

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. W1-11-003124

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. 114-04-BAD -008
(please insert no.)

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

BY JUDITH ALLEN, CLERK
DEP
FILED
MAY 14 1992

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: MORALES, JOSE R. & RITA
Address: BOX 514
HAYDEN, AZ 85235

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

(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.)

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 _____



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.

E

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 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 11 - OTHER

The Salt River Project objects to the reporting format and content of Zone 2 Well Reports. In Watershed File Reports (WFRs) for water uses supplied by surface water or Zone 1 wells, DWR regularly includes information pertaining to claims, applicable filings and decrees, an analysis of such claims, filings and decrees, a Potential Water Right (PWR) summary and a quantity or quantities of use. By contrast, Zone 2 Well Reports contain "Water Use Numbers" instead of PWRs, fail to include or analyze relevant information pertaining to applicable filings and decrees, and fail to report or analyze claimed uses, dates and quantities.

In order to avoid premature and unnecessary distinctions between water uses supplied by Zone 2 wells and those supplied by surface water or Zone 1 wells, DWR should report the same types of information for all uses, regardless of their source of supply, until the application of state and federal law to groundwater is clearly and finally resolved.

It is the Salt River Project's position that water use from a Zone 2 well should be adjudicated in the same manner as other surface water diversions. Thus, a PWR or PWRs should have been created for this use. Therefore, the term "Potential Water Right" (PWR) has been used in place of DWR's "Water Use Number" in the objections set forth below. Likewise, the term "Watershed File Report" (WFR) is used in place of "Zone 2 Well Report" in those objections (0200).

WFR CATEGORY 3 - DWR'S ANALYSIS OF FILINGS AND DECREES

The Salt River Project objects to the "discontinued use" designation assigned to this Potential Water Right (PWR). Presently, the legal implications of the "discontinued use" designation are not known. It is also uncertain how the master and the court will treat PWRs assigned the "discontinued use" designation. In order to protect its ability to participate in the resolution of legal issues related to the "discontinued use" designation, the Project submits its objection at this time (0830). This objection applies to: IR090.

WFR CATEGORY 9 - QUANTITIES OF USE

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: IR090.

* * * *

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: IR090.

**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: W111003124

**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.

114-04-BAD-008

or Catalogued Well No.

(please insert no.)

(please insert no.)

92 MAY 12 AM 11:18
 FILED
 JUDICIAL CLERK
 BY *[Signature]*
 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 18th day of May, 1992, postage prepaid and addressed as follows:

Name: 114-04-BAD-008
MORALES, JOSE R. & RITA

Address: BOX 514
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 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.

Robert Barry

Signature of Objector or Objector's Representative

Alfred S. Cox

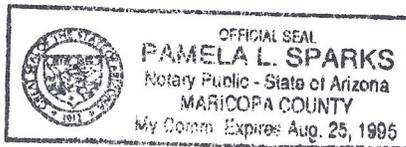
Signature of Co-Objector or Co-Objector's Representative

Joe Sparks

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

SUBSCRIBED AND SWORN to before me this 7 day of May, 1992.

Pamela L. Sparks



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):

- 2. 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 adjudication filing is challenged because it claims a use that has been discontinued. (SM 832)
- 8. 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 place of use of a potential water right listed by ADWR is not fully supported by applicable filings. (SM 720) (IR090000; IR090001)

All or part of the PWR has been idle for more than five years and therefore is not entitled to a water right. (SM 832)
- 11. The Potential Water Rights for this Watershed File are not fully documented in the HSR. A description of the claimants' PWR is not contained in any of the Watershed File Reports in Volumes 3 through 6. Also, applicable filings are not described and annual volume used is over-estimated. (SM 200)

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

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

No. W111003124

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

This objection is directed to Watershed _____ or Catalogued Well No. _____
File Report or Zone 2 Well Report No. 11404BAD 008
(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

92 MAY 13 AM 10:13
FILED
JUDITH ALLEN, CLERK
BY [Signature]

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

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

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):
39-11-05478 ✓ 39-05-41142 39-07-12652 39-07-12676 ✓ 39-05-50058 ✓ 39-07-12169 ✓
39-U8-60083 39-L8-36340 39-L8-37360 39-U8-63614 39-07-12675 39-05-50059 ✓

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF MARICOPA

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

Name: MORALES, JOSE R. & RITA
Address: BOX 514
HAYDEN AZ 85235

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]
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 6 day of May 1992.

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.

E

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.

STATEMENT OF THE OBJECTION

- 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).
5	Claimed uses were not found by DWR (830).

MANDATORY FORM FOR OBJECTIONS TO

The Hydrographic Survey Report for
The San Pedro River Watershed

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO
USE WATER IN THE GILA RIVER SYSTEM AND SOURCE
No. W1, W2, W3 & W4

WI-11-003124

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.

114 - 04 - BAD - 008

(please insert no.)

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Magma Copper Company (1267)
ASARCO Incorporated (1263)
Objector's Address: 7400 North Oracle Rd
Suite 200
Tucson, Arizona 85704
Objector's Telephone No.: (602) 575-5600
ASARCO Incorporated (1263)
P.O. Box 8
Hayden, Arizona 85235
Objector's Telephone No.: (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

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 11th day of May, 1992, postage prepaid and addressed as follows:

Name MORALES, JOSE R. & RITA
and BOX 514
Address HAYDEN, AZ 85235

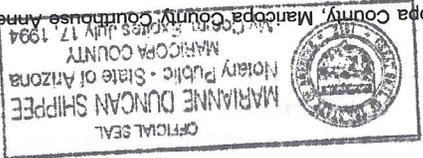
I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based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

Signature of Objector's Representative (Magma)
Joseph W. Corbett

Signature of Objector's Representative (ASARCO)
James O. King

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)

JUDITH ALLEN, CLERK
BIC
J. Carlson
FILED
92 MAY 11 PM 1:41

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 Decreases
- 3. Object to the description of DWR's Analysis of Filings and Decreases
- 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):

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