# 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. W1-11-3317

CASE MANAGEMENT ORDER

CONTESTED CASE NAME: In re Lester Young
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Designation of case as subject to Track 1 Procedures and directing Arizona Department of Water Resources to set a meeting with the claimant and objectors.

NUMBER OF PAGES: 59
DATE OF FILING: February 8, 2018

Pursuant to the minute entry dated November 8, 2011, counsel for the Salt River Project Agricultural Improvement and Power District and Salt River Valley Water User's Association (collectively "SRP") took the lead to resolve objections to Watershed File Report 115-04-ADB-008. According to SRP's report filed December 29, 2017, the objectors did not reach a
settlement agreement that would resolve the pending objections. Copies of the objections are attached as Appendix A.

Based on Watershed File Report 115-04-ADB-008, this contested case involves approximately 1.1 acres of land on which claims for water rights are made for domestic use and for irrigation of a citrus orchard and a garden. The report lists a Zone 1 Well as the source of the domestic use, which Arizona Department of Water Resources defined as water for inside household needs. See San Pedro Hydrographic Report, Volume 1, pp. 541, 563. Copies of cited pages are attached as Appendix B. Instream pumps provide water for irrigation use. Statements of Claimant 39-5845 and 39-5862 were signed by Lester Young and Thelma Lee Young, the landowners identified in Watershed File Report 115-04-ADB-008. Thelma Lee Young, a widow, subsequently sold the land to Aravaipa Ranch, LLC and by an assignment filed January 2, 2018, assigned Statements of Claimant 39-5845, and 39-5862 to Aravaipa Ranch, LLC.

The Rules for Proceedings Before the Special Master ${ }^{1}$ require the Master to assign contested cases to either Track 1 or Track 2. Given the relatively small amount of water involved in this claim, this contested case will initially be assigned to Track 1. At any time, any litigant may file a motion requesting that the contested case be transferred to Track 2 .

The first step required by Track 1 is a meeting with Arizona Department of Water Resources (DWR) to clarify the objections and determine whether the objections can be resolved by amendment to the Statements of Claimant, by an agreement between the litigants, or by an amendment of the Watershed File Report. The meeting will be attended by the

[^0]litigants and their attorneys, if any. In this case, the claimant has not filed an objection to the Watershed file report. Accordingly, Rule 8.02[1][a] states:

In cases where one or more objectors have filed an objection to the claimant's Watershed File Report, DWR will convene the meeting and will explain the basis of its findings. DWR will thereafter facilitate the discussion between the litigants and inform the litigants that, unless an agreement on the objection is reached, the matter will be heard by the Master.

Accordingly,
IT IS ORDERED that DWR shall schedule a meeting with the claimant and the objectors no later than April 5, 2018. At the conclusion of the meeting, DWR shall filed a Meeting Report pursuant to Rule $8.02[1][\mathrm{c}]$, which shall include a statement identifying whether the wells that are the source of the domestic water use are located within the subflow zone. No discovery deadline or readiness conference shall be set until receipt of the Meeting Report.

IT IS FURTHER ORDERED that Thelma Young will be removed from the courtapproved mailing list because she is no longer a party in this contested case.


SUSAN WARD HARRIS
Special Master

On February 8, 2018, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the court-approved mailing list for this contested case.


Barbara Brown

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

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



## statement of the objection

The following are the main categaries of the typical Waterahed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain cetegories). Please chack the category(lea) to which you object, and atate the reason for the objection on the back of thie form.

| [ XX ] | 1. | I object to the description of Land Owneratip. |
| :---: | :---: | :---: |
| [XX] | 2. | I object to the description of Applleable Fillnge and Dearets. |
| $[\mathrm{XX]}$ | 3. | I object to the deseription of DWR'0 Anslvele of Fillnge and Dearace. |
| [ ] | 4. | I abjact to the description of Diverelona for the claimed water righzia). |
| 11 | 5. | I abject to the daseription of Uase for the claimed watar right(s). |
| 11 | 6. | I object to the description of Reearvols used for the claimed water rightist. |
| [ ] | 7. | I object to the description of Shasad Usae \& Diverelona for the claimed water right(s). |
| [XX] | 8. | I object to the PWR (Potemtial Water Right) Eummary of the claimed water right(s). |
| [ XX ] | 9. | I object to the descriptian of Quantties of Uas for the claimed water rightis). |
| 11 | 10. | I object to the Explanation provided for the elaimed water right\|s). |
| [ ] | 11. | Other Objections (ptasee atate volume, page and line number for each objection). |

## REASON FOR OBECTION

The reason for my objeotion le aE followe fplease number your objections to correspond to the boxee checked above; please attach aupporting intormation and additional pages as necessery):

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) (P01; p02)

The available historical record does not support the priority date listed in the pre-filings. (SM 430) (OTOO1)

The available historical record does not support the priority date listed in the adjudication filings. (SM 478) (OT001)

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

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (3600465700000; 3900056820000; 3900058450000)
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) (PO1; P02)

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; P02; W01)

The available historical record does not support the priority date listed in the ADWR analysis of Apparent First Use Date. (SM 920) (OT001)

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 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)

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 

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

Piesse file a separate objection for each Watershed Filo Report, Zone 2 Woll Report or Catalogued Woll Ropart, Objections to information containad in Volums 1 of the HSR can be stated on one abjection form. Objectlona must be witten. Use of thls form, of a computer facalmille, is required. Objoctions must be reoelvad on or bofore May 18, 1992. Objectione must be flled with the Clerk of the Suparior Court In and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Streat, Phoenix, AZ 85009.


Objeotor's Watershed Filo Roport or Zonc 2 Well Report No. (if the Objector's clamed water rights are withln the San Pedro River Wetorshed):
111-19-009
Or Objector's Catalogued Woll Number (If the Objootor's claimed water rights appear onty in Volume 8 of the HSR):
Or Objector's Statemant of Claimant No. Iff the Objactor's claimed water righte aro located outaide the San Podro Rivar Watershed):

| $39-11-05478$ | $39-05-41142$ | $39-07-12652$ | $39-07-12676$ | $39-05-50058$ | $39-07-12169$ |
| :--- | :--- | :--- | :--- | :--- | :--- |
| $39-U 8-60083$ | $39-L 8-36340$ | $39-L 8-37360$ | $39-U 8-63614$ | $39-07-12675$ | $39-05-50059$ |

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STATE OF ARIZONA
COUNTY OF MARICOPA
postage propaid and addresead as follows:
\begin{tabular}{ll} 
& 115-04-ADB-010 \\
Name: & YOUNG, HAROLD D. \\
& \& NANCY L. \\
Address: & P.O. BOX 55 \\
& BAYDEN AZ 85235
\end{tabular}
```

I hereby make this Objection. I certily that, if required, a copy of the
foregoing Objection was sarved upon the following Clalmant(s) by
malling true and correct coples thereof on the 18 day of May. 1892.

The above eaction must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Cotalogued Well Rapart. It doee not naed to be campleted if you file an objactlon to your own Watershed file Roport, Zone 2 Wall Report, Cataloguad Well Report, or to Infomation contained in Volume 1 of the Hydrographic survoy Ropors.)


## VERIFICATION(must be complated by objector)

I declare under penalty of perjury that I am a claimant in this proceoding or the duly-authorted representative of a clelmant; that I have read the contents of this Objection (both sidas and any attachmante) end know the contents thereof; and that the information contalned in the Objection is true based on my own personal knowladgo, exaept those pertions of the Objection which are indicated as boing known to me on information and belief and, at to those portions, I


## STATEMENT OF THE ORECTION

The following are the main catogorios of the typical Watershed File Report IZone 2 Woll Reports and some Watershed Flie Reports lack certain categories). Plases check the categorylies) to which you object, and etate the reason for the objection on the back of this form.
[XX] T. I object to the description of Land Ownerahip.
[XX] 2. I abject to the description of Appllanble Filinge and Decrees.
[XX] 3. I object to the description of DWR's Analyale of Fillnge and Deorees.
[ 4. I object to the description of Diveralons for the claimed water right(s).
[ ] 5. I object to the deseription of Ueee for the claimed water right(c).
[ ] 6. I object to the desoription of Reanrvole used for the claimad water right(8).

[XX] 6. I object to the PWR (Potential Water Right) Summery of the claimed water rightis).
$[X X]$ 9. lobject to the description of Quartides of Uee for the clsimed water right(s).
[ ] 10. I object to the Explanation provided for the claimed water right(a).
[ ] 11. Other Objections (please state volume, page and line number for esch objectlon).

## REASON FOR ORIECTION

The reason for my objection in as follows (pleaee number your objoctions to correspond to the boxar chacked abova; please attach supparting information and additional pages as nacessary):

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/ox ADWR fail (s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420) (P02)

The available historical record does not support the priority date listed in the pre-filings. (SM 430) (OTOO1)

The available historical record does not support the priority date listed in the adjudication filings. (SM 478) (OT001)

Adjudication filings associated with this WFR contain inaccurate or incomplete information. (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) (3900058470000)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (3900058470000)
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 atatute. (SM 420)

WFR No.: 115-04-ADB-010 Contested Case File: W111003319

Page 3

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) (P02)

The available historical record does not support the priority date listed in the ADWR analysis of Apparent First Use Date. (SM 920) (OT001)
9. 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

Contested Case File: W111003316

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

Plosge file a separate objaction for aech Waterehed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSA can bs statad an one objection form. Objectione must be written. Une of this form, or a comperter facaimile, Is required. Objoctione must be meedved on or bafore May 18, 1802. Objactionte muat be flled with the Clark of the Superior Court in and for Maricopa County, Marleopa County Courthouse Annex, 3345 W. Dirango Streat, Phoanix, AZ 66009.

| This objection is directed to Watarshed Fila Report or Zona 2 Well Report No. | 115-04-ADB-007 <br> (please insert no.) | or Catalogued Well No. (plasse insert no.) |
| :---: | :---: | :---: |
| OBJECTOR INFORMATION |  |  |
| Objactor' Name: <br> United States of America | Co-Objector'o Nama: Gila River Indian Community c/o Cox \& Cox | Co-Objactor's Narna: <br> San Carlos Apache Tribe; Tonto <br> Apache Tribe; Yavapai-Apache Indian <br> Community; Camp Verde Reservation c/o Sparks \& Siler, P.C. |
| Objwctorio Addreme: | Ca-abjector's Addrese: | Cu-Objoctar's Addreas: |
|  | Suite 300 Luhrs Tower | 7503 First Street |
| Washington, D.C. 20004 | Phoenix, AZ 85003 | Scottsdale, AZ 85251 |
| Objactor's Telephona No.: <br> (202) 272-4059 / 272-6978 | Ca-Objeator'o Talephone No.: (602) 254-7207 | Co-Objoctor's Telophone No.: (602) 949-1998 |

111-19-009
Or Objector's Catalagued Well Numbar (if the Objector's claimed water righte appear only in Voluma 8 of the HSR):
Or Objactor's Statement of Claimant No. lif the Objactor's claimed water righte are located outaide tha San Pedro River Watershed):

| 3r |  |  |  |  |  |
| :--- | :--- | :--- | :--- | :--- | :--- |
| $39-11-05478$ | $39-05-41142$ | $39-07-12652$ | $39-07-12676$ | $39-05-50058$ | $39-07-12169$ |
| $39-U 8-60083$ | $39-L 8-36340$ | $39-L 8-37360$ | $39-U 8-63614$ | $39-07-12675$ | $39-05-50059$ |

## STATE OF ARIZONA

## COUNTY OF MARICOPA

I heraby make this Objoction. I cartity that, if required, a capy of the foregaing Objection was sarved upon the following Claimant(s) by mailing tue and corect coples thereof on the $18^{\text {an }}$ day of Mey. 1882. postage propaid and addressed as follows:

|  | 115-04-ADR-007 <br> Name: <br> YOUNG, MARY LOUISE |
| :--- | :--- |
| Address: | BOX 55 |
|  | RAYDEN AZ 85235 |

The above mection muet be completed If you abject to another clalmant's Waterchad File Report, Zone 2 Woll Raport, or Catalogued Well Raport. It does nat nead to be comploted if you iile an objection to your awn Watershed File Report, Zone 2 Well Report, Catalogued Wall Roport, or to informatlon contained in Volume 1 of the Hydrographio Suryay Benpet:

OFFCLAL SEA
PAMELAL. SPARKS
PAAMELA Lata ivolic - State ol Arizona
Notary ir ualic - Stalo ol Anty
MARICOPA COUNTV


## VERIFICATION(must be comploted by objactor)

I deciare under penalty of perjury that I am a claimant in this procseding or the duly-authorized representative of a claimant; that I havo read the contants of thlia Objoction (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, oxcept those portions of the Objoction which are indicated as being known to me on information and bellef and, as to those portions, 1


## STATEMENT OF THE OBUECIION

The following are the main catagories of the typleal Watershed File Report (Zona 2 Well Reports and some Watershed File Reports lack certain categories), Plase check the categorylias) to which you object, and state the reason for the objection on the back of thla form.

| [XX] | 1. | I object to the doscription of Land Ownership. |
| :---: | :---: | :---: |
| [ XX ] | 2. | I object to the deacription of Appllesble Filinge and Deersee. |
| [XX] | 3. | I object to the description of DWR's Analysle of Filings and Decreas. |
| 1 ] | 4. | I object to the description of Diveralane for the claimed water rightis). |
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| 1 ] | 6. | I object to the description of Resarvolre used for the claimed water right(a). |
| 1 | 7. | I abjact to the dascription of Shared Usas a Dlvarelon for the clalmad water right/s). |
| [ XX ] | 8. | \| object to the PWR (Potential Water Rlght| Summary of the elaimed water right(s). |
| [ XX ] | 9. | I object to the description of Quantitios of Una for the claimed water right(s). |
| J | 10. | I object to the Explanation provided for the claimed water right(s). |
| 11 | 11. | Other Objections (please state volume, page and line number for each objaction). |

## REASON FOR ORJECTION

The reason for my objaction is as fallows (plaase number your objactions to correspond to the boxes checked above; plaase sttach supporting information and additional pages es nocessary):

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) (PO1; p02)

The available historical record does not support the priority date listed in the pre-filinge. (SM 430) (IROO1)

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

Adjudication filings associated with this wFR contain inaccurate or incomplete information. (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)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (3600465700000; 3900058450000; 3900058620000; 3900058630000)

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 $\mathrm{DWR}^{\prime}$ '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)

WFR No.: 115-04-ADB-007
Contested Case File: W111003316
Page 3
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) (PO1; P02)

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; P02; W01)

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

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)
9. 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 $\left.P W R^{\prime} s\right)$. The claimant is not entitled to more than actually used or claimed. (SM 1000)

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

# In CHE 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 <br> 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.

＊The narnes，addresses and telephone numbers of Objectors＇attomeys are on the back of this form．
Objector＇s Watershed File Report or Zone 2 Well Report No．（if the Objector＇s claimed waler rights are within the San Pedro River Watershed）：
Magma Copper Company：113－08－XXXX－022，et al．
ASARCO Incorporated：114－01－XXXX－005，et al．
Or Objector＇s Catalogued Well Number（if the Objector＇s claimed water nights appear only in Volume 8 of the HSR）：
NOT APPLICABLE
Or Objector＇s Statement of Claimant No．（if the Objector＇s claimed water right e are located outside the San Pedro River Watershed）：
39 －NOT APPLICABLE
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 forgoing Objection was served upon the following Clamant（s）by mailing true and correct copies thereof on the 11th day of May＿1， 189 ＿postage prepaid and addressed as follows：

| Name | YOUNG，LEMUEL B． |
| :--- | :--- |
| and | $\& \&$ MARGARET |
| Address | BOX 309 |
|  | 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 Weill Report， Catalogued Well Report；or to information contained in Volume 1 of the Hydrographic Survey Report）

I declare under penalty of perjury that imam 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 ie 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， 1 bowell them to be true．

subscribed and sworn to before me this 11 th day


CrPCML SEAL
MARIANNE DUNCAN SHIPPER
Notary？？public．State of Arizona MARICOPA COUNTY
部 Corm．Express July 17， 1994

## STATEMENT OF THE OBJECTION

The following sre the maln ceitegorles of the typleal Watarshed Fia Peport Rone 2 Weil Raporte and some Watarghed Fle Reports lack certain categories). Plasse chack the category(les) to which you oblect, and etate the reason for tha offection on the back of this form.

|  | I object to the descdiption of Land Ownership |
| :---: | :---: |
| 2. | I object to the description of Appliceble Filinge and Decrees |
| 3. | I object to the description of DWh'e Arralyas of Fllirge and Deerees |
| 4. | I oblect to the descolption of Diverslone for the clalmed water right(8) |
| 5. | I obfect to the dascription of Unee for the clatmed water night(8) |
| a | I oblect to the dascription of Aemervalre used for the claimed water right( ( ) |
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| 6. | I oblect to the PWR (Potential Water Pight) Eummery of the ctalmed water night(e) |
| 8. | I object to the deseription of Cuantulee of Uwe for the claimed water right(s) |
| 10. | I object to the Explanation provided for the ctaimed water right(a) |
| 11. | Other Objections (please state volume, page and line numbor for each oblection) |

## REASON FOR OBJECTION

The rasson for my objaction is as followe (plases number your objections to comespond to the boxes checked above; plaase attach supporting information and additional pages as necessary):

Category Number: 4, 8 and 11
Magma Copper Company ("Magma') and ASARCO Incorporated ("ASARCO') submit this objection as co-objectors.

Magma and ASARCO object to the inclusion of groundwater in this Adjudication because groundwater Is nelther appropriable under Arizona law (Uniform Objection Code Nos, 500, 510, 1120 and 1132), nor is it subject to claims based on federal law (Uniform Objection Code Nos. 561, 562, 1120 and 1134). In addition, this objection is intended to preserve these lesues untll such time as each is resolved by the Arizona Supreme Court. (Uniform Objection Code No. 1130)

While this objection pertains to a specific Watershed File Report (WFR), Magma and ASARCO are objecting to each WFR that classifies a well as a "Zone 1 Well" or otherwise employs the "50\% - 90 day standard to create a presumption of a well's diversion of appropriable surface water.

With respect to this particular WFR, Magma and ASARCO presently believe that the subject well(s) is/are taking nonappropriable groundwater not subject to the Gila Adjudication. However, should it be determined that the well(s) is/are taking appropriable surface water, Magma and ASARCO object to such use where such taking is a diversion of surface water without an appropriative right under state law and/or is interfering with the water rights of Magma or ASARCO. (Uniform Objection Code Nos. 600, 610 and 1150)

Magma and ASARCO are also fling this objection to obtain notice and an opportunity to be heard on all lesues in the event that claims to the groundwater referenced in claimant's WFR are adjudicated.
Attorneys for Magma:
Robert B. Hoffman (004415)
Cartos D. Ronstadt (006468)
Jeffrey W. Grocket ( 012672 )
SNELI \& WILMER
One Arizona Certer
Phoenix, AAL20na $85004-0001$
(602) 382. - 6000

Attomeys for ASARCO:<br>Button M. Apker (001256)<br>Gerle Apker Kurtz (005637)<br>APIER, APKER, HAGGARD \& KURTZ, P.C.<br>2111 E. Highland, Suite 230<br>P.O. Box 10280<br>Phoenix, Arizona 85064-0280<br>(602) 381 - 0085

# II 」HE 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 GLA RIVER SYSTEM AND SOURCE 

MANDATORY FORM FOR OBJECTIONS TO<br>The Hydrographic Survey Report for

No. W1,W2, W3 \& W4
W1-11-003316

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

$\frac{115-\underline{04}-\underline{A D B}-\underline{007}}{\text { (please insent no.) }} \quad$| or Catalogued Well No. |
| :--- |
| (please insert no.) |

## OBJECTOR INFORMATION

| Oblector's Name: | Magma Copper Company (1267) | ASARCO Incorporated (1263) |
| :--- | :--- | :--- |
| Oblector's Address: | 7400 North Oracle Rd | P.O. Box 8 |
|  | Suite 200 | Hayden, Arizona 85235 |

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

## NOT APPLICABLE

Or Objector's Stalement of Claimant No. (if the Objector's clafmed water rights are located outaide the San Pedro River Watershed): 39 - NOT APPLICABLE

## STATE OF ARIZONA

COUNTY OF MARICOPA

## VERIFICATION <br> (must be completed by objector)

| I hereby make this Objection. I certity that, if required, a copy of the forgoing Objection was served upon the following Clalmant(s) by malling |  |
| :---: | :---: |
| tree and correct coppes thereol on the 11th day of |  |
|  |  |
| me | YOUNG, MARY LOUISE |
| and | BOX 55 |
| Address | HAYDEN, AZ 85235 |

(The above section must be completed if you object to another clamant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be complated il 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 Hydrographlc Survey Repori)

I declare under penalty ol perjury that I am a clalmant In this procseding of 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 contaned in the Objection is true based on my own personal knowladge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those



SUBSCRIBED AND SWORN to belore me thlo 11 th day


## STATEMENT OF THE OBJECTION

The following are the main categorlas of the typleal Watorshed File Report Rone 2 Weil Reports and some Waterched Flie Paporte lack cartain categorles). Please check the category(les) to which you object, and state the reason for the oblection on the beck of this form.

| $\square$ | 1. Iobject to the description of land Ownerehip |
| :---: | :---: |
| 0 | 2 I object to tha dsscription of Appileablo Fulinge and Deerees |
| $\square$ | 3. Ioblect to the deecription of DwR's Analyele of Fillinge and Docrees |
| 國 | 4. I object to the deacription of Diverstona for the ctalmed weater inght(e) |
| [] | 5. I oblect to the desertiption of Ueee for the ctaimed watur ingit(b) |
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| $\square$ | 7. I oblect to the description of ehared usee a Diverelone for the clatmed watar inght(a) |
| - | 8. I oblact to the PWR (Potenulal Weter Pight) summary of the ctalmed water right(0) |
| $\square$ | 9. I oblect to the desscription of Cuantive of Une for the claimed weter itgiti(e) |
| $\square$ | 10. Iobfect to the Explanation provided for the claimed water ighit(s) |
| 昞 | 11. Other Objections (please state volurne, page and line number for each objection) |

## REASON FOR OBJECTION

The reason for my oblection ls as follows (please number your objections to coreapond to tha boxas chacked above; plasse attrach supporting information and additional pages as necessary):

Catogory Number: 4,8 and 11
Magma Copper Company ('Magma') and ASARCO Incorporated ('ASARCO") submit this objection as co-objectors.

Magma and ASARCO object to the inclusion of groundwater in this Adjudication because groundwater is neither appropriable under Arizona law (Uniform Objection Code Nos. 500, 510, 1120 and 1132), nor is it subject to claims based on federal law (Uniform Objection Code Nos. 561, 562, 1120 and 1134). In addition, this objection is intended to preserve these issues until such time as each is resolved by the Arizona Supreme Court. (Uniform Objection Code No. 1130)

While this objection pertains to a specific Watershed File Report ("WFR"), Magma and ASARCO are objecting to each WFR that classifies a well as a "Zone 1 Well' or otherwise employs the '50\% - 90 day standard" to create a presumption of a well's diversion of appropriable surface water.

With respect to this particular WFR, Magma and ASARCO presently believe that the subject well(s) is/are taking nonappropriable groundwater not subject to the Gila Adjudication. However, should it be determined that the well(s) is/are taking appropriable surface water, Magma and ASARCO object to such use where such taking is a diversion of surface water without an appropriative right under state law and/or is interfering with the water rights of Magma or ASARCO. (Uniform Objection Code Nos. 600, 610 and 1150)

Magma and ASARCO are also filing this objection to obtain notice and an opportunity to be heard on all lisues in the event that claims to the groundwater referenced in claimant's WFR are adjudicated.

[^1]Attomeys for ASARCO:<br>Burton M. Apker (001258)<br>Gerrie Apker Kurtz (005637)<br>APKER, APKER, HAGGARD \& KURTZ, P.C.<br>2111 E. Highland, Suite 230<br>P.O. Box 10280<br>Phoenix, Arizona 85064-0280<br>(602) 381 - 0085

# IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COONYY OF MARICOPA 

in re the general adjudication of all rights to use
hater in the gila river system and source

# No. W1,W2,W3 \& W4 <br> Contested Case No. W1-11-003316 



## MANDATORY FORM FOR OBJECTIONS TO

The Hydrographic Burvey Report for the Gan Pedro River Tatershed

Please file a separate objection for each Watershed file Report, Zone 2 Hell Report or Catalogued Hell 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 Hell Report No. 115-04-AD日 -007 or Catalogued Well No. (please insert no.)
(please insert no.)

## OBJECFOR INFORMATION

Objector's Name:
Salt River Project
Objector's Address:
Past Office Box 52025
Objector's Telephone No:
Phoenix, Arizona 85072-2025
(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):
$\qquad$ $-$ $\qquad$
Or Objector's Catalogued Hell 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

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

Hane: YOUNG, MARY LOUISE
Address: BOX 55
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 oun Watershed file Report, Zone 2 Hell 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 thi 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 by own personal knowledge, excepr those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions,

signature of Objector or Objector's Representative
SUBSCRIAED AND SHORH to before me this 1st day of


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

## BTATENENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Hell Reports and same 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. I object to the description of LaND OMMERSHIP
[] 2. I object to the description of applicable filimgs and decrees
[ ] 3. I object to the description of Dur's Amalysis of filings and decrees
[] 4. I object to the deseription 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)
[J 7. I object to the description of SHARED USES \& DIVERSIONS for the claimed water right(s)
[X] 8. I object to the PWR (POTENTIAL Yater pight) summary of the elaimed water right(s)
[K] 9. I object to the description of the qUANTITIES OF USE for the claimed water right(s)
[ ] 10. I object to the EXPLAMATION provided for the claimed water right(s)
[] 11. Other Objections (please state volume number, pege number and line number for each objection)

## REASON FOR OBJECTION

The reason for ary 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 ATPACHMENT 1
— In this attachment the uniform code designated by the
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## ATTACHESNT 1

WFR CATEGORY 8 - PHR 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 (WRRA), are the evidentiary foundation for the priority date associated with a water right. Where two or more WRRA filings have been matched to the same PWR but claim different dates of priority, the WRRA filing claiming the earliest date 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 set forth sufficient historical evidence to refute the earliest date of priority claimed in the WRRA filings matched to this PWR. In the absence of such evidence, the apparent date of first use for this PWR should be the earliest date claimed in the WRRA filing (0920). This objection applies to: IROO1.

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: IR001.

## WFR CATEGORY 9 - QUANTITIES OF UBE

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 l objections to these methods, a copy of which is attached to this objection and incorporated herein by reference (1020). This objection applies to: IR001.

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: IROO1.

## EXCERPM EROM

BALT RIVER PROJECT OBJBCTIONB TO VOLUME 1 OF TEEE BAN PEDRO RIVER HER

## 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 midafternoon. 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 nongrowing 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 kcl and ke3 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.

## Efficienay 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 hater in the gila river system amd source

No. W1,W2,W3 \& W4
Contested Case No. W1-11-003315

# 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 writiten. 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. $115-\frac{04-A D B}{-0.006}$ or Catalogued Well Ho.
(please insert no.)
(please insert no.)

## OBJECTOR INFORMATION

Objector's Name:
Salt River Project
Objector's Address:
Post Office Box 52025
Objectox's Telephone No: Phoenix, Arizona 85072-2025

Objector's Hatershed file Report or Zone 2 Well Report No. (If the Objector's claimed water rights are within the San Pedro River Hatershed):
$\qquad$
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 Ho. (if the Objector's claimed water rights are located outside the San Pedro Hatershed):

| $39-07$ |  |
| :--- | :--- | :--- | :--- |
| $39-05$ | $01040,01041,01206,01207,01998$ |
| $39-48$ | 35212,35213 |

STATE OF Arizona
VERIFICATION (must be completed by objector)

## COUNTY OF Maricopa

1 hereby make this objection. 1 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: YOUNG, LEMUEL B.
Address: 80X 309
HAYDEN. AZ 85235
(The above section must be completed if you object to another claimant's Hatershed File Report, Zone 2 Hell Report, or Catalogued Hell Report. It does not need to be completed if you file an objection to your own Hatershed File Report, Zone 2 Hell Report, Catalogued Hell 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 1 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 by own personal knowledge, except those portions of the Objection which are indicated as being knoun to me on information and belief and, as to those portions, I believegthem to be true.

signature of objector or Objector's Representative SUBSCRIBED AND SHORN to before me this 1st day of May. 1992.

Notary Public for the Stated of Afizona
Residing at Maricupa County offieul sell
Hy commission expires

LINUA JEPPERSON Notar: Publio - Siale ol Afizona MARICOPA COUNTV My Comm. Expires March 24, 1995

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.

## BTATEMENT OP 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 OUMERSHIP
[ ] 2. 1 object to the description of APPLICABLE FILINGS AND DECREES
[ ] 3. I object to the description of DUR's amalysis of filings and decrees
[ ] 4. 1 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 mater right(s)
[ ] 7. 1 object to the description of SHARED USES $\%$ DIVERSIONS for the claimad water right(s)
[K] 8. I object to the PMR (POTENTIAL HATER RIGHT) SUMMARY of the claimed water right(s)
[x] 9. 1 object to the description of the cuantities of use for the elaimed mater right(s)
[] 10. I object to the EXPLAMATIOM provided for the clained water right(s)
[ ] 11. Other Objections (please state volume muber, page number and line number for each objection)

## RgAsOM FOR OBJECTION

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

CATEGORY
WUMBER
$\qquad$
In this attachment the uniform code designated by the
$\qquad$

- Order No. 1 is shown in parenthesis following each
$\qquad$
$\qquad$
$\qquad$
$\qquad$
$\qquad$


## ATRACEMENY 1

## IFR CATBGORY 8 - PWR BUMMARY

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 (WRRA), are the evidentiary foundation for the priority date associated with a water right. Where two or more WRRA filings have been matched to the same PWR but claim different dates of priority, the WRRA filing claiming the earliest date 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 set forth sufficient historical evidence to refute the earliest date of priority claimed in the WRRA filings matched to this PWR. In the absence of such evidence, the apparent date of first use for this PWR should be the earliest date claimed in the WRRA filing (0920). This objection applies to: OTOO1.

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: OTOO1.

The Salt River Project objects to the quantity of use assigned to this Potential Water Right (PWR). The regional method used by DWR for determining quantity of use for certain agricultural and other irrigation PWRs is inconsistent with the Arizona doctrine of prior appropriation; this method is also technically inaccurate. For an additional discussion of the problems associated with DWR's method of quantification for these types of PWRs, see the Salt River Project's Volume 1 objections to this method, a copy of which is attached to this objection and incorporated herein by reference (1020). This objection applies to: OTOO1.

*     *         *             * 

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: OT001.

# EXCERPT FROM <br> BALT RIVER PROJECT OBJECTIONE TO <br> VOLUKIE 1 OF THE EAN PEDRO RIVER H8R 

# REGIONAL IRRIGATION QUANTITY EBTIMATES 

(page numbers refer to Volume 1)

## INTRODUCTION

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

First, in the absence of decreed rights, which must be accepted by the court in the absence of abandoment, 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"). The "regional" quantification method employed by DWR does not properly estimate maximum actual historical beneficial use as required by law.

Second, 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.

Third, there are several 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.

In place of regional water duties, 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.

These objections are more fully set forth in the following sections.

## Five Year Crop History

pp. 146-151, $\mathrm{C}-18, \mathrm{C}-19, \mathrm{C}-68$ through $\mathrm{C}-78$
The Salt River Project objects to DWR's use of its five year investigation pexiod 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
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## Growing Beason

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 nongrowing 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 fleld crops and 90 percent of the time for orchards and vegetables is appropriate.

## Crop Coefficients

p. C-33

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## 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."

## 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 COORT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF MARICOPA

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

No. W1,W2,W3 \& W4
Contested Case No. W1-11-003319

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

Please file a separate objection for each Hatershed 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. Dbjections 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.

115-04-ADB-010
(please insert no.)
(please insert no.)

## OBJECTOR INFORMATION

Objector's Name: $\qquad$
Salt River Project
Objector's Address:
Post Office Box 52025
Objector's Telephone No: Phoenix. Arizona 85072-2025
objector's Hatershed file Report or Zone 2 Hell Report No. (If the Objector's claimed water rights are within the San Pedro River Watershed):
$\qquad$
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):
$39-07,01040,01041,01206,01207,01998$
$39-05,50053,50054,50055$
$39-18$

## STATE OF Arizona

## VERIFICATION (must be completed by objector)

## COUNTY OF Maricopa

1 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: YOUNG, HAROLD D. $\qquad$
Address: P.O. BOX 55
HAYDEN, AZ 85235
(The above section must be completed if you object to another claimant's Hatershed file Report, Zone 2 Well Report, or Catalogued Hell Report. It does not need to be completed if you file an objection to your oun Hatershed file Report, Zone 2 Hell Report, Catalogued Hell Report, or to information contained in Volume ? of the Hydrogrsphic 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 knou the contents thereof; and that the information contained in the objection is true based on by ohn personal knouledge, except those portions of the objection which are indicated as being known to me on information and belief and, as to those portions, 1 believe them to be true.

signature of objector or objector's Representative
SUBSCRIBED AND SHORN to before me this 1st day of

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.

## STATEMENH OF THE OBJECTION

The following are the main eategories of the typical Watershed file Report (Zone 2 Mell Reports and some Watershed File Reports lack eertain 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 OMMERSHIP
[] 2. I object to the description of APPLICABLE FILIMGS AND DECREES
[] 3. I object to the description of DUR's amalysis of filings and decrees
[ ] 4. I object to the description of the DIVERSIONS for the claimed water right(s)
[] 5. 1 object to the description of the USES for the claimed mater right(s)
[] 6. I object to the dascription of RESERVDIRS used for the claimed water right(s)
[] 7. I object to the description of SHARED USES DIVERSIONS for the claimed water right(s)
[K] 8. I object to the PUR (POTENTIAL HATER RICHT) SLMMARY of the claimed mater right(s)
[X] 9. I object to the description of the auantities of use for the elaimed 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)

## REABON FOR OBJBCTION

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

## CATEGORY <br> nugser

SEE ATPACHMENT 1
In this attachment the uniform code designated by the
$\qquad$
Order No. 1 is shown in parenthesis following each
objection statement.

## ATMACHENT 1

## WFR CATEGORY 8 - PWR BULMARY

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 (WRRA), 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 WRRA 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 WRRA filing (0920). This objection applies to: OTOO1.

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: OTOO1.

## WFR CATEGORY 9 - QUANTSITIES OF USE

The Salt River Project objects to the quantity of use assigned to this Potential Water Right (PWR). The regional method used by DWR for determining quantity of use for certain agricultural and other irrigation PWRs is inconsistent with the Arizona doctrine of prior appropriation; this method is also technically inaccurate. For an additional discussion of the problems associated with DWR's method of quantification for these types of PWRs, see the Salt River Project's Volume 1 objections to this method, a copy of which is attached to this objection and incorporated herein by reference (1020). This objection applies to: 0T001.

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Watershed File Report: 115-04-ADB -010
PAGE: 2
Vol-Fab-Pg 6-4-143
YOUNG, ERROLD D.
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## WFR CATEGORY 9 - QUNNTITIES OF OBE (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: OTOO1.

# BRCERPT FROM <br> BALT RIVER PROJECT OBTECTIONE TO VOLUNE 1 OF THE BKN PMDRO RIVER HBR 

# REGIONAL IRRIGATION OUANYITY EBTIMATES 

(page numbers refer to Volume 1)

## INIRODUCTION

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

First, 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"). The "regional" quantification method employed by DWR does not properly estimate maximum actual historical beneficial use as required by law.

Second, 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.

Third, there are several 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.

In place of regional water duties, 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.

These objections are more fully set forth in the following sections.

## 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 Eumidity
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 $6 \mathrm{p} . \mathrm{m}$. ( 1800 hours) data must be adjusted downward to reflect lower humidity in midafternoon. 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

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The Salt River Project objects to DWR's method of estimating nongrowing 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.

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## IN TH. sUPERIOR COURT OF THE STATE $\Rightarrow$ 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<br>The Hydrographic Survey Report for The San Pedro River Watershed

No. W111003315

Please file a separate objection for each Watershed File Report, Zone 2 Well Report of Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be slated on one objection form. Objections mull be whiten. Use of this form, or a computer facsimile, ta required. Objections must be received on or before May 18, 1892.


Objector's Watershed File Report or Zone 2 Well Report No. (A the Objector's claimed water right are within the San Pedro River Watershed):
$\qquad$
$\qquad$
$\qquad$
$\qquad$ -

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

Or Objector's Statement of Claimant No. (f the Objector's claimed water right e are located oulaide the San Pedro River Welershed):

| $39-11-05478$ | $39-05-41142$ | $39-07-12452$ | $39-07-12876$ | $39-05-50058$ | $39-07-12169$ |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- |
| $39-U 8-60083$ | $39-L E-36340$ | $39-L 6-37360$ | $39-40-63814$ | $39-07-12675$ | $39-05-50059$ |

STATE OF ARIZONA
COUNTY OF MARICOPA
VERIFICATION (mural be completed by objector)

I hereby make this Objection. I certify that, 4 required, a copy of the foregoing Objection was served upon the following. alaiment(s) by mailing tine and correct copies thereof on the day of May, 1992, postage prepaid and addressed ais follows:

Name: YOUNG, LEMUEL B.

Address: BOX 309

HAYDEN AZ 85235
(The above section must be completed H you object to another ctelmant's Watershed File Report, Zone 2 Well Report, of Catalogued Well Report. Il does not need to be completed if you file an objection to your omb Watershed Fie Report, Zone 2 Well Report, Catalogued Well report; of to information contained in Volume 1 of the Hydrographic Survey Report.)

I declare under perjury that I am a claimant in this proceeding of 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 bellave them to be true.


Signature of Objector or Objector's Rapresanlative


## statement of the objection

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1. Iobject to the descriplion of Land Ownershlp
2. I object to the description of Applicable Filings and Decrees
3. I objact to the descriplion of DWR's Analysis of Filings and Decreas
4. I object to the descriplion of Diversions for the claimed waler righl(s)
5. I object to the description of Uses for the claimed water right(s)
6. I object to the descriplion of Reservoirs used for the claimed waler right(s)
7. I object lo the description of Shared Uses a Divernions for the claimed waler righi(s)
B. I object to the PWR (Potential Water Right) Summary of the elalmed waler right(s)
8. Iobject to the aescriplion of Quanlities of Use for the olsimed water right(s)
9. Iobject to the Explanation provided for the unclaimed waler right(s)
10. Other Objections (please stale volume, page and line number for each objection)

## REASON FOR OBJECTION

"he reason for my objection is as follows (please number your objections to comespond to the boxes checked above; plase allached aupporting informalion and additional pages is necessary. The following objection(s) are besed upen information and bellef:

ZATEGORY
NUMBER

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

2

9
2 Claim dale from Filing(s) and/or pre-filing(s) are Inconsistenl (478)(430).
2 Quanilities from Fling(s) andfor preflling(s) are inconsiatent (47B)(430). HSR does not show a well registration filling (420).

HSR does nol show a claimed waler use rale (1000).
$\qquad$
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$\qquad$
$\qquad$

# IN IT sUREKIUKC CUURT OF THE STATL FARIZONA 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 <br> The Hydrographic Survey Report for The San Pedro River Watershed 

Plesse fite a separate objoction for each Watershed Flle Report, Zone 2 Wall Raport or Cateloguad Wed Report. Objoctions lo information contained in Volume 1 of the HSR can be slatod on one objection form. Objections must be withen. Use of this form, or a computap facsimile, is requited. Objections must be received on or before May 18, 1992.

| This objection is dizected to Watershed |  | or Calalogued Well No. |
| :--- | :--- | :--- |
| File Report of Zone 2 Well Report No. | $11504 A D 8 ~ 00 \%$ <br> (please insert no.) | (please insert no.) |

## OBJECTOR INFORMATION

| Objeclor's Name: | Cita River Indian Communty CIO Cox A Cox | Sen Caros Apache Triba;Tonto Apache Tribe; Yawapal-Apache Indian Community, Camp Verde Reservation COO Sparks a Sler, P.C. |
| :---: | :---: | :---: |
| Objector's Addras: | Suite 300 Luhrs Tower, P.O. Box 4245 | 7503 Firat Streal |
|  | Phoenbx, AZ 85030 | Scoltadalo, AZ 85251 |
| Objeclor's Tolephone: | (602) 254-7207 | (802) 940-1988 |

Objector's Walershed Fie Reperf or Zone 2 Well Report No. (ou the Objoctor's chaimed water righls are with the San Pedro River Watershed):
$\qquad$ - $\qquad$ -$-$

Or Objeclor's Catalogued Well Number (if the Objectore clatned water right appear onty in Volume 8 of the HSR):

| 39-11-05478 | 30-05-41142 | 30-07-12052 | 30-07-12676 | 39-05-60058 | 39-07-12169 |
| :---: | :---: | :---: | :---: | :---: | :---: |
| $38-40-6003$ | 39-L8-38340 | 3948-37880 | 39-48-63814 | 39-07-12675 | 39-05-50059 |

STATE OF ARIZONA
COUNTY OF MARICOPA
VERIFICATION (must be comploted by objector)

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

Name: YOUNG, MARY LOUSE

Address: BOX 55

HAYDENAZ 85235
(The above section must be completed il you object to another ctaimanl's Watershed Flle Report, Zone 2 Well Report, or Catalogued Weil Raport. It does not need to be complalad it you fila an objection lo your amm Wetershed File Report, Zone 2 Well Report, Calalogued Well report of to information contaned in Volume 1 of the Hydrographic Survey Report.)

I declare under perjury thal I am a clatmant in this procaeding of the duly-authorized representalive of a daimant; that I have read the contents of this Objection (bolh sides and any altachments) and know the conlents thereot; and that the informallon contained in the Objaction is true based on my own personal knowledge, except those portions of the Objection which are indieated as being lonown to me on information and bettef and, as to those portions, I believe thom to be irue.


Signature of Objeclor or Objector's Representative


## STATEMENT OF THE OBJECTION

The lollowing are the main categories of the typleal Walershed File Report (Zone 2 Well Raports and some Walershed File Reports lack certain categories). Please check the alegory(les) (o which you object, and stale 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 Docrees
2. I object to the descriplion of DWR's Analysis of Filings and Decrees
(4. I object to the descriplion of Diversions for the claimed water righl(s)
3. I object to the description of Uses for the claimed waler righl(s)
4. I object to the descriplion of Resenvolrs used for the claimed water right(s)

- 7. I object to the descriplion of Shared Uses a Diversions for the claimed water righl(s)

8. I object to the PWR (Polenlial Walar Right) Sumtaary of the claimed waler right(s)

X 9. I abject to the description of Quantities of Use for the claimed weler righl(s)

- 10. I object to the Explanation provided for the unclaimed water righl(s)
- 11. Other Objections (please slale volume, page and line number for each objection)


## REASON FOR OBJECTION

The reason for my objection is as follows (plase number your objections lo correspond to the boxes checked above; plaase atiached supporting information and addllional pages as necessary. The following abjection(s) are besed upon information and bellet:

CATEGORY
NUMBER

4
The use of the waler claimed depletes water for senior federal and Indian waler rights (1450).

2
HSR does not show a well regialration filing (420).

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2
Claim date from filing(s) andlor pre-filing(s) are inconsistanl (478)(430).

2
Quanilties from filing(s) and/or pre-riling(s) are inconsistent (478)(430).
$\qquad$
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$\qquad$

# IN The SUPERIOR COURT OF THE STATE UF 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

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


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

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

| Or Objeclor's Slatement of Claimant No. (it the Objeclor's clalmed water rights ate located outside the San Pedro River Walershed): |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| $39-11-05478$ | $39-05-41142$ | $39-07-12652$ | $39-07-12676$ | $39-05-50058$ | $39-07-12169$ |
| $39-18-60083$ | $39-L 8-36340$ | $39-L 8-37360$ | $39-48-63614$ | $39-07-12675$ | $39-05-50059$ |

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 Claimanl(6) by mailing true and correct copies thereof on the 15 day of May, 1992, poslage prepaid and addressed as follows:

Name: YOUNG, HAROLDD.

Address: P.O. $80 \times 55$

HAYDEN AZ 85235

The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Calalogued Well Report, Il does not nead to be complated if you file an objection to your own Walershed File Report, Zone 2 Well Report, Calalogued Well report; or to information contained in Volume 1 of lhe Hydrographic Survay Report.)

I declare under perjury that I am a claimant in this procesding or the duly-authorized representative of a claimant; thal I have read the contenls of this Objection (balh sides and any altachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, excepl 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.


Signalure of Objector or Objector's Representaltue
SUBSCRIBEDAND SWORN lo before me lhis day of
 JHES ROBERT RITERHOUSE Notany Public - Slabe ol Anzonz MAFICOPA COUNTY My Comm. Expies Jan 5. 1994

## STATEMENT OF THE OBJECTION

The following are the maln categories of the typlcal Watershed Flle Raport (Zone 2 Well Reports and some Walerahed File Reports buck cortain calegoriea). Pleasocheck the category(les) to which you objed, and stale the reason for the objection on the back of this form.

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- 11. Other Objections (plasese stale volume, page and line number for each objection)


## REASON FOR OBJECTION

The reason for my objection is as followt (please number your objections fo correspond to the boxes checked above; please allached supporting information and addilional pages as necessary. The following objection(s) are based upon informalion and betiof:

CATEGORY
NUMBER

4
The use of the water ctaimed depletes waler for senior federal and Indian waler rights (1150).

2 HSR does not show a well regislration filing (420).

9 HSR does not show a clairned waler use rale (1000).

2 Claim dale from filing(s) andfor pre-filing(s) are inconsiatenl (478)(430).

2 Quantilies from filing(s) andor pre-fling(s) are inconsialent (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: W111003317

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

| Please file a separate objectio informatlon contalned in Volu a computer faosimilo, is requi the Superior Court In and for | Watorshod File Report, Zona 2 Woll R wher can bo atated on one oblactlon tions must be rooalved on or belore M <br> County, Marcopa County Courthouse | logued Well Report. Objectiona to ona muet be witten, Use ol this form, or Oblectona must be fliled with the Clork of W. Durango Street, Phoonix, AZ 85009. |
| :---: | :---: | :---: |
| This objection Ie directed to Waterahad Fils Ropart or Zone 2 Well Report No. | 115-04-ADB-008 <br> (ploase ineert no.) | or Cataloguod Wall No. <br> (plasse insert no.) |
| OBJECTOR INFORMATION |  |  |
| Oblactor'u Nama: <br> United States of America | Co-Objector'a Nomo: <br> Gila River Indian Community c/o Cox \& Cox | Co-Objectoi's Name: |
|  |  | San Carlos Apache Tribe; Tonto |
|  |  | Apache Tribe; Yavapai-Apacke Indian Community; Camp Verde Reservation c/o Sparks \& Siler, P.C. |
| Objeotor'o Addrase: <br> 601 Pennsylvania Ave. | Co.Objector'O Addrean: Suite 300 Luhrs Tower | Co-Oblootor's Addroen: 7503 First Street |
|  | Phoenix, AZ 85003 | Scottrdale, AZ 85251 |
| Objector'e Tolaphona No.: <br> (202) $272-4059 / 272-6978$ | Co-Objactor's Talephona No.: (602) 254-7207 | ConObjoctor'o Telophone No.: (602) 949-1998 |

Objector's Watershad File Report or Zone 2 Woll Report No. (if the Objector's clalmed water rights are within the San Pedro River Watershed) 111-19-009

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

Or Objoctor's Statement of Claimant No. If the Objector's claimed water righte are located outside the San Pedro Rivar Watershed):

| $39-11-05478$ | $39-05-41142$ | $39-07-12652$ | $39-07-12676$ | $39-05-50058$ | $39-07-12169$ |
| :--- | :--- | :--- | :--- | :--- | :--- |
| $39-U 8-60083$ | $39-L 8-36340$ | $39-L 8-37360$ | $39-U 8-63614$ | $39-07-12675$ | $39-05-50059$ |

## STATE OF ARIZONA

## COUNTY OF MARICOPA

I heroby make thts Objaction. I certity that, If requirad, a copy of the foregoing Objaction wes sarved upon the following Claiment(s) by malling true and conect coplem thereof on the 18: day of May, 1002, portage propaid and addreseed as followe:

|  | 115-04ADE-008 |
| :--- | :--- |
| Name: | YOUNG, LESTER |
|  | \& THELMA LEE |
| Address: | BOX 61 |
|  | EAYDEN AZ 85235 |

The abova eection muat be completed if you objoct to anothar clsimani's Watershad File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you fle an objection to your own Watershed Flla Report, Zone 2 Woll Report, Catalogued Well Raport, or to informatlon containad in Voluma 1 of the Hydroarmbio Sumpowanp

PAMELAL. SPARKS
Byotary !undes - Sialu ci Adzena
MARICOPA COLJNTY
My Con:m Bixpims Aup. 25. 1985

## VERIFICATION(must be completed by objector)

I declare under penalty of perjury that I am a olaimant in thie proceeding or the duly-authorized representativa of a clalmant; that I have read the contents of this Objection (both aldee and any attachmante) and know the contente thersol and that the information contained in the Objaction la trua based on my own personal knowladge, axcept those portiona of the Objection whioh sre indleated as baing known to me on Information and belief and, as to those partons, I bellave them to be true.


## STATEMENT OF THE OBIEGTION

The fallowing are the main categorias of the typical Watershed File Roport ZZone 2 Well Reports and some Watershed Fle Reports lack certain categoriest. Pfease chack the categorylies) to which you object, and etate the reason for the objection on the back of this form.

| [ XX ] | 1. | I object to the description of Land Ownerwhip. |
| :---: | :---: | :---: |
| [ XX ] | 2. | I objoct to the description of Appllasblo Filinge and Dacrean. |
| [ $X X]$ | 3. | I object to the description of DWR'o Analyale off Filinge and Dacmea. |
| 1 ] | 4. | I abject to the description of Dlverelone for the cleimed water right(e). |
| 11 | 5. | I object to the description of Usea for the claimed water right(a). |
| 11 | 6. | I object to the description of Renervolre used for the claimed water right(a). |
| [ ] | 7. | I objact to the description of Shared Ueee ${ }_{\text {a }}$ Dlvaraloni for the claimad water right(e). |
| [ XX ] | 8. | I object ta the PWA (Potendal Water Right) Summary of the claimed wator rightls). |
| [ XX ] | 9. | I object to the description of Quantile of Use for the claimed water right(s). |
| [ 1 | 10. | I objoct to the Explanation provided for the claimed water right(e). |
| [ ] | 11. | Othar Objectlons (plesse etate volume, page and line number for each objaction). |

## REASON FOR OBVEGTION

The resen for my objection is es follow f please number your objectlons to correspond to the boxes checked above: plase 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) (PO1; P02)

The available historical record does not support the priority date listed in the pre-filings. (SM 430) (OT001)

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

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

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (3600465700000; 3900058450000; 3900058620000)

Applicable or potentially applicable filings indicate a volume of actual or claimed use leas 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. (3M 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) (P01; p02)

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; p02)

The available historical record does not support the priority date listed in the ADWR analysis of Apparent First Use Date. (SM 920) (OTOO1)

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)
9. 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)

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

# IN THt superior court of The state uf 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 SOURCEMANDATORY FORM FOR OBJECTIONS TO
No. W111003317

## The Hydrographic Survey Report for The San Pedro Rlver Watershed

Please file a reparate objection for each Walarshed Fle Report, Zone 2 Well Report or Calalogued Well Report. Objections to information conlained in Volume 1 of the HSR can be stated on one objection form. Objections must be witien. Use of this form, or a cempuler facalmile, is requited, Obfoctione must be recelved on or before May 18, 1992.


Objector's Walershed File Report of Zone 2 Well Report No. (II the Objector's ckained water righls are within the San Pedro River Walershed):
$\qquad$

Or Objector's Calalogued Well Number (the Objaclor's claimad water righle appear only to Volume B of the HSR):

Or Objector's Statemenl of Claimant No. (if the Opjector's clabned walar irghts are located outelde the San Pedro Fiver Walershed):

| $30-11-05478$ | $39-05-41142$ | $39-07-12652$ | $39-07-12676$ | $39-05-50058$ | $39-07-12169$ |
| :--- | :--- | :--- | :--- | :--- | :--- |
| $39-U 8-60083$ | $39-L 8-38340$ | $39-L Q-37360$ | $38-U 9-63514$ | $39-07-12675$ | $39-05-50059$ |

STATE OF ARIZONA

COUNTY OF MARICOPA

Thereby make this Objaction. I cartity thet, if required, a copy of the foregoing Oblection was served upon the folloying Clafmanl(s) by malling irue and correct coplas thereof on the Say of May, 1992, poslage prepaid and addressed as follows:

Name: YOUNG, LESTER

Address: BOX61

HAYDEN A2 85235

The above secilion musl be completed if you objeal to another ctaimanl's Waterahed File Report, Zons 2 Well Report, or Cataloguad Well Raport. II does not need to be compleled if you file an objection to your own Watershed Fle Report, Zone 2 Well Report, Catalogued Well report; or lo information conlained in Volume 1 of the Hydrographic Survey Report.)
declare under perjury that I am a claimanl in this proceeding or the duly-authorized representative of a claimant; thal I have read the conlents of this Objection (bolh sides and any attachments) and know the contents thereot; and thal the information contained in the Objection is true based on my own personal knowtedge, except those portions of the Objection which are indicaled as baing known to me on information and beliaf and, as to those portions, I believe them to be true.


Signalure of Objoctor or Objactor'a Reprosentative


## statement of THE OBJECTION

ie following are the main calagories of the typical Walershed File Report (Zone 2 Well Reports and some Watershed Fice Reports íck cartain calegories). Please check Ihe legory(les) to which you object, and slale the reason for the objection on the back of this form.

1. I object to the descriplion of Land Ownership
2. I objact to the descriplion of Applicable Filings and Decrees
3. I object to the descriplion of DWR's Analysis of Filings and Decrees
4. I object to the descriplion of Diveraions for the claimed waler right(s)
5. I obfecd to the dascriplion of Usas for the claimed watar right(s)
6. Iopject to the descriplion of Reservoirs used for the ctalmed water righl(s)
7. I object lo the descriplion of Shared Uses a Diversions for the claimed water righl(s)
8. I objoct to the PWR (Potonlial Wader Right) Summary of the clained water right(s)
9. I object la the description of Quantilies of Use for the claimed water righl(s)
10. I object to the Explanation provided tor the unclaimed waler right(s)
11. Other Objoctions (please state volume, paga and tine number for each objection)

## REASON FOR OBJECTION

he reason for my objection is as follows (please number your objections lo comeapond lo the boxes checked above; please allached supporting information and addllional pages 3 necessary. The following objection(s) are besed upen information and ballaf:

## ATEGORY

JUMBER

4 The use of the water claimed deplates waler for senior lederal and Indian waler righls (1150).

2 HSR does nol show a well regiatration filing (420).

9 HSR does not show a claimed water use rate (1000).

2 Claim dale from filing(s) and/or pre-fing(s) ars inconsisient (478)(430).

2 Quantilies from filing(s) and/or pre-fifing(s) are inconsistent (478)(430).

In RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE
hater in the gila river system and source
No. W1,W2,W3 \& W4
Contested Case No. W1-11-003317


## MANDATORY FORM FOR OBUECPIONS TO

 The Hydrographic survey Report for the 8an Pedro River NatershedPlease file a separate objection for each Watershed file Report, Zone 2 Hell Report or Catalagued Hell Report. objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use ofthis forms or a computer facsimile, is required. Objections must be received on or before May 18, 1892 .

This objection is directed to Watershed
file Report or Zone 2 Hell Report No.
115-04-A0B-008
or Catalogued Well No. (please insert no.)
(please insert no.)

## OBJECTOR INFORMATION

Objector's Name:
Objector's Address:
Salt River Project
Post Office Box 52025
Objector's Telephone No:
Phoenix, Arizona 85072-2025
(602) 236-2210
objector's Watershed file Report or Zone 2 Hell Report No. (If the Objector's claimed water rights are within the san Pedro
River Hatershed):
$\qquad$ - $\qquad$
Or Objector's Catalogued Well Number cif the Objector's claimed uater rights appear only in Volume 8 of the HSR):
Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are lacated outside the San Padro Hatershed): 39-07, 01040, 01041, 01206, 01207. 01998 39-05,50053, 50054, 50055
39-L8 35212, 35213

## STATE OF Arizona

## COUNTY OF Maricopa

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

Name: YOUNG, LESTER
Address: B0X 61

$$
\text { HAYDEN. AZ } 85235
$$

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

## VERIFICATION (must be completed by objector)

1 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 by oun 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,


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.

## 8TATBMENT OF THE OBJECTION

The following are the main categories of the typical Hatershed file Report (Zone 2 Hell Reports and some Watershed File Reports lack certain categories). Please check the category(ies) to which you object, and state the reason for the objaction 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 abject to the description of dNR's ANALYSIS OF fILIMGS AND DECREES
[] 4. I object to the description of the Diversiows for the elaimed water right(s)
[ ] 5. I object to the description of the USES for the claimed water right(s)
[] 6. 1 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)
[ $X$ ] B. I objact to the PHR (POTENTIAL MATER RIGHT) SLMMARY of the slained water right(s)
[x] 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 (plaase state volune number, page number and (ine number for each objection)

## REABON FOR OBJPCTION

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

## CATEGORY

hlmaer

SEE ATPACHMENT 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.


## ATMACEMENT 1

TFR CATEGORI 8 - PHR BULMARY

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 (WRRA), are the evidentiary foundation for the priority date associated with a water right. Where two or more WRRA filings have been matched to the same PWR but claim different dates of priority, the WRRA filing claiming the earliest date 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 set forth sufficient historical evidence to refute the earliest date of priority claimed in the WRRA filings matched to this PWR. In the absence of such evidence, the apparent date of first use for this PWR should be the earliest date claimed in the WRRA filing (0920). This objection applies to: OTOO1.

*     *         *             * 

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: OTOO1.

## WFR CATEGORY 9 - QUANHITIES OF USE

The Salt River Project objects to the quantity of use assigned to this Potential Water Right (PWR). The regional method used by DWR for determining quantity of use for certain agricultural and other irrigation PWRs is inconsistent with the Arizona doctrine of prior appropriation; this method is also technically inaccurate. For an additional discussion of the problems associated with DWR's method of quantification for these types of PWRs, see the Salt River Project's Volume 1 objections to this method, a copy of which is attached to this objection and incorporated herein by reference (1020). This objection applies

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

# EXCERPT PROM <br> SALT RIVER PROJECT OBJECTIONS TO VOLUNE 1 OF THE GAN PEDRO RIVER HER 

## REGIOMAL IRRIGATION QOANTITY EETIMATES

(page numbers refer to Volume 1)

## INTRODUCTION

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

First, 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. 5 45-141(B) ("Beneficial use shall be the basis, measure and limit to the use of "water"). The "regional" quantification method employed by DWR does not properly estimate maximum actual historical beneficial use as required by law.

Second, 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.

Third, there are several 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.

In place of regional water duties, 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.

These objections are more fully set forth in the following sections.

## 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 enviromment, it is extremely doubtful there is any moderating effect due to surrounding irrigated land or to the San Pedro River.

Relative Rumidity
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 midafternoon. 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-49The Salt River Project objects to DWR's method of estimating nongrowing 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 ke 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 kcl 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."

## 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.

### 8.2 GENERAL CRITERIA

The following sections describe the general criteria utilized by DWR in its investigations. These criteria were established to evaluate the many complex and varied water use situations that DWR encounters in the field. The criteria were also developed to provide the information requested by the Court in its applicable Pre-Trial Orders and Decisions.

## WATER USE CLASSIFICATIONS

The different types of water uses reported and investigated are described below with their abbreviations in parentheses. DWR devised the type of use classification for reporting water uses for the adjudication; the classification does not have any legal standing.

Agricultural Irrigation (IR) - water used to produce plants for human or animal consumption or for sale such as nursery stock or pine trees. Domestic (DM) - water used for household needs and small conmercial establishments including small businesses and restaurants. Trailer parks are also included in the domestic use category. Associated irrigation of less than two acres supplied by groundwater or less than 0.1 acres supplied by surface water or less than 0.5 acres supplied by Zone 1 groundwater is included in a domestic use.

Diversion (DV) - a surface water diversion or water export. This classification is given primarily to irrigation water providers or large surface water divertors and to divertors who export water out of a watershed.

Industrial (ID) - water used by a commercial operation or business such as dairies, sand and gravel operations, and fish farming.

Mining (MI) - water used for mineral extraction or the processing of ore. Dust control, drinking water, and other associated uses may be included in this type of water use.

Municipal (MU) - water supplied by a city, town, or private water company through its distribution system for any use. Cooperatives or joint ventures involving four or more users are also included in this category.

TABLE 8-6
CRITERIA TO ESTABLISH IRRIGATION PWRS

## 1. IRRIGATION WITHIN THE ZONE 1

| WATER <br> SOURCE TYPE | TOTAL LAND AREA UNDER IRRIGATION | $\left\lvert\, \begin{gathered} \text { DOMESTIC } \\ \text { USE } \\ \text { PRESENT } \\ \hline \end{gathered}\right.$ | IRRIGATION WATER USE TYPE CREATED | MAPPED | COMMENT |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Surface/ <br> Zone 1, <br> Zone 2, or <br> Zone 3 Well | greater than or equal to 0.1 acres | no | IR, OT, RC | yes | Source is a direct surface water diversion not supplied by a water company or municipal distribution system. PWR type depends upon irrigation purpose. |
| Surface/ <br> Zone 1, <br> Zone 2, or <br> Zone 3 Well | greater than or equal to 0.1 acres, but less than two acres | yes | OT | yes | Source is a direct surface water diversion not supplied by a water company or municipal distribution system. When associated with a domestic use, all outside irrigation is reported as OT. DM PWR may be created. |
| Zone I Well | less than 0.5 acres | yes | none | no | DM PWR created, if supplied by a Zone 1 well. No separate irrigation PWR is reported. |
| Zone 1 Well | less than 0.5 acres | no | none | no |  |
| Zone I Well | greater than or equal to 0.5 acres, but less than two acres | yes | OT | yes | DM PWR created for inside use if the domestic use is supplied by a Zone 1 well. All outside irrigation reported as OT. |
| Zone 1 Well | greater than or equal to two acres | yes | IR, OT, RC | yes | DM PWR also created, if the domestic use ls supplied by a Zone 1 well. |
| Zone 1 Well | greater than or equal to 0.5 acres | no | IR, OT, RC. | yes |  |
| Effluent | any size | yes or no | none | yes | Lands irrigated by effluent are not assigned a PWR unless the effluent is mixed with a groundwater or surface water source supplying a mapped PWR. Lands irrigated solely by effluent will be mapped on special water use map and described in the Major Users Reports or Unusual Circumstances sections of Volume 1. |


[^0]:    ${ }^{1}$ A copy of the Rules for Proceeding before the Special Master can be found on the website: https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/pdfsRulesRev053105.pdf

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