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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

CIVIL NO. W1-11-2428
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Magma Copper - Mining*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: The Special Master initiates contested case W1-11-2428 to address objections to watershed file report 113-08-022.
NUMBER OF PAGES: 12.
DATE OF FILING: July 13, 2018.

This Order initiates a contested case to resolve objections to watershed file report 113-08-022 that sets forth proposed water rights for mining water uses. A copy of watershed file report 113-08-022 is attached as Attachment A.

1 **IT IS ORDERED:**

2 1. Contested Case. This contested case shall be known as *In re Magma Copper -*
3 *Mining* and it will address the objections that were filed to the watershed file report 113-08-022
4 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).

5
6 2. Litigants. The litigants in this contested case are the Claimant, namely, Magma
7 Copper Company, all persons who filed objections to the listed watershed file reports who are
8 listed on Attachment B, and claimants who are allowed to intervene by order.

9 3. Court-Approved Mailing List.

10 A. The initial Court-approved mailing list for this case shall include all
11 persons listed on Attachment C to this order. The list may be modified only by
12 filing a motion with the Special Master to amend the Court-approved mailing
13 list. Litigants are responsible for using the current Court-approved mailing list.

14
15 B. A copy of any pleading filed with the Clerk of the Maricopa County
16 Superior Court in this case shall be served upon each person listed on the Court-
17 approved mailing list.

18 C. Claimants wishing to be added or removed from the mailing list shall file
19 a motion with the Special Master. Parties allowed to intervene will be
20 automatically added to the mailing list.

21
22 4. Courtesy Email List.

23 The Special Master's office will email courtesy copies of orders and minute
24 entries entered in this case to persons listed on Attachment B. Requests for
25 inclusions on the email list should be sent to Barbara Brown at
26 brownb099@superiorcourt.maricopa.gov.

1 An initial scheduling conference shall be held to determine the process to resolve the
2 objections made to the claims for water rights at issue on **August 23, 2018**, at 1:30 p.m. before:

3 Special Master Susan Ward Harris
4 Superior Court of Arizona
5 201 West Jefferson Street
6 Courtroom 301
7 Phoenix, AZ 85003-2202

7 Instructions for telephonic appearance:
8 Dial: 602-506-9695 (local)
9 1-855-506-9695 (toll free long distance)
10 Dial Participant Pass Code 357264#

11 
12 SUSAN WARD HARRIS
13 Special Master

14
15 On July 13, 2018, the original of the foregoing was
16 delivered to the Clerk of the Maricopa County Superior
17 Court for filing and distributing a copy to all persons
18 listed on the Court-approved mailing list for this
19 contested case, a copy of which is attached hereto as
Attachment B, and to all persons listed on the Court-
approved mailing list for W-1, W-2, W-3, and W-4
(Consolidated).

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21 Barbara K. Brown

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
MAGMA COPPER COMPANY	113-08-022

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
10-1101131.1200		IRRIGATION	10800.00	SE31	090S	180E	1877	NW05	100S	180E
				SW32	090S	180E				
				NWNW05	100S	180E				
39-0003157		MINING MUNICIPAL	566.00				1954	SESE23	090S	170E
39-0003158		MINING MUNICIPAL	957.00				1973	NWSE09	090S	170E
39-0003172		MINING MUNICIPAL	2233.00				1969	NESW31	090S	180E
39-0003173		MINING MUNICIPAL	1687.00				1969	SWNE09	090S	170E
39-0003174		MINING MUNICIPAL	1656.00				1964	SESE09	090S	170E
39-0003175		MINING MUNICIPAL	1266.00				1964	NWNW31	090S	180E
39-0003176		MINING MUNICIPAL	1606.00				1958	SWNW15	090S	170E
39-0003177		MINING MUNICIPAL	972.00				1955	NESE25	090S	170E
39-0003178		MINING MUNICIPAL	536.00				1954	NWNE22	090S	170E
39-0003179		MINING MUNICIPAL	536.00				1954	SWNW23	090S	170E
39-0003180		MINING	1730.00				1948	SENE34	080S	160E
39-0003181		MINING	6920.00				1968	NWNE03	090S	160E
39-0003182		MINING MUNICIPAL	718.00				1947	SENE25	090S	170E

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1101131.1200	IRRIGATION	NONE		
39-0003157	MINING MUNICIPAL	NOT APPLICABLE	W03	M1001, M1002
39-0003158	MINING MUNICIPAL	NOT APPLICABLE	W12	M1001, M1002
39-0003172	MINING MUNICIPAL	NOT APPLICABLE	W11	M1001, M1002
39-0003173	MINING MUNICIPAL	NOT APPLICABLE	W10	M1001, M1002
39-0003174	MINING MUNICIPAL	NOT APPLICABLE	W09	M1001, M1002
39-0003175	MINING MUNICIPAL	NOT APPLICABLE	W08	M1001, M1002
39-0003176	MINING MUNICIPAL	NOT APPLICABLE	W07	M1001, M1002
39-0003177	MINING MUNICIPAL	NOT APPLICABLE	W06	M1001, M1002
39-0003178	MINING MUNICIPAL	NOT APPLICABLE	W05	M1001, M1002
39-0003179	MINING MUNICIPAL	NOT APPLICABLE	W04	M1001, M1002
39-0003180	MINING	MINING	W13	M1001, M1002, RCO01
39-0003181	MINING	MINING	W14	M1001, M1002, RCO01
39-0003182	MINING MUNICIPAL	NOT APPLICABLE	W02	M1001, M1002

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W02	NESENW25	090S	170E	WELL #2	GROUNDWATER : ZONE 2 SHARED
W03	SESESE23	090S	170E	WELL #3	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W04	SESWNW23	090S	170E	WELL #4	GROUNDWATER : ZONE 2 SHARED
W05	NENWNE22	090S	170E	WELL #5	GROUNDWATER : ZONE 2 SHARED
W06	NWNWSE25	090S	170E	WELL #6	GROUNDWATER : ZONE 2 SHARED
W07	SESWNW15	090S	150E	WELL #7	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W08	NWNWNW31	090S	180E	WELL #8	GROUNDWATER : ZONE 2 SHARED
W09	SESESE09	090S	170E	WELL #9	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W10	NWSWNE09	090S	170E	WELL #10	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W11	SENEW31	090S	180E	WELL #11	GROUNDWATER : ZONE 2 SHARED
W12	SENWSE09	090S	170E	WELL #12	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W13	NWNWNE03	090S	160E	SHAFT #1	GROUNDWATER : CATALOGUED SHARED
W14	NESENE34	080S	160E	SHAFT #5	GROUNDWATER : CATALOGUED SHARED

U S E S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
MIO01	03	090S	160E	W02, W03, W04	GROUNDWATER : ZONE 1	1955	NO	
	16	090S	170E	W05, W06, W07	GROUNDWATER : ZONE 2			
	21	090S	170E	W08, W09, W10	GROUNDWATER : CATALOGUED			
	22	090S	170E	W11, W12, W13				
	26	080S	160E	W14				
	26	090S	170E					
	27	090S	170E					
	29	090S	170E					
	32	090S	170E					
	33	090S	170E					
	34	080S	160E					
	35	080S	160E					
	35	090S	170E					
MIO02	26	080S	160E	W02, W03, W04	GROUNDWATER : ZONE 1	1990	NO	
	35	080S	160E	W05, W06, W07 W08, W09, W10 W11, W12, W13 W14	GROUNDWATER : ZONE 2 GROUNDWATER : CATALOGUED			
RC001	NE25 SE24	090S 090S	160E 160E	W13, W14	GROUNDWATER : CATALOGUED	1984	NO	

S H A R E D U S E S A N D D I V E R S I O N S

- ** WATER FROM W02 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-3
- ** WATER FROM W03 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-3
- ** WATER FROM W04 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-3
- ** WATER FROM W05 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-3
- ** WATER FROM W06 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-3
- ** WATER FROM W07 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-3
- ** WATER FROM W08 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-3
- ** WATER FROM W09 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-3

- ** WATER FROM W10 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-3
- ** WATER FROM W11 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-3
- ** WATER FROM W12 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-3
- ** WATER FROM W13 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-AC-1
- ** WATER FROM W14 IS SHARED WITH THESE ADDITIONAL FILES:
113-08-AC-1

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
MIOO1	39-0003157 39-0003158 39-0003172 39-0003173 39-0003174 39-0003175 39-0003176 39-0003177 39-0003178 39-0003179 39-0003180 39-0003181 39-0003182	NONE	1954 FILING 39-3157	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2 GROUNDWATER : CATALOGUED
MIOO2	39-0003157 39-0003158 39-0003172 39-0003173 39-0003174 39-0003175 39-0003176 39-0003177 39-0003178 39-0003179 39-0003180 39-0003181 39-0003182	NONE	1987 CLAIMANT COMMENT	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2 GROUNDWATER : CATALOGUED
RCOO1	39-0003180 39-0003181	NONE	1970 CLAIMANT INFO	GROUNDWATER : CATALOGUED
NONE	NONE	10-1101131.1200		

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
MIOO1						14272.0 AFA	
MIOO2						1773.0 AFA	
RCOO1	MAX. OBSERVED REGIONAL	5.6 5.6	TURF AVE. CROP	58% 50%	4.3 AF/AC 5.4 AF/AC	24.1 AFA 30.2 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 10-1101131-12 - CLAIMS IRRIGATION WATER USE FROM THE SAN PEDRO RIVER. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.
 FILINGS 39-3157, 39-3158, 39-3172 THROUGH 39-3179, 39-3182 - CLAIM MUNICIPAL AND MINING WATER USES. THE CLAIMED MUNICIPAL USES DO NOT APPLY TO THIS W.F.R. BUT TO W.F.R. #113-08-3 WHICH DESCRIBES THE ARIZONA WATER COMPANY - SAN MANUEL SYSTEM.

DIVERSIONS

W2-W14 - WELLS PROVIDE WATER FOR MINING USES. WELLS W2-W12 ALSO SUPPLY WATER TO THE COMMUNITY OF SAN MANUEL (REFER TO ARIZONA WATER COMPANY - SAN MANUEL SYSTEM, W.F.R. #113-08-3).

USES AND RESERVOIRS

MI1 & MI2 - MINING WATER USES: MAGMA COPPER COMPANY. FOR MORE INFORMATION ON THE MAGMA COPPER COMPANY OPERATIONS, SEE THE MAJOR USERS REPORTS IN VOLUME 1.
 RC1 - IRRIGATED TURF FOR A GOLF COURSE.

SHARED USES AND DIVERSIONS

W2-W12 - WELLS ARE SHARED WITH W.F.R. #113-08-3.

W13 & W14 - WELLS ARE SHARED WITH W.F.R. #113-08-AC-1.

QUANTITIES OF USE

MI1 - RECEIVES 3575 ACRE-FEET OF WATER FROM W13 & W14 WHICH ARE LOCATED IN GROUNDWATER ZONE 3.

MI2 - RECEIVES 3416 ACRE-FEET OF WATER FROM W13 & W14 WHICH ARE LOCATED IN GROUNDWATER ZONE 3.

RC1 - RECEIVES 24.1 ACRE-FEET OF WATER FROM W13 & W14 WHICH ARE LOCATED IN GROUNDWATER ZONE 3.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

AN EXTENSIVE COMMENT WAS RECEIVED PERTAINING TO THE CLAIMANT'S CONCERS ABOUT D.W.R.'S INVESTIGATION CRITERIA.

ATTACHMENT B

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ASARCO, Incorporated
L.J. Caster, B.J. Heiserman, B.J. Pew
Fennemore Craig, P.C.
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Phoenix, AZ 85016

City of Phoenix
Charles L. Cahoy, Assistant City Attorney
200 West Washington 13th Floor
Phoenix, AZ 85003

ASARCO, Inc.

Gila River Indian Community
Linus Everling and Thomas L. Murphy
Office of the General Counsel
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Sacaton, AZ 85147

Magma Copper Company
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Salt River Project
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Salmon, Lewis & Weldon, P.C.
2850 East Camelback Road, Ste. 200
Phoenix, AZ 85016

San Carlos Apache Tribe
Tonto Apache Tribe
Joe P. Sparks and Laurel A. Hermann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

U. S. Department of Justice
R. Lee Leininger
Natural Resources Section
999 18th Street, So Terrace, Ste. 370
Denver, CO 80202

1 Yavapai-Apache Nation
Camp Verde Reservation
2 Susan B. Montgomery and Robyn L. Interpreter
Montgomery & Interpreter, PLC
3 3301 E. Thunderbird Road
Phoenix, AZ 85032
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ATTACHMENT C

Court Approved Mailing List
In re Magma Copper - Mining W1-11-2428
W1-11-2428 (12 Names)
Prepared by the Special Master
7/12/2018

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Attorney
Phoenix City Attorney's Office
200 W. Washington 13th Flr.
Phoenix, AZ 85003

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Phoenix, AZ 85016-3429

Clerk of the Superior Court
Maricopa County
Attn: Water Case
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Phoenix, AZ 85003-2205