

TABLE OF CONTENTS

TABLE OF CONTENTS

	<u>PAGE</u>
CHAPTER 1: INTRODUCTION	
1.1 BACKGROUND	1-1
1.2 SCOPE OF REPORT.....	1-3
CHAPTER 2: QUANTIFICATION AGREEMENT	
2.1 WMAT WATER RIGHTS (Paragraph 4.0)	2-1
2.2 SURFACE WATER (Paragraph 5.0).....	2-3
2.3 WMAT RURAL WATER SYSTEM AND RESERVOIRS (Paragraph 5.6, 5.7)	2-4
2.4 GROUNDWATER (Paragraph 6.0)	2-5
2.5 CAP WATER (Paragraph 7.0, 9.0, and 10.0).....	2-6
2.6 DIVERSIONS AND DEPLETIONS (Paragraph 11.0)	2-7
2.6.1 Lakes, Stockponds, and Other Impoundments	2-7
2.6.2 Irrigation	2-8
2.6.3 Municipal and Industrial Uses	2-8
2.6.4 Artificial Snow Making	2-8
2.6.5 Livestock Consumption	2-8
2.6.6 Fish Hatcheries	2-9
2.6.7 Mining Uses.....	2-9
2.6.8 WMAT CAP Water	2-9
2.7 WAIVERS AND RELEASES OF CLAIMS AND RESERVATIONS AND RETENTION OF RIGHTS (Paragraph 12.0 and 14.0).....	2-9
2.7.1 Other Parties	2-9
2.7.2 WMAT and the United States.....	2-10
2.7.3 WMAT.....	2-11
2.7.4 United States.....	2-12
2.8 FEDERAL APPROPRIATION AND LOCAL CONTRIBUTION	2-12
2.9 CONFIRMATION OF RIGHTS (Paragraph 14.0).....	2-13
2.9.1 WMAT and United States.....	2-13
2.9.2 SRP	2-13
2.9.3 Buckeye	2-13
2.9.4 City of Phoenix	2-14
2.9.5 Plan 6 Storage and Appropriative Rights.....	2-14
2.9.6 RWCD	2-14
2.10 WMAT WATER CODE (Paragraph 15.0)	2-14
2.11 STATE CAPACITY (Paragraph 16.5 and 16.6).....	2-15
2.12 CHANGES IN USE ON SRRD AND RWCD LANDS (Paragraph 16.8).....	2-15
2.13 RIGHT TO PETITION ANY COURT OF COMPETENT JURISDICTION (Paragraph 16.9).....	2-16
2.14 EFFECT ON OTHER TRIBES AND FUTURE CAP ALLOCATIONS (Paragraph 16.16 and 16.17).....	2-16

CHAPTER 3: DESCRIPTION OF THE HISTORY, PHYSICAL CHARACTERISTICS AND NATURAL RESOURCES OF THE WMAT AND FORT APACHE RESERVATION

3.1 HISTORY OF THE TRIBE AND ESTABLISHMENT OF THE RESERVATION.....3-1
3.2 PHYSICAL CHARACTERISTICS AND NATURAL RESOURCES.....3-3
 3.2.1 Upper Salt River Watershed3-3
 3.2.1.1 *Surface Water Resources*3-4
 3.2.1.2 *Groundwater Resources*.....3-5
 3.2.2 LCR Adjudication Watershed.....3-6
 3.2.2.1 *Surface Water Resources*.....3-6
 3.2.2.2 *Groundwater Resources*.....3-7

CHAPTER 4: STATEMENTS OF CLAIMANT

4.1 CLAIMS FILED IN THE GILA RIVER ADJUDICATION BY THE WMAT4-1
 4.1.1 Legal Basis of Claim.....4-1
 4.1.2 Priority Date.....4-1
 4.1.3 Uses of Water.....4-1
 4.1.4 Sources of Water.....4-2
 4.1.5 Points and Means of Diversion4-2
 4.1.6 Places of Use.....4-3
 4.1.7 Quantities of Use4-3
4.2 CLAIMS FILED IN THE GILA RIVER ADJUDICATION BY THE UNITED STATES4-5
 4.2.1 Legal Basis of Claim.....4-5
 4.2.2 Priority Date.....4-5
 4.2.3 Uses of Water.....4-5
 4.2.4 Sources of Water.....4-6
 4.2.5 Points of Diversion4-6
 4.2.6 Places of Use.....4-6
 4.2.7 Quantities of Use4-7
4.3 CLAIMS FILED IN THE LCR ADJUDICATION BY THE WMAT4-8
 4.3.1 Legal Basis of Claim.....4-8
 4.3.2 Priority Date.....4-9
 4.3.3 Uses of Water.....4-9
 4.3.4 Sources of Water.....4-9
 4.3.5 Points and Means of Diversion4-9
 4.3.6 Places of Use.....4-9
 4.3.7 Quantities of Use4-10
4.4 CLAIMS FILED IN THE LCR ADJUDICATION BY THE UNITED STATES4-10
 4.4.1 Legal Basis of Claim.....4-10
 4.4.2 Priority Date.....4-10
 4.4.3 Uses of Water.....4-11
 4.4.4 Sources of Water.....4-11
 4.4.5 Points of Diversion4-11
 4.4.6 Places of Use.....4-11
 4.4.7 Quantities of Use4-11

**CHAPTER 5: EVALUATION OF WATER RIGHTS ESTABLISHED IN THE WMAT
QUANTIFICATION AGREEMENT**

5.1 COMPARISON BETWEEN AGREEMENT AND CLAIMED QUANTITIES5-1
5.2 CLAIMS ANALYSIS.....5-1
5.2.1 Gila River Adjudication Claims5-2
5.2.1.1 *Claimed Water Uses and Available Supplies in the Black
Subbasin*5-3
5.2.1.2 *Claimed Water Uses and Available Supplies in the White
Subbasin*5-4
5.2.1.3 *Claimed Water Uses and Available Supplies in the Carrizo
Subbasin*5-5
5.2.1.4 *Claimed Water Uses and Available Supplies in the Upper Salt
Subbasin*5-6
5.2.2 LCR Adjudication Claims5-8
5.3 CONCLUSION.....5-8

**CHAPTER 6: DEPLETIONS OF WATER RESOURCES AND OTHER IMPACTS OF THE
QUANTIFICATION AGREEMENT**

6.1 PROBABLE DEPLETIONS OF WATER RESOURCES6-1
6.1.1 Gila River System and Source6-1
6.1.2 LCR System and Source6-2
6.2 PROBABLE IMPACTS UPON CATEGORIES OF OTHER CLAIMANTS6-3
6.3 PROBABLE IMPACTS UPON GROUNDWATER USES ON OR IN THE
VICINITY OF THE RESERVATION6-5
6.4 OTHER IMPORTANT IMPACTS OR CONSEQUENCES THAT MIGHT RESULT
FROM THE WMAT AGREEMENT6-5

LIST OF TABLES

Table 2-1 WMAT Proposed Water Rights
Table 4-1 Summary of Annual Diversion Claims Filed in the Gila River Adjudication
Table 4-2 Summary of Annual Diversion Claims Filed in the LCR Adjudication
Table 5-1 Comparison between Agreement and Claimed Quantities
Table 6-1 Surface Water Flows within WMAT Reservation

LIST OF FIGURES

Figure 3-1 WMAT Reservation and WMAT Off-Reservation Trust Land
Figure 5-1 USGS Subbasins Used in Evaluation of Water Availability to Satisfy Gila Adjudication
Claims
Figure 5-2 Water Uses Claimed within the Black (HUC 8) Hydrologic Cataloging Unit
Figure 5-3 Water Uses Claimed within the White (HUC 8) Hydrologic Cataloging Unit
Figure 5-4 Water Uses Claimed within the Carrizo (HUC 8) Hydrologic Cataloging Unit
Figure 5-5 Water Uses Claimed within the Upper Salt (HUC 8) Hydrologic Cataloging Unit

LIST OF APPENDICES

Appendix A

- A-1 White Mountain Apache Tribe Water Rights Quantification Act of 2010
- A-2 Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement
- A-3 Application for an Order for Special Proceedings to Approve an Indian Water Rights Settlement Stipulation- *Gila*
- A-4 Application for an Order for Special Proceedings to Approve an Indian Water Rights Settlement Stipulation- *LCR*
- A-5 Order for a “Special Proceedings for Consideration of the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement”- *Gila*
- A-6 Order for a “Special Proceedings for Consideration of the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement”- *LCR*

Appendix B

- B-1 Statements of Claimant No. 39-16945, *White Mountain Apache Tribe*
- B-2 Statements of Claimant No. 39-16946, *White Mountain Apache Tribe*
- B-3 Statements of Claimant No. 39-16947, *White Mountain Apache Tribe*
- B-4 Statements of Claimant No. 39-16948, *White Mountain Apache Tribe*
- B-5 Statements of Claimant No. 39-12168, *United States*
- B-6 Statements of Claimant No. 39-12168 First Amendment, *United States*
- B-7 Statements of Claimant No. 39-12168 Second Amendment, *United States*
- B-8 Statements of Claimant No. 39-64259, *United States*
- B-9 Statements of Claimant No. 39-64259 Amendment, *United States*
- B-10 Statements of Claimant No. 39-95155, *White Mountain Apache Tribe*
- B-11 Statements of Claimant No. 39-95156, *White Mountain Apache Tribe*
- B-12 Statements of Claimant No. 39-91441, *United States*
- B-13 Statements of Claimant No. 39-91441 First Amendment, *United States*
- B-14 Statements of Claimant No. 39-91441 Second Amendment, *United States*
- B-15 Statements of Claimant No. 39-91441 Third Amendment, *United States*
- B-16 Statements of Claimant No. 39-91441 Fourth Amendment, *United States*

Appendix C

- C-1 2007 DRAFT Project Extension Report, Development of Miner Flat Dam and Canyon Day Irrigation Project, *White Mountain Apache Tribe, Fort Apache Indian Reservation*