

NOV 14 2012

ENGINEERING & PERMITS DIVISION

STATEMENT OF CLAIMANT FORM
(07) FOR 39-10945
DOMESTIC USE

UPPER SALT RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

For Departmental Use Only

File No.	
Date Filed	
WFN	

108951

1. Claimant Name: White Mountain Apache Tribe
 Claimant Address: 201 East Walnut Street City Whiteriver
 State: AZ Zip Code 85941 Telephone 928-338-2500

2. Basis of Claim:
- A. Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
 - B. Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____, or Certificate of Water Right No. _____
 - C. Decreed water right. Principal litigants, court, date and case no. _____
 - D. Right to withdraw groundwater. Grandfathered Right No. _____
 - E. Other, describe: Indian and federal reserved and aboriginal reserved water rights to surface water and groundwater for historic, present and future use

3. Claimed Priority Date: Time, Immemorial (month/day/year)
Canyon, Cibacue, Carizzo Creeks and all tributaries, springs and lakes; and White, Black and Salt Rivers and all tributaries and springs and lakes not listed above;

4. Source of Water: Coconino, Pinetop-Lakeside and all other aquifers and groundwater.
- A. Stream: name _____, tributary to Salt River
 - B. Spring: name _____, tributary to _____
 - C. Lake or Reservoir: name _____, tributary to _____
 - D. Groundwater. See Attachments 1 and 3, incorporated by reference

5. A. Legal description of the Point of Diversion:
 County Navajo, Apache, and Gila, Section _____, Township _____ N/S, Range _____ E/W
 Legal Subdivision: At any location within boundaries of Fort Apache Indian Reservation and off-Reservation Trust Lands
 _____ 1/4, _____ 1/4, _____ 1/4, of the Section

B. Legal description of the Place of Use: (one of the following)
 County Navajo, Apache, and Gila, Section _____, Township _____ N/S, Range _____ E/W
 Legal Subdivision: At any location within boundaries of Fort Apache Indian Reservation and off-Reservation Trust Lands
 _____ 1/4, _____ 1/4, _____ 1/4, of the Section, or
 Parcel I.D. _____, or
 Subdivision Name _____ Block No. _____ Lot No. _____
See Attachment 2, incorporated by reference, for location of existing communities

6. If there are Irrigation, Stockpond or Other Uses supplied from the point of diversion, describe: _____
See irrigation, stockpond and other use forms.

7. Means of Diversion:
- A. Instream pump.
 - B. Gravity flow into a ditch, canal or pipeline.
 - C. Well: Arizona Department of Water Resources Well Registration No. 55- State registration not applicable to WHAT
 - D. Other, describe: _____

8. Number of persons not less than 93,833 or dwellings _____ served by this use.

9. Annual Volume Claimed: not less than 21,433 acre-feet See Attachment 3, Incorporated by reference

10. It may be necessary for a representative from the Department of Water Resources to inspect the place of use and diversion. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant [Signature]
Ronnie Lupe, Chairman, White Mountain Apache Tribe

11. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? During normal business hours, contact technical consultant
Watson Engineering, Inc., 4452 Fox View Loop, Helena, MT, 59602, 406-449-3785

12. Additional comments: Domestic use is claimed for residential, garden, commercial, light industrial, institutional and public purposes in communities and in the rural areas of the Fort Apache Indian Reservation from all surface water and groundwater sources.

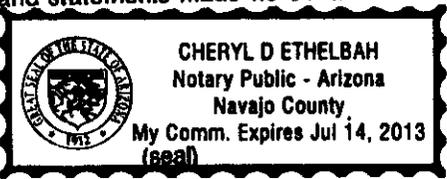
(attach additional sheet if required)

13. Attach Filing Fee to Form. Mail form(s) and fee(s) to:

AZ DEPT OF WATER RESOURCES
ADJUDICATIONS
PO BOX 36020
PHOENIX AZ 85067-6020

14. Notarized Statement:

I (We), [Signature]
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.



07-14-2013
My Commission Expires

[Signature]
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

**ATTACHMENT
STATEMENT OF CLAIMANT FORM FOR OTHER USES/AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY
BY THE UNITED STATES AS TRUSTEE FOR
WHITE MOUNTAIN APACHE TRIBE AND
THE FORT APACHE INDIAN RESERVATION**

The United States as trustee for the White Mountain Apache Tribe (Tribe) and the Fort Apache Indian Reservation (Reservation) submits this Amendment to the Statement of Claims filed previously in this proceeding on January 5, 1985, and November 27, 1985. This is in addition to and not a substitute for claims previously filed by the United States as trustee for the Tribe and the Reservation.

A. Legal Basis for the Amended Claim

In December 1999, the Arizona Supreme Court issued an opinion holding that: "Federal reserved rights extend to groundwater to the extent groundwater is necessary to accomplish the purpose of a reservation. Holders of federal reserved rights enjoy greater protection from groundwater pumping than do holders of state law rights to the extent that greater protection may be necessary to maintain sufficient water to accomplish the purpose of a reservation." *In Re The General Adjudication Of All Rights To Use Water In The Gila River System and Source*, 195 Ariz. 411, 989 P.2d 739 (Ariz. Sup. Ct. 1999) (*en banc*). The White Mountain Apache Indians have an unbroken chain of aboriginal title and priority rights to the transbasin aquifer sources described herein, to pump or otherwise extract water therefrom and to sustain the base flow of the springs and streams on the Reservation without diminishment from off-Reservation pumping.

B. Factual Basis for the Amended Claim

Technical work completed recently by the United States indicates the following. The Reservation comprises lands which lie in the Salt River Basin and the Little Colorado River Basin, and groundwater within the Coconino Aquifer ("C" Aquifer) system is continuous beneath the surface water divide between the Little Colorado River Basin and the Salt River Basin on and in the vicinity of the Reservation. Groundwater in the C Aquifer on the Reservation flows in a southerly direction and discharges to springs and Reservation streams within the Salt River Basin. Groundwater in the C Aquifer on the Reservation also flows in a northerly direction and discharges to springs and streams within the Little Colorado River Basin.

The Pinetop-Lakeside Aquifer¹ overlies the C Aquifer along and north of the Mogollon Rim on and off the Reservation. Groundwater in the Pinetop-Lakeside Aquifer is recharged on and off the Reservation and discharges into Silver Creek and the Little Colorado River in the Little Colorado River Basin, and into the North and East Forks of the White River, Carrizo Creek, and the Black River in the Salt River Basin.

C. Nature of the Amended Claim

The United States as trustee for the Tribe and the Reservation amends the water rights claims to include:

1. All groundwater underneath and outside the Reservation from the transbasin Coconino Aquifer, Pinetop-Lakeside Aquifer and other aquifers by pumping and extraction for all beneficial

¹As defined by the Arizona Department of Water Resources in the Hydrographic Survey Report for the Silver Creek Watershed, November 30, 1990, and including the volcanic aquifer on the Reservation, and the White Mountains, Springerville and Basalt Aquifers as defined by Larry J. Mann and E.A. Nemecek in "Geohydrology and Water Use in Southern Apache County, Arizona" (Arizona Department of Water Resources, Phoenix, Bulletin 1, 1983).

uses to accomplish the purpose of the Reservation;

2. All groundwater underneath and outside the Reservation which sustains Reservation wells and the base flow of springs and streams which arise on, border, or flow through the Reservation without diminishment from off-Reservation pumping; and

3. All groundwater underneath and outside the Reservation, in conjunction with surface water in the Gila River Basin, to satisfy the Statement of Claims previously filed by the United States for the benefit of the Tribe and the Reservation in the Gila River Stream Adjudication, pending in the Maricopa County Superior Court, and as may be subsequently amended.

D. Priority Date for the Amended Claim

The White Mountain Apache Indians have occupied the area of their present Reservation and adjacent lands for many hundreds of years. See *San Carlos Apache Tribe of Arizona, White Mountain Apache Tribe of Arizona, and Western Apache Indians, et al. v. United States*, No. 22-D, 21 Indian Claims Commission 189 (June 27, 1969). Accordingly, this amended water rights claim is based on a priority date of time immemorial.

E. Protective Filing

The United States as trustee for the Tribe and the Reservation makes this amended water rights claim in furtherance of Federal law, the recent Arizona Supreme Court ruling on Issues 4 and 5 respecting groundwater rights, the aboriginal reserved rights of the Tribe, and upon the best available technical information currently in the possession of the United States. Significant on and off-Reservation work needs to be done in order to refine the nature and extent of this amended water right claim. This amended claim may be subsequently amended. A parallel amended claim has been filed by the United States as trustee for the Tribe and the Reservation in the Little

ATTACHMENT 1

Colorado River Adjudication currently pending in the Superior Court of Arizona in Apache County.

Barry Welch
Acting Regional Director, Western Regional Office
Bureau of Indian Affairs

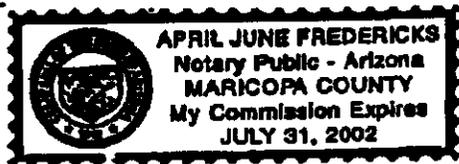
9/28/00
Date

I, Barry W Welch, the claimant named in this claim, do hereby certify under penalty of perjury, that the information contained and the statements made herein are to the best of my knowledge and belief true, correct and complete.

Barry Welch

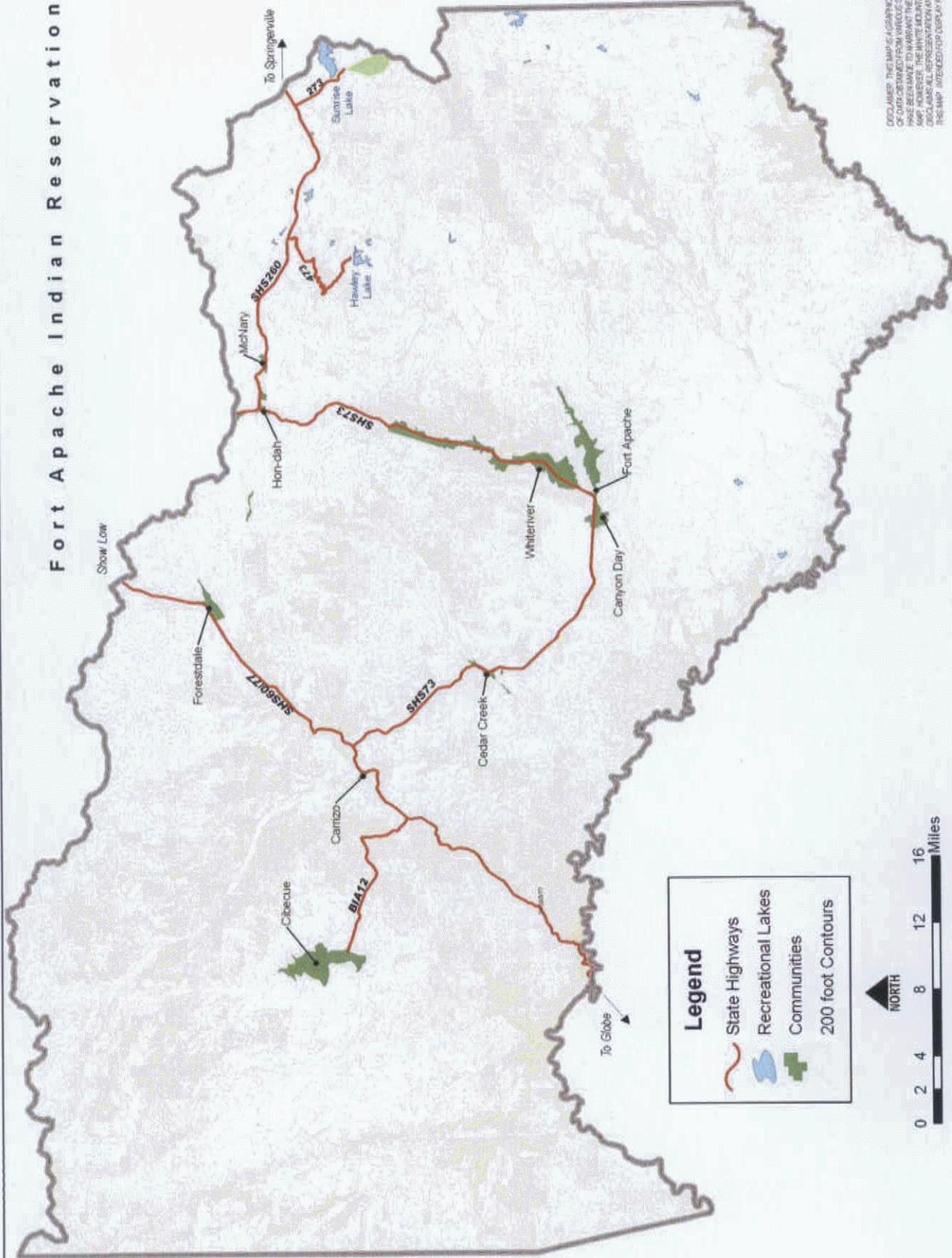
July 31, 2002
My commission expires

April June Fredericks
Notary Public



ATTACHMENT 2
 GENERAL LOCATION MAP OF EXISTING COMMUNITIES

Fort Apache Indian Reservation



DESIGNER: THE BAKER CORPORATION
 CONSULTANTS: THE BAKER CORPORATION
 DATE: 10/2008
 THIS MAP IS A GENERAL LOCATION MAP AND DOES NOT REPRESENT THE ACCURACY OF THE
 MAP. FOR MORE INFORMATION, CONTACT THE BAKER CORPORATION AT THE ADDRESS LISTED
 ABOVE. THE BAKER CORPORATION AND ITS CONSULTANTS ACCEPT NO LIABILITY FOR THE USE OF
 THIS MAP. INTERPRETATION IS SOLELY YOURS.

ATTACHMENT 3

DOMESTIC, COMMERCIAL AND MUNICIPAL DIVERSIONS
FORT APACHE INDIAN RESERVATION

Community	not less than		Principal Source ³
	Projected Population	Diversion (acre feet) ²	
Whiteriver ¹	72,777	16,631	North Fork of White River and community wells
Cedar Creek	1,880	430	North Fork of White River and community wells
Carrizo	1,019	233	North Fork of White River ⁴ and community wells
Cibecue	11,694	2,672	North Fork of White River ⁴ and community wells
Hon Dah	3,269	747	Coconino/Pinetop-Lakeside Aquifer
McNary	2,635	602	Coconino/Pinetop-Lakeside Aquifer
Other	559	128	(see note 2)
Fort Apache Indian Reservation	93,833	21,443	

¹ Includes communities of Whiteriver, Canyon Day, East Fork, Fort Apache, Seven Mile, North of Whiteriver, Diamond Creek, China Town and other housing.

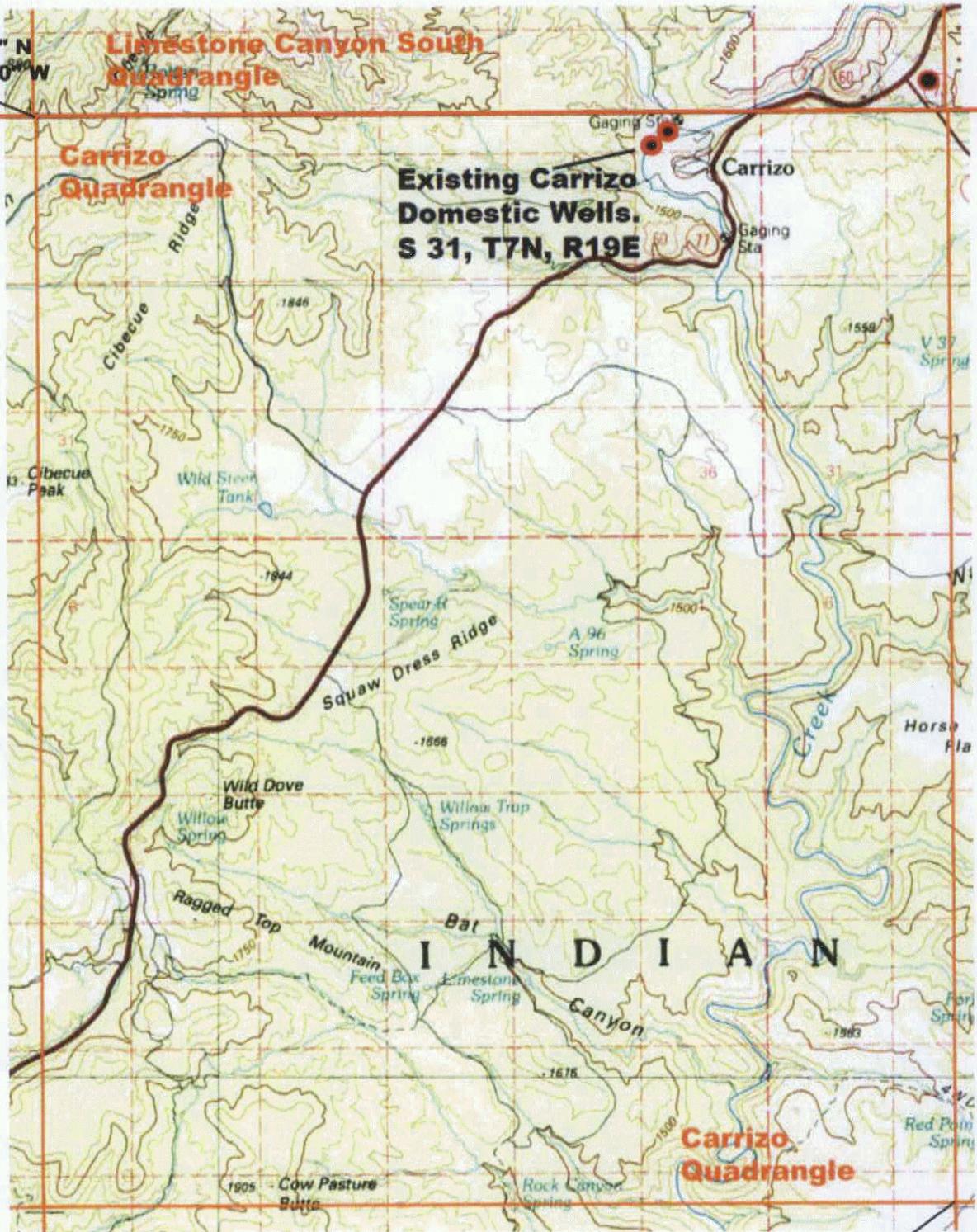
² Diversions are not constrained to amounts shown by community and are limited only by total for Fort Apache Indian Reservation.

³ Other sources for all communities listed above and future communities or developments may include other surface water and groundwater sources on Fort Apache Indian Reservation in the future. Unless noted, sources shown are present sources.

⁴ Future source.

DOMESTIC WELLS
UPPER SALT RIVER WATERSHED
IN SUPPORT OF "DOMESTIC USE" CLAIM FORM, QUESTION 5.A.

34Deg 00' 00" N
110Deg 22' 30" W



33Deg 52' 30" N
110Deg 15' 00" W

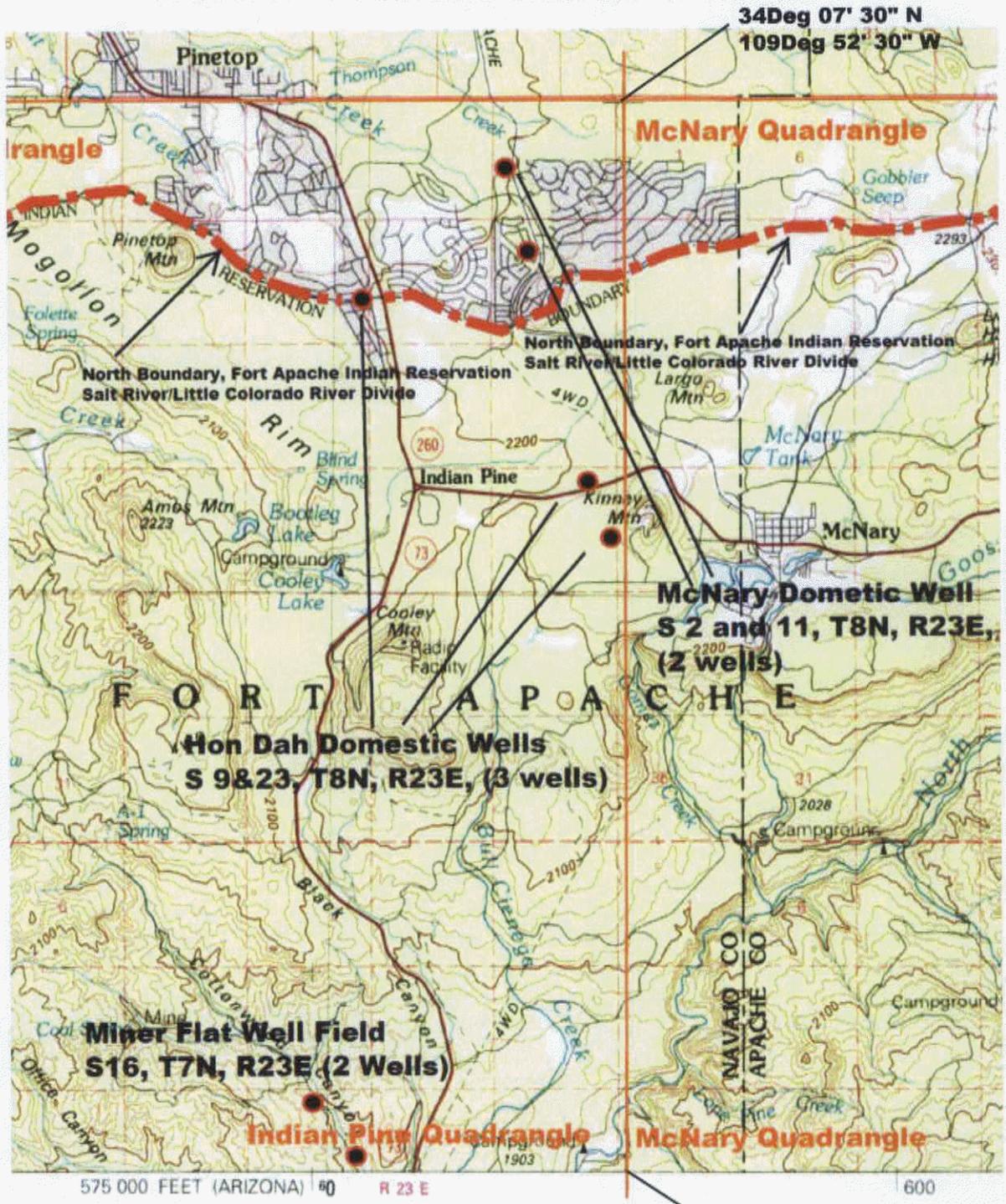
DOMESTIC WELLS
UPPER SALT RIVER WATERSHED
IN SUPPORT OF "DOMESTIC USE" CLAIM FORM, QUESTION 5.A.

34Deg 07' 30" N
110Deg 30' 00" W



34Deg 00' 00" N
110Deg 22' 30" W

**DOMESTIC WELLS
UPPER SALT RIVER WATERSHED
IN SUPPORT OF "DOMESTIC USE" CLAIM FORM, QUESTION 5.A.**

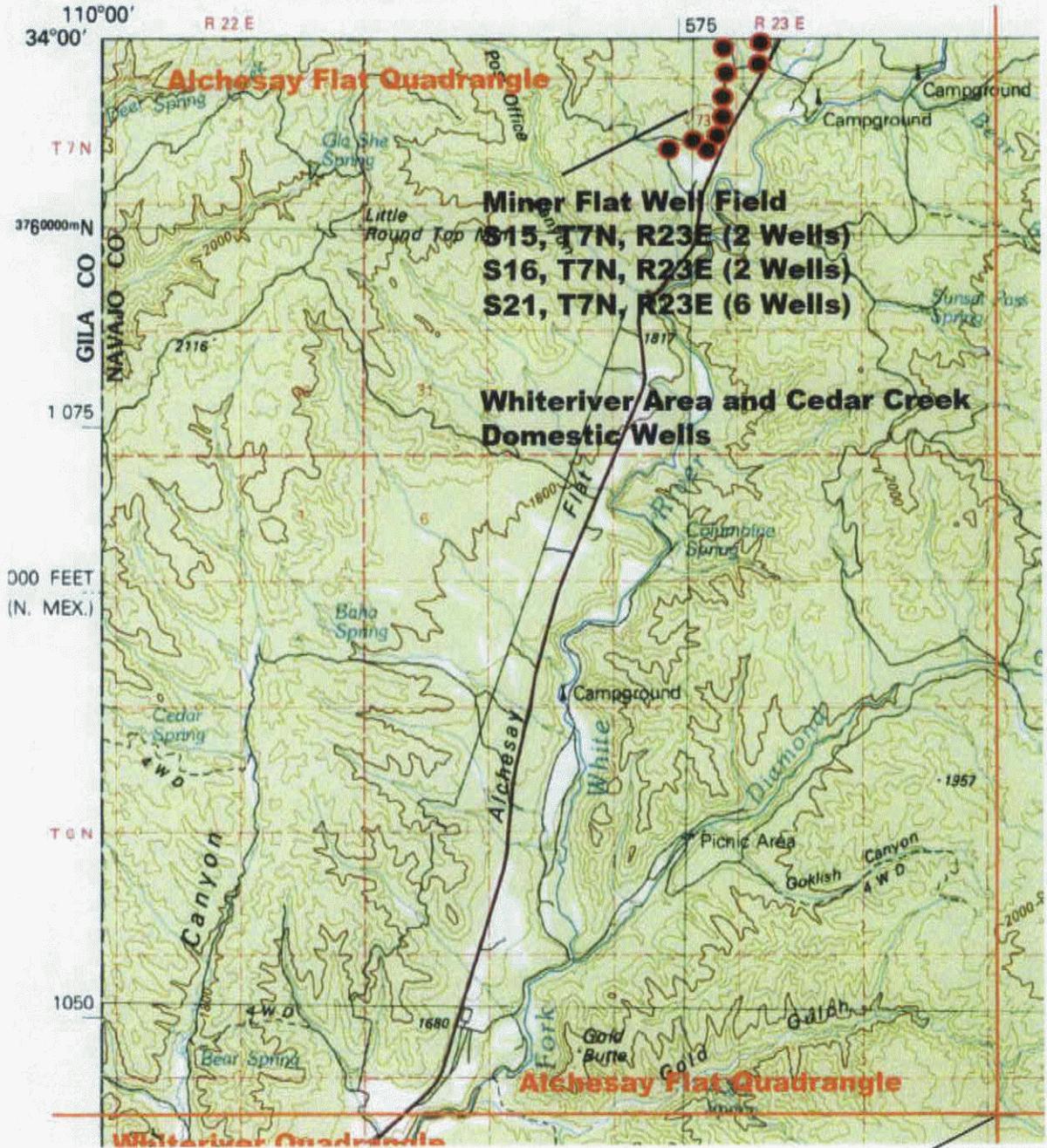


**34Deg 07' 30" N
109Deg 52' 30" W**

**34Deg 00' 00" N
109Deg 52' 30" W**

DOMESTIC WELLS
UPPER SALT RIVER WATERSHED
IN SUPPORT OF "DOMESTIC USE" CLAIM FORM, QUESTION 5.A.

NUTRIOSO, ARIZONA – NEW MEXICO



33Deg 52' 30" N
109Deg 52' 30" W

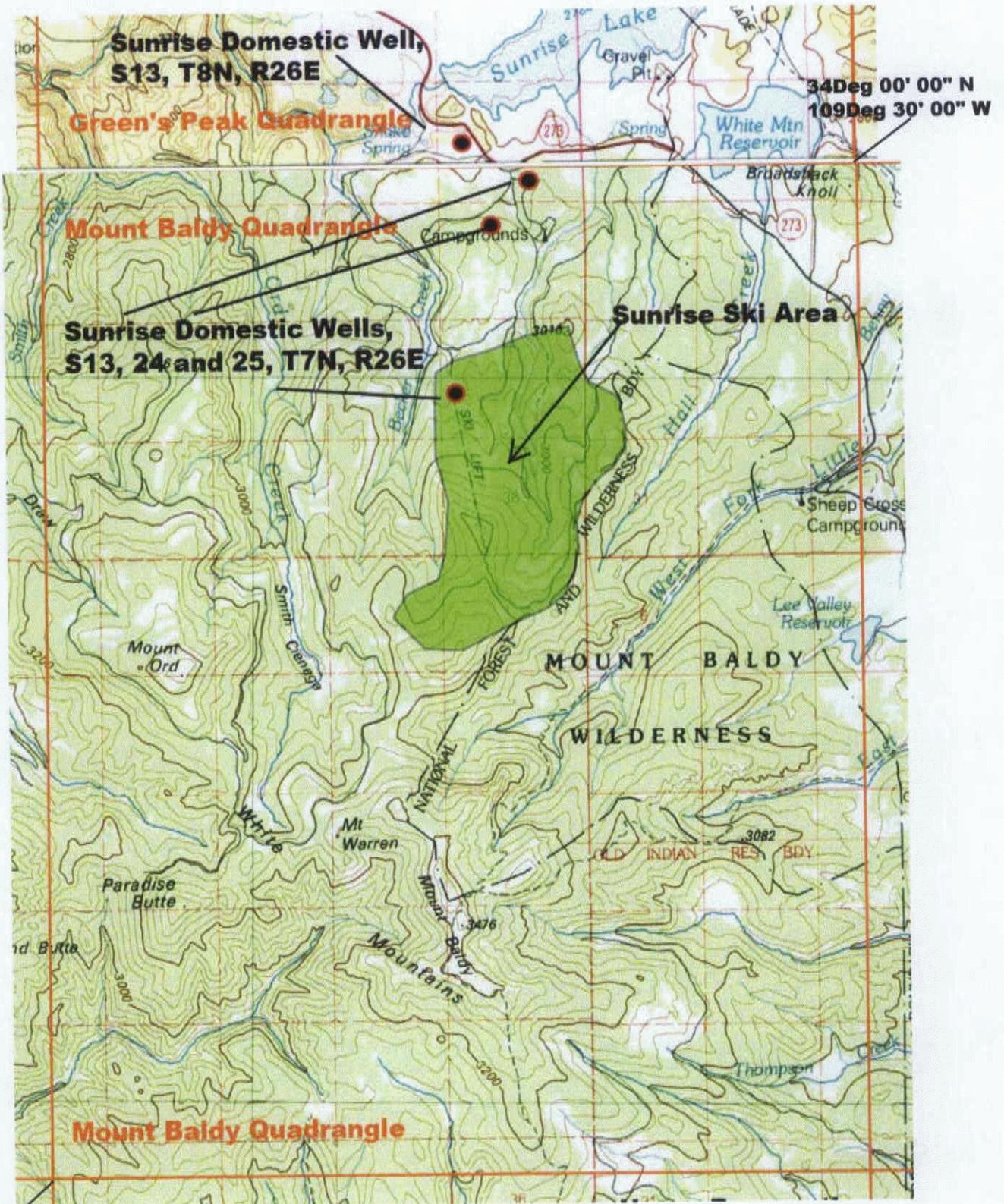
**DOMESTIC WELLS
UPPER SALT RIVER WATERSHED
IN SUPPORT OF "DOMESTIC USE" CLAIM FORM, QUESTION 5.A.**

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109Deg 45' 00" W**

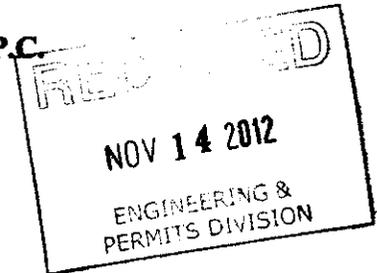
DOMESTIC WELLS
UPPER SALT RIVER WATERSHED
IN SUPPORT OF "DOMESTIC USE" CLAIM FORM, QUESTION 5.A.



33Deg 52' 30" N
109Deg 37' 30" W

LAW OFFICE OF ROBERT C. BRAUCHLI, P.C.

Attorney at Law
P.O. Box 64607
Tucson, Arizona 85728
(520) 299-8300
Facsimile (520) 299-8302
Email: rcbrauchli@rbrauchliilaw.com



November 13, 2012

Ms. Ana M. Marquez
Adjudication Unit
Arizona Department of Water Resources
3550 N. Central Avenue
Phoenix, Arizona 85012

Re: Statements of Claimant White Mountain Apache Tribe in the Little Colorado River and Upper Salt (Gila) General Stream Adjudications

Dear Ms. Marquez,

Enclosed are the following Statement of Claimant (SOC) forms signed before a notary by Tribal Chairman Ronnie Lupe of the White Mountain Apache Tribe on behalf of the White Mountain Apache Tribe:

I. Little Colorado River Watershed Adjudication-Superior Court of Apache County

A. Domestic Use. Attachment 1 is in response to SOC 4 and Attachment 2 is in response to SOC 5. B. Attachment 3 is in response to SOC 9.

B. Other Uses. Attachment 1 is in response to SOC 5. Attachment 2 is in response to SOC 6., 9., and 10. Attachment 3 is in response to SOC 11.

II. Upper Salt River Watershed-Superior Court of Maricopa County

A. Domestic Use. Attachments 1 and 3 are in response to SOC 4. Attachment 2 is in response to SOC 5. A. and B. Attachment 3 is in response to SOC 4 and 9.

B. Other Uses. Attachments 1 and 2 are in response to SOC 4 and 5. Attachment 3 is in response to SOC 5.

C. Stock Pond Use. Attachment 1 is in response to SOC 5 and 7.

D. Irrigation Use. Attachment 1 is in response to SOC 8 (historic irrigation). Attachment 2 is in response to SOC 8 (future irrigation).

III. MAPS.

Within the next several weeks, the WMAT will file the following list of maps to supplement the enclosed Statement of Claims and will identify the SOC and corresponding number in the SOC that the map applies to:

1. Upper Salt River	
A. Domestic Use	
1	Reservation-wide map of communities
2	Map showing existing community wells for all communities, Miner Flat well field and diversion point on North Fork
3	Map of 2 McNary wells on off-reservation trust lands
B. Other Uses	
1	Existing Lakes
2	Future Lakes (15 sites)
3	Power Sites
4	Sunrise Snowmaking
5	FATCO and Cibecue Sawmills
6	Alchesay and Williams Creek NFH's
7	Recreation Zone along North Boundary
C. Stock Pond Use (671 Sites)	
D. Irrigation Use	
1	Historic
2	Future
2. Little Colorado River (Groundwater only)	
A. Domestic Use	
1	Map of Hon Dah and McNary Communities
2	Map of 2 McNary wells on off-reservation trust lands
B. Other Uses	
1	Sunrise Snowmaking
2	Recreation Zone along North Boundary

In regards to the power sites (Upper Salt. Other Uses) we may substitute legal descriptions for maps. If you need any additional information please advise.

Sincerely yours,



Robert C. Brauchli
Water Rights Counsel
White Mountain Apache Tribe