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
W1-11-001346

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.

92 MAY 11 PM 1:29
FILED
JUDITH ALLEN, CLERK
BY: [signature] DEP

This objection is directed to Watershed File Report or Zone 2 Well Report No 111 - 24 - CBB - 005 (please insert no.) or Catalogued Well No. _____ (please insert no.)

OBJECTOR INFORMATION

Objector's Name:	Magma Copper Company (1267)	ASARCO Incorporated (1263)
Objector's Address:	7400 North Oracle Rd Suite 200 Tucson, Arizona 85704	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 May, 1992, postage prepaid and addressed as follows:

Name and Address: BOUCHER, ROBERT W.
P.O. BOX 1903
BISBEE, AZ 85603

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

Signature of Objector's Representative (Magma)

Signature of Objector's Representative (ASARCO)

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

Marianne Duncan Shippee

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

(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.

6

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**
- [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)
- [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. 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

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: W1100346

92 MAY 12 AM 9:50
JUDITH ALLEN, CLERK
BY
FILED

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

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

This objection is directed to Watershed File Report or Zone 2 Well Report No. 111-24-CBB-005 (please insert no.) or Catalogued Well 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 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:	**Co-Objector's Address:**	**Co-Objector's Address:**
601 Pennsylvania Ave. Washington, D.C. 20004	Suite 300 Luhrs Tower Phoenix, AZ 85003	7503 First Street 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	39-07-12652	39-07-12676	39-05-50058	39-07-12169
39-U8-60083	39-L8-36340	39-L8-37360	39-U8-63614	39-07-12675	39-05-50059

STATE OF ARIZONA

COUNTY OF MARICOPA

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

111-24-CBB-005
Name: BOUCHER, ROBERT W.

Address: P.O. BOX 1903
BISBEE AZ 85603

(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.)

OFFICIAL SEAL
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 true.

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

Alfred L. Cox
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 7th day of May, 1992.

Pamela L. Sparks

STATEMENT OF THE OBJECTION

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

[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.**

[ ] 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).

[XX] 8. 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).

[ ] 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):

1. There is a discrepancy between the name of owner/lessee listed by ADWR for this Watershed File Report and the name of the owner/lessee identified in the adjudication filing. (SM 320)

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

   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)

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)

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 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)

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. 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 overestimates 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

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

No. W111001346

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

92 MAY 13 AM 10:51 FILED
JUDITH A. EN. CLERK
BY [illegible] DEP

This objection is directed to Watershed File Report or Zone 2 Well Report No. 11124CBB 005 (please insert no.) or Catalogued Well No. (please insert no.)

OBJECTOR INFORMATION

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

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

____-____-____-____

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

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

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

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: BOUCHER, ROBERT W.

Address: P.O. BOX 1903

BISBEE AZ 85603

(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 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 L. Cox

Signature of Objector or Objector's Representative

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

James R. Ritterhouse

Notary Public for the State of Arizona

OFFICIAL SEAL
JAMES ROBERT RITTERHOUSE
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Jan 5 1994

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)

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).
____	_____
____	_____
____	_____
____	_____
____	_____

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
W1-11-1346

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

FILED
92 MAY 14 PM 4:18
JUDITH ALLEN, CLERK
BY M. Carbajal DEP

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. 111-24-CBB-005 or Catalogued Well No.

OBJECTOR INFORMATION

Objector's Name: Bella Vista Ltd. Partnership; Nicksville Water Company; Bella Vista Water Company; Bella Vista Ranches Ltd. Partnership; Dan Cracchiolo; Pueblo Del Sol Water Company c/o William P. Sullivan, Martinez & Curtis, P.C.

Objector's Address: 2712 North Seventh Street
Phoenix, Arizona 85006-1003

Objector's Telephone No.: (602) 248-0372

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):

(112-16-002); 111-20-007; 111-23-030; 111-20-062; 111-20-030; 111-23-017; 111-23-064; 111-23-017; 111-23-034

Or Objector's Cataloged 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 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 14th day of May, 1992, postage prepaid and addressed as follows:

Name: BOUCHER, ROBERT W.

Address: P.O. BOX 1903
BISBEE AZ 85603

(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 or Objector's Representative

SUBSCRIBED AND SWORN to before me this 14th day of May, 1992.

Notary Public for the State of Arizona

Residing at Phoenix, Maricopa County, Arizona.

My commission expires January 16, 1996.

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, 1991.

STATEMENT OF THE OBJECTION

The following 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)

X 5. I object to the description of **Uses** for the claimed water right(s)

___ 6. I object to the description of **Reservoirs** used for the claimed water right(s)

___ 7. I object to the description of **Shared Uses & Diversions** for the claimed water right(s)

___ 8. I object to the **PWR (Potential Water Right) Summary** of the claimed water right(s)

___ 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)

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

___ SEE ATTACHED

___

___

___

___

___

___

___

___

___

___

___

___

___

___

W1-11-1346
111-24-CBB-005
BOUCHER, ROBERT W.
P.O. BOX 1903
BISBEE AZ 85603

Category
Number

The objectors protest the WFR for the following reasons:

11 Pursuant to Section 6.08 of the Rules for Proceedings before the Special Master, Objectors wish to preserve all objections which may arise from or otherwise are related to the five remaining issues on Interlocutory Appeal before the Arizona Supreme Court. Objectors reserve the right to amend or supplement this objection following the issuance of an opinion and mandate by the Supreme Court dealing with any of the issues pending before it (1130, 1132, 1133, 1134, 1135, and 1136).

11 The procedures imposed by the trial court and Master to preserve an objection to this claim are inconsistent with A.R.S. § 45-256(B). The Legislature did not intend each party to be required to review each and every claim and file all potential objections within the 180 day period or be foreclosed from participating in a contested case. The Statute clearly permits a party who has filed an objection "to make objections to any other claims" (100).

11 Zone 1 and Zone 2 wells, and the uses related thereto, are beyond the jurisdiction of the general adjudication and should not be included in the WFR. (510, 520, 1121)

5 (IR001) Objectors protest ADWR's failure to analyze whether the PWR significantly diminishes water available to federal reservations. (220, 562, 1010)

5 (IR001) Dates on claims do not accurately reflect ADWR's findings. (410, 910)

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. W1-11-001346

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. 111-24-CBB -005 (please insert no.) or Catalogued Well No. _____ (please insert no.)

OBJECTOR INFORMATION

92 MAY 14 AM 10 55
FILED
JUDITH ALLEN, CLERK
BY [illegible] DEP

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: BOUCHER, ROBERT W.

Address: P.O. BOX 1903

BISBEE, AZ 85603

(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 by own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

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

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

Linda Jepperson
Notary Public for the State of Arizona

Residing at Maricopa County

My commission expires _____

OFFICIAL SEAL
LINDA JEPPERSON
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires March 24, 1995

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

E

STATEMENT OF THE OBJECTION

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

[ ] 1. I object to the description of LAND OWNERSHIP

[ ] 2. I object to the description of APPLICABLE FILINGS AND DECREES

[ ] 3. I object to the description of DWR's ANALYSIS OF FILINGS AND DECREES

[ ] 4. I object to the description of the DIVERSIONS for the claimed water right(s)

[ ] 5. I object to the description of the USES for the claimed water right(s)

[ ] 6. I object to the description of RESERVOIRS used for the claimed water right(s)

[ ] 7. I object to the description of SHARED USES & DIVERSIONS for the claimed water right(s)

[ ] 8. I object to the PWR (POTENTIAL WATER RIGHT) SUMMARY of the claimed water right(s)

[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):

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

ATTACHMENT 1

WFR CATEGORY 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.

* * * *

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.

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 <u>average</u> consumptive use requirement to the water duty equation based upon the types of crops <u>recently</u> 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 <u>minimum</u> relative humidity as specified in Food and Agricultural Organization (FAO) Paper 24. Minimum relative humidity is not reported by Sellers and Hill. Furthermore, their 6 p.m. (1800 hours) data must be adjusted downward to reflect lower humidity in mid-afternoon. The proper publication date for <u>Arizona Climate, 1931-1972</u>, by Sellers and Hill, is 1974.

Growing Season
pp. C-20, C-24

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

Effective Precipitation
pp. C-38, C-40 through C-49

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

Crop Coefficients
p. C-33

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

Alfalfa Stand Establishment
p. C-37

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

Deficit Irrigation
pp. C-4, C-5, C-54 through C-68

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

Efficiency Estimates
pp. 138-140, C-51 through C-54

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

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