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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF APACHE**
13

14 IN THE GENERAL ADJUDICATION
15 OF ALL RIGHTS TO USE WATER IN
16 THE LITTLE COLORADO RIVER
17 SYSTEM AND SOURCE

CV 6417-201

(Special Master Susan Ward Harris)

**ARIZONA DEPARTMENT OF
WATER RESOURCES' COMMENTS
CONCERNING AMENDMENTS TO
THE STATEMENTS OF
CLAIMANT FOR THE HOPI
INDUSTRIAL PARK AND HOPI
RANCHES**

18 **HSR INVOLVED:** None.

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20 **DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources requests
21 that certain information be included in amendments to the statements of claimant to be
22 filed by the Hopi Tribe and the United States for the Hopi Industrial Park and Hopi
23 Ranches.

24 **NUMBER OF PAGES:** Seven.

25 **DATE OF FILING:** July 7, 2016.
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1 In accordance with the Special Master's order filed on April 11, 2016 in case no.
2 CV 6417-201 ("Order"), the Arizona Department of Water Resources ("ADWR")
3 reviewed Statement of Claimant ("SOC") 39-91443 filed by the Hopi Tribe ("Hopi
4 SOC") and SOC 39-91441 filed by the United States on behalf of the Hopi Tribe ("U.S.
5 SOC"). These SOCs claimed water rights for the Hopi Reservation, the Hopi Industrial
6 Park and the Hopi Ranches. ADWR previously addressed the claims for the Hopi
7 Reservation in a hydrographic survey report issued on December 18, 2015. In order to
8 expedite ADWR's preparation of a preliminary HSR for the Hopi Industrial Park and
9 the Hopi Ranches as requested by the Special Master, ADWR has identified data that
10 should be included in amendments to the Hopi SOC and the U.S. SOC that will be filed
11 by the Hopi Tribe and the United States pursuant to the Special Master's Order.

12 The Hopi SOC was filed on November 29, 1985 and amended in 2004, 2009,
13 and 2015. The U.S. SOC also was filed on November 29, 1985, then revised in 1994,
14 and amended in 2004, 2009, and 2015. The Hopi 2009 Amendment (filed on
15 November 12, 2009), and the U.S. 2009 Amendment (filed on June 30, 2009) are the
16 most recent amendments that address the Hopi Industrial Park and the Hopi Ranches in
17 detail and they are the amendments that ADWR reviewed for this analysis.

18 Presented below is a summary of the claimed annual water use for the types of
19 use (present and future) claimed in the Hopi 2009 Amendment and the U.S. 2009
20 Amendment for the Hopi Industrial Park and the Hopi Ranches. The summary is
21 followed by a description of the data that ADWR believes should be included in
22 amendments to the Hopi SOC and the U.S. SOC.

23 Hopi Industrial Park

24 In the Hopi 2009 Amendment, the Hopi Tribe claims 380 acre-feet per annum
25 ("AFA") of water for future domestic, commercial, municipal, and industrial ("DCMI")
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1 use at the Hopi Industrial Park, which consists of approximately 200-acres that are
2 located on the western outskirts of Winslow, Arizona. The Hopi Tribe also claims a
3 future water use of 522 AFA for future tourism uses at the Hopi Industrial Park
4 consisting of a hotel, casino, golf course, and RV Park. The Hopi Tribe does not
5 specify any current water use at the Industrial Park, although Appendix 1 to the Hopi
6 2009 Amendment indicates that there was a population of 137 at the Hopi Industrial
7 Park in the year 2000. In the U.S. 2009 Amendment, the United States, on behalf of
8 the Hopi Tribe, claims 380 AFA for “present and future” DCMII water uses, as well as
9 522 AFA for a future tourist resort at the Hopi Industrial Park. Neither the Hopi 2009
10 Amendment nor the U.S. 2009 Amendment specifies the amount of historic or existing
11 water use at the Hopi Industrial Park.

12 ADWR requests that the following data be included in amendments to the Hopi
13 SOC and the U.S. SOC for the Hopi Industrial Park:

- 14 1. Historic and existing types of water use.
- 15 2. Updated quantities of use and the method of measuring or estimating such
16 quantities.;
- 17 3. Sources of water.
- 18 4. Dates on which water uses began and supporting documentation or imagery.
- 19 5. A map provided in a digital ArcGIS format (i.e. geodatabase, map coverages
20 or feature classes, and/or polygon or point shapefile data) that shows the
21 places of use, points of diversion, and the boundaries of the Hopi Industrial
22 Park.

23 Hopi Ranches

24 The Hopi Tribe’s claim for the Hopi Ranches is summarized in Table 4 at page
25 35 of the Hopi 2009 Amendment. The Hopi Tribe claims a total of 2,366.13 AFA for
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1 present irrigation and non-irrigation water uses, and 2,088.77 acre-feet of water storage
2 on the five Hopi Ranches. The non-irrigation uses include domestic, stockpond,
3 stockwater, recreation, fish, and/or wildlife uses. Table 4 indicates that the water uses
4 are on “deeded ranch land and associated leased state land and Forest service permit
5 land used by the ranches.”

6 Four of the ranches (Aja, Clear Creek, Hart, and Drye) are located in the Lower
7 Little Colorado subwatershed in the general vicinity of Winslow, Arizona. The fifth
8 ranch (26 Bar) is located in the Upper Little Colorado subwatershed in the vicinity of
9 Springerville, Arizona. Appendix 5 to the Hopi 2009 Amendment provides water right
10 abstracts for approximately 485 places of use. Each abstract lists applicable filings and
11 water right attributes.

12 The U.S. claim for the Hopi Ranches is summarized in Table 3 at page 19 of the
13 U.S. 2009 Amendment. In the U.S. 2009 Amendment, the United States, on behalf of
14 the Hopi Tribe, claims a total of 1,556.14 AFA for water uses and 1,837.44 acre-feet
15 for water storage on four of the Hopi Ranches. The United States does not claim water
16 uses on the 26 Bar Ranch because it was not taken into trust-. As noted by the Special
17 Master, portions of Clear Creek and Aja Ranches also were not taken into trust
18 according to deeds submitted by the United States on December 10, 2012. Order at 2.

19 The volumes claimed for use and storage in Table 3 of the U.S. 2009
20 Amendment match the volumes claimed in Table 4 of Hopi 2009 Amendment.
21 Appendix 11 to the U.S. 2009 Amendment provides water right abstracts for
22 approximately 330 places of use on four ranches. These abstracts appear to be identical
23 to those provided by the Hopi Tribe in Appendix 5 to the Hopi 2009 Amendment for
24 the same four ranches.

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1 ADWR requests that the following data be included in amendments to the Hopi
2 SOC and the U.S. SOC for each of the Hopi Ranches included within the respective
3 SOC:

- 4 1. Updated water right abstracts, as appropriate, with new filings, if any, and
5 any updated quantities of use and the method of estimating or measuring
6 such quantities.
- 7 2. Documentation or imagery to support the priority date claimed in the water
8 right abstract.
- 9 3. For irrigation uses:
 - 10 a. Mapped locations of currently irrigated acres and acreage totals.
 - 11 b. Names and locations of diversions/sources for both groundwater and
12 surface water.
 - 13 c. Annual volume used.
 - 14 d. Basis for determining the annual volume used:
 - 15 i. Diversion measurements.
 - 16 ii. Crop types and consumptive use for each crop.
 - 17 iii. Estimated conveyance efficiencies.
 - 18 iv. Estimated on-farm efficiencies.
 - 19 v. Fill capacities of water storage facilities.
 - 20 vi. Evaporation losses from any water storage facilities.
- 21 4. For stockpond uses:
 - 22 a. Stockpond capacities and the method of measurement.
 - 23 b. Basis for determining the annual volume used.
- 24 5. For stockwatering other than from a stockpond and for domestic uses, the
25 basis for determining the annual volume used.

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1 All parties on the court-approved mailing list
2 for CV 6417-201 and CV 6417.

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