

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

No. W111003192

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

This objection is directed to Watershed _____ or Catalogued Well No. _____
File Report or Zone 2 Well Report No.
11404BDA 001

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community, Camp Verde Reservation
C/O Cox & Cox C/O Sparks & Siler, P.C.
Objector's Address: Suite 300 Luhrs Tower, P.O. Box 4245 7503 First Street
Phoenix, AZ 85030 Scottsdale, AZ 85251
Objector's Telephone: (602) 254-7207 (602) 949-1988

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):

39-11-05478 39-05-41142 39-07-12652 39-07-12676 39-05-50058 39-07-12169
39-U8-60083 39-L8-36340 39-L8-37360 39-U8-63614 39-07-12675 39-05-50059

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 18 day of May, 1992, postage prepaid and addressed as follows:

Name: ASARCO, INC.

Address: P.O. BOX 5747

TUCSON AZ 85703

I declare under perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

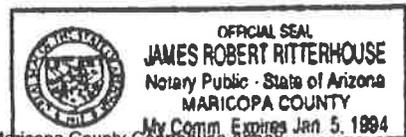
Alfred L. Cox Joe Sparks

Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 14 day of May 1992

James R. Rittal
Notary Public for the State of Arizona

(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well report; or to information contained in Volume 1 of the Hydrographic Survey Report.)



Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County, Arizona, 3345 W. Durango Street, Phoenix, AZ 85009, on or before May 18, 1992.

STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories) please check the category(ies) to which you object, and state the reason for the objection on the back of this form.

- 1. I object to the description of Land Ownership
- 2. I object to the description of Applicable Filings and Decrees
- 3. I object to the description of DWR's Analysis of Filings and Decrees
- 4. I object to the description of Diversions for the claimed water right(s)
- 5. I object to the description of Uses for the claimed water right(s)
- 6. I object to the description of Reservoirs used for the claimed water right(s)
- 7. I object to the description of Shared Uses & Diversions for the claimed water right(s)
- 8. I object to the PWR (Potential Water Right) Summary of the claimed water right(s)
- 9. I object to the description of Quantities of Use for the claimed water right(s)
- 10. I object to the Explanation provided for the claimed water right(s)
- 11. Other Objections (please state volume, page and line number for each objection)

REASON FOR OBJECTION

Reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attach supporting information on additional pages as necessary)

CATEGORY
NUMBER

See Attached

W. F. R. No. 114-04-BDA-001

Asarco, Inc.

ATTACHMENT

STATEMENT OF THE OBJECTION

4. description of Diversions

REASON FOR OBJECTION

4. The HSR shows (Vol. 6, Table 2, Page 11) that the quantities of water in AFA from filings and pre-filings are inconsistent (478)(430)

Adjudication Filing No. 39-0004004 claims only 4,243 AFA for irrigation for IR001, IR002, IR003, IR004, IR090, and PS001, Cook's Lake.

IR001

IR002 has the same pre-filings except:

10-1101233.1100 claims 0 AFA

10-1102444.1200 claims 9,000 AFA 10-1102444.1100 claims 18,000 AFA

36-0018832 claims 960 AFA

36-0018833 claims 2,640 AFA

IR003 has the same pre-filings except

36-0018834 claims 655 AFA

for lacking 10-1102444.1100 & 1200

36-0018835 claims 960 AFA

36-0018836 claims 2,640 AFA

IR004 and IR090 have the same pre-

36-0018837 claims 1,920 AFA

filings as IR003. So does PS001.

36-0018838 claims 720 AFA

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or Catalogued Well No.

File Report or Zone 2 Well Report No.

11404BDA 001

(please insert no.)

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community

San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community, Camp Verde Reservation

C/O Cox & Cox

C/O Sparks & Siler, P.C.

Objector's Address: Suite 300 Luhrs Tower, P.O. Box 4245

7503 First Street

Phoenix, AZ 85030

Scottsdale, AZ 85251

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39-07-12676

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39-07-12169

39-UB-60083

39-LB-36340

39-LB-37360

39-UB-63614

39-07-12675

39-05-50059

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 13 day of May, 1992, postage prepaid and addressed as follows:

Name: ASARCO, INC.

Address: P.O. BOX 5747

TUCSON AZ 85703

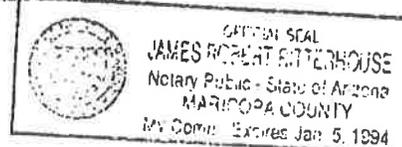
I declare under perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

Alfred S. Cox James R. Pustul

Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 6 day of May 1992.

James R. Pustul
Notary Public for the State of Arizona



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- X 4. I object to the description of **Diversions** for the claimed water right(s)
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- X 9. I object to the description of **Quantities of Use** for the claimed water right(s)
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- 11. Other Objections (please state volume, page and line number for each objection)

REASON FOR OBJECTION

reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attached supporting information and additional pages necessary. The following objection(s) are based upon information and belief:

CATEGORY

NUMBER

- 4 The use of the water claimed depletes water for senior federal and Indian water rights (1150).
- 2 HSR does not show a well registration filing (420).
- 2 HSR does not show a claimed water use rate (1000).
- 4 This well takes water directly from the flow of the river under state standards (500) (532) (1132) (1137).
- 9 HSR does not show the apparent annual volume of water used (1000).
- 5 Claimed uses were not found by DWR (830).

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This objection is directed to Watershed _____ or Catalogued Well No. _____
File Report or Zone 2 Well Report No. 11404BDA 001
(please insert no.) (please insert no.)

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community, Camp Verde Reservation
C/O Cox & Cox C/O Sparks & Siler, P.C.
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39-U8-60083 39-L8-36340 39-L8-37360 39-U8-63614 39-07-12675 39-05-50059

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 18 day of May, 1992, postage prepaid and addressed as follows:

Name ASARCO, INC
Address P.O. BOX 5747
TUCSON AZ 85703

I declare under perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions I believe them to be true.

Alfred S. Cox

[Signature]

Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 06 day of

May 1992
James R. Rutter
Notary Public for the State of Arizona

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- X 9. I object to the description of **Quantities of Use** for the claimed water right(s)
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- 11. Other Objections (please state volume, page and line number for each objection)

REASON FOR OBJECTION

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CATEGORY
NUMBER

- 4 The use of the water claimed depletes water for senior federal and Indian water rights (1150).
- 2 HSR does not show a well registration filing (420).
- 9 HSR does not show a claimed water use rate (1000).
- 2 HSR does not show a quantity for pre-filing(s) (430).
- 2 Claim date from filing(s) and/or pre-filing(s) are inconsistent (478)(430)
- 2 Quantities from filing(s) and/or pre-filing(s) are inconsistent (478)(430).

See Attachments

W. F. R. No. 114-04-BDA-001

Asarco, Inc.

ATTACHMENT

STATEMENT OF THE OBJECTION

4. description of Diversions

REASON FOR OBJECTION

4. The HSR shows (Vol. 6, Table 2, Page 11) that ADWR did not confirm existence of a well claimed in Filing Number 10-1114303.1200:

"FILING 10-1114303.12 - CLAIMS IRRIGATION WATER USES FROM AN UNNAMED WELL. NO WELL WAS FOUND AT THE CLAIMED LOCATION."

The ADWR did not confirm, as the HSR states at the same page, a diversion claimed by Filing Number 10-1116085-1100:

"FILING 10-1116085-11 - CLAIMS IRRIGATION AND STOCKWATERING USES FROM A DIVERSION ON THE SAN PEDRO RIVER. NO DIVERSION WAS FOUND AT THE CLAIMED LOCATION."

The ADWR did not confirm, as the HSR states at the same page, a well claimed in Filing Number 39-0004003:

"FILING 39-4003 - CLAIMS DOMESTIC AND STOCKWATERING USES FROM A WELL. THIS WELL WAS NOT LOCATED DURING FIELD INVESTIGATIONS." (830)

W. F. R. No. 114-04-BDA-001

Asarco, Inc.

ATTACHMENT

STATEMENT OF THE OBJECTION

5. description of Uses

REASON FOR OBJECTION

5. The ADWR did not confirm beneficial water use at the location claimed by Filing

Number 1113100.1100, as stated in the HSR at Vol. 6, Table 2, page 11:
"FILING 10-1113100-11 - CLAIMS IRRIGATION AND STOCKWATERING USES
FROM A DIVERSION ON THE SAN PEDRO RIVER. NO USES OR DIVERSIONS WERE
FOUND AT THE CLAIMED LOCATIONS."

The ADWR did not find domestic water use claimed in eight Filing Numbers

36-0018832,	36-0018834	36-0018836	36-0018838
36-0018833,	36-0018835	36-0018837	39-0004004

as the HSR states at the same page: "FILINGS 36-18832 THROUGH 36-18838 &
39-4004 - CLAIM DOMESTIC WATER USES FROM DIVERSIONS S1 & W1-W5.
THESE DIVERSIONS DO NOT SUPPLY WATER FOR DOMESTIC USES." (830)

The ADWR found PWR IR090 not to have been cultivated for five years. PWR IR090 has

adjudication filing 39-0004004, with applicable pre filings

10-1101233.1100	36-0018833	36-0018835	36-0018837
36-0018832	36-0018834	36-0018836	36-0018838

The HSR states at the same page "IR90 - DISCONTINUED IRRIGATION: D. W. R. HAS
DETERMINED THAT NO IRRIGATION HAS OCCURRED ON A PORTION OF THIS
PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN
THE PAST TEN YEARS BASED UPON REVIEW HISTORICAL AERIAL PHOTOGRAPHY
AND FIELD INVESTIGATIONS." (832)

The use of the water claimed depletes water for senior federal and Indian water rights

(1150)

W. F. R. No. 114-04-BDA-001

Asarco, Inc.

ATTACHMENT

STATEMENT OF THE OBJECTION

- 4. description of Diversions
- 9. description of Quantities of Use

REASON FOR OBJECTION

- 4. The HSR shows (Vol. 6, Table 2, Page 11) three Filing Numbers that provide no point of diversion location more precise than an entire section number or an entire township: 10-1102444.1100, 10-1103330.1100, 39-0004003

The HSR shows at the same page four Filing Numbers that provide no use location whatsoever or only a township without even a section number: 10-1103330.1100, 10-1113100.1100, 39-0004003, 39-0004004

The ADWR did not match a potential water right with Filing Number 10-1103330.1100. The HSR states at the same page: "FILING 10-1103330-11 - CLAIMS IRRIGATION WATER USE FROM THE SAN PEDRO RIVER. NO LOCATIONS ARE CLEARLY STATED, THEREFORE NO POTENTIAL WATER RIGHTS (P.W.R.'S) COULD BE MATCHED TO THIS FILING." (430) (478)

- 9. The HSR shows at the same page three Filing Numbers which claim no quantity of water in AFA whatsoever: 10-1101233.1100, 10-1105312.1100, 10-1114303.1200. In addition, the ADWR did not match Filing Number 10-11-5310.110 with a P.W.R., the HSR stating at the same page: "FILING 10-1105312-11 - CLAIMS IRRIGATION WATER USE FROM THE SAN PEDRO RIVER. THIS FILING DOES NOT APPLY TO ANY P.W.R.'S IN THIS W.F.R." (430)

STATEMENT OF THE OBJECTION

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- 2. I object to the description of APPLICABLE FILINGS AND DECREES
- 3. I object to the description of DWR'S ANALYSIS OF FILINGS AND DECREES
- 4. I object to the description of the DIVERSIONS for the claimed water right(s)
- 5. I object to the description of the USES for the claimed water right(s)
- 6. I object to the description of RESERVOIRS used for the claimed water right(s)
- 7. I object to the description of SHARED USES & DIVERSIONS for the claimed water right(s)
- 8. I object to the PWR (POTENTIAL WATER RIGHT) SUMMARY of the claimed water right(s)
- 9. I object to the description of the QUANTITIES OF USE for the claimed water right(s)
- 10. I object to the EXPLANATION provided for the claimed water right(s)
- 11. Other Objections (please state volume number, page number and line number for each objection)

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attach supporting information and additional pages as necessary):

CATEGORY
NUMBER

SEE ATTACHMENT 1

In this attachment the uniform code designated by the
Special Master in accordance with Case Management
Order No. 1 is shown in parenthesis following each
objection statement.

ATTACHMENT 1

WFR CATEGORY 2 - APPLICABLE FILINGS AND DECREES

The Salt River Project objects to the inaccurate reporting of the "claim date" for notices of appropriation. Where the date claimed in the notice is different than the date of filing, DWR has reported the date of filing as the "claim date". Since the "claim date" should be used as the basis for reporting apparent dates of first use, failure to select the correct "claim date" would result in an inaccurate apparent date of first use (0430). This objection applies to: IR001 and IR002.

WFR CATEGORY 3 - DWR's ANALYSIS OF FILINGS AND DECREES

The Salt River Project objects to the "discontinued use" designation assigned to this Potential Water Right (PWR). Presently, the legal implications of the "discontinued use" designation are not known. It is also uncertain how the master and the court will treat PWRs assigned the "discontinued use" designation. In order to protect its ability to participate in the resolution of legal issues related to the "discontinued use" designation, the Project submits its objection at this time (0830). This objection applies to: IR090.

WFR CATEGORY 8 - PWR SUMMARY

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, particularly notices of appropriation, are the evidentiary foundation for the date of priority associated with a water right. Where a notice of appropriation and one or more Water Rights Registration Act filings have been matched to the same PWR but suggest different dates of priority, the date evidenced by the notice should form the basis for the apparent date of first use, unless sufficient historical evidence indicates a contrary date.

The Watershed File Report (WFR) fails to articulate sufficient historical evidence to refute the priority date evidenced by the notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by the notice (0920). This objection applies to: IR003, IR004 and IR090.

* * * *

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, particularly notices of appropriation, are the evidentiary foundation for the date of priority associated with a water right. Where a notice of appropriation and one or more Water Rights Registration Act filings have been matched to the same PWR but suggest different dates of priority, the date evidenced by the notice should form the basis for the apparent date of first use, unless sufficient historical evidence indicates a contrary date.

The Watershed File Report fails to articulate sufficient historical evidence to refute the priority date evidenced by the notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by the notice (0920). This objection applies to: PS001.

* * * *

WFR CATEGORY 8 - PWR SUMMARY (continued)

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, particularly notices of appropriation, are the evidentiary foundation for the priority date associated with a water right. This PWR has been matched to multiple notices of appropriation and Water Rights Registration Act (WRRRA) filings. The apparent date of first use for this PWR should be the date evidenced by the oldest notice, absent sufficient historical evidence to the contrary. This is particularly true since one of the WRRRA filings confirms the date of the oldest notice.

The Watershed File Report fails to set forth sufficient historical evidence to refute the priority date evidenced by the oldest notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use should be the date evidenced by the oldest notice (0920). This objection applies to: IR001 and IR002.

* * * *

The Salt River Project objects to the weight placed upon aerial photography in determining the apparent date of first use for this Potential Water Right (PWR). Where DWR concludes that no use exists on a parcel as of a given photo date, it does not follow that a claimant either had no water right to start with or abandoned that right by nonuse. Scattered photos reflecting occasional periods of nonuse over a fifty-year time span should not be interpreted by DWR to refute the priority date or dates evidenced by a claimant's previous filings (0910). This objection applies to: IR003 and IR004.

* * * *

The Salt River Project objects to the use of "statement of claimant" as the basis for the apparent date of first use assigned to this Potential Water Right (PWR). Mere allegations made in a Statement of Claimant are insufficient to refute the date of priority evidenced by one or more applicable previous filings. The Watershed File Report fails to set forth historical evidence sufficient to refute the priority date evidenced by the previous filings matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by those filings (0910). This objection applies to: IR090.

WFR CATEGORY 9 - QUANTITIES OF USE

The Salt River Project objects to the lack of specificity of the quantity of use assigned to this storage Potential Water Right (PWR). The Watershed File Report fails to indicate whether the volumetric quantity assigned to this PWR implies a continuous fill, one fill per year, or one fill only. Unless evidence from previous filings, or other sufficient historic evidence, indicates a clear intention to the contrary, the quantity of use assigned to a storage PWR should be sufficient to permit continuous filling of the storage reservoir (1050). This objection applies to: PS001.

* * * *

The Salt River Project objects to the quantities of use assigned to this Potential Water Right (PWR). The maximum observed and regional methods used by DWR for determining quantities of use for certain agricultural irrigation PWRs are inconsistent with the Arizona doctrine of prior appropriation; these methods are also technically inaccurate. The maximum potential method used by DWR for determining quantities of use is consistent with Arizona law; however, several technical corrections are necessary. For an additional discussion of the problems associated with DWR's methods of quantification for this type of PWR, see the Salt River Project's Volume 1 objections to these methods, a copy of which is attached to this objection and incorporated herein by reference (1020). This objection applies to: IR001, IR002, IR003 and IR004.

* * * *

The Salt River Project objects to the failure of DWR to assign a quantity of use to this Potential Water Right (PWR). All water rights subject to the court's jurisdiction must be quantified in accordance with A.R.S. § 45-257(B). This PWR is no exception (1010). This objection applies to: IR090.

* * * *

WFR CATEGORY 9 - QUANTITIES OF USE (continued)

The Salt River Project objects to the failure of DWR to calculate a diversion rate for this Potential Water Right (PWR). All PWRs assigned a point or points of diversion should be assigned a separate diversion rate for each point of diversion. Diversion rates should be calculated at the point of diversion and should include conveyance losses (1010). This objection applies to: IR001, IR002, IR003, IR004, IR090 and PS001.

EXCERPT FROM
SALT RIVER PROJECT OBJECTIONS TO
VOLUME 1 OF THE SAN PEDRO RIVER HSR

IRRIGATION QUANTITY ESTIMATES

(page numbers refer to Volume 1)

INTRODUCTION

The Salt River Project objects to DWR's estimation methods and results for irrigation water quantities for the following reasons:

First, the Salt River Project objects to DWR's estimation of water duty under both the "maximum observed" and "regional" methods. In the absence of decreed rights, which must be accepted by the court in the absence of abandonment, Arizona law requires that the extent of an appropriative right be measured according to the quantity of water that the appropriator diverted for beneficial use since the time of the appropriation. A.R.S. § 45-141(B) ("Beneficial use shall be the basis, measure and limit to the use of water"). Neither the "maximum observed" or "regional" quantification methods employed by DWR properly estimate maximum actual historical beneficial use as required by law.

The Salt River Project supports DWR's estimation of water duty using the "maximum potential" method since, in the absence of sufficient historical records, this method properly estimates maximum actual historical beneficial use.

Second, DWR's method to compute maximum observed water duty does not accurately estimate maximum actual historical beneficial use since it incorporates inaccurate crop irrigation requirements, deficit irrigation, five years or less of crop history, or overly high efficiency estimates.

Third, although DWR has developed new terminology in reporting regional water duties, DWR still uses the Arizona Groundwater Code method of "areas of similar farming conditions" (ASFC), now termed "regional farming conditions" (RFC). The RFC method assigns a weighted average consumptive use requirement to the water duty equation based upon the types of crops recently grown by appropriators in a designated area. Historical information or records evincing an individual claimant's actual cropping patterns and the quantities of water actually used to cultivate such crops since the time of appropriation are not considered. In fact, the Court noted that "[average efficient use] is not directly related to what is the property's water right[s] . . ." (Entitlement Order at 6). Under the prior appropriation doctrine, an appropriator who has grown alfalfa on his property historically is entitled to a water duty that will support alfalfa, regardless of the crops that he or his neighbors are currently growing. Under DWR's "averaging" approach, an appropriator in this situation would be assigned an apparent entitlement inadequate to meet crop needs.

Additionally, under the RFC concept, the efficiency of various irrigation methods is averaged among appropriators, thus further exacerbating the inadequate water duty for the appropriator who does not have a system with above-average efficiency.

Fourth, there are a number of technical errors in DWR's calculation of crop consumptive use including the use of a five year crop history, adjusted weather data, relative humidity, growing season, effective precipitation, crop coefficients, alfalfa stand establishment, deficit irrigation, and efficiency estimates.

Five Year Crop History

pp. 146-151, C-18, C-19, C-68 through C-78

The Salt River Project objects to DWR's use of its five year investigation period for computing acreages irrigated for maximum observed quantification and for computing crop irrigation water requirements for both maximum observed and regional quantifications. Indeed, it appears that DWR has relied heavily on a single year (1990) of crop survey data. The information developed from a single year, or five year period, cannot be used to properly estimate actual historical beneficial use since low consumptive use crops or no crop may be present during the period. Thus, historical cropping practices or completion of a crop rotation are not reflected.

Adjusted Weather Data

pp. C-6 through C-19

The Salt River Project objects to DWR's adjustment of weather station temperatures from recorded values and relative humidities from estimated values. The temperature and relative humidity adjustment procedure is intended for prediction of crop water requirements for large, new irrigation developments where the current observations are from a nearby non-irrigated area. Because of the "clothesline" configuration of San Pedro irrigated areas in relation to the extremely arid surrounding environment, it is extremely doubtful there is any moderating effect due to surrounding irrigated land or to the San Pedro River.

Relative Humidity

pp. C-9, C-17, C-25, C-29, C-34, C-92

The Salt River Project objects to DWR's failure to specify whether it used minimum relative humidity as specified in Food and Agricultural Organization (FAO) Paper 24. Minimum relative humidity is not reported by Sellers and Hill. Furthermore, their 6 p.m. (1800 hours) data must be adjusted downward to reflect lower humidity in mid-afternoon. The proper publication date for Arizona Climate, 1931-1972, by Sellers and Hill, is 1974.

Growing Season

pp. C-20, C-24

The Salt River Project objects to DWR's use of field observations during one or just a few years to estimate the length of growing season for perennial crops. A few field observations of irrigation dates do not define the water use period because water use occurs both before and after irrigation and because growing seasons vary from year to year. Growing seasons can best be determined for perennial crops by a relationship between plant growth and mean temperature or mean date of low temperatures over an extended period of record.

Effective Precipitation

pp. C-38, C-40 through C-49

The Salt River Project objects to DWR's method of estimating non-growing season effective precipitation. The procedure used neglects runoff, uses soil constant values that are highly variable and not well quantified, and is unclear about assumptions of initial soil moisture conditions for each month. Published methods can be used to estimate non-growing season effective precipitation for the winter months, the relevant period for most crops. Furthermore, the Salt River Project objects to DWR's use of a 50 percent probability of precipitation, which results in an inadequate supply in one-half of the years. A 50 percent probability indicates that average effective precipitation is subtracted from crop consumptive use when DWR calculates the irrigation requirement. This means that in years of below-average precipitation, irrigation users would be unable to replace the lack of precipitation with additional irrigation water. The amount of precipitation that is available 80 percent of the time for field crops and 90 percent of the time for orchards and vegetables is appropriate.

Crop Coefficients

p. C-33

The Salt River Project objects to DWR's use of 0.8 as the kc for Winter Pasture. Winter Pasture is a cool-season grass mixture that has a higher crop coefficient than a warm-season grass. SRP also objects to DWR's use of the mean of kc1 and kc3 as a value for kc2, instead of interpolation. Both FAO-24 and University of California Leaflet 21427 specify interpolation.

Alfalfa Stand Establishment

p. C-37

The Salt River Project objects to DWR's failure to include water for alfalfa stand establishment as an "Other Need."

Deficit Irrigation

pp. C-4, C-5, C-54 through C-68

The Salt River Project objects to DWR's use of deficit irrigation values for the maximum observed quantification for water right entitlements. As noted above, maximum actual historical beneficial use is the proper measure of a water right entitlement, not current practice.

Efficiency Estimates

pp. 138-140, C-51 through C-54

The Salt River Project objects to DWR's omission of the effect of a rotation delivery system on On-Farm Irrigation Efficiency. A rotation delivery system reduces On-Farm Irrigation Efficiency below that which can be achieved if irrigation water is available on demand.

The Salt River Project also objects to DWR's use of average estimated values of irrigation efficiency for regional quantification. The use of average efficiencies understates entitlements for one-half of all irrigated acres on this basis alone.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

Contested Case File: W111003192
Major User No. 1263

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992. Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009.

This objection is directed to Watershed
File Report or Zone 2 Well Report No.

114-04-BDA-001

or Catalogued Well No.

(please insert no.)

(please insert no.)

OBJECTOR INFORMATION

Objector's Name:
United States of America

Co-Objector's Name:
Gila River Indian Community
c/o Cox & Cox

Co-Objector's Name:
San Carlos Apache Tribe; Tonto
Apache Tribe; Yavapai-Apache Indian
Community; Camp Verde Reservation
c/o Sparks & Siler, P.C.

Objector's Address:
601 Pennsylvania Ave.
Washington, D.C. 20004

Co-Objector's Address:
Suite 300 Luhrs Tower
Phoenix, AZ 85003

Co-Objector's Address:
7503 First Street
Scottsdale, AZ 85251

Objector's Telephone No.:
(202) 272-4059 / 272-6978

Co-Objector's Telephone No.:
(602) 254-7207

Co-Objector's Telephone No.:
(602) 949-1998

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

111-19-009

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):
39-11-05478 39-05-41142 39-07-12652 39-07-12676 39-05-50058 39-07-12169
39-U8-60083 39-L8-36340 39-L8-37360 39-U8-63614 39-07-12675 39-05-50059

STATE OF ARIZONA
COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 18th day of May, 1992, postage prepaid and addressed as follows:

Name: 114-04-BDA-001
ASARCO, INC.
Address: P.O. BOX 5747
TUCSON AZ 85703

(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well Report, or to information contained in Volume 1 of the Hydrographic Survey Report.)

VERIFICATION (must be completed by objector)

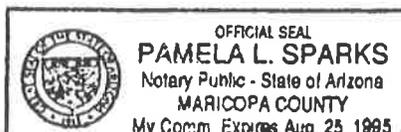
I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

Signature of Objector or Objector's Representative

Signature of Co-Objector or Co-Objector's Representative

Signature of Co-Objector or Co-Objector's Representative

SUBSCRIBED AND SWORN to before me this 7 day of May, 1992.



STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check the category(ies) to which you object, and state the reason for the objection on the back of this form.

- 1. I object to the description of Land Ownership.
- 2. I object to the description of Applicable Filings and Decrees.
- 3. I object to the description of DWR's Analysis of Filings and Decrees.
- 4. I object to the description of Diversions for the claimed water right(s).
- 5. I object to the description of Uses for the claimed water right(s).
- 6. I object to the description of Reservoirs used for the claimed water right(s).
- 7. I object to the description of Shared Uses & Diversions for the claimed water right(s).
- 8. I object to the PWR (Potential Water Right) Summary of the claimed water right(s).
- 9. I object to the description of Quantities of Use for the claimed water right(s).
- 10. I object to the Explanation provided for the claimed water right(s).
- 11. Other Objections (please state volume, page and line number for each objection).

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attach supporting information and additional pages as necessary):

- 2. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420) (S01; W02; W03)

The available historical record does not support the priority date listed in the pre-filings. (SM 430) (IR004; IR002; IR003; IR001)

The available historical record does not support the priority date listed in the adjudication filings. (SM 478) (IR004; IR002; IR003; IR001)

The amount claimed, as described by ADWR, exceeds a reasonable amount required for beneficial use. (SM 478)

The statement of claimant lists a use not verified by DWR. (SM 478)

The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)

One or more of the filings or pre-filings as reported in this WFR is missing a point of diversion legal description. (SM 623) (3900040030000)

One or more of the POD legal descriptions listed in the WFR is too general. (SM 623) (1011024441100; 1011033301100)

Water listed under this WFR is diverted outside of the San Pedro River basin resulting in a total consumptive use and depletion of water in the San Pedro River basin. (SM 627)

One or more of the filings or pre-filings as reported in this WFR is missing a place of use legal description. (SM 720) (3900040030000; 3900040040000)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (1011033301100; 1011131001100; IR001)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (1011012331100; 1011024441100; 1011053121100; 1011131001100; 1011143031200; 1011160851100; 3600188320000; 3600188330000; 3600188340000; 3600188350000; 3600188360000; 3600188370000; 3600188380000; 3900040030000; 3900040040000)

3. Water listed under this WFR is diverted outside of the San Pedro River basin resulting in a total consumptive use and depletion of water in the San Pedro River basin. (SM 627)
4. The diversion is not associated with a POU. It may be unused, discontinued or not applicable and should not be assigned a water right. (SM 600)
8. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420) (S01; W02; W03)

The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)

The legal description for the point of diversion listed by ADWR is not fully supported by the applicable filings listed. (SM 623) (S01; W02)

One or more of the POD legal descriptions listed in the WFR is too general. (SM 623) (1011024441100; 1011033301100)

Water listed under this WFR is diverted outside of the San Pedro River basin resulting in a total consumptive use and depletion of water in the San Pedro River basin. (SM 627)

The legal description for the place of use of a potential water right listed by ADWR is not fully supported by applicable filings. (SM 720) (DM001000; DM001001; IR001000; IR001001; IR001002; IR001003; IR002000; IR002001; IR002002; IR002003; IR002004; IR002005; IR002006; IR002007; IR003000; IR003001; IR004000; IR004001; IR004002; IR004003; IR004004; IR090000; IR090001; IR090002; PS001000; PS001001)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (1011033301100; 1011131001100; IR001)

All or part of the PWR has been idle for more than five years and therefore is not entitled to a water right. (SM 832)

The available historical record does not support the priority date listed in the ADWR analysis of Apparent First Use Date. (SM 920) (PS001; IR002; IR001)

The maximum observed volume is less than both the regional and claimed volume of use for this PWR. A claimant is not entitled to more water than has been put to beneficial use. (SM 1000)

9. The maximum observed volume is less than both the regional and claimed volume of use for this PWR. A claimant is not entitled to more water than has been put to beneficial use. (SM 1000)

ADWR uses a methodology that over-estimates crop water requirements. (SM 1020)

RECEIVED MAY 11 1992

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

No. W1,W2,W3 & W4

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

W1-11-003192

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

This objection is directed to Watershed
File Report or Zone 2 Well Report No.

114.04 . BDA . 001
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: ASARCO Incorporated (1263)

Objector's Address: P.O. Box 8, Hayden, AZ 85235

Objector's Telephone No.: (602) 356-7811

The names, address and telephone number of Objector's attorneys are on the Attachment hereto.

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

114 . 04 . BDA . 001 et al.

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):

39

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF Maricopa

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 11th day of May, 1992, postage prepaid and addressed as follows:

Name: State Land Department
Address: 1616 W. Adams
Phoenix, AZ 85007

I declare under penalty of perjury that I am a claimant in this proceeding or the duly- authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

[Signature]
Signature of Objector or Objector's Representative
Authorized Attorney

SUBSCRIBED AND SWORN to before me this 11th day of May, 1992.

[Signature]

Notary Public for the State of Arizona

Residing at Phoenix, Maricopa County

My commission expires July 17, 1994

*continued below

(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well Report; or to information contained in Volume 1 of the Hydrographic Survey Report.)

*Simonis Donovan Accounts
610 Newport Center Drive
Suite #500
Newport Beach, CA 92660

Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009, on or before May 18, 1992.

Attachment to Objection re ASARCO Incorporated, WFR #
114-04-BDA-001

1-11. ASARCO incorporates herein the comments submitted by ASARCO dated 6/1/87 to the "first draft" Preliminary San Pedro River HSR and the comments submitted by ASARCO dated 11/16/90 to the August 1990 Preliminary San Pedro HSR, to the extent those comments have not been observed in the preparation of the Final HSR for the San Pedro River Watershed. (200)

2, 3

& 8. DWR should include corresponding well registration filings and any other previous well-related filings if it is determined that wells should be listed in the Watershed File Reports. (410)

4. The legal description of W01 is incorrect. The correct legal description is NESWSW33 060S 160E. (623)

The legal description of W02 is incorrect. The correct legal description is SWSWNW33 060S 160E. (623)

The legal description of W03 is incorrect. The correct legal description is SWNWNW33 060S 160E. (623)

The legal description of W04 is incorrect. The correct legal description is NENWNE29 060S 160E. (623)

W06 should be added to the list of diversions. The legal description of the point of diversion for W06 is SENENW33 060S 160E. W06 supplies domestic uses at PZ Ranch. (620)

4, 7. ASARCO does not share its water sources with the land owner/lessee listed in WFR # 114-04-BDA-004. ASARCO's use and diversion of these waters is exclusive. (625) (700)

4, 8

& 11. Objector objects to the designation of Zone 1 and 2 and Catalogued wells. Objector contends it is groundwater and is not subject to Zone 1, Zone 2 or any other Zone classification (510, 610, 1132, 1134)

11. W04, ASARCO agricultural well named Well #15, is not shown in Volume 9, page 164. W04 should be shown in Volume 9, page 164, at its correct point of diversion, NENWNE29 060S 160E. (620) ASARCO has separately included this objection item in its Objection to Volume 9 in Contested Case No. W1-11-00006, filed simultaneously herewith.

The water uses reported in this Watershed File Report relate to ASARCO Incorporated (Major User Code 1263) and to Arizona State Land Department (Major User Code 1291).

Continuation of Attachment to Objection re ASARCO Incorporated,
WFR # 114-04-BDA-001

Attorneys for Objector: Burton M. Apker, Id. No. 001258
 Gerrie Apker Kurtz, Id. No. 005637
 APKER, APKER, HAGGARD & KURTZ, P.C.
 2111 E. Highland, Suite 230
 P.O. Box 10280
 Phoenix, Arizona 85064-0280
 (602) 381-0085

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

3195

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

No. W1, W2, W3 & W4
Contested Case No. W1-11-00319

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for the
San Pedro River Watershed

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

This objection is directed to Watershed
File Report or Zone 2 Well Report No.

114-04-BDD -002
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name:

Salt River Project

Objector's Address:

Post Office Box 52025

Phoenix, Arizona 85072-2025

Objector's Telephone No:

(602) 236-2210

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro Watershed):

39-07 01040, 01041, 01206, 01207, 01998

39-05 50053, 50054, 50055

39-L8 35212, 35213

STATE OF Arizona

COUNTY OF Maricopa

VERIFICATION (must be completed by objector)

I hereby make this Objection. I certify that, if required, copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 14th day of May, 1992, postage prepaid and addressed as follows:

Name: ASARCO, INC.

Address: P.O. BOX 98

HAYDEN, AZ 85235

I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

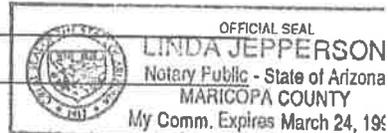
David C. Robitz
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 1st day of May, 1992.

Linda Jepperson
Notary Public for the State of Arizona

Residing at Maricopa County

My commission expires _____



Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix Az 85009, on or before May 18, 1992.

STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check the category(ies) to which you object, and state the reason for the objection on the back of this form.

- 1. I object to the description of LAND OWNERSHIP
- 2. I object to the description of APPLICABLE FILINGS AND DECREES
- 3. I object to the description of DWR's ANALYSIS OF FILINGS AND DECREES
- 4. I object to the description of the DIVERSIONS for the claimed water right(s)
- 5. I object to the description of the USES for the claimed water right(s)
- 6. I object to the description of RESERVOIRS used for the claimed water right(s)
- 7. I object to the description of SHARED USES & DIVERSIONS for the claimed water right(s)
- 8. I object to the PWR (POTENTIAL WATER RIGHT) SUMMARY of the claimed water right(s)
- 9. I object to the description of the QUANTITIES OF USE for the claimed water right(s)
- 10. I object to the EXPLANATION provided for the claimed water right(s)
- 11. Other Objections (please state volume number, page number and line number for each objection)

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attach supporting information and additional pages as necessary):

CATEGORY
NUMBER

SEE ATTACHMENT 1

In this attachment the uniform code designated by the
Special Master in accordance with Case Management
Order No. 1 is shown in parenthesis following each
objection statement.

ATTACHMENT 1

WFR CATEGORY 8 - PWR SUMMARY

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, in this case, filings made pursuant to the Water Rights Registration Act (WRRRA), are the evidentiary foundation for the priority date associated with a water right. The Watershed File Report fails to set forth sufficient historical evidence to refute the date of priority claimed in the WRRRA filing matched to this PWR. In the absence of such evidence, the apparent date of first use for this PWR should be the date claimed in the WRRRA filing (0920). This objection applies to: IR002, IR003 and IR004.

* * * *

The Salt River Project objects to the weight placed upon aerial photography in determining the apparent date of first use for this Potential Water Right (PWR). Where DWR concludes that no use exists on a parcel as of a given photo date, it does not follow that a claimant either had no water right to start with or abandoned that right by nonuse. Scattered photos reflecting occasional periods of nonuse over a fifty-year time span should not be interpreted by DWR to refute the priority date or dates evidenced by a claimant's previous filings (0910). This objection applies to: IR003 and IR004.

* * * *

The Salt River Project objects to the use of "statement of claimant" as the basis for the apparent date of first use assigned to this Potential Water Right (PWR). Mere allegations made in a Statement of Claimant are insufficient to refute the date of priority evidenced by one or more applicable previous filings. The Watershed File Report fails to set forth historical evidence sufficient to refute the priority date evidenced by the previous filings matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by those filings (0910). This objection applies to: IR002.

WFR CATEGORY 9 - QUANTITIES OF USE

The Salt River Project objects to the quantities of use assigned to this Potential Water Right (PWR). The maximum observed and regional methods used by DWR for determining quantities of use for certain agricultural irrigation PWRs are inconsistent with the Arizona doctrine of prior appropriation; these methods are also technically inaccurate. The maximum potential method used by DWR for determining quantities of use is consistent with Arizona law; however, several technical corrections are necessary. For an additional discussion of the problems associated with DWR's methods of quantification for this type of PWR, see the Salt River Project's Volume 1 objections to these methods, a copy of which is attached to this objection and incorporated herein by reference (1020). This objection applies to: IR001, IR002, IR003 and IR004.

* * * *

The Salt River Project objects to the failure of DWR to calculate a diversion rate for this Potential Water Right (PWR). All PWRs assigned a point or points of diversion should be assigned a separate diversion rate for each point of diversion. Diversion rates should be calculated at the point of diversion and should include conveyance losses (1010). This objection applies to: IR001, IR002, IR003 and IR004.

EXCERPT FROM
SALT RIVER PROJECT OBJECTIONS TO
VOLUME 1 OF THE SAN PEDRO RIVER HSR

IRRIGATION QUANTITY ESTIMATES

(page numbers refer to Volume 1)

INTRODUCTION

The Salt River Project objects to DWR's estimation methods and results for irrigation water quantities for the following reasons:

First, the Salt River Project objects to DWR's estimation of water duty under both the "maximum observed" and "regional" methods. In the absence of decreed rights, which must be accepted by the court in the absence of abandonment, Arizona law requires that the extent of an appropriative right be measured according to the quantity of water that the appropriator diverted for beneficial use since the time of the appropriation. A.R.S. § 45-141(B) ("Beneficial use shall be the basis, measure and limit to the use of water"). Neither the "maximum observed" or "regional" quantification methods employed by DWR properly estimate maximum actual historical beneficial use as required by law.

The Salt River Project supports DWR's estimation of water duty using the "maximum potential" method since, in the absence of sufficient historical records, this method properly estimates maximum actual historical beneficial use.

Second, DWR's method to compute maximum observed water duty does not accurately estimate maximum actual historical beneficial use since it incorporates inaccurate crop irrigation requirements, deficit irrigation, five years or less of crop history, or overly high efficiency estimates.

Third, although DWR has developed new terminology in reporting regional water duties, DWR still uses the Arizona Groundwater Code method of "areas of similar farming conditions" (ASFC), now termed "regional farming conditions" (RFC). The RFC method assigns a weighted average consumptive use requirement to the water duty equation based upon the types of crops recently grown by appropriators in a designated area. Historical information or records evincing an individual claimant's actual cropping patterns and the quantities of water actually used to cultivate such crops since the time of appropriation are not considered. In fact, the Court noted that "[average efficient use] is not directly related to what is the property's water right[s] . . ." (Entitlement Order at 6). Under the prior appropriation doctrine, an appropriator who has grown alfalfa on his property historically is entitled to a water duty that will support alfalfa, regardless of the crops that he or his neighbors are currently growing. Under DWR's "averaging" approach, an appropriator in this situation would be assigned an apparent entitlement inadequate to meet crop needs.

Additionally, under the RFC concept, the efficiency of various irrigation methods is averaged among appropriators, thus further exacerbating the inadequate water duty for the appropriator who does not have a system with above-average efficiency.

Fourth, there are a number of technical errors in DWR's calculation of crop consumptive use including the use of a five year crop history, adjusted weather data, relative humidity, growing season, effective precipitation, crop coefficients, alfalfa stand establishment, deficit irrigation, and efficiency estimates.

Five Year Crop History

pp. 146-151, C-18, C-19, C-68 through C-78

The Salt River Project objects to DWR's use of its five year investigation period for computing acreages irrigated for maximum observed quantification and for computing crop irrigation water requirements for both maximum observed and regional quantifications. Indeed, it appears that DWR has relied heavily on a single year (1990) of crop survey data. The information developed from a single year, or five year period, cannot be used to properly estimate actual historical beneficial use since low consumptive use crops or no crop may be present during the period. Thus, historical cropping practices or completion of a crop rotation are not reflected.

Adjusted Weather Data

pp. C-6 through C-19

The Salt River Project objects to DWR's adjustment of weather station temperatures from recorded values and relative humidities from estimated values. The temperature and relative humidity adjustment procedure is intended for prediction of crop water requirements for large, new irrigation developments where the current observations are from a nearby non-irrigated area. Because of the "clothesline" configuration of San Pedro irrigated areas in relation to the extremely arid surrounding environment, it is extremely doubtful there is any moderating effect due to surrounding irrigated land or to the San Pedro River.

Relative Humidity

pp. C-9, C-17, C-25, C-29, C-34, C-92

The Salt River Project objects to DWR's failure to specify whether it used minimum relative humidity as specified in Food and Agricultural Organization (FAO) Paper 24. Minimum relative humidity is not reported by Sellers and Hill. Furthermore, their 6 p.m. (1800 hours) data must be adjusted downward to reflect lower humidity in mid-afternoon. The proper publication date for Arizona Climate, 1931-1972, by Sellers and Hill, is 1974.

Growing Season

pp. C-20, C-24

The Salt River Project objects to DWR's use of field observations during one or just a few years to estimate the length of growing season for perennial crops. A few field observations of irrigation dates do not define the water use period because water use occurs both before and after irrigation and because growing seasons vary from year to year. Growing seasons can best be determined for perennial crops by a relationship between plant growth and mean temperature or mean date of low temperatures over an extended period of record.

Effective Precipitation

pp. C-38, C-40 through C-49

The Salt River Project objects to DWR's method of estimating non-growing season effective precipitation. The procedure used neglects runoff, uses soil constant values that are highly variable and not well quantified, and is unclear about assumptions of initial soil moisture conditions for each month. Published methods can be used to estimate non-growing season effective precipitation for the winter months, the relevant period for most crops. Furthermore, the Salt River Project objects to DWR's use of a 50 percent probability of precipitation, which results in an inadequate supply in one-half of the years. A 50 percent probability indicates that average effective precipitation is subtracted from crop consumptive use when DWR calculates the irrigation requirement. This means that in years of below-average precipitation, irrigation users would be unable to replace the lack of precipitation with additional irrigation water. The amount of precipitation that is available 80 percent of the time for field crops and 90 percent of the time for orchards and vegetables is appropriate.

Crop Coefficients

p. C-33

The Salt River Project objects to DWR's use of 0.8 as the kc for Winter Pasture. Winter Pasture is a cool-season grass mixture that has a higher crop coefficient than a warm-season grass. SRP also objects to DWR's use of the mean of kc1 and kc3 as a value for kc2, instead of interpolation. Both FAO-24 and University of California Leaflet 21427 specify interpolation.

Alfalfa Stand Establishment

p. C-37

The Salt River Project objects to DWR's failure to include water for alfalfa stand establishment as an "Other Need."

Deficit Irrigation

pp. C-4, C-5, C-54 through C-68

The Salt River Project objects to DWR's use of deficit irrigation values for the maximum observed quantification for water right entitlements. As noted above, maximum actual historical beneficial use is the proper measure of a water right entitlement, not current practice.

Efficiency Estimates

pp. 138-140, C-51 through C-54

The Salt River Project objects to DWR's omission of the effect of a rotation delivery system on On-Farm Irrigation Efficiency. A rotation delivery system reduces On-Farm Irrigation Efficiency below that which can be achieved if irrigation water is available on demand.

The Salt River Project also objects to DWR's use of average estimated values of irrigation efficiency for regional quantification. The use of average efficiencies understates entitlements for one-half of all irrigated acres on this basis alone.

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

Contested Case File: W111003195
Major User No. 1263

**MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed**

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992. Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009.

This objection is directed to Watershed
File Report or Zone 2 Well Report No.

114-04-BDD-002

(please insert no.)

or Catalogued Well No.

(please insert no.)

92 MAY 12 1992

FILED
JUDITH ALLEN, CLERK
BY
S. Sparks

OBJECTOR INFORMATION

Objector's Name:
United States of America

Co-Objector's Name:
Gila River Indian Community
c/o Cox & Cox

Co-Objector's Name:
San Carlos Apache Tribe; Tonto
Apache Tribe; Yavapai-Apache Indian
Community; Camp Verde Reservation
c/o Sparks & Siler, P.C.

Objector's Address:
601 Pennsylvania Ave.
Washington, D.C. 20004

Co-Objector's Address:
Suite 300 Luhrs Tower
Phoenix, AZ 85003

Co-Objector's Address:
7503 First Street
Scottsdale, AZ 85251

Objector's Telephone No.:
(202) 272-4059 / 272-6978

Co-Objector's Telephone No.:
(602) 254-7207

Co-Objector's Telephone No.:
(602) 949-1998

Objector's Watershed File Report or Zone 2 Well Report No. (If the Objector's claimed water rights are within the San Pedro River Watershed):

111-19-009

Or Objector's Catalogued Well Number (If the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (If the Objector's claimed water rights are located outside the San Pedro River Watershed):

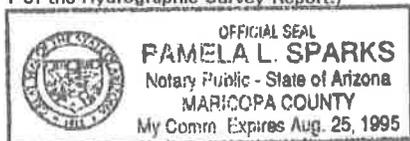
39-11-05478	39-05-41142	39-07-12652	39-07-12676	39-05-50058	39-07-12169
39-U8-60083	39-L8-36340	39-L8-37360	39-U8-63614	39-07-12675	39-05-50059

STATE OF ARIZONA
COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 18th day of May, 1992, postage prepaid and addressed as follows:

Name: 114-04-BDD-002
ASARCO, INC.
Address: P.O. BOX 98
HAYDEN AZ 85235

(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well Report, or to information contained in Volume 1 of the Hydrographic Survey Report.)



VERIFICATION(must be completed by objector)

I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

Robert Barry
Signature of Objector or Objector's Representative

Alfred J. Cox
Signature of Co-Objector or Co-Objector's Representative

John Sparks
Signature of Co-Objector or Co-Objector's Representative

SUBSCRIBED AND SWORN to before me this 17 day of May, 1992.

Pamela J. Sparks

STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check the category(ies) to which you object, and state the reason for the objection on the back of this form.

1. I object to the description of Land Ownership.
2. I object to the description of Applicable Filings and Decrees.
3. I object to the description of DWR's Analysis of Filings and Decrees.
4. I object to the description of Diversions for the claimed water right(s).
5. I object to the description of Uses for the claimed water right(s).
6. I object to the description of Reservoirs used for the claimed water right(s).
7. I object to the description of Shared Uses & Diversions for the claimed water right(s).
8. I object to the PWR (Potential Water Right) Summary of the claimed water right(s).
9. I object to the description of Quantities of Use for the claimed water right(s).
10. I object to the Explanation provided for the claimed water right(s).
11. Other Objections (please state volume, page and line number for each objection).

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attach supporting information and additional pages as necessary):

1. There is a discrepancy between the name of owner/lessee listed by ADWR for this Watershed File Report and the name of the owner/lessee identified in the adjudication filing. (SM 320)
2. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420) (W02)

The available historical record does not support the priority date listed in the pre-filings. (SM 430) (IR001)

The available historical record does not support the priority date listed in the adjudication filings. (SM 478) (IR002; IR001)

Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)

The amount claimed, as described by ADWR, exceeds a reasonable amount required for beneficial use. (SM 478)

The statement of claimant lists a use not verified by DWR. (SM 478)

The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)

One or more of the filings or pre-filings as reported in this WFR is missing a place of use legal description. (SM 720) (3900024740000)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3600274030000; 3600602690000; 3900019760000; 3900019770000; 3900024750000; 3900024760000; 3900024820000; 3900118360000)

The claimant associated with this Watershed File Report has expanded that claimed volume without providing documentation to support such expansion. (SM 750)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (1011160751100; 3600274030000; 3800273570000; 3900024750000; 3900024760000)

The claimant associated with this Watershed File Report has expanded the claimed volume without providing documentation to support such expansion. (SM 1090)

3. Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)

4. According to ADWR, the Point of Diversion (POD) identified as serving the Places of Use (POU) under this WFR is currently inactive. The claimant and/or ADWR need(s) to provide information regarding the POD that provides water to the POUs. (SM 500)

The diversion is not associated with a POU. It may be unused, discontinued or not applicable and should not be assigned a water right. (SM 600)

5. There is no documentation supporting the change in source of water for the claim associated with this Watershed File Report. (SM 550)

8. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420) (W02)

The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)

The legal description for the point of diversion listed by ADWR is not fully supported by the applicable filings listed. (SM 623) (W02; W04)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3600274030000; 3600602690000; 3900019760000; 3900019770000; 3900024750000; 3900024760000; 3900024820000; 3900118360000)

The available historical record does not support the priority date listed in the ADWR analysis of Apparent First Use Date. (SM 920) (IR002; IR001)

The maximum observed volume is less than both the regional and claimed volume of use for this PWR. A claimant is not entitled to more water than has been put to beneficial use. (SM 1000)

9. The claimant associated with this Watershed File Report has expanded that claimed volume without providing documentation to support such expansion. (SM 750)

The maximum observed volume is less than both the regional and claimed volume of use for this PWR. A claimant is not entitled to more water than has been put to beneficial use. (SM 1000)

ADWR uses a methodology that over-estimates crop water requirements. (SM 1020)

The claimant associated with this Watershed File Report has expanded the claimed volume without providing documentation to support such expansion. (SM 1090)

(LVP)

6-2-12

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

No. W1,W2,W3 & W4

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

W1-11-003195

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

This objection is directed to Watershed
File Report or Zone 2 Well Report No.

114 04 BDD 002
(please insert no.)

or Catalogued Well No.
(please insert no.)

92 MAY 11 PM 1:45
FILED
JUDITH ALLEN, CLERK
BY
M. C. ...
DEP

OBJECTOR INFORMATION

Objector's Name: ASARCO Incorporated
Objector's Address: P.O. Box 8, Hayden, AZ 85235
Objector's Telephone No.: (602) 356-7811

The names, address and telephone number of Objector's attorneys are on the Attachment hereto.

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

114 04 BDD 002 et al.

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):

39 - _____

STATE OF ARIZONA
COUNTY OF Maricopa

VERIFICATION (must be completed by objector)

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 11th day of May, 1992, postage prepaid and addressed as follows:

Name: State Land Department
Address: 1616 W. Adams Street
Phoenix, AZ 85007

*continued below
(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well Report; or to information contained in Volume 1 of the Hydrographic Survey Report.)

*William M. Stambaugh, Star Route Box 5049,
Winkelman, AZ 85292

State Board of Directors, Woodruff &
Overfield Road, Coolidge, AZ 85228

I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to these portions, I believe them to be true.

[Signature]
Signature of Objector or Objector's Representative
Authorized Attorney

SUBSCRIBED AND SWORN to before me this 11th day of May, 1992.

[Signature]
Notary Public for the State of Arizona

Residing at Phoenix

My commission expires July 17, 1994

Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009, on or before May 18, 1992.

Attachment to Objection re ASARCO Incorporated, WFR #
114-04-BDD-002

1-11. ASARCO incorporates herein the comments submitted by ASARCO dated 6/1/87, 6/5/87 and 9/13/88 to the "first draft" Preliminary San Pedro River HSR and the comments submitted by ASARCO dated 11/16/90 to the August 1990 Preliminary San Pedro HSR, to the extent those comments have not been observed in the preparation of the Final HSR for the San Pedro River Watershed. (200)

2, 3

& 8. DWR should include corresponding well registration filings and any other previous well-related filings if it is determined that wells should be listed in the Watershed File Reports. (410)

4. W02 is incorrectly described as "unnamed". W02 is named "F-9". W02 is a farm well on ASARCO property known as "Stambaugh Ranch." (620)

W03 is not on ASARCO land. It is on William Stambaugh land. (624)

W05 should be added to the list of Diversions. The legal description of the point of diversion of W05 is NESWNE11 070S 160E. The name of W05 is "F-8". W05 is a farm well on ASARCO property known as "Stambaugh Ranch." (620)

W06 should be added to the list of Diversions. The legal description of the point of diversion of W06 is NESWSW10 070S 160E. The name of W06 is "F-10". The point of diversion for W06 is on ASARCO land while the place of use is on William Stambaugh property where it supplies a domestic use for the Stambaugh residence. (620)

4, 7. ASARCO is not sharing W04 with WFR # 114-04-BDD-034. ASARCO's use and diversion of this water is exclusive. (625) (720)

4, 8

& 11. Objector objects to the designation of Zone 1 and 2 and Catalogued wells. Objector contends it is groundwater and is not subject to Zone 1, Zone 2 or any other Zone classification (510, 610, 1132, 1134)

11. The water uses reported in this Watershed File Report relate to ASARCO Incorporated (Major User Code 1263) and to Arizona State Land Department (Major User Code 1291).

Attorneys for Objector: Burton M. Apker, Id. No. 001258
 Gerrie Apker Kurtz, Id. No. 005637
 APKER, APKER, HAGGARD & KURTZ, P.C.
 2111 E. Highland, Suite 230
 P.O. Box 10280
 Phoenix, Arizona 85064-0280
 (602) 381-0085

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

**MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed**

No. W111003195

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

92 MAY 3 AM 10:20
 FILED
 JUDITH ALLEN, CLERK
 DEPT. OF
 WATER RESOURCES

This objection is directed to Watershed _____ or Catalogued Well No. _____
 File Report or Zone 2 Well Report No. 11404BDD 002 (please insert no.)
 (please insert no.)

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community, Camp Verde Reservation
 C/O Cox & Cox C/O Sparks & Siler, P.C.
 Objector's Address: Suite 300 Luhrs Tower, P.O. Box 4245 7503 First Street
 Phoenix, AZ 85030 Scottsdale, AZ 85251
 Objector's Telephone: (602) 254-7207 (602) 949-1988

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):

39-11-05478	39-05-41142	39-07-12652	39-07-12676	39-05-50058	39-07-12169
39-U8-60083	39-L8-36340	39-L8-37360	39-U8-63614	39-07-12675	39-05-50059

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 13 day of May, 1992, postage prepaid and addressed as follows:

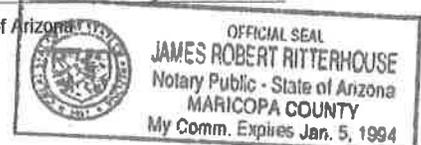
Name: ASARCO, INC.
 Address: P.O. BOX 98
 HAYDEN AZ 85235

I declare under perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

Alfred S. Cox
 Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 6 day of May 1992.

James R. Ritterhouse
 Notary Public for the State of Arizona



(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well report; or to information contained in Volume 1 of the Hydrographic Survey Report.)

STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check the category(ies) to which you object, and state the reason for the objection on the back of this form.



- 1. I object to the description of **Land Ownership**
- X 2. I object to the description of **Applicable Filings and Decrees**
- 3. I object to the description of **DWR's Analysis of Filings and Decrees**
- X 4. I object to the description of **Diversions** for the claimed water right(s)
- 5. I object to the description of **Uses** for the claimed water right(s)
- 6. I object to the description of **Reservoirs** used for the claimed water right(s)
- 7. I object to the description of **Shared Uses & Diversions** for the claimed water right(s)
- 8. I object to the **PWR (Potential Water Right) Summary** of the claimed water right(s)
- X 9. I object to the description of **Quantities of Use** for the claimed water right(s)
- 10. I object to the **Explanation** provided for the unclaimed water right(s)
- 11. Other Objections (please state volume, page and line number for each objection)

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attached supporting information and additional pages as necessary. The following objection(s) are based upon information and belief:

CATEGORY
NUMBER

- 4 The use of the water claimed depletes water for senior federal and Indian water rights (1150).
- 2 HSR does not show a well registration filing (420).
- 9 HSR does not show a claimed water use rate (1000).
- 2 Claim date from filing(s) and/or pre-filing(s) are inconsistent (478)(430).
- 2 Quantities from filing(s) and/or pre-filing(s) are inconsistent (478)(430).

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

Contested Case File: W111002801
Major User No. 1263

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992. Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009.

This objection is directed to Watershed
File Report or Zone 2 Well Report No.

114-01-CCD-001

(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name:
United States of America

Co-Objector's Name:
Gila River Indian Community
c/o Cox & Cox

Co-Objector's Name:
San Carlos Apache Tribe; Tonto
Apache Tribe; Yavapai-Apache Indian
Community; Camp Verde Reservation
c/o Sparks & Siler, P.C.

Objector's Address:
601 Pennsylvania Ave.
Washington, D.C. 20004

Co-Objector's Address:
Suite 300 Luhrs Tower
Phoenix, AZ 85003

Co-Objector's Address:
7503 First Street
Scottsdale, AZ 85251

Objector's Telephone No.:
(202) 272-4059 / 272-6978

Co-Objector's Telephone No.:
(602) 254-7207

Co-Objector's Telephone No.:
(602) 949-1998

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

111-19-009

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):

39-11-05478	39-05-41142	39-07-12652	39-07-12676	39-05-50058	39-07-12169
39-U8-60083	39-L8-36340	39-L8-37360	39-U8-63614	39-07-12675	39-05-50059

STATE OF ARIZONA
COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 18th day of May, 1992, postage prepaid and addressed as follows:

Name: 114-01-CCD-001
ASARCO, INC.
Address: P.O. BOX 98
HAYDEN AZ 85235

VERIFICATION (must be completed by objector)

I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

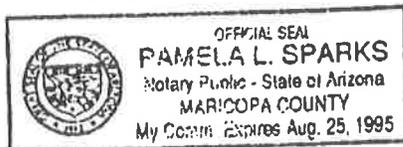
Gary B. Randall
Signature of Objector or Objector's Representative

Alfred S. Cox
Signature of Co-Objector or Co-Objector's Representative

Joe Sparks
Signature of Co-Objector or Co-Objector's Representative

SUBSCRIBED AND SWORN to before me this 17 day of May, 1992.

Pamela J. Sparks



STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check the category(ies) to which you object, and state the reason for the objection on the back of this form.

- 1. I object to the description of Land Ownership.
- 2. I object to the description of Applicable Filings and Decreases.
- 3. I object to the description of DWR's Analysis of Filings and Decreases.
- 4. I object to the description of Diversions for the claimed water right(s).
- 5. I object to the description of Uses for the claimed water right(s).
- 6. I object to the description of Reservoirs used for the claimed water right(s).
- 7. I object to the description of Shared Uses & Diversions for the claimed water right(s).
- 8. I object to the PWR (Potential Water Right) Summary of the claimed water right(s).
- 9. I object to the description of Quantities of Use for the claimed water right(s).
- 10. I object to the Explanation provided for the claimed water right(s).
- 11. Other Objections (please state volume, page and line number for each objection).

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attach supporting information and additional pages as necessary):

1. There is a discrepancy between the name of owner/lessee listed by ADWR for this Watershed File Report and the name of the owner/lessee identified in the adjudication filing. (SM 320)
2. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420)

The available historical record does not support the priority date listed in the adjudication filings. (SM 478) (IR001)

Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)

There is no claim date reported for a filing or pre-filing under this WFR. (SM 478) (3900024830000)

The amount claimed, as described by ADWR, exceeds a reasonable amount required for beneficial use. (SM 478)

The statement of claimant lists a use not verified by DWR. (SM 478)

The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (1004033571100; 1011025611100; 3900024770000; 3900024790000; 3900024800000; 3900024810000; 3900125690000; 3900129690000; IR001)

The claimant associated with this Watershed File Report has expanded that claimed volume without providing documentation to support such expansion. (SM 750)

There is no type of use for a filing and/or pre-filing listed under this WFR. (SM 820) (1011025611100)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (1004033571100; 1011120091100; 3600273870000; 3600273890000)

Applicable or potentially applicable filings indicate a volume of actual or claimed use less than the volume estimated by ADWR (both maximum observed and regional use for irrigation PWR's). The claimant is not entitled to more than actually used or claimed. (SM 1000)

3. Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)

8. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420)

The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)

The legal description for the point of diversion listed by ADWR is not fully supported by the applicable filings listed. (SM 623) (P01; W05; W06)

The legal description for the place of use of a potential water right listed by ADWR is not fully supported by applicable filings. (SM 720) (IR001001; IR001004; IR002000; IR002001; IR007000)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (1004033571100; 1011025611100; 3900024770000; 3900024790000; 3900024800000; 3900024810000; 3900125690000; 3900129690000; IR001)

The available historical record does not support the priority date listed in the ADWR analysis of Apparent First Use Date. (SM 920) (IR001; IR004; IR002)

Applicable or potentially applicable filings indicate a volume of actual or claimed use less than the volume estimated by ADWR (both maximum observed and regional use for irrigation PWR's). The claimant is not entitled to more than actually used or claimed. (SM 1000)

The maximum observed volume is less than both the regional and claimed volume of use for this PWR. A claimant is not entitled to more water than has been put to beneficial use. (SM 1000)

The regional volume of use is less than both the claimed and maximum observed volume of use. This indicates that the water is being used inefficiently. The claimant is not entitled to the water that will be wasted. (SM 1000)

9. The claimant associated with this Watershed File Report has expanded that claimed volume without providing documentation to support such expansion. (SM 750)

Applicable or potentially applicable filings indicate a volume of actual or claimed use less than the volume estimated by ADWR (both maximum observed and regional use for irrigation PWR's). The claimant is not entitled to more than actually used or claimed. (SM 1000)

The maximum observed volume is less than both the regional and claimed volume of use for this PWR. A claimant is not entitled to more water than has been put to beneficial use. (SM 1000)

The regional volume of use is less than both the claimed and maximum observed volume of use. This indicates that the water is being used inefficiently. The claimant is not entitled to the water that will be wasted. (SM 1000)

The regional acreage is greater than the maximum observed acreage. The maximum observed acreage should be used to calculate the regional volume of use. (SM 1010)

ADWR uses a methodology that over-estimates crop water requirements. (SM 1020)

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO
USE WATER IN THE GILA RIVER SYSTEM AND SOURCE

No. W1, W2, W3 & W4
W111002801

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

Please use a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

This objection is directed to Watershed
File Report or Zone 2 Well Report No.

114-01-CCD-001

or Catalogued Well No.

OBJECTOR INFORMATION

Objector's Name: City of Phoenix
Objector's Address: Suite 800
251 W. Washington St.
Phoenix, AZ 85003

Objector's Telephone: (602)-262-6761

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed): N/A

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 or the HSR): N/A

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):

39-07-7927; 39-05-50153 through 39-05-50155; 39-L8-37666 through 39-L8-37691

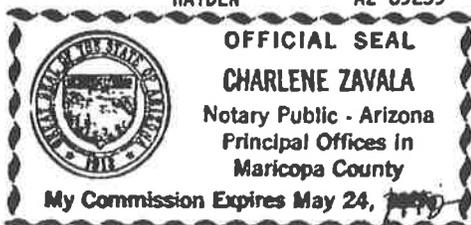
STATE OF ARIZONA
COUNTY OF MARICOPA

VERIFICATION

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the claimant(s) by mailing true and correct copies thereof on the 18th day of May, 1992, postage prepaid and addressed as follows: ASARCO, INC.

P.O. BOX 98

HAYDEN AZ 85235



Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009, on or before May 18, 1992.

I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and as to those portions, I believe them to be true.

M. James Callahan

Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 18th day of May, 1992

Charlene Zavala

Notary Public for the State of Arizona
Residing at: Phoenix, Maricopa County, Arizona
My commission expires: MAY 24, 1992

STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check the category(ies) to which you object and state the reason for the objection on the back of this form.

1. 1 object to the description of **Land Ownership**
2. 1 object to the description of **Applicable Filings and Decrees**
- X 3. 1 object to the description of **DWR's Analysis of Filings and Decrees**
4. 1 object to the description of **Diversions** for the claimed water right(s)
5. 1 object to the description of **Uses** for the claimed water right(s)
6. 1 object to the description of **Reservoirs** used for the claimed water right(s)
7. 1 object to the description of **Shared Uses & Diversion** for the claimed water right(s)
- X 8. 1 object to the **PWR (Potential Water Right) Summary** of the claimed water right(s)
9. 1 object to the description of **Quantities of Use** for the claimed water right(s)
10. 1 object to the **Explanation** provided for the claimed water right(s)
- X 11. Other Objections (please state volume, page and line number for each objection)

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attach supporting information and additional pages as necessary):

Category
Numbers

3
8
11

Attachment to Watershed File Report: 114-01-CCD-001

PHOENIX OBJECTS TO CATEGORIES 3 AND 8 FOR THE REASON THAT: DWR DID NOT EVALUATE THE CONFLICTING DATES FOR IR001 AND IR006, BUT AUTOMATICALLY ASSIGNED THE EARLIEST DATE FOUND IN ANY OF THE FILINGS FOR IR001 AND IR006. (910, 920)

PHOENIX OBJECTS TO CATEGORY 11 FOR THE REASON THAT: A SIMILAR OBJECTION IS MADE BY PHOENIX TO VOLUME 1, PAGES 547-551. (145)
THE WATERSHED FILE REPORT RELATES TO ASARCO (MAJOR USER CODE 1263).

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

No. W1,W2,W3 & W4

AMENDMENT TO
MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

W1-11-002801

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

This objection is directed to Watershed
File Report or Zone 2 Well Report No.

114.01 . CCD .001
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: ASARCO Incorporated (1263)

Objector's Address: P.O. Box 8, Hayden, AZ 85235

Objector's Telephone No.: (602) 356-7811

The names, address and telephone number of Objector's attorneys are on the Attachment hereto.

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

114 - 01 - XXXX - 005 et al.

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):

39 - _____

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF Maricopa

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 15th day of May, 1992, postage prepaid and addressed as follows:

Name: R. L. D. Irrevocable Trust

Address: P.O. Box 51

Winkelman, AZ 85292

mailing continued on Attachment

(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well Report; or to information contained in Volume 1 of the Hydrographic Survey Report.)

I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof, and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

Signature of Objector or Objector's Representative

Authorized Attorney

SUBSCRIBED AND SWORN to before me this 5th day of May, 1992

Margaret Duncan Shippee

Notary Public for the State of Arizona

Residing at Phoenix, Maricopa County

My commission expires July 17, 1994

Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009, on or before May 18, 1992.

Attachment to Amendment to Objection re ASARCO Incorporated, WFR
114-01-CCD-001

The following is in addition to the Objection filed regarding WFR #114-01-CCD-001 by ASARCO Incorporated on May 11, 1992:

2. From the information ASARCO currently has available, it is believed that ASARCO is no longer the owner of Statement of Claimant 39-002478. As a result of Deeds dated 1984 and an Assignment of Statement of Claimant being prepared for filing with the Department of Water Resources, Fred T. Ash & Sons are believed to be the owner of the Statement of Claimant. (330)
4. Well F4 should have been included in the list of diversions, as it is the well on which the above Statement of Claimant 39-002478 was filed. A copy of the Well Registration for Well F4 is attached. (620).

From the information ASARCO currently has available, it is believed that ASARCO is no longer the owner of Well F4. As a result of Deeds dated 1984 and Notice of Change of Well Ownership Information being prepared for filing with the Department of Water Resources, Fred T. Ash & Sons is believed to be the owner of well F4. (624)

11. The water uses reported in this Watershed File Report relate to ASARCO Incorporated (Major User Code 1263) and to Arizona State Land Department (Major User Code 1291).

Attorneys for Objector: Burton M. Apker, Id. No. 001258
Gerrie Apker Kurtz, Id. No. 005637
APKER, APKER, HAGGARD & KURTZ, P.C.
2111 E. Highland, Suite 230
P.O. Box 10280
Phoenix, Arizona 85064-0280
(602) 381-0085

Continuation of Attachment to Amendment to Objection re ASARCO
Incorporated, WFR # 114-01-CCD-001

Mailing Certificate continued:

Hat Ranch Cattle Company
16824 S. Higley Rd.
Higley, AZ 85236

State Land Department
1616 W. Adams
Phoenix, AZ 85007

Howard S. and Ella Slotter
Star Route Box 3030
Winkelman, AZ 85292

Fred T. Ash & Sons
2156 E. Hackamore
Mesa, AZ 85213

DEPARTMENT OF WATER RESOURCES
 55 EAST VIRGINIA AVENUE
 PHOENIX, ARIZONA 85004

REGISTRATION OF EXISTING WELLS

READ INSTRUCTIONS ON BACK OF THIS FORM BEFORE COMPLETING
 PRINT OR TYPE - FILE IN DUPLICATE

F4 D(5-16)31 cdd

REGISTRATION FEE (CHECK ONE)	
EXEMPT WELL (NO CHARGE)	<input type="checkbox"/>
NON-EXEMPT WELL - \$10.00	<input checked="" type="checkbox"/>

FOR OFFICE USE ONLY	
REGISTRATION NO. 55-	_____
FILE NO.	_____
FILED _____ AT _____	(DATE) (TIME)
INA _____	
AMA _____	

- Name of Registrant:
ASARCO Incorporated
P. O. Box 98 Hayden AZ 85235
(Address) (City) (State) (Zip)
- File and/or Control Number under previous groundwater law:
(File Number) _____ (Control Number) 35- _____
- The well is located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, of Township 5S N/S, Range 16E E/W, G & SRB & M, in the County of Pinal.
 - If in a subdivision: Name of subdivision Indian Hill Trailer Park
 Lot No. N/A, Address N/A
- The principal use(s) of water (Examples: irrigation - stockwater - domestic - municipal - industrial)
Domestic (Use changed in 1974 from Agricultural Irrigation to Domestic for use by Indian Hill Trailer Park. Agricultural Irrigation continued with new well File No. D05016031CDCGS1, Control No. 35-27771.)
- If for irrigation use, number of acres irrigated from well N/A
- Owner of land on which well is located. If same as Item 1, check this box

(Address) (City) (State) (Zip)

- Well data (If data not available, write N/A)
 - Depth of Well 115 feet
 - Diameter of casing 20 inches
 - Depth of casing Greater than 80 feet
 - Type of casing Line Pipe
 - Maximum pump capacity 1,000 gallons per minute.
 - Depth to water 15 feet below land surface.
 - Date well completed 1940
(Month) (Day) (Year)

- The place(s) of use of water. If same as Item 3, check this box .
_____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section 31 Township 5S Range 16E
_____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____ Range _____

Attach additional sheet if necessary.

- DATE 4/28/82 SIGNATURE OF REGISTRANT *C. J. [Signature]*

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

No. W1,W2,W3 & W4

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

W1-11-002801

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

This objection is directed to Watershed
File Report or Zone 2 Well Report No.

114. 01 . CCD . 001
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: ASARCO Incorporated

Objector's Address: P.O. Box 8, Hayden, AZ 85235

Objector's Telephone No.: (602) 356-7811

The names, address and telephone number of Objector's attorneys are on the Attachment hereto.

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

114 . 01 . CCD . 001

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):

39

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF Maricopa

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 11th day of May, 1992, postage prepaid and addressed as follows:

Name: R.L.D. Irrevocable Trust

Address: P.O. Box 51

Winkelman, AZ 85292

I declare under penalty of perjury that I am a claimant in this proceeding or the duly- authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

Burt M. Cohen
Signature of Objector or Objector's Representative
Authorized Attorney

SUBSCRIBED AND SWORN to before me this 11th day of May, 1992.

Marianne Dumas Skypiec
Notary Public for the State of Arizona

Residing at Phoenix

My commission expires July 17, 1994

mailing continued on Attachment

(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well Report; or to information contained in Volume 1 of the Hydrographic Survey Report)

Attachment to Objection re ASARCO Incorporated, WFR #
114-01-CCD-001

- 1-11. ASARCO incorporates herein the comments submitted by ASARCO dated 6/1/87, 6/5/87 and 9/13/88 to the "first draft" Preliminary San Pedro River HSR and the comments submitted by ASARCO dated 11/16/90 to the August 1990 Preliminary San Pedro HSR, to the extent those comments have not been observed in the preparation of the Final HSR for the San Pedro River Watershed. (200)
2. ASARCO cannot identify filings 39-0003426 and 39-0012569 and therefore cannot determine their accuracy and therefore objects to them. (400) (471)
- 2, 3
& 8. DWR should include corresponding well registration filings and any other previous well-related filings if it is determined that wells should be listed in the Watershed File Reports. (410)
4. W01 is not listed, and ASARCO cannot form an opinion as to its accuracy and therefore objects to same. (1160)
- 4, 7. ASARCO objects to the characterization of Shared Uses and Diversions. ASARCO's use and diversion of these waters are exclusive. (625) (720)
8. IR003 is listed but not fully described in the PWR Summary, and ASARCO cannot therefore form an opinion as to DWR's summary and therefore objects to same. (1160)
- 4, 8
& 11. Objector objects to the designation of Zone 1 and 2 and Catalogued wells. Objector contends it is groundwater and is not subject to Zone 1, Zone 2 or any other Zone classification (510, 610, 1132, 1134)
11. The water uses reported in this Watershed File Report relate to ASARCO Incorporated (Major User Code 1263) and to Arizona State Land Department (Major User Code 1291).

Attorneys for Objector: Burton M. Apker, Id. No. 001258
 Gerrie Apker Kurtz, Id. No. 005637
 APKER, APKER, HAGGARD & KURTZ, P.C.
 2111 E. Highland, Suite 230
 P.O. Box 10280
 Phoenix, Arizona 85064-0280
 (602) 381-0085

Continuation of Attachment to Objection re ASARCO Incorporated,
WFR # 114-01-CCD-001

Mailing Certificate continued:

Hat Ranch Cattle Company
16824 S. Higley Rd.
Higley, AZ 85236

State Land Department
1616 W. Adams
Phoenix, AZ 85007

Howard S. and Ella Slotter
Star Route Box 3030
Winkelman, AZ 85292

Fred T. Ash & Sons
2156 E. Hackamore
Mesa, AZ 85213

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

No. W1, W2, W3 & W4
Contested Case No. W1-11-002801

COPY

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for the
San Pedro River Watershed

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

This objection is directed to Watershed File Report or Zone 2 Well Report No. 114-01-CCD -001 or Catalogued Well No. _____
(please insert no.) (please insert no.)

OBJECTOR INFORMATION

Objector's Name: Salt River Project
Objector's Address: Post Office Box 52025
Phoenix, Arizona 85072-2025
Objector's Telephone No: (602) 236-2210

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed): _____

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR): _____

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro Watershed):
39-07 01040, 01041, 01206, 01207, 01998
39-05 50053, 50054, 50055
39-L8 35212, 35213

STATE OF Arizona
COUNTY OF Maricopa

VERIFICATION (must be completed by objector)

I hereby make this Objection. I certify that, if required, copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 14th day of May, 1992, postage prepaid and addressed as follows:

Name: ASARCO, INC.
Address: P.O. BOX 98
HAYDEN, AZ 85235

I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

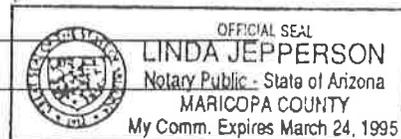
David C. Roberts
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 1st day of May, 1992

Linda Jepperson
Notary Public for the State of Arizona

Residing at Maricopa County

My commission expires _____



STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check the category(ies) to which you object, and state the reason for the objection on the back of this form.

- 1. I object to the description of LAND OWNERSHIP
- 2. I object to the description of APPLICABLE FILINGS AND DECREES
- 3. I object to the description of DWR's ANALYSIS OF FILINGS AND DECREES
- 4. I object to the description of the DIVERSIONS for the claimed water right(s)
- 5. I object to the description of the USES for the claimed water right(s)
- 6. I object to the description of RESERVOIRS used for the claimed water right(s)
- 7. I object to the description of SHARED USES & DIVERSIONS for the claimed water right(s)
- 8. I object to the PWR (POTENTIAL WATER RIGHT) SUMMARY of the claimed water right(s)
- 9. I object to the description of the QUANTITIES OF USE for the claimed water right(s)
- 10. I object to the EXPLANATION provided for the claimed water right(s)
- 11. Other Objections (please state volume number, page number and line number for each objection)

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attach supporting information and additional pages as necessary):

CATEGORY
NUMBER

SEE ATTACHMENT 1

In this attachment the uniform code designated by the
Special Master in accordance with Case Management
Order No. 1 is shown in parenthesis following each
objection statement.

ATTACHMENT 1

WFR CATEGORY 8 - PWR SUMMARY

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, particularly notices of appropriation, are the evidentiary foundation for the date of priority associated with a water right. Where a notice of appropriation and one or more Water Rights Registration Act filings have been matched to the same PWR but suggest different dates of priority, the date evidenced by the notice should form the basis for the apparent date of first use, unless sufficient historical evidence indicates a contrary date.

The Watershed File Report fails to articulate sufficient historical evidence to refute the priority date evidenced by the notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by the notice (0920). This objection applies to: IR006.

* * * *

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, particularly notices of appropriation, are the evidentiary foundation for the date of priority associated with a water right. The Watershed File Report fails to set forth sufficient historical evidence to refute the priority date evidenced by the notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use should be the date evidenced by the notice (0920). This objection applies to: IR005 and IR007.

* * * *

WFR CATEGORY 8 - PWR SUMMARY (continued)

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, in this case, filings made pursuant to the Water Rights Registration Act (WRRRA), are the evidentiary foundation for the priority date associated with a water right. The Watershed File Report fails to set forth sufficient historical evidence to refute the date of priority claimed in the WRRRA filing matched to this PWR. In the absence of such evidence, the apparent date of first use for this PWR should be the date claimed in the WRRRA filing (0920). This objection applies to: IR004.

* * * *

The Salt River Project objects to the weight placed upon aerial photography in determining the apparent date of first use for this Potential Water Right (PWR). Where DWR concludes that no use exists on a parcel as of a given photo date, it does not follow that a claimant either had no water right to start with or abandoned that right by nonuse. Scattered photos reflecting occasional periods of nonuse over a fifty-year time span should not be interpreted by DWR to refute the priority date or dates evidenced by a claimant's previous filings (0910). This objection applies to: IR004, IR005 and IR007.

WFR CATEGORY 9 - QUANTITIES OF USE

The Salt River Project objects to the quantities of use assigned to this Potential Water Right (PWR). The maximum observed and regional methods used by DWR for determining quantities of use for certain agricultural irrigation PWRs are inconsistent with the Arizona doctrine of prior appropriation; these methods are also technically inaccurate. The maximum potential method used by DWR for determining quantities of use is consistent with Arizona law; however, several technical corrections are necessary. For an additional discussion of the problems associated with DWR's methods of quantification for this type of PWR, see the Salt River Project's Volume 1 objections to these methods, a copy of which is attached to this objection and incorporated herein by reference (1020). This objection applies to: IR001, IR002, IR003, IR004, IR005, IR006 and IR007.

* * * *

WFR CATEGORY 9 - QUANTITIES OF USE (continued)

The Salt River Project objects to the failure of DWR to calculate a diversion rate for this Potential Water Right (PWR). All PWRs assigned a point or points of diversion should be assigned a separate diversion rate for each point of diversion. Diversion rates should be calculated at the point of diversion and should include conveyance losses (1010). This objection applies to: IR001, IR002, IR003, IR004, IR005, IR006 and IR007.

EXCERPT FROM
SALT RIVER PROJECT OBJECTIONS TO
VOLUME 1 OF THE SAN PEDRO RIVER HSR

IRRIGATION QUANTITY ESTIMATES

(page numbers refer to Volume 1)

INTRODUCTION

The Salt River Project objects to DWR's estimation methods and results for irrigation water quantities for the following reasons:

First, the Salt River Project objects to DWR's estimation of water duty under both the "maximum observed" and "regional" methods. In the absence of decreed rights, which must be accepted by the court in the absence of abandonment, Arizona law requires that the extent of an appropriative right be measured according to the quantity of water that the appropriator diverted for beneficial use since the time of the appropriation. A.R.S. § 45-141(B) ("Beneficial use shall be the basis, measure and limit to the use of water"). Neither the "maximum observed" or "regional" quantification methods employed by DWR properly estimate maximum actual historical beneficial use as required by law.

The Salt River Project supports DWR's estimation of water duty using the "maximum potential" method since, in the absence of sufficient historical records, this method properly estimates maximum actual historical beneficial use.

Second, DWR's method to compute maximum observed water duty does not accurately estimate maximum actual historical beneficial use since it incorporates inaccurate crop irrigation requirements, deficit irrigation, five years or less of crop history, or overly high efficiency estimates.

Third, although DWR has developed new terminology in reporting regional water duties, DWR still uses the Arizona Groundwater Code method of "areas of similar farming conditions" (ASFC), now termed "regional farming conditions" (RFC). The RFC method assigns a weighted average consumptive use requirement to the water duty equation based upon the types of crops recently grown by appropriators in a designated area. Historical information or records evincing an individual claimant's actual cropping patterns and the quantities of water actually used to cultivate such crops since the time of appropriation are not considered. In fact, the Court noted that "[average efficient use] is not directly related to what is the property's water right[s] . . ." (Entitlement Order at 6). Under the prior appropriation doctrine, an appropriator who has grown alfalfa on his property historically is entitled to a water duty that will support alfalfa, regardless of the crops that he or his neighbors are currently growing. Under DWR's "averaging" approach, an appropriator in this situation would be assigned an apparent entitlement inadequate to meet crop needs.

Additionally, under the RFC concept, the efficiency of various irrigation methods is averaged among appropriators, thus further exacerbating the inadequate water duty for the appropriator who does not have a system with above-average efficiency.

Fourth, there are a number of technical errors in DWR's calculation of crop consumptive use including the use of a five year crop history, adjusted weather data, relative humidity, growing season, effective precipitation, crop coefficients, alfalfa stand establishment, deficit irrigation, and efficiency estimates.

Five Year Crop History

pp. 146-151, C-18, C-19, C-68 through C-78

The Salt River Project objects to DWR's use of its five year investigation period for computing acreages irrigated for maximum observed quantification and for computing crop irrigation water requirements for both maximum observed and regional quantifications. Indeed, it appears that DWR has relied heavily on a single year (1990) of crop survey data. The information developed from a single year, or five year period, cannot be used to properly estimate actual historical beneficial use since low consumptive use crops or no crop may be present during the period. Thus, historical cropping practices or completion of a crop rotation are not reflected.

Adjusted Weather Data

pp. C-6 through C-19

The Salt River Project objects to DWR's adjustment of weather station temperatures from recorded values and relative humidities from estimated values. The temperature and relative humidity adjustment procedure is intended for prediction of crop water requirements for large, new irrigation developments where the current observations are from a nearby non-irrigated area. Because of the "clothesline" configuration of San Pedro irrigated areas in relation to the extremely arid surrounding environment, it is extremely doubtful there is any moderating effect due to surrounding irrigated land or to the San Pedro River.

Relative Humidity

pp. C-9, C-17, C-25, C-29, C-34, C-92

The Salt River Project objects to DWR's failure to specify whether it used minimum relative humidity as specified in Food and Agricultural Organization (FAO) Paper 24. Minimum relative humidity is not reported by Sellers and Hill. Furthermore, their 6 p.m. (1800 hours) data must be adjusted downward to reflect lower humidity in mid-afternoon. The proper publication date for Arizona Climate, 1931-1972, by Sellers and Hill, is 1974.

Growing Season

pp. C-20, C-24

The Salt River Project objects to DWR's use of field observations during one or just a few years to estimate the length of growing season for perennial crops. A few field observations of irrigation dates do not define the water use period because water use occurs both before and after irrigation and because growing seasons vary from year to year. Growing seasons can best be determined for perennial crops by a relationship between plant growth and mean temperature or mean date of low temperatures over an extended period of record.

Effective Precipitation

pp. C-38, C-40 through C-49

The Salt River Project objects to DWR's method of estimating non-growing season effective precipitation. The procedure used neglects runoff, uses soil constant values that are highly variable and not well quantified, and is unclear about assumptions of initial soil moisture conditions for each month. Published methods can be used to estimate non-growing season effective precipitation for the winter months, the relevant period for most crops. Furthermore, the Salt River Project objects to DWR's use of a 50 percent probability of precipitation, which results in an inadequate supply in one-half of the years. A 50 percent probability indicates that average effective precipitation is subtracted from crop consumptive use when DWR calculates the irrigation requirement. This means that in years of below-average precipitation, irrigation users would be unable to replace the lack of precipitation with additional irrigation water. The amount of precipitation that is available 80 percent of the time for field crops and 90 percent of the time for orchards and vegetables is appropriate.

Crop Coefficients

p. C-33

The Salt River Project objects to DWR's use of 0.8 as the kc for Winter Pasture. Winter Pasture is a cool-season grass mixture that has a higher crop coefficient than a warm-season grass. SRP also objects to DWR's use of the mean of kc1 and kc3 as a value for kc2, instead of interpolation. Both FAO-24 and University of California Leaflet 21427 specify interpolation.

Alfalfa Stand Establishment

p. C-37

The Salt River Project objects to DWR's failure to include water for alfalfa stand establishment as an "Other Need."

Deficit Irrigation

pp. C-4, C-5, C-54 through C-68

The Salt River Project objects to DWR's use of deficit irrigation values for the maximum observed quantification for water right entitlements. As noted above, maximum actual historical beneficial use is the proper measure of a water right entitlement, not current practice.

Efficiency Estimates

pp. 138-140, C-51 through C-54

The Salt River Project objects to DWR's omission of the effect of a rotation delivery system on On-Farm Irrigation Efficiency. A rotation delivery system reduces On-Farm Irrigation Efficiency below that which can be achieved if irrigation water is available on demand.

The Salt River Project also objects to DWR's use of average estimated values of irrigation efficiency for regional quantification. The use of average efficiencies understates entitlements for one-half of all irrigated acres on this basis alone.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

No. W111002801

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

This objection is directed to Watershed _____ or Catalogued Well No. _____
File Report or Zone 2 Well Report No. 11401CCD 001
(please insert no.) (please insert no.)

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community, Camp Verde Reservation
C/O Cox & Cox C/O Sparks & Siler, P.C.
Objector's Address: Suite 300 Luhrs Tower, P.O. Box 4245 7503 First Street
Phoenix, AZ 85030 Scottsdale, AZ 85251
Objector's Telephone: (602) 254-7207 (602) 949-1988

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):
39-11-05478 39-05-41142 39-07-12652 39-07-12676 39-05-50058 39-07-12169
39-U8-60083 39-L8-36340 39-L8-37380 39-U8-63614 39-07-12675 39-05-50059

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 13 day of May, 1992, postage prepaid and addressed as follows:

Name: ASARCO, INC.
Address: P.O. BOX 98
HAYDEN AZ 85235

I declare under perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

Alfred S. Cox

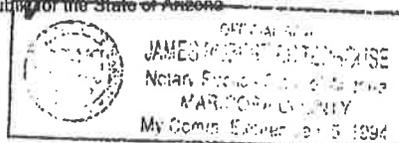
Joe Sparks

Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 6 day of May 1992.

James R. Pritful

Notary Public for the State of Arizona



(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well report; or to information contained in Volume 1 of the Hydrographic Survey Report.)

Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009, on or before May 18, 1992.

STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check the category(ies) to which you object, and state the reason for the objection on the back of this form.

- 1. I object to the description of **Land Ownership**
- 2. I object to the description of **Applicable Filings and Decrees**
- 3. I object to the description of **DWR's Analysis of Filings and Decrees**
- 4. I object to the description of **Diversions** for the claimed water right(s)
- 5. I object to the description of **Uses** for the claimed water right(s)
- 6. I object to the description of **Reservoirs used** for the claimed water right(s)
- 7. I object to the description of **Shared Uses & Diversions** for the claimed water right(s)
- 8. I object to the **PWR (Potential Water Right) Summary** of the claimed water right(s)
- 9. I object to the description of **Quantities of Use** for the claimed water right(s)
- 10. I object to the **Explanation** provided for the unclaimed water right(s)
- 11. **Other Objections** (please state volume, page and line number for each objection)

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attached supporting information and additional pages as necessary. The following objection(s) are based upon information and belief:

CATEGORY

NUMBER

- 4 The use of the water claimed depletes water for senior federal and Indian water rights (1150).
- 2 HSR does not show a well registration filing (420).
- 2 HSR does not show a claimed water use rate (1000).
- 4 This well takes water directly from the flow of the river under state standards (500) (532) (1132) (1137).
- 2 Not all wells have applicable statement of claimants (475).

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
WATER IN THE GILA RIVER SYSTEM AND SOURCE

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
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No. W11100280

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STATE OF ARIZONA

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HAYDEN AZ 85235

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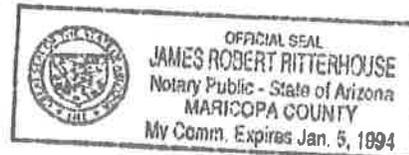
Alfred S. Cox James R. Rutter

Signature of Objector or Objector's Representative

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James R. Rutter

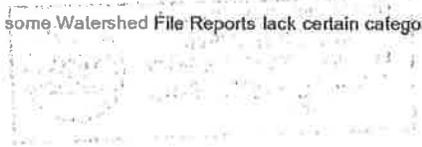
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Handwritten notes: Only 9 checked, PWR

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- 9 HSR does not show a claimed water use rate (1000).
- 2 Claim date from filing(s) and/or pre-filing(s) are inconsistent (478)(430).
- 2 Quantities from filing(s) and/or pre-filing(s) are inconsistent (478)(430).
