

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

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

No. W1,W2,W3 & W4  
W1-11-002784

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

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

This objection is directed to Watershed  
File Report or Zone 2 Well Report No 113 - 14 - AA - 006  
( please insert no. ) or Catalogued Well No. \_\_\_\_\_  
(please insert no.)

92 MAY 11 PM 1:26  
BY JUDITH ALLEN, CLERK  
DEP

OBJECTOR INFORMATION

Objector's Name: Magma Copper Company (1267) ASARCO Incorporated (1263)  
Objector's Address: 7400 North Oracle Rd P.O. Box 8  
Suite 200 Hayden, Arizona 85235  
Tucson, Arizona 85704  
Objector's Telephone No.: (602) 575-5600 (602) 356-7811  
\* The names, addresses and telephone numbers of Objectors' attorneys are on the back of this form.

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):  
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 rights appear only in Volume 8 of the HSR):  
NOT APPLICABLE

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights 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 Claimant(s) by mailing true and correct copies thereof on the 11th day of May, 1992, postage prepaid and addressed as follows:

Name: STRINGER, HUGHEY T.  
and && LEAH M.  
Address: P.O. BOX 745  
BENSON, AZ 85602

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

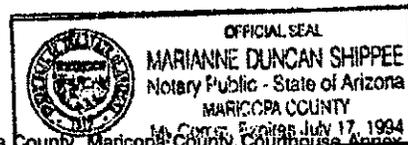
Jeffrey W. Crockett  
Signature of Objector's Representative (Magma)

Janis John King  
Signature of Objector's Representative (ASARCO)

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

Marianne Duncan Shippee

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



## STATEMENT OF THE OBJECTION

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

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

### REASON FOR OBJECTION

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

Category 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 not subject to claims based on federal law (Uniform Objection Code Nos. 561, 562 and 1134). In addition, this objection is intended to preserve this issue until such time as it is resolved by the Arizona Supreme Court. (Uniform Objection Code No. 1130)

While this objection pertains to a specific Zone 2 Well Report number ("Zone 2 Report"), Magma and ASARCO are objecting to each Zone 2 Report that classifies a well as a "Zone 2 Well", that extends federal reserved rights to groundwater pumped from the Zone 2 Well(s), or that otherwise creates a presumption that groundwater withdrawals from the well(s) significantly affect federal reserved rights.

With respect to this particular Zone 2 Report, Magma and ASARCO presently believe that groundwater withdrawn from the subject well(s) does not significantly diminish water otherwise available to a federal reservation and therefore is not subject to the Gila Adjudication. However, should it be determined that groundwater withdrawn from the well(s) does significantly diminish water otherwise available to a federal reservation, Magma and ASARCO object to such use where such groundwater withdrawal interferes with paramount water rights of Magma or ASARCO. (Uniform Objection Code Nos. 1135, 1136 and 1150)

Magma and ASARCO are also filing this objection to obtain notice and an opportunity to be heard on all issues in the event that claims to the groundwater referenced in claimant's Zone 2 Report are adjudicated.

Attorneys for Magma:

Robert B. Hoffman (004415)  
Carlos D. Ronstadt (006468)  
Jeffrey W. Crockett (012672)  
SNELL & WILMER

One Arizona Center  
Phoenix, Arizona 85004-0001  
(602) 382-6000

Attorneys for ASARCO:

Burton M. Apker (001258)  
Gerrie Apker Kurtz (005637)  
APKER, APKER, HAGGARD  
& KURTZ, P.C.  
2111 E. Highland, Suite 230  
P.O. Box 10280  
Phoenix, Arizona 85064-0280  
(602) 381-0085

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

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

Contested Case File: W111002784

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

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

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

113-14-AA-006

or Catalogued Well No.

(please insert no.)

(please insert no.)

FILED  
12 AM 10:05  
BY JUDITH ALLEN, CLERK  
DEP.

**OBJECTOR INFORMATION**

Objector's Name:  
United States of America

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

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

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

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

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

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

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

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

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

111-19-009

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

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

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

STATE OF ARIZONA  
COUNTY OF MARICOPA

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

Name: 113-14-AA-006  
STRINGER, HUGHEY T.  
& LEAH M.  
Address: P.O. BOX 745  
BENSON AZ 85602

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

**VERIFICATION**(must be completed by objector)

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

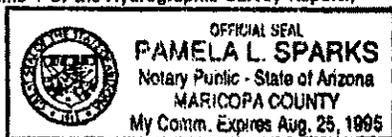
Gary B. Randall  
Signature of Objector or Objector's Representative

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

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

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

Pamela J. Sparks



25

STATEMENT OF THE OBJECTION

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

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

REASON FOR OBJECTION

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

- 2. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420) (W01)

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) (3600289030000; 3600289050000)

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

- 8. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420) (W01)

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) (W01; W03)

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

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

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

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

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

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

No. W111002784

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

92 MAY 13 AM 8:30  
FILED  
JUDITH ALLEN, CLERK  
BY R. DeWald DER

This objection is directed to Watershed \_\_\_\_\_ or Catalogued Well No. \_\_\_\_\_  
File Report or Zone 2 Well Report No. 11314AA 006 (please insert no.)  
(please insert no.)

OBJECTOR INFORMATION

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

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

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

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):  
39-11-05478 39-05-41142 39-07-12652 39-07-12676 39-05-50058 39-07-12169  
39-U8-60083 39-L8-36340 39-L8-37360 39-U8-63614 39-07-12675 39-05-50099

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF MARICOPA

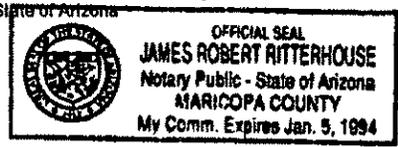
I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 13 day of May, 1992, postage prepaid and addressed as follows:

Name: STRINGER, HUGHEY T.  
Address: P.O. BOX 745  
BENSON AZ 85602

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

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

SUBSCRIBED AND SWORN to before me this 6 day of May 1992.  
James R. Rutter  
Notary Public for the State of Arizona

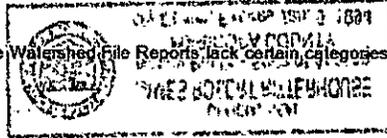


(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well report; or to information contained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

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

440

## STATEMENT OF THE OBJECTION



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

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

### REASON FOR OBJECTION

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

CATEGORY  
NUMBER

- 4      The use of the water claimed depletes water for senior federal and Indian water rights (1150).
- 2      HSR does not show a well registration filing (420).
- 2      HSR does not show a claimed water use rate (1000).
- 4      This well takes water directly from the flow of the river under state standards (500) (532) (1132) (1137).
- 9      HSR does not show the apparent annual volume of water used (1000).
- 2      Not all wells have applicable statement of claimants (475).
- 5      Claimed uses were not found by DWR (830).

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

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

No. W1, W2, W3 & W4  
Contested Case No. W1-11-002784

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

JUDITH A. LEM, CLERK  
FILED  
MAY 11 1992  
COUNTY OF MARICOPA

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This objection is directed to Watershed  
File Report or Zone 2 Well Report No. 113-14-AA -006  
(please insert no.)

or Catalogued Well No. \_\_\_\_\_  
(please insert no.)

OBJECTOR INFORMATION

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

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

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

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

39-07 01040, 01041, 01206, 01207, 01998  
39-05 50053, 50054, 50055  
39-L8 35212, 35213

STATE OF Arizona

COUNTY OF Maricopa

VERIFICATION (must be completed by objector)

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

Name: STRINGER, HUGHEY I.  
Address: P.O. BOX 745  
BENSON, AZ 85602

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

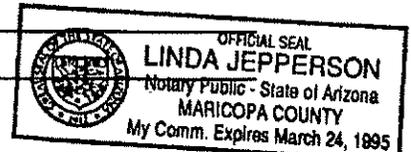
David C. Roberts  
Signature of Objector or Objector's Representative

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

Linda Jepperson  
Notary Public for the State of Arizona

Residing at Maricopa County

My commission expires \_\_\_\_\_



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

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**STATEMENT OF THE OBJECTION**

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

**REASON FOR OBJECTION**

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

CATEGORY  
NUMBER

\_\_\_\_\_  
SEE ATTACHMENT 1

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

ATTACHMENT 1

WFR CATEGORY 8 - PWR SUMMARY

The Salt River Project objects to the absence of an apparent date of first use for this Potential Water Right (PWR). Previous filings, where available, are the evidentiary foundation for the date of priority associated with any water right. This PWR has been matched to a Water Rights Registration Act (WRRRA) filing. The date claimed in the WRRRA filing should form the basis for the apparent date of first use, unless sufficient historical evidence indicates a contrary date.

The Watershed File Report fails to articulate sufficient historical evidence to refute the priority date claimed in the WRRRA filing matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date claimed in the WRRRA filing (0910). This objection applies to: DM001.

\* \* \* \*

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, in this case, filings made pursuant to the Water Rights Registration Act (WRRRA), are the evidentiary foundation for the priority date associated with a water right. Where two or more WRRRA filings have been matched to the same PWR but claim different priority dates, the WRRRA 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 (WFR) fails to set forth sufficient historical evidence to refute the earliest date of priority claimed in the WRRRA 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 WRRRA filings (0920). This objection applies to: IR002 and IR003.

\* \* \* \*

**WFR CATEGORY 8 - PWR SUMMARY (continued)**

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

**WFR CATEGORY 9 - QUANTITIES OF USE**

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

\* \* \* \*

The Salt River Project objects to the failure of DWR to assign a quantity of use to this Potential Water Right (PWR). All water rights subject to the court's jurisdiction must be quantified in accordance with A.R.S. § 45-257(B). This PWR is no exception (1010). This objection applies to: DM001.

\* \* \* \*

WFR CATEGORY 9 - QUANTITIES OF USE (continued)

The Salt River Project objects to the failure of DWR to calculate a diversion rate for this Potential Water Right (PWR). All PWRs assigned a point or points of diversion should be assigned a separate diversion rate for each point of diversion. Diversion rates should be calculated at the point of diversion and should include conveyance losses (1010). This objection applies to: DM001, IR001, IR002 and IR003.

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

**IRRIGATION QUANTITY ESTIMATES**

(page numbers refer to Volume 1)

**INTRODUCTION**

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

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

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

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

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

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

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

#### **Five Year Crop History**

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

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

#### **Adjusted Weather Data**

pp. C-6 through C-19

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

#### **Relative Humidity**

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

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

#### **Growing Season**

pp. C-20, C-24

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

### **Effective Precipitation**

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

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

### **Crop Coefficients**

**p. C-33**

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

### **Alfalfa Stand Establishment**

**p. C-37**

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

### **Deficit Irrigation**

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

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

### **Efficiency Estimates**

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

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

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

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

**LATE OBJECTION**

W1-11-2784

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

No. W1, W2, W3 & W4

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

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

FILED  
92 MAY 19 PM 2:37  
JUDITH ALLEN, CLERK  
BY  
M. Carlson

This objection is directed to Watershed  
File Report or Zone 2 Well Report No. 113 .14 . AA . 006  
(please insert no.)

or Catalogued Well No. \_\_\_\_\_  
(please insert no.)

**OBJECTOR INFORMATION**

Objector's Name: Ernest S. and Martha A. Phillips  
Objector's Address: 5260 East Canada, Tucson, Az 85706  
Objector's Telephone No.: (602) 574-0031

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):  
113 - 14 - AA - 007

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

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

STATE OF Arizona  
COUNTY OF Pima

**VERIFICATION** (must be completed by objector)

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_, postage prepaid and addressed as follows:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

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

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

[Signature]  
Signature of Objector or Objector's Representative

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

[Signature]  
Notary Public for the State of Arizona

Residing at Pima County

My commission expires October 31, 1993

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

**STATEMENT OF THE OBJECTION**

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

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

**REASON FOR OBJECTION**

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

CATEGORY  
NUMBER

1      Property owned by Stringer was purchased by Phillips  
in January, 1985 as shown by copy of deed attached.  
Water rights claim #s 36-0028903, 36-28904, 36-28905  
and 39-3832 should be in Phillips name.

\_\_\_\_\_  
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\_\_\_\_\_

STATE OF ARIZONA

County of Cochise

I hereby certify that the within instrument was filed and recorded

JAN 14 1985 4:00 PM

Fee No. 875

In DOCKET

page 390-392

and indexed in deeds

at the request of Title Guaranty Agency of Arizona, Inc.

When recorded, mail to:

Witness my hand and official seal.

Compared Photostated Fee:

County Recorder

\$7.00

By Deputy Recorder

800306

JOINT TENANCY DEED



For the consideration of Ten Dollars, and other valuable considerations.

Hughley T. Stringer and Leah M. Stringer, husband and wife

hereafter called the Grantor, whether one or more than one, hereby conveys to

ERNEST S. PHILLIPS and MARTHA A. PHILLIPS, husband and wife

not as tenants in common and not as a community property estate, but as joint tenants with right of survivorship, the following described property situated in Cochise County, Arizona, together with all rights and privileges appurtenant thereto, to wit:

As per attached description and by this reference made a part hereof.

Subject to current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, the Grantor warrants the title against all persons whatsoever.

The grantees by signing the acceptance below evidence their intention to acquire said premises as joint tenants with the right of survivorship, and not as community property nor as tenants in common.

Dated this 8th day of Jan. 1985

Accepted and approved:

Ernest S. Phillips
Martha A. Phillips
Grantees

Hughley T. Stringer
Leah M. Stringer
Grantors

STATE OF Arizona
County of Cochise

This instrument was acknowledged before me this 11th day of

Jan. 1985, by

Hughley T. Stringer and Leah M. Stringer

My commission will expire 6-25-87

Notary Public

STATE OF Arizona
County of Cochise

This instrument was acknowledged before me this 11th day of

Jan. 1985, by

Ernest S. Phillips and Martha A. Phillips

My commission will expire 6-25-87

Notary Public

DKI 1825 PAGE 390

The West half of the Northwest quarter of Section 21, Township 14 South, Range 20 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona;

EXCEPT the following described portion thereof:

BEGINNING at the Southwest corner of said West half of the Northwest quarter;  
 thence Easterly along the South line of the said West half of the Northwest quarter a distance of 132 feet to the TRUE POINT OF BEGINNING;  
 thence Northerly and parallel with the West line of the said West half of the Northwest quarter a distance of 330 feet;  
 thence Easterly and parallel with the South line of the said West half of the Northwest quarter to a point on the East line of the said West half of the Northwest quarter;  
 thence Southerly along the East line of the said West half of the Northwest quarter to the Southeast corner of the said West half of the Northwest quarter;  
 thence Westerly along the South line of the said West half of the Northwest quarter to the TRUE POINT OF BEGINNING.

AND EXCEPT that portion of the Southwest quarter of the Northwest quarter of Section 21, Township 14 South, Range 20 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

BEGINNING at the Southeast corner of the said Southwest quarter of the Northwest quarter of Section 21;  
 thence Northerly along the East line 713.0 feet to the TRUE POINT OF BEGINNING;  
 thence Westerly and parallel with the South line a distance of 550 feet;  
 thence Northerly and parallel with the East line a distance of 317 feet;  
 thence Easterly and parallel with the South line a distance of 550 feet;  
 thence Southerly along the East line of the said Southwest quarter of the Northwest quarter a distance of 317 feet more or less to the TRUE POINT OF BEGINNING.

DXT 1825 PAGE 391

*M. Stringer*

That portion of the Southwest quarter of the Northwest quarter of of Section 21, Township 14 South, Range 20 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

BEGINNING at the Southeast corner of the said Southwest quarter of the Northwest quarter of Section 21;  
thence Northerly along the East line 713.0 feet to the TRUE POINT OF BEGINNING;  
thence Westerly and parallel with the South line a distance of 550 feet;  
thence Northerly and parallel with the East line a distance of 317 feet;  
thence Easterly and parallel with the South line a distance of 550 feet;  
thence Southerly along the East line of the said Southwest quarter of the Northwest quarter a distance of 317 feet more or less to the TRUE POINT OF BEGINNING.

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STATE OF ARIZONA  
County of Cochise }

Jan. 19 85, by  
Hughey T. Stringer and Leah M. Stringer

Sheet 120  
PWR #s

LAND OWNER

STRINGER, HUGHEY T.  
& LEAH M.

WATERSHED FILE  
REPORT NUMBER

113-14-AA-006

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0028903		IRRIGATION DOMESTIC		SWNW21	140S	200E	1949	SWNW21	140S	200E
36-0028904		IRRIGATION	370.99	SENW21	140S	200E	1952	SENW21	140S	200E
36-0028905		IRRIGATION DOMESTIC	187.20	NWNW21	140S	200E	1958	NWNW21	140S	200E
39-0003832		IRRIGATION DOMESTIC	555.00 2.00	NW21 SWNW21	140S	200E	1955	NWNW21	140S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0028903	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	W04	DM001, IR001, IR002, IR003
36-0028904	IRRIGATION	NONE	W02	
36-0028905	IRRIGATION DOMESTIC	IRRIGATION NONE	W01	IR001, IR002, IR003
39-0003832	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	W01	DM001, IR001, IR002, IR003

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	NWNW21	140S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2 UNUSED
W02	SESWNW21	140S	200E	UNNAMED	
W03	SWSWNW21	140S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED GROUNDWATER : ZONE 2 SHARED
W04	NESWNW21	140S	200E	UNNAMED	

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	SWNW21	140S	200E	W04	GROUNDWATER : ZONE 2		NO	
IR001	SWNW21	140S	200E	W01, W04	GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1935	NO	
IR002	NWNW21	140S	200E	W01, W04	GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1972	NO	
IR003	NWNW21	140S	200E	W01, W04	GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1987	NO	

SHARED USES AND DIVERSIONS

\*\* WATER FROM W04 FOUND IN FILE (113-14-AA-10) IS USED IN THIS FILE

P W R S U M M A R Y

113-14-AA-006

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0003832	36-0028903	1921	1921 STATE SURVEY	GROUNDWATER : ZONE 2 GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR001	39-0003832	36-0028903 36-0028905	1921	1921 STATE SURVEY	GROUNDWATER : ZONE 2 GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR002	39-0003832	36-0028903 36-0028905	1958	FILING 36-28905	GROUNDWATER : ZONE 2 GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR003	39-0003832	36-0028903 36-0028905	1987	1987 AERIAL PHOTO	GROUNDWATER : ZONE 2 GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	NONE	36-0028904			GROUNDWATER : ZONE 2

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

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT
IR001	MAX. OBSERVED REGIONAL	4.1	PERM. PSTR	58%	5.4 AF/AC	22.1 AFA	
		4.1	AVE. CROP	50%	5.4 AF/AC	22.1 AFA	
IR002	MAX. POTENTIAL REGIONAL	4.1	ALFALFA	58%	5.7 AF/AC	23.4 AFA	
	MAX. OBSERVED REGIONAL	13.8	PERM. PSTR	58%	5.4 AF/AC	74.5 AFA	
	MAX. POTENTIAL REGIONAL	13.8	AVE. CROP	50%	5.4 AF/AC	74.5 AFA	
IR003	MAX. OBSERVED REGIONAL	13.8	ALFALFA	58%	5.7 AF/AC	78.7 AFA	
	MAX. OBSERVED REGIONAL	22.8	PERM. PSTR	38%	8.3 AF/AC	189.2 AFA	
	MAX. POTENTIAL REGIONAL	22.8	AVE. CROP	50%	5.4 AF/AC	123.1 AFA	
	MAX. POTENTIAL REGIONAL	22.8	ALFALFA	38%	8.8 AF/AC	200.6 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 36-28904 - CLAIMS AN IRRIGATION WATER USE FROM UNUSED WELL.  
 FILING 36-28905 - CLAIMS IRRIGATION AND DOMESTIC WATER USES. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.  
 W2 & W3 - UNUSED WELLS.  
 W4 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.  
 IR1-IR3 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W4 - WELL IS SHARED WITH W.F.R. #113-14-AA-10.