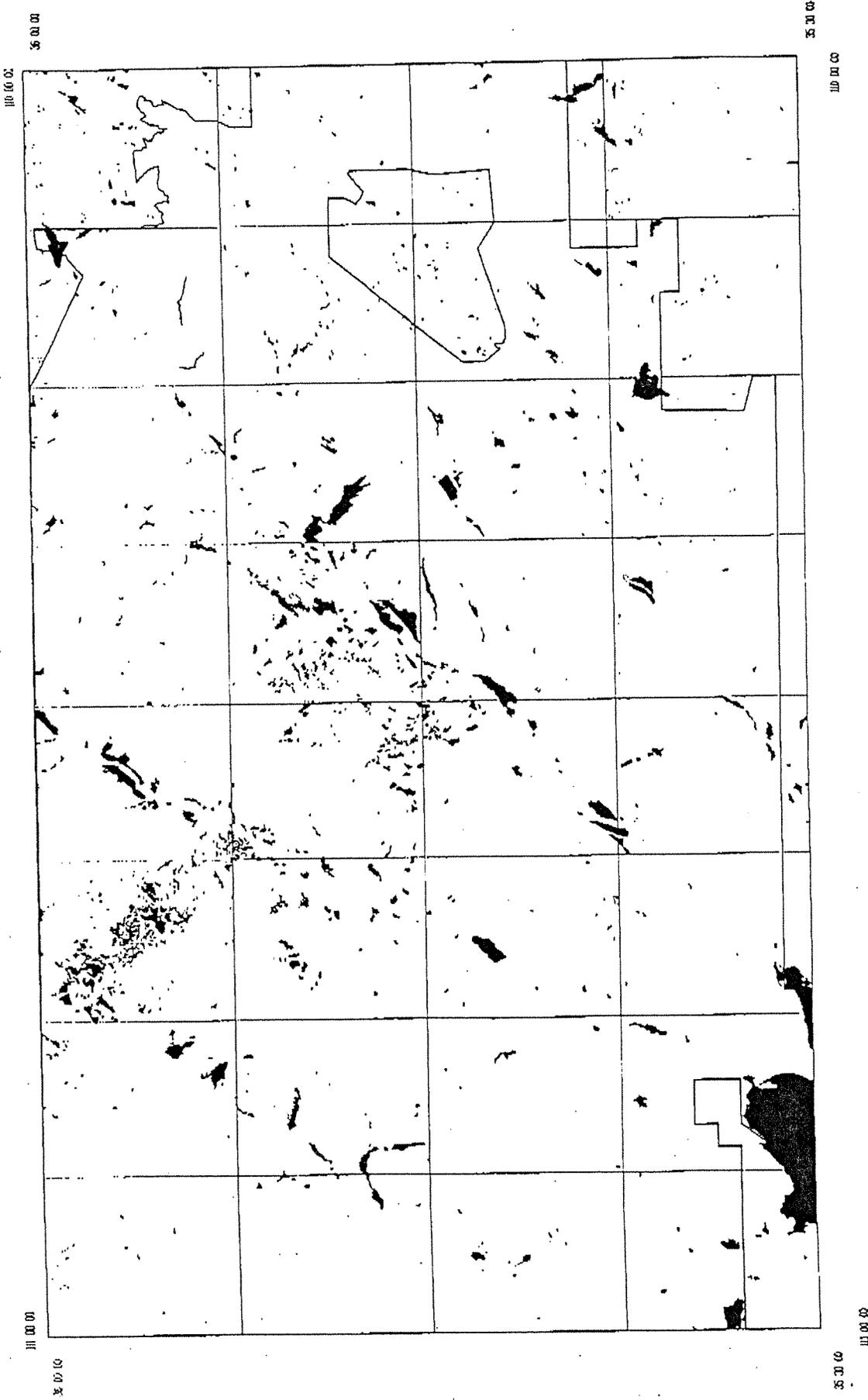


Photo Interpreted Existing and Historic Irrigated Lands - Pinon

Academy compiled by JWC/USD by R. K. & Associates, Inc. and Edward L. ...

Photo-Interpreted Existing Historic Irrigated Lands

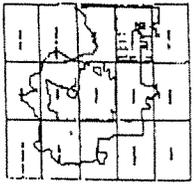
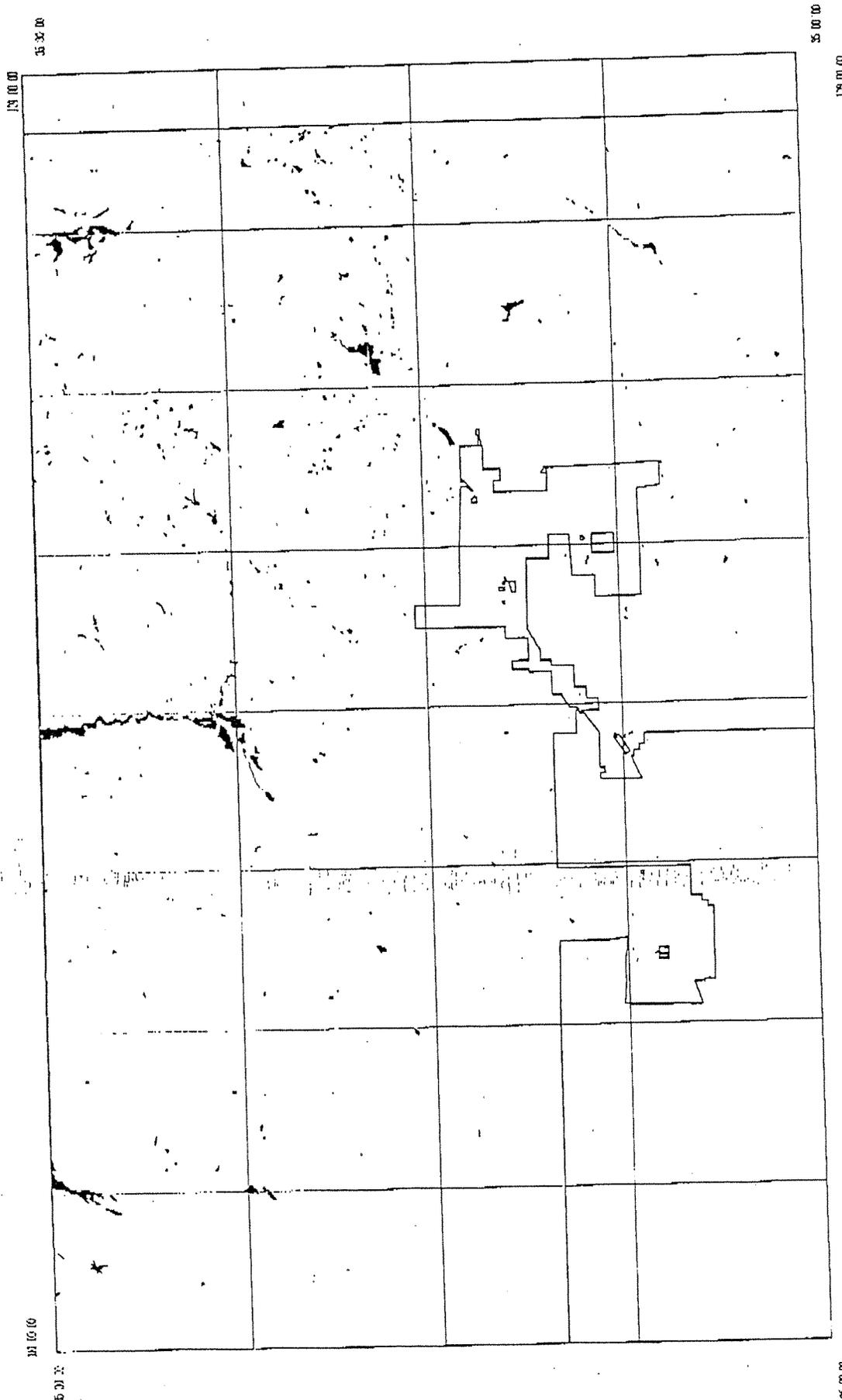
Polacca



- fields
- canals
- - - Reservation Boundary
- ▭ 7.5' Quad Boundaries

Database compiled by NR/IBO by Cheryl K. Branstetter, Jnr., and Edward L. Gaudin & Associates in cooperation with the Department of Reclamation and the Bureau of Indian Affairs.

Photo-Interpreted Existing and Historic Irrigated Lands
Sanders



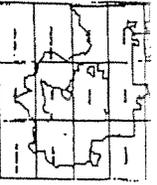
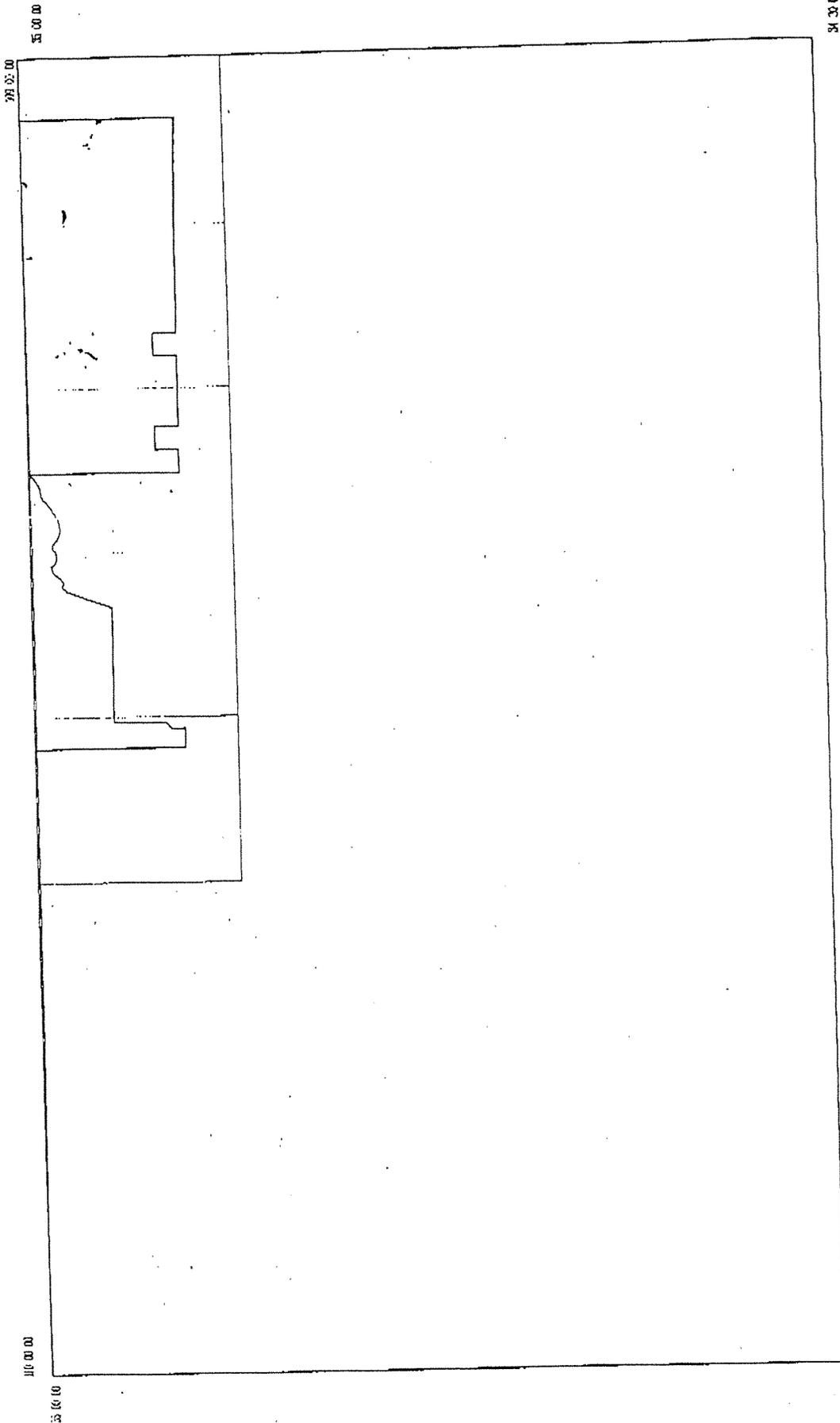
- Fields
- ▨ Canals
- ▧ Reservation Boundary
- ▩ 7.5' Quad Boundaries

Materials compiled by ARC/INFO by Thert K Associates, Inc. and Edward L. Gosselin & Associates in cooperation with the Department of Justice and the Bureau of Indian Affairs

Photo Interpreted Existing and Historic Irrigated Lands - Sanders

Photo-Interpreted Existing & Historic Irrigated Lands

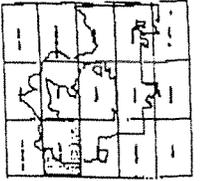
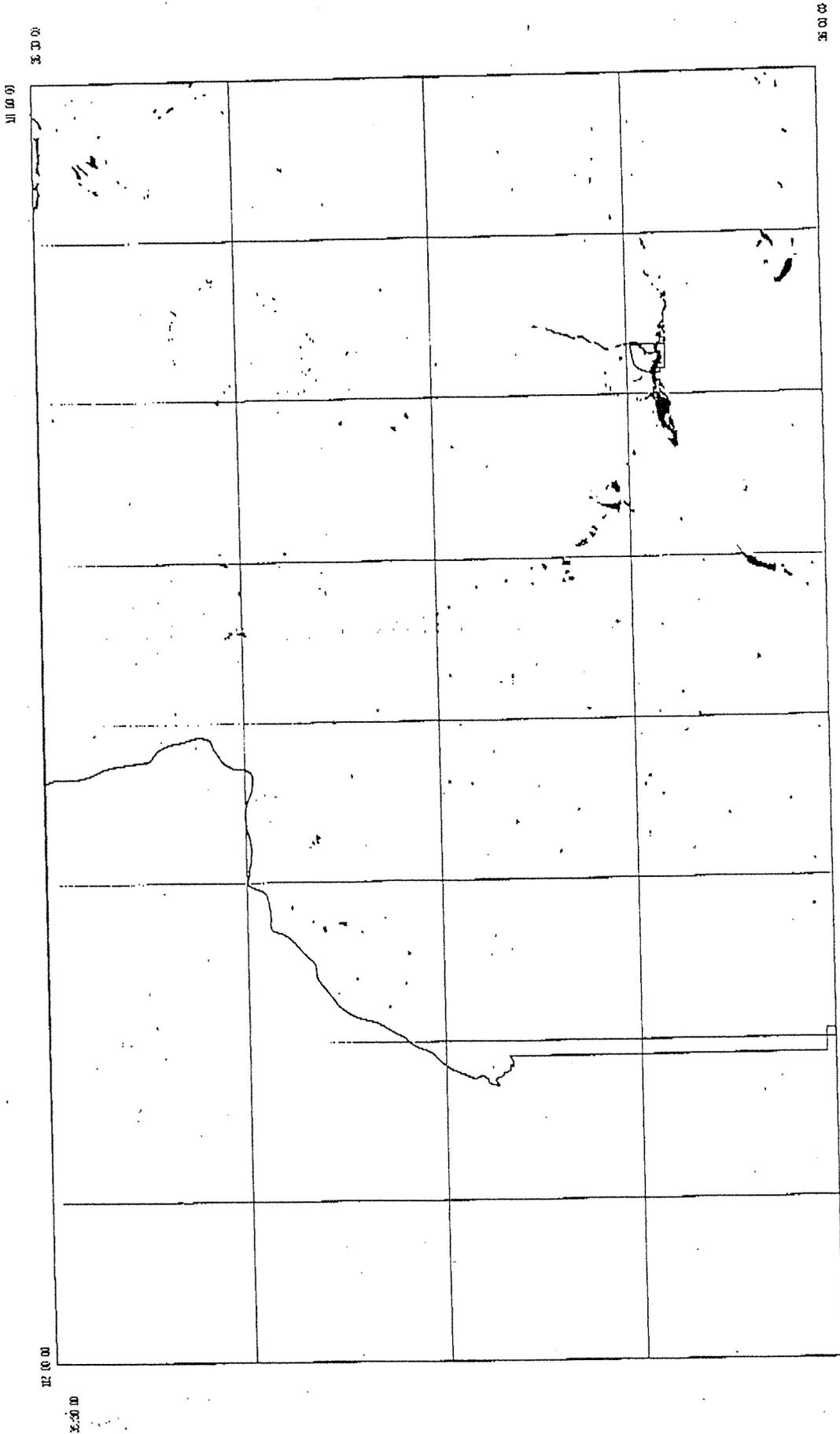
St. Johns



- Fields
- Canals
- Reservoir Boundary
- 7.5' Quad Boundaries

Photo Interpreted Existing and Historic Irrigated Lands - St. Johns

Photo-Interpreted Existing & Historic Irrigated Lands
Tuba City

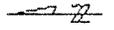
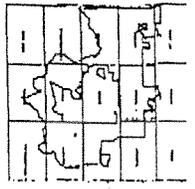
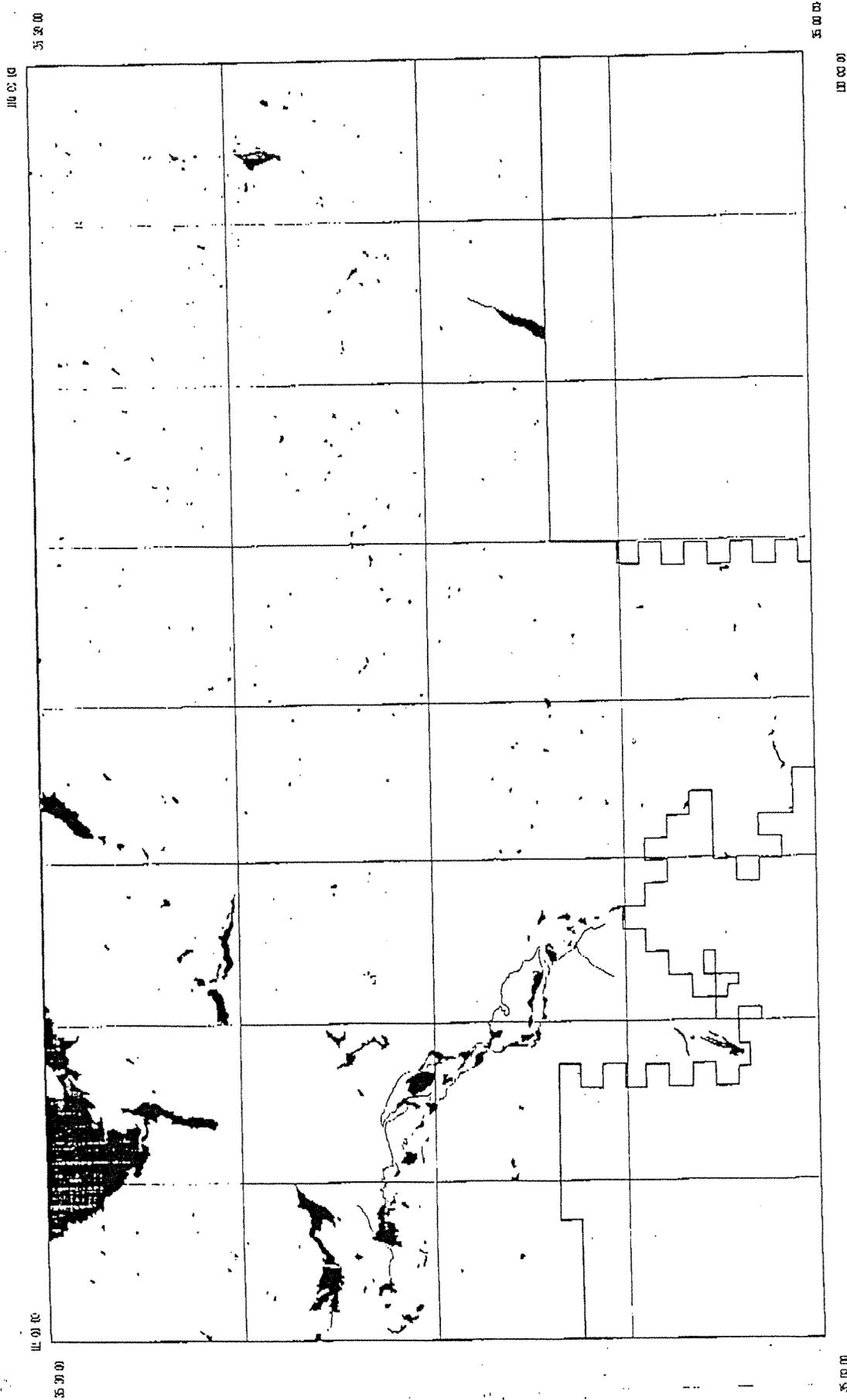


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- 112 00 00
- 112 00 00
- 36 00 00
- Fields
- ▨ Canals
- ▩ Reservation Boundary
- ▧ 7.5' Quad Boundaries

Map was compiled by SAC/PHD by Hart & Associates, Inc. and Edward L. Fournier & Associates in cooperation with the Department of Justice and the Bureau of Reclamation.

Photo-Interpreted Existing & Historic Irrigated Lands

Winslow



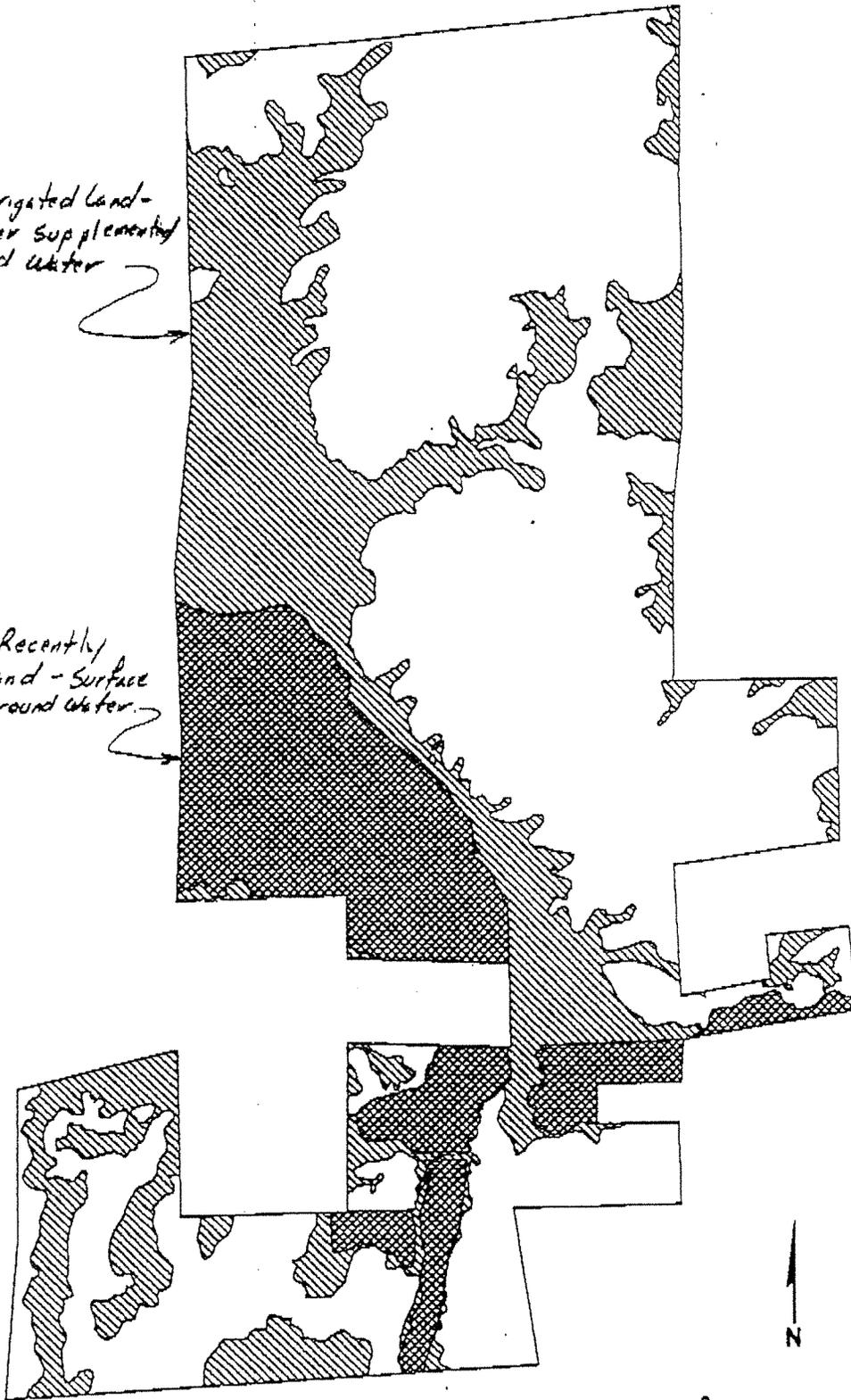
- Fields
- Canal
- Reservation Boundary
- 7.5' Quad Boundaries

Database compiled by AG/NSC by Ewert & Brunsbach, Inc. and Edward L. Canales & Associates in cooperation with the Colorado Dept. of Justice and

Photo Interpreted Existing and Historic Irrigated Lands - Winslow

Future Irrigated Land -
Surface Water supplemented
with Ground Water

Current or Recently
Irrigated Land - Surface
Water and Ground Water



Pueblo of Zuni Lands

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A copy of the foregoing United States Statement of Amended Claims mailed this 23rd day of November, 1994, to all parties on the Court-approved mailing list dated November 10, 1994.

Gail P. Robinson
Gail P. Robinson