

**Objection(s)**

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

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

No. W111001505

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.

11214DDB 004

(please insert no.)

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community

C/O Cox & Cox

San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community, Camp Verde Reservation

C/O Sparks & Siler, P.C.

Objector's Address: Suite 300 Luhrs Tower, P.O. Box 4245

Phoenix, AZ 85030

7503 First Street

Scottsdale, AZ 85251

Objector's Telephone: (602) 254-7207

(602) 949-1988

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

\_\_\_\_\_

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

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

39-11-05478

39-05-41142

39-07-12652

39-07-12676

39-05-50058

39-07-12169

39-U8-60083

39-L8-36340

39-L8-37360

39-U8-63614

39-07-12675

39-05-50059

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: MCCAFFERTY, GUY F.

Address: 924 RANCHO DEL JEFE

TUCSON AZ 85748

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.

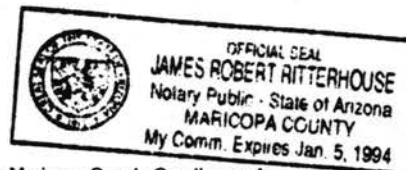
Alfred S. Cox James R. Rutterhouse

Signature of Objector or Objector's Representative

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

James R. Rutterhouse  
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.

## 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**
- X 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)
- 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)

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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

- 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).

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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

W1-11-001505

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

112 - 14 - DDB - 004  
( please insert no. )

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

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

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 MCCAFFERTY, GUY F.  
and && SARA B.  
Address 924 RANCHO DEL JEFE  
TUCSON, AZ 85748

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

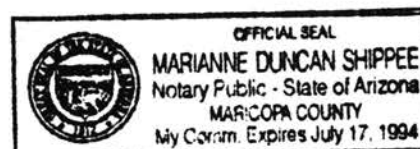
*Jeffrey W. Campbell*  
Signature of Objector's Representative (Magma)

*Eric P. Kuntz*  
Signature of Objector's Representative (ASARCO)

SUBSCRIBED AND SWORN to before me this 11th day of May, 199 2.

*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)



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

## STATEMENT OF THE OBJECTION

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

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

## REASON FOR OBJECTION

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

Category Number: 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

No. W1, W2, W3 & W4  
Contested Case No. W1-11-001505

COPY

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.

112-14-DDB-004  
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

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

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

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

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

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

STATE OF Arizona

COUNTY OF Maricopa

VERIFICATION (must be completed by objector)

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

Name: MCCAFFERTY, GUY F.  
Address: 924 RANCHO DEL JEFE  
TUCSON, AZ 85748

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. Robst  
Signature of Objector or Objector's Representative

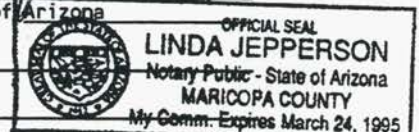
(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well Report, or to information contained 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 \_\_\_\_\_



ATTACHMENT 1

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.

### 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.



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: W111001505

MANDATORY FORM FOR OBJECTIONS TO  
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The San Pedro River Watershed

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

112-14-DDB-004

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

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

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

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

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

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

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

111-19-009

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

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

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

STATE OF ARIZONA  
COUNTY OF MARICOPA

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

Name: 112-14-DDB-004  
MCCAFFERTY, GUY F.  
& SARA B.  
Address: 924 RANCHO DEL JEFE  
TUCSON AZ 85748

(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)

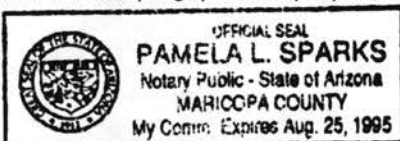
I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based 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.

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<sup>th</sup> day of May, 1992.



STATEMENT OF THE OBJECTION

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

- ☐ 1. I object to the description of Land Ownership.
- ☒ 2. I object to the description of Applicable Filings and Decrees.
- ☒ 3. I object to the description of DWR's Analysis of Filings and Decrees.
- ☒ 4. I object to the description of Diversions for the claimed water right(s).
- ☐ 5. I object to the description of Uses for the claimed water right(s).
- ☐ 6. I object to the description of Reservoirs used for the claimed water right(s).
- ☐ 7. I object to the description of Shared Uses & Diversions for the claimed water right(s).
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- ☐ 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 claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420)

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

The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)

The adjudication filing is challenged because it claims a use that has been discontinued. (SM 832)

3. 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)

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

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)

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)