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

12 **IN THE GENERAL ADJUDICATION**
13 **OF ALL RIGHTS TO USE WATER IN**
14 **THE LITTLE COLORADO RIVER**
15 **SYSTEM AND SOURCE**

CV 6417

(Special Master Susan Ward Harris)

ARIZONA DEPARTMENT OF
WATER RESOURCES' COMMENTS
CONCERNING AN AMENDMENT TO
THE NAVAJO STATEMENT OF
CLAIMANT FOR NAVAJO LANDS

16 **HSR INVOLVED:** None.

17 **DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources requests
18 that certain information be included in the amendment to the statement of claimant to
19 be filed for Navajo Lands.

20 **NUMBER OF PAGES:** Three.

21 **DATE OF FILING:** July 7, 2016.


22 Pursuant to the Special Master's order dated April 14, 2016 ("Order"), the
23 Arizona Department of Water Resources ("ADWR") reviewed Statement of Claimant
24 ("SOC") 39-91442 filed by the Navajo Nation ("Navajo SOC"). Based on that review,
25 ADWR requests that certain information be included in the amendment that will be
26 filed by the Navajo Nation to the Navajo SOC pursuant to the Special Master's Order.

1 The Navajo SOC was filed on November 27, 1985, and was supplemented by
2 letter dated December 20, 1985. The Navajo SOC includes present and future water
3 uses on original trust lands, new lands obtained pursuant to the Navajo-Hopi Land
4 Dispute Settlement Act of 1996, and fee lands within the Little Colorado River
5 watershed (“Navajo Lands”). The types of claims include domestic, irrigation,
6 stockpond, municipal, commercial or industrial, mining, stockwatering other than from
7 a stockpond (livestock wells), and recreation, fish, wildlife and conservation uses.
8 Presented in **Attachment A** hereto is the claimed annual water use (in acre-feet)
9 associated with each one of the types of use (present and future) included in the Navajo
10 SOC.

11 As directed by the Special Master, ADWR reviewed the Navajo SOC to identify
12 “specific data, including the format of the data, that should be included in an amended
13 Statement of Claimant that would expedite its investigation of the claims asserted and
14 preparation of an HSR that includes the elements listed above [in the Order].” Order at
15 3. Presented in **Attachment B** hereto is information that ADWR believes should be
16 included in the amendment to be filed to the Navajo SOC for each type of use
17 described therein, and the format for that data. This information will expedite
18 ADWR’s preparation of a preliminary hydrographic survey report for the Navajo Lands
19 that will comply with the Special Master’s Order.

20 **DATED** this 7th day of July, 2016.

21 ARIZONA DEPARTMENT OF WATER
22 RESOURCES

23 
24 Janet L. Miller, Deputy Counsel
25 Nicole D. Klobas, Deputy Counsel
26

1 **ORIGINAL** of the foregoing sent by first-class
2 mail on July 7, 2016 to:

3 Clerk of the Superior Court
4 Apache County
5 Attention: Water Case
6 70 West Third South
7 St. Johns, AZ 85936

8 **COPIES** of the foregoing sent by first-class
9 mail on July 7, 2016 to:

10 Special Master Susan Ward Harris
11 Maricopa County Superior Court
12 Central Court Building Suite 3A
13 201 W. Jefferson Street
14 Phoenix, AZ 85003-2205

15 All parties on the court-approved mailing list
16 for CV 6417

17 *Alaron Stanlebury*
18 _____
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ATTACHMENT A

ATTACHMENT A - SUMMARY OF 1985 NAVAJO NATION STATEMENT OF CLAIMANT 39-91442 SHOWING CLAIMED ANNUAL WATER USE IN ACRE-FEET

TYPE OF USE	ORIGINAL TRUST LANDS		NEW LANDS OBTAINED PURSUANT TO THE NAVAJO-HOPI SETTLEMENT ACT		FEE LANDS		TOTALS
	Present	Future	961*	4107*			
Domestic	Present	300.81			0		
	Future	33			0		
	Subtotal		333.81		5068	0	5401.81
Irrigation	Present	36147			0		
	Future	35,6370			8000		
	Subtotal		39,2517		8000	0	40,0517
Stockpond	Present	2851.3			184.7	61.9	
	Future	550			115	0	
	Subtotal		3401.3		299.7	61.9	3762.9
Other Uses:							
Municipal	Present	3154.8			0	0	
	Future	44,719.4			0	0	
	Subtotal		47,874.2		0	0	47,874.2
Commercial or Industrial	Present	728.5			15	0	
	Future	34,580			400	0	
	Subtotal		35,308.5		415	0	35,723.5
Mining	Present	5822.6			0	0	
	Future	11,065			0	0	
	Subtotal		16,887.6		0	0	16,887.6
Stockwatering other than from a stockpond	Present	480.2			34.2	11.3	
	Future	50			10	0	
	Subtotal		530.2		44.2	11.3	585.7
Recreation, Fish, Wildlife, and Conservation	Present	3000.9			0	0	
	Future	297.7			0	0	
	Subtotal		3298.6		0	0	3298.6
TOTAL		500,151.21		13,826.9	73.2	514,051.31	

* Domestic and Municipal claimed amounts for New Lands were combined in SOC 39-91442.

ATTACHMENT B

ATTACHMENT B

ADWR'S DATA REQUIREMENTS FOR NAVAJO LANDS PRELIMINARY HSR

In Statement of Claimant 39-91442, the Navajo Nation claims certain types of use (present and future) on Navajo Lands. In order to expedite ADWR's preparation of a preliminary HSR for the Navajo Lands, ADWR requests that information be provided and formatted for each type of use as described below.

Claimed Types of Use

Domestic Use

- A. Present (for each diversion)
 - 1. Mapped diversion location and type (well or spring)
 - 2. Estimated or measured quantity delivered
 - 3. Estimated or actual population served
- B. Future
 - 1. Mapped location of planned diversions
 - 2. Projected population to be served
 - 3. Estimated gallons per capita per day

Irrigation Use

- A. Present (for each irrigation project)
 - 1. Mapped locations of currently irrigated acres and acreage totals
 - 2. Names and locations of diversions/sources for both groundwater and surface water
 - 3. Diversion requirement
 - 4. Basis for determining the diversion requirement
 - a. Diversion measurements
 - b. Crop types and consumptive use for each crop
 - c. Estimated conveyance efficiencies
 - d. Estimated on-farm efficiencies
 - e. Fill capacities of water storage facilities
 - f. Evaporation losses from any water storage facilities

B. Future

1. Mapped locations and acreage of proposed irrigation projects
2. Estimated diversion requirements and their basis
3. Water sources

Stockpond Use

A. Present

1. Mapped locations of existing stockponds
2. Stockpond surface areas and the method of measurement
3. Stockpond capacities and the method of measurement
4. Means of estimating annual water use
5. Water sources

B. Future

1. Mapped locations of proposed stockponds
2. Basis for addition of future stockponds (e.g., plans to increase number of stock or necessity of additional watering for existing stock)

Municipal Use

A. Present (for each water system)

1. Mapped diversion locations and types (wells or springs)
2. Estimated or measured quantities delivered
3. Estimated population served

B. Future

1. Mapped location of planned water systems
2. Projected populations to be served
3. Estimated gallons per capita per day

Commercial or Industrial

A. Present

1. Mapped locations of on-going uses
2. Water sources
3. Quantities used and basis
4. Basis for estimating water use for construction related purposes

B. Future

1. Mapped locations of proposed future uses

2. Basis for estimating future water use quantities
3. Proposed water sources

Mining

A. Present

1. Mapped locations of currently used diversions and basis for quantities delivered for mining purposes
2. Mapped locations of mining impoundments
3. Surface areas, capacities, and basis for estimating evaporation losses

B. Future

1. Mapped locations of proposed future mining uses
2. Basis for estimate of future quantity of use including water used directly for mining purposes and evaporation losses from future impoundments

Stockwatering Other than from a Stockpond (Livestock Wells)

A. Present

1. Well locations and quantities of use
2. Basis of quantity of use including number of livestock and estimated use per animal unit or metering, if available.

B. Future

1. Proposed well locations
2. Basis for future quantities needed

Recreation, Fish & Wildlife (and Conservation Water Uses)

A. Present

1. Mapped locations, surface areas, and capacities of impoundments
2. Method of estimating evaporative losses

B. Future

1. Mapped proposed locations, surface areas, and capacities of impoundments

Formatting Requirements

Tables

Tables of data should be provided in either Microsoft Excel or Microsoft Access.

Maps

Maps should be provided in a digital ArcGIS format (i.e. geodatabase, map coverages or feature classes, and/or polygon or point shapefile data).

Imagery

Imagery used to document present and historic water uses should be provided as digital ortho-rectified aerial photography datasets compatible with ArcGIS.

Published documents and expert reports

Reports and studies previously published in peer reviewed journals or as academic theses should be provided as PDFs. Expert reports should also be provided as PDFs with any tables, maps, or imagery provided in the formats listed above. Expert reports should be in final format and sealed by an appropriate registered professional. ADWR cannot make findings based on draft reports.