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 ' File Report or Zone 2 Well F		. 11308	005	or Catalogued Well No
The Properties 2 and 2 and 1		(please insert no.)	· 	(please insert no.)
		OBJECTOR I	NFORMATION	
Objector's Name:	ARIZONA	STATE LAND D	DEPARTMENT	
bjector's Address:	1616 W.	Adams, Phoer	nix, AZ 85	007
bjector's Telephone No.:	(602) 54	12-3500		
bjector's Watershed File R	eport or Zone 2 We	ell Report No. (if the Objects	or's claimed water rights	are within the San Pedro River Watershed):
			3 005	
Or Objector's Catalogued We	ell Number (if the C	Objector's claimed water ngl	hts appear only in Volum	e 8 of the HSR):
-		•	•	,
or Objector's Statement of C	Naimant Na Jif tha	Objector's elaimed water si	The ore treated autoric	Sho San Dadan Biran Watanhada
or Cojector's Statement or C	Jaimant No. (ii the			the San Pedro River Watershed):
		39		
STATE OF ARIZO	NA			
		VERIFICATION	ON (must be comple	ted by objector)
COUNTY OF Marico	opa		I doctare under een	alty of perjury that I am a claimant in this proceeding
				· · · · ·
			or the duly- authorize	ed representative of a claimant; that I have read the
pregoing Objection was serv	ed upon the follow	ing Claimant(s) by	or the duly- authorize contents of this Obje	ction (both sides and any attachments) and know the
pregoing Objection was serviced true and correct copie	ed upon the foliow es thereof on the	ing Claimant(s) by	or the duly- authorize contents of this Obje contents thereof; ar	ction (both sides and any attachments) and know the and that the information contained in the Objection is
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oregoing Objection was serviced in the and correct copie May 199 2 Name Magma Copie Attn: Co. Address 7400 N O	yed upon the followes thereof on the postage prepaid and per Co. TP. Land Maracle Rd., Z 85704	day of da	or the duly- authorize contents of this Objection which are belief and, as to the Signature of Objection	ction (both sides and any attachments) and know the not that the information contained in the Objection is an personal knowledge, except those portions of the indicated as being known to me on information and se portions. I believe them to be true. The College of Objector's Representative ND SWORN to before me this 15 gay of
nailing true and correct copie May 199 2 Name Magma Copie Attn: Coe Address 7400 N Oe Tucson, Ae (The above section must claimant's Watershed File	per Co. rp. Land M racle Rd. Z 85704 t be completed if ye Report, Zone 2 Weep	day of da	or the duly- authorize contents of this Objection which are belief and, as to the Signature of Objection SUBSCRIBED A	ction (both sides and any attachments) and know the not that the information contained in the Objection is an personal knowledge, except those portions of the indicated as being known to me on information and se portions. I believe them to be true. The contained are the contained and the contained are portions. I believe them to be true. The contained are the containe
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The following the are main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories)

Please check the categoryties) 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): CATEGORY SEE ATTACHMENT NUMBER

ATTACHMENT

WATERSHED FILE REPORT NO.: 11308 005

OBJECTION(S)	UNIFORM CODE(S)
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

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

MANDATORY FORM FOR OBJECTIONS TO

No. W111002414

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

or Catalogued Well No.

File Report or Zone 2 Well Report No.

11308 005

(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 Sparks & Siler, P.C.

Objector's Address:

Suite 300 Luhrs Tower, P.O. Box 4245

7503 First Street

Phoenix, AZ 85030

C/O Cox & Cox

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.

Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this / day of

Notally Public for the State of Arizona

UFFICIAL SEAL JAMES ROBERT RITTERHOUSE Notary Public - State of Arizona MARICOPA COUNTY My Comm. Expires Jan. 5, 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.

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).

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

MANDATORY FORM FOR OBJECTIONS TO

No. W111002414

The Hydrographic Survey Report for The San Pedro River Watershed

This objection is directed to Watershed			or Catalogued Well No.			
File Report or Zone 2	Well Report No.					
11308 005						
		OBJE	CTOR INFORMA	TION		
Objector's Name:	Gila River Indian Community	SanC	arlos Apache Tribe;Tont	o Apache Tribe; Yavapa	-Apache Indian Community, Camp Verde Reservatio	
	C/O Cox & Cox	C/O S	Sparks & Siler, P.C.			
Objector's Address:	Suite 300 Luhrs Tower, P.O. Box 42	45 7503	First Street			
	Phoenix, AZ 85030	Scotts	sdale, AZ 85251			
Objector's Telephone	e: (602) 254-7207	(602)	949-1988			
Objector's Watershee	d File Report or Zone 2 Well Report No	. (if the Objector	's claimed water rights a	re within the San Pedro	River Watershed):	
	—·—·—					
Or Objector's Catalog	gued Well Number (if the Objector's cla	imed water right	s appear only in Volume	8 of the HSR):		
Or Objector's Statem	ent of Claimant No. (if the Objector's cl	aimed water righ	ts are located outside th	e San Pedro River Wat	ershed):	
39-11-05	178 39-05-41142 3	9-07-12652	39-07-12676	39-05-50058	39-07-121 6 9	
		9-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 10 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

www.i.

Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 14 day of

Notan Public for the State of Arizo

JAMES ROBERT RITTERHOUSE Notary Public - State of Arizona MARICOPA COUNTY My Comm. Expers Jan 5, 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.

Pleas	ollowing the are main categories of the typical Watershed File Report (Zone 2 Well Reports and e check the category(ies) to which you object, and state the reason for the objection on the	back of this form.	1.	·
- 1	I object to the description of Land Ownership		•	•
	. I object to the description of Applicable Filings and Decrees	And the second	**	
			• •	• • • • • • • • • • • • • • • • • • • •
	I object to the description of DWR's Analysis of Fillings and Decrees			
- 4	I object to the description of Diversions for the claimed water right(s)			
'	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 daimed water right(s)			
٤	. 1 Cbject to the PWR (Potential Water Right) Summary of the claimed water right(s)			
=	6. I object to the description of Quantities of Use for the claimed water right(s)			
- 10	0 I object to the Explanation provided for the claimed water right(s)			
x :	1. Other Objections, please state volume, page and line number for each objection)			
	REASON FOR OBJECTION eason for my objection is as follows (piease number your objections to correspond to the boxe obtained pages as necessary):	s checked above; p	olease attach	supporting information
CATEG NUVE			•	
	See Attached			
	Bee Accached			
	-			
				-

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).

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

No. W1,W2,W3 & W4 W1-11-002414

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 smoothed on or before May 18, 1992.

	directed to Watershed one 2 Well Report No	113 08 XXX (please insert no.)	or Catalogued Well No. (please insert no.)
-	·	OBJECTOR IN	NFORMATION
Objector's Name	MAGM	A COPPER COMPANY	y *(MAJOR USER NO. 1267)
Objector's Addre	TUCS	NORTH ORACLE ROOM, ARIZONA 8570	OAD, SUITE 200 04
Objector's Teleph	hone No. (602)	575-5600	
Objector's Water	shed File Report or Zone	2 Well Report No (if the Objector	or's claimed water rights are within the San Pedro River Watershed).
		<u>113</u> . <u>08</u> .	XXX 022
Or Objector's Ca	talogued Well Number (r	the Objector's claimed water right	ns appear only in Volume 8 of the HSR) * (ATTORNEYS ON BACE
Or Objector's Sta	atement of Claimant No.	(if the Objector's claimed water rig	this are located outside the San Pedro River Watershed)
		39 ·	
STATE OF	ARIZONA		
COUNTY OF	MARTCORA	VERIFICATIO	ON (must be completed by objector)
I hereby make the foregoing Objection mailing true and of	his Objection I certify to on was served upon the correct copies thereof on		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
Name	ARIZONA STAT	E LAND DEPARTME	belief and, as to those portions, I believe them to by the
Address1	616 WEST AL	DAMS	Signature of polyector or Objector's Representative
F	PHOENIX, AR	ZONA 85007	SUBSCRIBED AND SWORN to before me this 18 day of
clamant's Wa Well Report objection to y Catalogued N	atershed File Report, Zon It does not need to be a your own. Watershed File	Report Zone 2 Wolf Brooms ation of Intained Brooms RAY A MOTARY PU MARICO My Comm. Exp.	Residence Public for the State of Arizona CALLED A CAL

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.

		owing the are main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). check the category(ies) to which you object, and state the reason for the objection on the back of this form.
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	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.	l 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)
D	9.	I object to the description of Quantities of Use for the claimed water right(s)
D 1	10.	I object to the Explanation provided for the claimed water right(s)
D 1	11.	Other Objections (please state volume, page and line number for each objection)
CATE	add Gor	

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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)