

W111002414

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

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. 11308 005 or Catalogued Well No. _____
(please insert no.) (please insert no.)

OBJECTOR INFORMATION

Objector's Name: ARIZONA STATE LAND DEPARTMENT
Objector's Address: 1616 W. Adams, Phoenix, AZ 85007
Objector's Telephone No.: (602) 542-3500
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):
11308 005

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 15th day of May, 1992, postage prepaid and addressed as follows:

Name Magma Copper Co.
Attn: Corp. Land Mgr.,
Address 7400 N. Oracle Rd., Ste. 200
Tucson, AZ 85704

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.

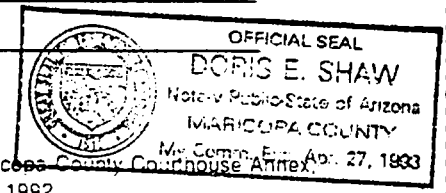
Clinton E. Collins
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 15th day of May, 1992.

Doris E Shaw

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.

— 10 —

- ☐ 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)

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):

SEE ATTACHMENT

[illegible]

ATTACHMENT

WATERSHED FILE REPORT NO.: 11308 005

<u>OBJECTION(S)</u>	<u>UNIFORM CODE(S)</u>
The Arizona State Land Department objects to claims of water rights or filings listed in this WFR which were not submitted by the Arizona State Land Department. However, it does not object to claims filed by lessees provided that the lessee has filed the claim "by and for the State of Arizona."	300, 400, 500, 800, 1100
The Arizona State Land Department objects to DWR's methodology and determination of apparent first use date within the PWR summary of this WFR.	200, 900
The Arizona State Land Department objects to DWR's methodology and determination of claim date within the Applicable Filings and Decrees section of this WFR.	200, 900
The Arizona State Land Department objects to DWR's methodology and determination of stockwatering locations in this WFR. A stockwatering use should include the stockpond and reaches of the stream above the stockpond within the WFR.	200, 400, 600, 700, 800
The Arizona State Land Department objects that previously submitted, amended or corrected information is not reflected in the HSR. Amended SOC 39-7077 correcting wildlife use volume information from 0.15 acre-feet to 0.7 acre-feet was not included in the Applicable Filings and Decrees section of this WFR.	200, 400

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No. W111002414

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

11308 005
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community
C/O Cox & Cox

San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community, Camp Verde Reservation
C/O Sparks & Siler, P.C.

Objector's Address: Suite 300 Luhrs Tower, P.O. Box 4245
Phoenix, AZ 85030

7503 First Street
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: SLD

Address: 1616 W. ADAMS

PHOENIX AZ 85007

(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 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.

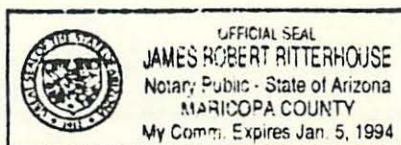
Alfred L. Cox

Jim Sparks

Signature of Objector or Objector's Representative

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

James R. Rittner
Notary Public for the State of Arizona



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)
- X 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).
- 9) HSR does not show a claimed water use rate (1000).
- 2) HSR does not show Water Rights Registration for each Zone 1 Potential Water Right (420).
- 2) HSR shows that quantities of water in AFA from filing(s) and/or pre-filing(s) are inconsistent (478)(430).
- 2) HSR shows that claim dates from filing(s) and/or pre-filing(s) are inconsistent (478)(430).
- 10) Claimed uses were not found by DWR (830).
- 2) The historical record does not support the early claim date(s) (900).

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This objection is directed to Watershed

or Catalogued Well No.

File Report or Zone 2 Well Report No.

11308 005

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community

C/O Cox & Cox

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

C/O Sparks & Siler, P.C.

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Phoenix, AZ 85030

7503 First Street

Scottsdale, AZ 85251

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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: SLD

Address: 1616 W. ADAMS

PHOENIX AZ 85007

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.

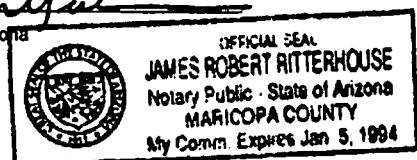
Alfred L. Cox Joe Sparks

Signature of Objector or Objector's Representative

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

James R. 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.)



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

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- ☐ 1. I object to the description of Land Ownership
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- ☒ 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
NUMBER

See Attached

WFR No. 113-08-005

State Land Department

ATTACHMENT

STATEMENT OF THE OBJECTION

11. Other objections. Claim date. Vol. 5, Table 2, Page 181.

REASON FOR OBJECTION

11. The HSR shows (Vol. 5, Table 2, Page 181) two Pre-Filing Numbers with an 1884 claim date:

36-0005096 36-0005097

At the same page, the HSR shows two Filing Numbers with an 1884 claim date:

39-0007076 39-0007077

The state of Arizona did not exist in 1884. The United States admitted Arizona as a state in 1912, at which time it conveyed public domain lands to the new state. The historic record does not substantiate the 1884 claim date (900).

The use of the water claimed depletes water for senior federal and Indian water rights (1150).

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No. W1,W2,W3 & W4

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W1-11-002414

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

113 - 08 - XXX - 05
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name MAGMA COPPER COMPANY *(MAJOR USER NO. 1267)

Objector's Address: 7400 NORTH ORACLE ROAD, SUITE 200
TUCSON, ARIZONA 85704

Objector's Telephone No. (602) 575-5600

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).

113 - 08 - XXX - 022

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

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

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Name ARIZONA STATE LAND DEPARTMENT

Address 1616 WEST ADAMS

PHOENIX, ARIZONA 85007

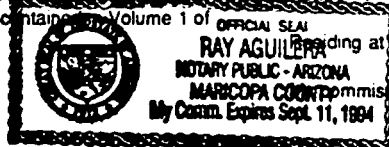
I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant, that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof, and that the information contained in the Objection is true based 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 of Objector or Objector's Representative

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

Notary Public for the State of

(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.)



Glendale, AZ.
commission expires Sept. 11, 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.

STATEMENT OF THE OBJECTION

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- ☐ 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
NUMBER

1, 3, 8 SEE ATTACHMENT.

* ATTORNEYS FOR MAGMA COPPER COMPANY:

ROBERT B. HOFFMAN

CARLOS D. RONSTADT

JEFFREY W. CROCKETT

c/o SNELL & WILMER

ONE ARIZONA CENTER

PHOENIX, ARIZONA 85004-0001

PHONE: (602) 382-6000

Prefatory Statement.

Initially, Magma incorporates by reference its objections to Volumes I and IA of the San Pedro Hydrographic Survey Report, just as though each objection had been fully set forth herein. Specifically, and without limitation, Magma objects to the inclusion of groundwater rights within the scope of this Adjudication under the "brightline" theory set forth in Judge Goodfarb's order of September 9, 1988. Magma also objects on the basis that the withdrawal of groundwater from its wells does not significantly diminish the quantity of water available to satisfy downstream federal reserve rights.

Magma also reserves the right to supplement or amend these objections. Many of the issues upon which these objections are based will be subject to rulings of the Arizona Supreme Court entered in the pending interlocutory appeal of issues 2 through 6. (Objection code numbers 1130, 1132, 1133, 1134, 1135, 1136). Magma further reserves the right to object to each and every watershed file report, zone 2 well report or catalogued well report based upon subsequent rulings of the Arizona Supreme Court as may be entered in these interlocutory appeals.

Magma also objects to the characterization of the Arizona State Land Department as the owner of the PWR's referenced in this watershed File Report. Under Article 10, Section 10 of Arizona's Constitution, water rights are improvements to State trust lands and are therefore owned by the lessee. (220, 320)

A. Magma objects to WFR No. 113-08-005-SP001 in Vol. 5, Table-Page 2-181 for the following reason:

1. Magma objects to the 1964 apparent date of first use assigned to stockpond filing no. 38-0027719 and filing no. 39-003154, and based on filing no. 36-0005096, DWR should have assigned a priority date of 1884 which is the date of first beneficial use for that area. (900, 910, 920)

B. Magma objects to WFR No. 113-08-005-SP002 in Vol. 5, Table-Page 2-181 for the following reasons:

1. Magma objects to the 1964 apparent date of first use DWR assigned to stockpond filing no. 38-0027721 and filing no. 39-003156, and based on filing no. 36-005097, DWR should have assigned a priority date of 1884 which is the date of first beneficial use for that area. (900, 910, 920)

C. Magma objects to WFR No. 113-08-005 in Vol. 5, Pages 2-181 for the following reasons:

1. Magma objects to DWR's statement that filing no. 10-1116011.1100 claims irrigation, stockwatering and mining water uses but DWR found no irrigation, stockwatering or mining uses at the claimed locations. DWR lacks the authority as technical advisor to the Court to make such a determination. (810, 820)