



SUPERIOR COURT OF ARIZONA
Apache County

MICHAEL C. NELSON
Presiding Judge

November 24, 1999

Steve Crosby
P.O. Box 533
St. Johns, AZ 85936

RE: Zuni Water Rights Settlement

Dear Mr. Crosby:

This is a follow-up to the informational meeting on the proposed Zuni Water Rights Settlement on September 14 that you attended. As we discussed at that meeting, one of the components of the possible settlement is that all parties to the agreement would agree to the entry of a decree that recognizes existing surface water uses on your property as described below (also see Article 4.2.a below). The relevant portions of the draft agreement reads as follows:

ARTICLE 4 – SURFACE WATER RIGHTS [SWRs]

4.1 Adjudicating Existing Surface Water Uses in the Eastern LCR Basin Based on State Law

- a. *Zuni Lands Abstracts. Existing surface water uses on Zuni Lands are described in abstracts attached hereto as Exhibits 4.1.a et seq. Abstracts shall be filed with the Decree Court in the same manner as stipulations described in subparagraphs 4.1.e and 4.1.f.*
- b. *Abstracts. Certain surface water uses are described in abstracts attached hereto as Exhibits 4.1.b et seq. Abstracts shall be filed with the Decree Court in the same manner as stipulations described in subparagraphs 4.1.e and 4.1.f.*
- c. *Preliminary Determinations. For all surface water uses based on state law other than those described in subparagraphs 4.1.a and 4.1.b, at such time as the adjudication court directs, DWR shall assess and make a preliminary determination of the attributes of each surface water use as follows:*
 - (1) *The basis for this process shall be the existing "Inventory of Water Uses" published by DWR in the fall of 1994, data contained in the Norviel Decree, and existing documentation on file with DWR.*
 - (2) *Existing information shall be supplemented with additional research and investigation including reliance on remote sensing data.*

- d. *Stipulation and Objection Process.* Based on the findings reached pursuant to subparagraphs 4.1.c.(1) and (2), DWR shall then offer to stipulate with the claimant that its preliminary determination accurately describes the claimant's water right.
- e. *If the claimant agrees with DWR's determination, a stipulation between DWR and the claimant shall be filed with the Decree Court. If the claimant refuses to so stipulate, notice of failure to stipulate shall be filed with the Decree Court. Stipulations and notices of failure to stipulate shall include DWR's determination of the attributes of the water right.*
- f. *Upon the filing of a stipulation or notice of failure to stipulate, notice shall be given to other claimants by entry in the docket and service on the mailing list, and such other claimants shall have 180 days to object to DWR's preliminary determination. If there is no objection to a stipulation, the Decree Court shall enter a final determination of the water right into the Eastern LCR Decree. In the event an objection or notice of failure to stipulate is filed, the Decree Court shall determine the proper attributes of the water right.*

4.2 *Permissible Objections*

- a. *Abstracted Uses.* The Parties stipulate and agree to the entry of a decree for abstracted water uses on terms no more favorable to the water user(s) than those set forth in the attached abstracts. The Parties may not object to the adjudication of an abstracted use unless it purports to provide a water right that is more favorable to the water user(s) than those described in the abstract.
- b. *Zuni Tribe Adjudication Objections.* The Zuni Tribe and the United States on behalf of the Tribe shall only object to the adjudication of surface water uses in the LCR basin when: 1) the Zuni Tribe or the United States on behalf of the Tribe is objecting on the basis of state law and the surface water use being adjudicated would reduce or otherwise limit the Zuni Tribe's ability to use its state law-based SWRs on Zuni Lands, or; 2) paragraph 4.2.a is applicable. Nevertheless, at no time shall the Zuni Tribe object to any SWRs based upon an existing decree.

Our information indicates that you have surface water uses on your property located in Section 8, T14N, R26E as described in the attached abstract. It is our understanding that this is the major water use on your property (not including stockwells, stockponds, or incidental irrigation from flood waters). If this is not accurate, please describe the other major uses on this property.

Enclosed is another copy of this letter and an envelope addressed back to me. If the information is correct, you may simply sign the copy of the letter and return it to me. If the information is not accurate, please make the appropriate changes and mail it back to me.

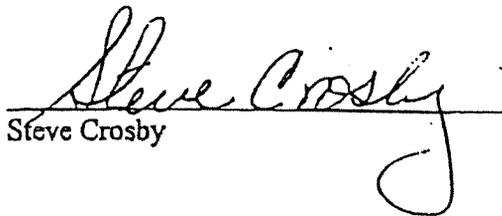
Thank you for your assistance. Please feel free to call my Judicial Assistant, Barbara Neuzil, with any questions. If you would like to discuss the content of this letter with me, Craig Sommers, and Ron Billstein, there will be another meeting held at the Apache County Courthouse in St. Johns at 2:30 p.m. on December 8, 1999.

Sincerely,



MICHAEL C. NELSON
Presiding Judge

The attached description of my surface water uses on this property is accurate to the best of my knowledge.


Steve Crosby

11-29-99
Date

11/18/99 Draft
 Exhibit 4.1.b.____
 Abstract of Surface Water Use for Steve Crosby

Data Source

Facility Name: N/A
 Water Right Holder: Steve Crosby 4
 Water Right Number: DV 1
 Statement of Claimant Number: N/A

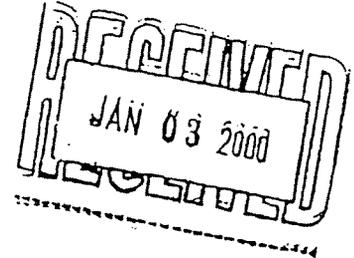
Water Source(s):	Little Colorado River	2, 4
Acres Served:	321 acres	2
Total Diversion:	Maximum historical beneficial use (See Remarks)	--
Diversion Capacity (cfs):	Maximum historical capacity (See Remarks)	4
Beneficial Use(s):	Irrigation	2, 4
Diversion Location(s):	SE Section 15, T14N, R26E	2, 4
Use Location(s):	E½ Section 8, T14N, R26E	2, 4
Period of Use:	Irrigation season	4
Priority Date:	10/25/1897 (See Remarks)	4
Basis of Right:	Historical Beneficial Use	4
Remarks: Data Source: 1 = Statement of Claimant 2 = ADWR Inventory of Water Uses 3 = Silver Creek HSR 4 = Other - See Remarks	1. Data Source 4—Field observations and conversations with the landowners and their predecessor. 2. Total Diversion and Diversion Capacity—Diversions are shared prorata based on acreage historically irrigated from these facilities. 3. Priority Date—Water Appropriation Notice filed by Isaac Isaacson (ADWR #10-0102239.0301).	



SUPERIOR COURT OF ARIZONA
Apache County

MICHAEL C. NELSON
Presiding Judge

November 15, 1999



Edward and Jinx Johnson
c/o Laron DeWitt
Johnson-Stewart Companies
1132 W. McLellan
Mesa, AZ 85201

RE: Zuni Water Rights Settlement

Dear Mr. and Mrs. Johnson:

This is a follow-up to the informational meeting on the proposed Zuni Water Rights Settlement on September 14. As we discussed at that meeting, one of the components of the possible settlement is that the United States and the Zuni Tribe will not object to the use of water from existing wells on your property as described below. The relevant portion of the draft agreement reads as follows:

ARTICLE 5 – UNDERGROUND WATER

5.1 The Zuni Tribe or the United States on behalf of the Tribe shall not object to, dispute, or challenge in the LCR Adjudication or in any other judicial or administrative proceeding, the withdrawal or use of underground water in the Eastern LCR basin, whether the source is appropriable or non-appropriable, from wells existing on the Effective Date, regardless of whether the withdrawal or use of underground water interferes with surface water flows.

5.2 To aid the Parties in identifying existing wells in the Eastern LCR basin, DWR shall compile a catalog that identifies all existing wells by well registration number, legal description and owner. This catalog, and its subsequent amendments, shall be listed in the decree.

- a. Exempt wells [35 gpm or less]. Exempt wells existing on the Effective Date shall not be cataloged.*
- b. Non-Exempt Wells. DWR shall compile the catalog using existing well registrations. In addition, for existing wells that are not currently registered, a voluntary well registration program shall be created to allow registration and inclusion in the catalog. DWR shall verify the location of all non-exempt registered wells through the use of Global Positioning System Units.*

- c. *Catalog.* Once the locations of the registered wells have been verified, DWR shall prepare the catalog of non-exempt wells and submit it to the Decree Court with notice as ordered by the Decree Court.
- d. *Objections.* The only objection the Zuni Indian Tribe or the United States on behalf of the Tribe may assert in connection with the catalog of non-exempt wells is that a well description is inaccurate. Owners of wells may object that the catalog contains an improper description of a well they own. No other objections shall be permitted. The Decree Court shall resolve any objections as to the accuracy of the list.
- e. *Procedures.* The procedures described by 5.2(a)-(d) shall be conducted on a sequential basis by DWR and the Decree Court, focusing on a relatively small group of claims or a limited geographic area at one time.
- f. *Time Limit.* The tabulation in the Eastern LCR Decree of non-exempt wells shall be completed within three (3) years from the Enforceability Date. The tabulation may be supplemented, however, upon application to the Decree Court, for wells that existed on the Effective Date.

Our information indicates that you currently own and use the following well on your property in Section 1, T14N, R25E:

Well Registration Number	Well Legal Description
55-610661	SENE NE Section 1, T14N, R25E

It is our understanding that this well is the only major water uses on your property, not including domestic wells, stockponds, or incidental irrigation from flood waters. If this is not accurate, please describe the other major uses on this property.

Enclosed is another copy of this letter and an envelope addressed back to me. If the information above is accurate, simply sign the copy of the letter and return it to me. If the information is not accurate, please make the appropriate changes and mail it back to me.

Thank you for your assistance. Please feel free to call my Judicial Assistant, Barbara Neuzil, with any questions. If you would like to discuss the content of this letter with me, Craig Sommers, and Ron Billstein, there will be another meeting held at the Apache County Courthouse in St. Johns at 2:30 p.m. on December 8, 1999.

Sincerely,


 MICHAEL C. NELSON
 Presiding Judge



SUPERIOR COURT OF ARIZONA
Apache County

MICHAEL C. NELSON
Presiding Judge

November 15, 1999



Verl and Dawn Heap
P.O. Box 803
St. Johns, AZ 85936

RE: Zuni Water Rights Settlement

Dear Mr. and Mrs. Heap:

Thank you for attending the informational meeting on the proposed Zuni Water Rights Settlement on September 14. As we discussed at that meeting, one of the components of the possible settlement is that the United States and the Zuni Tribe will not object to the uses of water on your property as described below.

Our information indicates that you currently own property in Section 20, T14N, R28E. It is our understanding that the only major water use on your property (not including stockponds or stockwells) is incidental irrigation from flood waters and that you desire to maintain that incidental irrigation use. If this is not accurate, please describe the other major uses on this property.

Enclosed is another copy of this letter and an envelope addressed back to me. If the information above is accurate, simply sign the copy of the letter and return it to me. If the information is not accurate, please make the appropriate changes and mail it back to me.

Thank you for your assistance. Please feel free to call my Judicial Assistant, Barbara Neuzil, with any questions. If you would like to discuss the content of this letter with me, Craig Sommers, and Ron Billstein, there will be another meeting held at the Apache County Courthouse in St. Johns at 2:30 p.m. on December 8, 1999.

Sincerely,

MICHAEL C. NELSON
Presiding Judge

The above description of my water uses on this property is accurate to the best of my knowledge.

Verl Heap 12-9-99
Verl Heap Date

Dawn Heap 12-9-99
Dawn Heap Date