## 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. W1-11-00320

My Comm. Expires March 24, 199

## 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.

			S	
This objection is directed to Watershed File Report or Zone 2 Well Report No.	ed <u>114-04-800</u> -029		or Catalogued Well No	. ( ; ; ; ;
	(please insert no	.)	(please insert no.)	, \$3 g.,
	OBJECTOR :	INFORMATION	77 C	
Objector's Name:	Salt I	River Project		101 100 018
Objector's Address:	Post (	Office Box 52025	£	กัก กับ พยากุร
	Phoen:	ix, Arizona 85072-20	)25	er ere
Objector's Telephone No:	(602)	236-2210		
Objector's Watershed file Report or Zone River Watershed): Or Objector's Catalogued Well Number (if		_		
Or Objector's Statement of Claimant No. ( 39-07_0104 39-05_5009 39-L8_3523	53, 50054,	<u>01206, 01207,</u> 01998	ed outside the San Pedro	o Watershe
COUNTY OF Maricopa  I hereby make this Objection. I certify required, copy of the foregoing Objection	I that, if p	rication (must be completed declare under penalty of perjurocceeding or the duly-authorized that I have read the contents of	y that I am a claimant	in this aimant;
upon the following Claimant(s) by mailing correct copies thereof on the <u>14</u> th day of postage prepaid and addressed as follows:	true and s <u>May</u> , 199 <u>2</u> , a	ildes and any attachments) and kr and that the information containe based on by own personal knowledo	tow the contents thereof d in the Objection is t de. except those particular	rue e
Name: SIMONIS DONOVAN ACCOUNTS	0	of the Objection which are indica on information and belief and, as	ted as being known to me to those portions.	е
Address: 610 NEWPORT CENTER DRIVE	I	believe them to be true.	4	
NEWPORT BEACH, CA 92660	S	ignature of Objector or Objector	's Representative	
(The above section must be completed if you to another claimant's Watershed File Report Well Report, or Catalogued Well Report. Indeed to be completed if you file an objection Watershed File Report, Zone 2 Well Report Watershed File Report, or to information in Volume 1 of the Hydrographic Survey Rep	rt, Zone 2 It does not tion to your port,	SUBSCRIBED AND SWORN to before m May, 1992. Notary Public for the State of Residing at Maricopa County	ODLAM Mizona	PC(I
	·	My commission expires	LINDA JEP Notary Public - S MARICOPA	PERSON

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.

PAGE: 2

## 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 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)
(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 (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):

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 2 - APPLICABLE FILINGS AND DECREES

The Salt River Project objects to the inaccurate reporting of the "claim date" for notices of appropriation. Where the date claimed in the notice is different than the date of filing, DWR has reported the date of filing as the "claim date". Since the "claim date" should be used as the basis for reporting apparent dates of first use, failure to select the correct "claim date" would result in an inaccurate apparent date of first use (0430). This objection applies to: IR001.

## 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 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: 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). 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 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.

## PERIOR 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

No. W111003201

( )

The Hydrographic Survey Report for The San Pedro River Watershed

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

This objection is directed to Watershed

or Catalogued Well No.

File Report or Zone 2 Well Report No.

11404BDD 029

(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 Verda Reservation C/O Sparks & Siler, P.C.

C/O Cox & Cox

7503 First Street

Objector's Address:

Suite 300 Luhrs Tower, P.O. Box 4245

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):

39-07-12676

39-11-05478

39-05-41142

39-07-12652

39-05-50058 √

39-07-12169

39-U8-60083

39-L8-37360 39-L8-36340

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 May, 1992, postage prepaid and addressed as follows:

Name:

SIMONIS DONOVAN ACCOUNTS

Address:

610 NEWPORT CENTER DRIVE SUITE #500

**NEWPORT BEACH CA 92660** 

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

I declare under perjury that I am a claimant in this proceeding or the duly-authorized representative of a cialmant; that I have read the contents of this Objection (both sides and any allachments) 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 betief and, as to those portions, I believe them to be true.

Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 1 6 day of

Notary Public for the State of Arizer

OFFICIAL SEAL JAMES ROBERT RITTERHOUSE Kolary Public - State of Arizona MARICOPA COUNTY My Comm. Expires Jun. 5, 1994

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

## STATEMENT OF THE OBJECTION

	wing are the main categories of the typical Watershed File Report (Zöni ies) to which you object, and state the reason for the objection on the b		nd some Waters	ned File Reports	lack codain	calegories). Please	check (
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- 11. Oli	her Objections (please state volume, page and line number for each obj	jection)	-				
	on for my objection is as follows (please number your objections to corressary. The following objection(s) are based upon information and belief:	-		please allached s	supporling in	ormation and additi	onal pag
4	The use of the water claimed depletes water for senior federal and in	ndlan water rights (	1150).				
2	HSR does not show a well registration filing (420).	-	•			; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ;	
9	HSR does not show a claimed water use rate (1900).	•					
2	HSR does not show a quantity for pre-filing(s) (430).						
2	Claim date from filing(s) and/or pre-filing(s) are inconsistent (478)(43	00).					
2	Quantities from filing(s) and/or pre-filing(s) are inconsistent (478)(430	<b>D).</b>			·		·
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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

Contested Case File: W111003201

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

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This objection is directed to Watershed 114-04-BDD-029 or Catalogued Well No. File Report or Zone 2 Well Report No. (please insert no.) (please insert no.) **OBJECTOR INFORMATION** Objector's Name: Co-Objector's Name: Co-Objector's Name: United States of America Gila River Indian Community San Carlos Apache Tribe: Tonto c/o Cox & Cox Apache Tribe; Yavapai-Apache Indian Community; Camp Verde Reservation c/o Sparks & Siler, P.C. Objector's Address: Co-Objector's Address: Co-Objector's Address: 601 Pennsylvania Ave. Suite 300 Luhrs Tower 7503 First Street Washington, D.C. 20004 Phoenix, AZ 85003 Scottsdale, AZ 85251 Objector's Telephone No.: Co-Objector's Telephone No.: Co-Objector's Telephone No.: (202) 272-4059 / 272-6978 (602) 254-7207 (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

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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:

114-04-BDD-029

Name:

SIMONIS DONOVAN ACCOUNTS

Address:

610 NEWPORT CENTER DRIVE SUITE #500

NEWPORT BEACH CA 92660

(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.)

PAMELA L. SPARKS
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Aug. 25, 1995

## 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 trug.

Signature of Objector or Objector's Representative

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

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

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

V.

## STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and som	e Walershed File Reports lack o	edain categories). Please check the
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#### 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

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2	HSR does not show a well registration filing (420).
9	HSR does not show a claimed water use rate (1000).
2	HSR does not show a quantity for pre-filing(s) (430).
2	Claim date from filing(s) and/or pre-filing(s) are inconsistent (478)(430).
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114-04-BDD-029

or Catalogued Well No.

(please insert no.)

(please insert no.)

#### 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 Objector's Telephone No.:

(202) 272-4059 / 272-6978

Co-Objector's Address:

Suite 300 Luhrs Tower Phoenix, AZ 85003

Co-Objector's Telephone No.:

(602) 254-7207

Co-Objector's Address: 7503 First Street

Scottsdale, AZ 85251

Co-Objector's Telephone No.:

(602) 949-1998

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#### STATE OF ARIZONA

#### COUNTY OF MARICOPA

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114-04-BDD-029

Name:

SIMONIS DONOVAN ACCOUNTS

Address:

610 NEWPORT CENTER DRIVE

**SUITE #500** 

NEWPORT BEACH CA 92660

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OFFICIAL SEAL PAMELA L. SPARKS Motary Public - State of Arizona MAPICOPA COUNTY My Comm. Expires Aug. 25, 1995

### 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 tru

Signature of Objector

Signature of Co-Objector

Signature of

7\_ day of May, 1992. before me this

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WFR No.: 114-04-BDD-029 Contested Case File: W111003201

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#### 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.

[XX] I object to the description of Land Ownership. [XX] 2. l object to the description of Applicable Filings and Decrees. [XX] I object to the description of DWR's Analysis of Filings and Decrees. [XX] 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). 1 6. I object to the description of Reservoirs used for the claimed water right(s). 1 1 7. I object to the description of Shared Uses & Diversions for the claimed water right(s). [XX] I object to the PWR (Potential Water Right) Summary of the claimed water right(s). [XX] 9. I object to the description of Quantities of Use for the claimed water right(s). 1 10. I object to the Explanation provided for the claimed water right(s). 1 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):

- 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 individual associated with this Watershed File Report failed to file an adjudication claim as required. Therefore, the individual has no legal standing in this adjudication. (SM 475)

The amount claimed, as described by ADWR, exceeds a reasonable amount required for beneficial use.  $(SM\ 478)$ 

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) (1011026221100)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3900048440000)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (1011053121100; 3600269380000; 3900048460000)

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)

3. The individual associated with this Watershed File Report failed to file an adjudication claim as required. Therefore, the individual has no legal standing in this adjudication. (SM 475)

WFR No.: 114-04-BDD-029 Contested Case File: W111003201

Page 3

- 4. According to ADWR, the Point of Diversion (POD) identified as serving the Places of Use (POU) under this WFR is currently inactive. The claimant and/or ADWR need(s) to provide information regarding the POD that provides water to the POUs. (SM 500)
- 8. The individual associated with this Watershed File Report failed to file an adjudication claim as required. Therefore, the individual has no legal standing in this adjudication. (SM 475)

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)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3900048440000)

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)

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)

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)

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 acreage is greater than the maximum observed acreage. The maximum observed acreage should be used to calculate the regional volume of use. (SM 1010)

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

No. W1,W2,W3 & W4

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

W1-11-003201

Please file a separate objection for each Watershed File Report, Zone 2 well neport of Catalogues with Application forms of the HSR can be stated on one objection form. Objections must be written. Use of this form of the HSR can be stated on or before May 18, 1992. This objection is directed to Watershed or Catalogued Well No. File Report or Zone 2 Well Report No. 114.04 BDD (please insert no.) (please insert no.) **OBJECTOR INFORMATION** ASARCO Incorporated (1263) Objector's Name: P.O. Box 8, Hayden, AZ 85235 Objector's Address: (602) 356-7811 Objector's Telephone No.: The names, address and telephone number of Objector's attorneys are on the Attach 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): ment. <u>114 - 04 - BDA - 001</u> et al. hereto. 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): STATE OF \_ ARIZONA VERIFICATION (must be completed by objector) COUNTY OF Maricopa I declare under penalty of perjury that I am a claimant in this proceeding I hereby make this Objection. I certify that, if required, a copy of the or the duly- authorized representative of a claimant; that I have read the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the  $\frac{1}{2}$  day of  $\frac{1}{2}$  may  $\frac{1}{2}$ , postage prepaid and addressed as follows: 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, assis those portlone, I believe them to be true. Name: Simonis Donovan Accounts Address: 610 Newport Center Drive ector's Repres Suite #500 Authorized Attorney Newport Beach, CA 92660 SUBSCRIBED AND SWORN to before me this 11th day of Mav (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, Arizona Notary Public for the State of Catalogued Well Report; or to information contained in Volume 1 of Phoenix, Maricopa County the Hydrographic Survey Report.) Residing at July 17, 1994 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.

## Attachment to Objection re Simonis Donovan Accounts, WFR # 114-04-BDD-029

- 1. Simonis Donovan Accounts is not the owner of the property shown for Filing 10-1105312.1100. ASARCO Incorporated is the owner of the property. This property is listed in ASARCO Incorporated WFR # 114-04-BDA-001, and is correctly shown therein. (310)
- 11. Water uses erroneously reported in this Watershed File Report relate to ASARCO Incorporated (Major User Code 1263).

Attorneys for Objector:

Burton M. Apker, Id. No. 001258 Gerrie Apker Kurtz, Id. No. 005637 APKER, APKER, HAGGARD & KURTZ, P.C. 2111 E. Highland, Suite 230

P.O. Box 10280

Phoenix, Arizona 85064-0280

(602) 381-0085

#### JPERIOR COURT OF THE STATE OF IN TH 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 W1-11-003201

## 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 or Catalogued Well No. File Report or Zone 2 Well Report No <u>114 - 04 - BDD</u> - 029 ( please insert no. ) (please insert no.) **OBJECTOR INFORMATION** Magma Copper Company (1267) Objector's Name: 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

#### VERIFICATION

(must be completed by objector)

COUNTY OF MARICOPA

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 , 199 2 , postage prepaid and addressed as follows:

Name

SIMONIS DONOVAN ACCOUNTS 610 NEWPORT CENTER DRIVE

and

Address SUITE #500

NEWPORT BEACH, CA 92660

(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 of

Signature of Objector's Aepresentative (AS

SUBSCRIBED AND SWORN to before me this 11th day May

ananu

OFFICIAL SEAL MARIANNE DUNCAN SHIPPEE Notary Public - State of Arizona MARICOPA COUNTY

My Comm. Expires July 17, 1994

## STATEMENT OF THE OBJECTION

The follow	wing es). f	are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain Please check the category(les) 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
<b>X</b> X	4.	I object to the description of Diversions for the claimed water right(s)
	5.	l 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.	object to the description of Shared Uses & Diversions for the claimed water right(s)
⊠x	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.	l object to the Explanation provided for the claimed water right(s)
Σαλκ	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 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 issues in the event that claims to the groundwater referenced in claimant's WFR 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

3194

### MANDATORY FORM FOR OBJECTIONS TO

No. W11100319

The Hydrographic Survey Report for The San Pedro River Watershed

before May 18, 1992.	ed on one objection form, Objecti			,			
This objection is direc	oled to Watershed			or Catalogued Wei	l No.		Ļ
File Report or Zone 2	Well Report No.					O FEB	<u> </u>
11404BDD 001						F. b	منسد
<del></del>		OBJE	CTOR INFORMA	\Tion		· ·	; (2)
Objector's Name:	Gila River Indian Community	SanC	arlos Apache Tribe; Tont	to Apache Tribe; Yavapai-	Apache Indian Commu		60.
	C/O Cox & Cox	C/O S	parks & Siler, P.C.				ď
Objector's Address:	Suite 300 Luhrs Tower, P.O. E	30x 4245 7503 F	irst Street				
	Phoenix, AZ 85030		dale, AZ 85251				
Objector's Telephone	o: (602) 254-7207	(602)	949-1988				
Objector's Watershed	l File Report or Zone 2 Well Rep	ort No. (if the Objector's	s claimed water rights a	re within the San Pedro I	River Watershed):		
Or Ohioniar's Calalar	gued Well Number (If the Objecto	r'a alakmad untar siable	annone anh in Maluma	n discussors.			
	deno tronssement fu mo objecto	O CHARLICH MOIDE HÖHLIC	appear only in voising	e o or and more).			
Or Objector's Statem	ent of Claimant No. (If the Object	or's claimed water righ	ts are located outside th	he San Pedro River Wate	rshed):		
39-11-05	478 39-05-41142	39-07-12652	39-07-12676	39-05-50058	39-07-12169		
39-U8-60	083 39-L8-36340	39-L8-37360	39-UB-63614	39-07-12675	39-05-50059		
STATE OF ARIZ							
STATE OF ARIZ		EICATION /	b				
COUNTY OF MA		IFICATION (must	be completed by object	(or)			
			I declare under pe	orjury that I am a claiman	t in this proceeding or	the duly-authorize	orl
i hereby make this Ol	bjection. I certify that, if required,	a copy of the		a claimant; that I have re			
foregoing Objection w	vas served upon the following Ck	almant(s) by		ints) and know the conter			
mailing true and corre	ect copies thereof on the $I \supset c$	lay of		ased on my own persons			
May, 1992, postage p	prepaid and addressed as follows	<b>:</b> :		ed as being known to me	on information and be	llef and, as to thos	ве рол
Name: STAMBA	UGH, WILLIAM M,		I believe them to t	petrue.		7 (=	_
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			Signature of Oble	ctor or Objector's Repres	entative		
WINKELI	MAN AZ 85292		•	4			
			SUBSCRIBED AN	ND SWORN to before me	this 14 day of		
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	ued Well report; or to information	CUITAINED IN		1 6	MAR MAR	ICOPÁ COUNTY	
CHAINS IN HE LAND	ographic Survey Report.)			1	My Comm	. Expires Jan. 5, 19	100

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

Ple	e foll ase	illowing the are main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed F e check the category(ies) to which you object, and state the reason for the objection on the back of this form.	ile Reports lack certain categories
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	3.	. I object to the description of DWR's Analysis of Filings and Decrees	
ד	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)	
3	6	I object to the description of Reservoirs used for the claimed water right(s)	
	7.	. Lobject to the description of Shared Uses & Diversions for the daimed water right(s)	
	8	l object to the PWR (Potential Water Right) Summary of the claimed water right(s)	
	9.	I object to the description of Quantitles of Use for the claimed water right(s)	
	10.	0   1 object to the Explanation provided for the claimed water right(s)	
[ <b>X</b>	11.	Other Objections (please state volume, page and line number for each objection)	
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## W. F. R. No. 114-04-BDD-001

### Stambaugh, William M. & Gloria M.

#### ATTACHMENT

## STATEMENT OF THE OBJECTION

11. Other objections. Claim date. Vol. 6, Table 2, Page 145.

#### REASON FOR OBJECTION

- 11. The HSR shows (Vol. 6, Table 2, Page 145) Pre-Filing Number 10-1101214.1100 with an 1878 claim date.
- The HSR shows at the same page two Filing Numbers with an 1878 claim date:

39-0001976

39-0001977

- The HSR shows at the same page Pre-Filing Number 10-1101386.1100 with an 1880 claim date.
- At the same page, the HSR shows two Pre-Filing Numbers with an 1884 claim date:

10-1103016,1100

36-0060269

- and Filing Number 39-0002482 with an 1884 claim date.
- The HSR shows at the same page that the diversion is a well tapping groundwater in Arivaipa Creek "Zone 1."
- Farmers along the San Pedro River diverted surface flow in 1878, 1880, and 1884.

  Pumps at that time were so large and required such expensive steam engines to move them that only mining enterprises could afford to install them to dewater mines in Arizona Territory. Farmers in the Arivaipa Valley could not profitably pump groundwater for irrigation. The available historic record does not support the 1878 or 1880 or 1884 claim date (900).
- The use of the water claimed depletes water for senior federal and Indian water rights (1150).

## IN THE SUPERIOR COURT OF THE STATE O. 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

No. W111003194

The Hydrographic Survey Report for The San Pedro River Watershed

File Report or Zone 2 Well Report No. 11404BDD 001 (please Insert no.) (please  OBJECTOR INFORMATION  Objector's Name: Gila River Indian Community SanCarlos Apache Tribe; Tonto Apache Tribe; 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 located outside the San Pedro 39-11-05478 39-05-41142 39-07-12652 39-07-12676/39-05-5-39-U8-63083 39-L8-36340 39-L8-37360 39-U8-63614 39-07-1  STATE OF ARIZONA  VERIFICATION (must be completed by objector)  COUNTY OF MARICOPA  I declare under perjury that I am representative of a claimant; the	alogued Well No.  a insert no.)  be; Yavapai-Apache Indian Community  Can Pedro River Watershed):	S FILE B
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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 second 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 39-11-05478 39-05-41142 39-07-12652 39-07-12676 39-08-39-08-39-08-36340 39-08-37360 39-08-63614 39-07-1 OTATE OF ARIZONA VERIFICATION (must be completed by objector) COUNTY OF MARICOPA I declare under perjury that I am representative of a claimant, the	·	ę .
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hereby make this Objection. I certify that, if required, a copy of the representative of a claimant; that	n a claimant in this proceeding or the	duly-authorized
regoing Objection was served upon the following Claimant(s) by and any attachments) and know	w the contents thereof; and that the int	
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Signature of Objector or Object	or's Representative	مر)
WINKELMAN AZ 85292	or a rechreachtenive	
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May 1992.	D D F1	
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Vell Report, Catalogued Well report; or to information contained in /olume 1 of the Hydrographic Survey Report.)	Notary Public State MARICOPA CO	of Arizona

## STATEMENT OF THE OBJECTION

The follow calegory(in	ing are the main calegories of the typical Watershed File Report (Zone 2 Well Reports and some Watershi is) to which you object, and state the reason for the objection on the back of this form.	ed File Report	s lack certain	calegories). Please check (
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- 6. l obj	ect to the description of Reservoirs used for the claimed water right(s)			
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- 8. lobje	ct to the PWR (Potential Water Right) Summary of the claimed water right(s)			
X 9. lob	ect to the description of Quantities of Use for the claimed water right(s)			
- 10. l obj	ect to the Explanation provided for the unclaimed water right(s)			
- 11. Olho	or 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; plury. The following objection(s) are based upon information and belief:	ease attached	supporting is	formation and additional pag
CATEGOF NUMBER	Υ .			
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).			
9	HSR does not show a claimed water use rate (1000).			4
2	Claim date from filing(s) and/or pre-filing(s) are inconsistent (478)(430).			•
2	Quantities from filing(s) and/or pre-filing(s) are inconsistent (478)(430).			
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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. W1-11-003194

### 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-BDD -0 please insert		or Catalogued Weil No.
	prease inserc	no.)	(please insert no.)
	OBJECTOR	INFORMATION	
Objector's Name:	Salt	River Project	
Objector's Address:	Post	Office Box 52025	
	Phoe	nix, Arizona 85072-20	25
Objector's Telephone No:	(602		(n) 2
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STATE OF Arizona			1 2
The state of the s	VER	IFICATION (must be completed	by objector)
COUNTY OF Maricopa			-,,,
I hopohy make this Chication I access to		I declare under penalty of perjury	that I am a claimant in this
I hereby make this Objection. I certify t required, copy of the foregoing Objection	Uas served	proceeding or the duly-authorized that I have read the contents of t	representative of a claimant.
upon the following Claimant(s) by mailing	true end	Sides and any attachments) and kno	W the contents thereof.
correct copies thereof on the 14th day of costage prepaid and addressed as follows:	<u>May</u> , 199 <u>2</u> ,	and that the information contained based on by own personal knowledge	in the Objection is tour
		of the Objection which are indicat	eri ne beine kreum to m
Name: STAMBAUGH, WILLIAM M.		on information and belief and, as I believe them to be true.	to those portions,
Address: STAR ROUTE BOX 5049			\$
WINKELMAN, AZ 85292		David C. Kilo	
		Signature of Objector or Objector'	s Representative
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		My commission expires	LINDA JEPPERSON
		1	マンシンペタ おんりにいきん かいしんせい
		logo.	My Comm. Expires March 24, 11

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.

Watershed File Report: 114-04-BDD -001 Vol-Tab-Pg 6-2-145 STAMBAUGH, WILLIAM M. PAGE: 2

#### 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 ob	bject	to t	he d	iescr	iptio	n of	of LAND OWNERSHIP
[]	2.	I ob	bject	to t	he o	descr	iptio	n of	of APPLICABLE FILINGS AND DECREES
[ ]	3.	I ob	bject	to t	he o	descr	iptio	n of	of DWR's ANALYSIS OF FILINGS AND DECREES
[ ]	4.	I of	bject	to t	he c	descr	iptio	n of	of the DIVERSIONS for the claimed water right(s)
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[X]	9.	I ot	bject	to t	ne o	descr	iptio	n of	of the QUANTITIES OF USE for the claimed water right(s)
[ ]	10.	I ob	bject	to t	he E	XPLA	NATIO	N pr	provided for the claimed water right(s)
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Watershed File Report: 114-04-BDD -001 Vol-Tab-Pg 6-2-145 STAMBAUGH, WILLIAM M.

#### PAGE: 1

#### ATTACHMENT 1

#### WFR CATEGORY 8 - PWR 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. 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: IR002.

\* \* \* \*

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: IR002.

#### 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.

\* \* \* \*

Watershed File Report: 114-04-BDD -001 Vol-Tab-Pg 6-2-145 STAMBAUGH, WILLIAM M.

PAGE: 2

## 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: IR001, IR002 and IR003.

1

#### 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 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 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

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

Contested Case File: W111003194

## 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 Armex, 3345 W. Durango Street, Phoenix, AZ 85009.

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

114-04-BDD-001

or Catalogued Well No.

(please insert no.)

(please insert no.)

**OBJECTOR INFORMATION** 

Objector's Name:

Co-Objector's Name:

Co-Objector's Name:

United States of America

Gila River Indian Community

San Carlos Apache Tribe: Tonto

c/o Cox & Cox

Apache Tribe; Yavapai-Apache Indian Community; Camp Verde, Reselvation

c/o Sparks & Siler, P.C.

Objector's Address:

601 Pennsylvania Ave.

Washington, D.C. 20004

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

Co-Objector's Address:

Suite 300 Luhrs Tower Phoenix, AZ 85003

Co-Objector's Telephone No.:

(602) 254-7207

Co-Objector's Address: 7503 First Street

Scottsdale, AZ 85251

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

39-1.8-37360

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:

114-04-BDD-001

Name:

STAMBAUGH, WILLIAM M.

& GLORIA M.

Address:

STAR ROUTE BOX 5049 WINKELMAN AZ 85292

(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 <u>own</u> Watershed File Report, Zone 2 Well Report, Catalogued Well Report, or to information contained in Volume 1 of the Hydrographic Survey Report.)

PAMELA L SPARKS
Notary Public - State of Artzona
MARICOPA COUNTY
My Count Estates And 25 those

#### 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 trace.

Signature of Objector or Objector's Representative

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

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

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

Pamola I Market

Ø,

WFR No.: 114-04-BDD-001 Contested Case File: W111003194

Page 2

#### 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(les) to which you object, and state the reason for the objection on the back of this form.

- [XX] 1. I object to the description of Land Ownership.
- [XX] 2. I object to the description of Applicable Filings and Decrees.
- [XX] 3. I object to the description of DWR's Analysis of Filings and Decrees.
- [XX] 4. I object to the description of Diversions for the claimed water right(s).
- [XX] 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).
- [XX] 8. I object to the PWR (Potential Water Right) Summary of the claimed water right(s).
- [XX] 9. I abject to the description of Quantities of Use for the claimed water right(e).
- [ ] 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):

- 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)
- The available historical record does not support the priority date listed in the pre-filings. (SM 430) (IR001)

The available historical record does not support the priority date listed in the adjudication filings. (SM 478) (IRO01)

Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)

The amount claimed, as described by ADWR, exceeds a reasonable amount required for beneficial use. (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) (3900019780000)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3900019760000; 3900019770000; 3900024820000)

The claimant associated with this Watershed File Report has expanded that claimed volume without providing documentation to support such expansion. (SM 750)

There is no type of use for a filing and/or pre-filing listed under this WFR. (SM 820) (1011013861100)

WFR No.: 114-04-BDD-001 Contested Case File: W111003194

Page 3

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (1011160751100)

- Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)
- 4. According to ADWR, the Point of Diversion (POD) identified as serving the Places of Use (POU) under this WFR is currently inactive. The claimant and/or ADWR need(s) to provide information regarding the POD that provides water to the POUs. (SM 500)
- There is no documentation supporting the change in source of water for the claim associated with this Watershed File Report. (SM 550)
- 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)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3900019760000; 3900019770000; 3900024820000)

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

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 claimant associated with this Watershed File Report has expanded that claimed volume without providing documentation to support such expansion. (SM 750)

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)

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

No. W1,W2,W3 & W4

MANDATORY FORM FO The Hydrographic S	
The San Pedro R	liver Watershed
Please file a separate objection for each Watershed File Report, information contained in Volume 1 of the HSR can be stated on on or a computer facsimile, is required. Objections must be received	ne objection form. Objections must be written. Use of this form,
This objection is directed to Watershed File Report or Zone 2 Well Report No.  114 04 BDD (please insert no.)	on or before May 18, 1992.  O 0 1 or Catalogued Well No.
(please insert no.)	Section 2
OBJECTOR INI	FORMATION Sin
Objector's Name: ASARCO Incorporated	
Objector's Address: P.O. Box 8, Hayden, A	Z 85235
	of Objector's attorneys are on the Att sclaimed water rights are within the San Pedro River Watershed): ment BDD - 002 et al.
Or Objector's Catalogued Well Number (if the Objector's claimed water rights	appear only in Volume 8 of the HSR);
STATE OF ARIZONA	
COUNTY OF Maricopa VERIFICATION	, , , , , , , , , , , , , , , , , , , ,
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 \$\frac{\frac{11\tau}{11}\tau}{\text{day}}\$ of \$\frac{\text{May}}{\text{May}}\$, postage prepaid and addressed as follows:	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 inclicated as being known to me on information and
Name: William M. & Gloria M. Stambaugh	belief and, as to those positions I believe them to be true.
Address: Star Route Box 5049	Signature of Objector of Objector's Representative Authorized Attorney
Winkelman, AZ 85292	SUBSCRIBED AND SWORN to belote me this LL day of
CONTINUED DELOW* (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	Marianne Dunian Shippee
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.)  *BLM - Safford District	Notary Public for the State of Arizona  Residing at Phoenix
425 E. 4th Street	My commission expires July 17, 1994
Safford, AZ 85546	

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 the are main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check the 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 SEE ATTACHMENT

## Attachment to Objection re Stambaugh, William M. & Gloria M., WFR # 114-04-BDD-001

 Stambaugh, William M. & Gloria M. are not the owners of the property shown for Statement of Claimant 39-002482.
 ASARCO Incorporated is the owner of the property. This property is listed in ASARCO Incorporated WFR # 114-04-BDD-002, and is correctly shown therein. (310)

Stambaugh, William M. & Gloria M. are not the owners of Statement of Claimant 39-002482. ASARCO Incorporated is the owner of the State of Claimant. This Statement of Claimant is listed in ASARCO Incorporated WFR # 114-04-BDD-002. (320)

- 1, 4
- ASARCO objects to the other water filings in this
  Watershed File Report because they are also attributed to
  water sources/uses in ASARCO WFR # 114-04-BDD-002. (471)
  (625) (720)
- 11. Water uses erroneously reported in this Watershed File Report relate to ASARCO Incorporated (Major User Code 1263) and to Bureau of Land Management (Major User Code 1281).

Attorneys for Objector:

Burton M. Apker, Id. No. 001258 Gerrie Apker Kurtz, Id. No. 005637 APKER, APKER, HAGGARD & KURTZ, P.C. 2111 E. Highland, Suite 230 P.O. Box 10280 Phoenix, Arizona 85064-0280 (602) 381-0085

#### IN TT UPERIOR COURT OF THE STATE OF ZONA 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 W1-11-003194

## 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

<u> 114 - 04 - BDD - 001</u> ( please insert no. )

or Catalogued Well No.

(please insert no.)

### **OBJECTOR INFORMATION**

Objector's Name: Objector's Address: Magma Copper Company (1267)

7400 North Oracle Rd

Suite 200

Tucson, Arizona 85704

ASARCO Incorporated (1263)

P.O. Box 8

Hayden, Arizona 85235

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

, 199\_2 , postage prepaid and addressed as follows:

Name

STAMBAUGH, WILLIAM M.

and

&& GLORIA M.

Address STAR ROUTE BOX 5049

WINKELMAN, AZ 85292

(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 of Objector's Representative SUBSCRIBED AND SWORN to before me this 11th day

OFFICIAL SEAL MARIANNE DUNCAN SHIPPEE Howny Public - State of Arizona ... MACOPA COUNTY My Comm. Expires July 17, 1994

Objections must be filed with the Clark 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 follow	ving : s). F	are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain Please check the category(les) 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
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Øx	4.	I object to the description of Diversions for the claimed water right(s)
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<b>⊗</b> k	8.	I object to the PWR (Potential Water Right) Summary of the claimed water right(s)
	9.	t 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)
₽x	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 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 issues in the event that claims to the groundwater referenced in claimant's WFR 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