

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

W1-11-1890

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.

112.17 - BAB - 001
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Bundy, Winifred J.

Objector's Address: Singing Wind Ranch P.O. Box 2197 Benson, AZ 85602

Objector's Telephone No.: (602) 586-2425

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 - 17 - BAB - 001

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 - _____

92 MAY 18 PM 1:03

FILED

JUDITH ALLEN, CLERK
BY *J. Boykin*
DEP

STATE OF Arizona

COUNTY OF Cochise

VERIFICATION (must be completed by objector)

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

Name: _____

Address: _____

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.

Winifred J. Bundy
Signature of Objector or Objector's Representative

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

Mary J. Carnes
Notary Public for the State of Arizona

Residing at St. David, Az 85630

My commission expires October 31, 1995

(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.

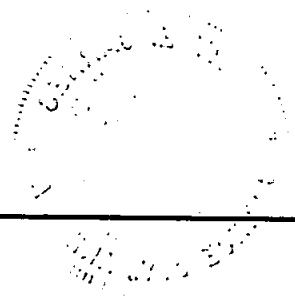
- 1. I object to the description of **Land Ownership**
- 2. I object to the description of **Applicable Filings and Decrees**
- 3. I object to the description of **DWR's Analysis of Filings and Decrees**
- 4. I object to the description of **Diversions** for the claimed water right(s)
- 5. I object to 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

- 2 See Attachments of objections and Exhibit (1)
- 4 See Attachments of objections
- 6 See Attachments of objections and exhibit (1)
- 8 See Attachments of objections and exhibits (2), (3), & (4)
- 9 See Attachments of objections
- 10 See Attachments of objections and exhibit (2)
- 11 See Attachments of objections
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____



Objection Category 10-Irrigation was not discontinued on the entire acreage, portions have been irrigated during the five year investigation period. I still maintain that more acreage should have been reported by ADWR. See exhibit (2) page one section 5A(2).

Objection Category 11-First use date for this property should be no later than 1882 as stated in objection category (8). Claimant is filing this objection also to gain notice and be heard on all issues in the event that claims referenced are adjudicated.

Objection Category 2-There are filings for water diversions to control erosion and irrigate land below the earthen structures that were registered with the Arizona Land Department June 29, 1979 that are not included in the list of Applicable Filings and Decrees section. See exhibit (1) for copies bearing Arizona Land Department received stamp of that date.

Objection Category 4-W01,W02,W03,& W04 should not be classified as Zone 1 wells. All four wells are in the Whetstone Mountain watershed. Prior to the sale of the J-6 Ranch and subsequent subdivision and drilling of numerous wells on the Mescal flats all four of our irrigation wells(W01,W02,W03,&W04) produced a third to a half more volume of flow. Hydrological analysis indicated that the drop was directly correlated to the new extreme use of water in the intervening area between the Whetstone Mountains and our wells and indicated their source to be groundwater from the Whetstone watershed.

Objection Category 6-There are no reservoirs described in this section as described in objection category 2.

Objection Category 8-Date of first use of wells is documented as May 1958 in document submitted to State Land Department. See exhibit (2) page two, section seven (1). Wells 2 and 3 were put into use in 1963. See exhibit(3). Documents were supplied to ADWR indicating diversion of San Pedro River surface water to irrigate at least 30 acres of crops by a historic canal prior to 1882. Land ownership and use can be documented back at least that far. The historic canal was predated by a prehistoric canal discernable today by trained archaeologists. Existence and use of the historic canal is also stated in exhibit (2) page one section 2E and exhibit (4) page 5. Page 9 of exhibit (4) also shows irrigation usage from 1958 to 1978. See objection category 4 for Zone 1 well objections.

Objection Category 9-Quantity of use was changed by ADWR from 834 AFA average efficient use in 11/90 to zero in 12/91. Earlier figure was too low to water permanent pasture of alfalfa, and present figure will not water anything. Death of Robert C. Bundy in 1983 left me a widow with few resources. Bob's premature death was followed closely by devastating floods in the summer of 1983 that washed out pipe spanning Cadillac wash that connected wells 2 and 3 into the underground system, forcing temporary shutdown of those well after we collapsed a quantity of aluminum pipe trying to bridge the span. The permanent structure is in the process of being rebuilt. The underground pipe connecting wells 1 and 4 into the system fractured in 1987 and was replaced in early 1991 showing intention to place water to beneficial use by putting entire cultivable land back into production.

Check # 264 Enclosed

CLAIM OF WATER RIGHT FOR A STOCKPOND;
APPLICATION FOR CERTIFICATION
(Chapter 69 Laws 1977)

(LEAVE BLANK)
No. _____
Filed _____ at _____
(Date) (Time)

FILING FEE \$10.00

INSTRUCTIONS:

- File a separate claim for each stockpond.
- Submit in duplicate; typewrite or print in ink.
- Complete each blank with required information.

NOTE: The law provides that a claim which does not contain the required information or which is not accompanied by the required filing fee shall not be accepted by the Department and shall be returned to the sender.

Robert C. & Winifred J Bundy of Drawer AE
 (Name) (Street, P.O. Box, Rural Route)
Benson AZ 85602 none
 (City) (State) (Zip Code) (Phone No.)

I do hereby claim a water right for the stockpond herein described and do hereby make application for certification of such right.

State the date of completion of construction of the stockpond ~ 1962
(a) Name of stockpond NA (Mo., Day, Yr.)

State the capacity of the stockpond at spillway level on August 29, 1977:
~ 60 acre feet (Acre Feet).

What was sole purpose for which pond was constructed? Water storage and

What is current primary use? _____

What other uses are made of pond? erosion control
(Give percentage of each "other" use to total use.)

Was stockpond subject to litigation or to a protest of record to the Land Department prior to August 29, 1977? Yes No

(a) If the answer is 'yes', attach explanation.

Has previous filing, claim or registration of this stockpond been made? Yes No; if 'yes', attach explanation giving date and file number.

State the date water was first used beneficially ~ 1962
(Month, Day, Year)

State the quantities of water used annually ~ 120 acre feet
(Acre Feet)

(a) What is average number of head using this water? 20 maximum no. ? 300

(b) Over what part of year? Any time sufficient rainfall for runoff

State the name of water course or water source No name

Tributary to San Pedro on the _____ watershed.
(Leave Blank)

The point of diversion is within NA $\frac{1}{4}$, _____ $\frac{1}{4}$, Section _____, of Township _____, Range _____ in the County of _____

The location of impounding dam is within SW 1/4, NW 1/4 $\frac{1}{4}$, Section 28, of Township 16S, Range 20 in the County of Cochise
(If site of number 11 differs from number 12 attach explanatory plat or map)

The dimensions of the impounding dam and reservoir are:

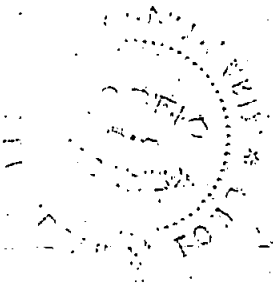
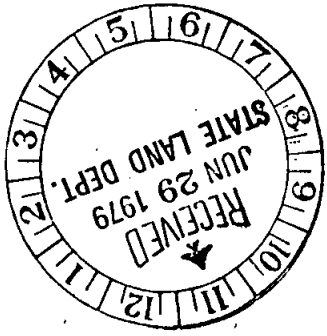
(a) Height of dam to spillway ~ 10 ft. (Measured inside dam)

(b) Length of dam 3500 ft.

(c) Surface area of water at spillway level 18 acres. Shape? (Circle One)
square; rectangle; circle; half-circle; egg-shaped; triangle.

State the name of owner of land on which dam is located:
Robert C. & Winifred J Bundy

State the name of owner (s) of any land inundated when stockpond is filled to capacity:
Robert C. & Winifred J Bundy and Beck



I hereby certify under the penalty of perjury, that the information contained and statements herein made are, to the best of my knowledge and belief, true, correct and complete.

Dated this 26 June day of June, A.D., 1979

Robert C. Bundy
(Claimant)

Subscribed and sworn to before me this 27th day of June, 1979

My Commission Expires:
May 1, 1983.

(Seal)

Elizabeth J. Lovy
(Notary Public)

STATE OF ARIZONA

CERTIFICATE OF WATER RIGHT

to a

STOCKPOND

Number

THIS IS TO CERTIFY, that

of _____ State of _____ pursuant to the provisions of Title 45, Chapter 1, Article 8, ARS, has registered a claim of water right for a stockpond and has made application for certification of that right and that it appears to the STATE LAND COMMISSIONER that the material facts stated in the claim are true and entitle the claimant to a water right for a stockpond with capacity not to exceed _____ acres; that date of priority based on date of construction is _____ that location is in _____¹/₄, _____¹/₄, Section _____, Township _____ Range _____, Gila and Salt River Base and Meridian, _____ County, Arizona; that source of water is _____

The water right for the stockpond herein certified is subject to all prior existing rights as provided by Section 45-402, B, Arizona Revised Statutes.

WITNESS, the seal and signature of
the STATE LAND COMMISSIONER
affixed this

State Land Commissioner



STATE OF CALIFORNIA

**CLAIM OF WATER RIGHT FOR A STOCKPOND;
APPLICATION FOR CERTIFICATION**
(Chapter 69 Laws 1977)

(LEAVE BLANK)	
No. _____	
Filed _____ at _____	
(Date)	(Time)

FILING FEE \$10.00

INSTRUCTIONS:

1. File a separate claim for each stockpond.
2. Submit in duplicate; typewrite or print in ink.
3. Complete each blank with required information.

NOTE: The law provides that a claim which does not contain the required information or which is not accompanied by the required filing fee shall not be accepted by the Department but shall be returned to the sender.

1. Robert C. Bundy & Winifred J Bundy Drawer A E
 (Name) (Street, P.O. Box, Rural Route)
Benson AZ 85602 None
 (City) (State) (Zip Code) (Phone No.)

I do hereby claim a water right for the stockpond herein described and do hereby make application for certification of such right.

1. State the date of completion of construction of the stockpond approx 1958
 (a) Name of stockpond NA (Mo., Day, Yr.)
2. State the capacity of the stockpond at spillway level on August 29, 1977:
50 (Acre Feet).
3. What was sole purpose for which pond was constructed? Water storage and erosion control
4. What is current primary use? Same as 3
5. What other uses are made of pond? When sufficient water is available from rainfall the land below the pond is irrigated (approx 50%)
 (Give percentage of each "other" use to total use.)
6. Was stockpond subject to litigation or to a protest of record to the Land Department prior to August 29, 1977? Yes No
- (a) If the answer is 'yes', attach explanation.
7. Has previous filing, claim or registration of this stockpond been made?
 Yes No; if 'yes', attach explanation giving date and file number.
8. State the date water was first used beneficially ~ 1958
 (Month, Day, Year)
9. State the quantities of water used annually ~ 100
 (Acre Feet)
 (a) What is average number of head using this water? 150 maximum no. ? 300
 (b) Over what part of year? Anytime sufficient rainfall for runoff
10. State the name of water course or water source No name
 Tributary to San Pedro on the (Leave Blank) watershed.
11. The point of diversion is within NA $\frac{1}{4}$, NA $\frac{1}{4}$, Section _____, of Township 16S, Range 20E in the County of Cochise
12. The location of impounding dam is within

NW 1/4	SE 1/4
NE 1/4	SW 1/4
SW 1/4	NW 1/4

 $\frac{1}{4}$, Section 28, of Township 16S, Range 20E in the County of Cochise
 (If site of number 11 differs from number 12 attach explanatory plat or map)
13. The dimensions of the impounding dam and reservoir are:
 (a) Height of dam to spillway 10 ft. (Measured inside dam)
 (b) Length of dam 3600 ft.
 (c) Surface area of water at spillway level ~ 18 acres. Shape? (Circle One)
square; rectangle; circle; half-circle; egg-shaped; triangle.
- State the name of owner of land on which dam is located:
Robert C. & Winifred J Bundy
- State the name of owner (s) of any land inundated when stockpond is filled to capacity:
same as 4



I hereby certify under the penalty of perjury, that the information contained and statements herein made are, to the best of my knowledge and belief, true, correct and complete.

Dated this 26 day of June, A. D., 1979.

Robert C. Bundy
(Claimant)

Subscribed and sworn to before me this 27th day of June, 1979

My Commission Expires:
May 1, 1983.
(Seal)

Elizabeth J. Long
(Notary Public)

STATE OF ARIZONA

CERTIFICATE OF WATER RIGHT

to a

STOCKPOND

Number

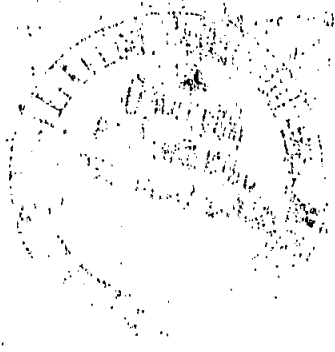
THIS IS TO CERTIFY, that

of _____ State of _____ pursuant to the provisions of Title 45, Chapter 1, Article 8, ARS, has registered a claim of water right for a stockpond and has made application for certification of that right and that it appears to the STATE LAND COMMISSIONER that the material facts stated in the claim are true and entitle the claimant to a water right for a stockpond with capacity not to exceed _____ acre feet; that date of priority based on date of construction is _____ that location is in _____ $\frac{1}{4}$, _____ $\frac{1}{4}$, Section _____, Township _____ Range _____, Gila and Salt River Base and Meridian, _____ County, Arizona; that source of water is _____

The water right for the stockpond herein certified is subject to all prior existing rights as provided by Section 45-402, B, Arizona Revised Statutes.

WITNESS, the seal and signature of
the STATE LAND COMMISSIONER
affixed this

State Land Commissioner



STATE LAND DEPT.
RECEIVED
JUN 29 1979

RECEIVED
JUN 29 1979
STATE LAND DEPT.

Exhibit 2

ARIZONA STATE LAND DEPARTMENT
1624 West Adams
Phoenix, Arizona 85007

STATEMENT OF CLAIMANT

(Leave Blank)

IN THE MATTER OF DETERMINATION OF)
RELATIVE RIGHTS TO THE USE OF)
WATERS OF THE SAN PEDRO RIVER AND ITS)
TRIBUTARY WATERSHED, INC. ARAVAIPA CK.)

File No. _____
Filed: _____ at _____ M
(date) (time)

The State Land Department has enclosed with the accompanying Notice this form on which claimant shall present as required, the particulars of his claim of right to the subject waters. All applicable portions must be completed. A separate Statement of Claimant must be submitted for each source or point of diversion of public water unless those waters are commingled prior to use. A map published by the United States Geological Survey or a map of equal standard shall be submitted with this Statement showing on the face of the map the particulars of point of diversion, place of use and other pertinent information.

(Print or type. If more space is required, use explanatory at end of form, or attachment.)

1. Name of Claimant: Bundy Robert C.
Bundy Wini Fred J.
(Last) (First) (M.I.)

Drawer A E Benson AZ 85602 None
(Address, City, State, Zip) (Telephone No.)

2. State the nature of the right or use on which claim is based: (indicate, and attach supporting documentation)

A. Right to surface water initiated by beneficial use prior to June 12, 1919. Indicate registry number if previously submitted under Water Rights Registration Act _____

B. Court Decreed Water Right. Cite Title and Date of Case _____
Cause No. _____ County _____

C. Application for Permit to Appropriate Water filed. State Land Department Application No. _____, Permit No. _____, Certificate of Water Right No. _____

D. Claim of Water Right for a Stockpond. State Land Department Application No. _____

E. Other. Describe: Water from Benson Canal Company

3. A. Date of initiation of right: approx 1890
(Month/Day/Year)

B. Date water first used for beneficial purposes: _____
(Month/Day/Year)

4. Purpose, annual amount and annual period of use:

Purpose	Amount	Month/Day	Month/Day
Irrigation	<u>300</u> ac.ft./gallons ^{per year}	From <u>Jan 1</u>	to <u>Dec 31</u>
Domestic	_____ ac.ft./gallons	From _____	to _____
Stockwater	<u>3,370,000</u> ac.ft./gallons	From <u>Jan 1</u>	to <u>Dec 31</u>
Municipal	_____ ac.ft./gallons	From _____	to _____
Power	_____ ac.ft./gallons	From _____	to _____
Mining	_____ ac.ft./gallons	From _____	to _____
Recreation	_____ ac.ft./gallons	From _____	to _____
Wildlife	_____ ac.ft./gallons	From _____	to _____
Other Uses	_____ ac.ft./gallons	From _____	to _____

5. A. (1) If for irrigation purposes, describe place of use: (also indicate on map)

Township (N/S)	Range (E/W)	Section	Legal Subdivision	No. of Acres.
<u>16S</u>	<u>20E</u>	<u>Part of NW 1/4 SE 4</u> <u>" " SE 1/4 NW 1/4</u> <u>" " SW 1/4 NE 1/4</u>	<u>Section 28</u>	<u>30 Acres</u>

(2) If land reclaimed over period of years, indicate schedule and amount of land reclaimed first and each subsequent year(s):

<u>50 A 1958</u>	<u>50 A 1960</u>	<u>40 A 1978</u>
<u>50 A 1959</u>	<u>50 A 1961</u>	<u>60 A 1965</u>

corn, Sudan grass, Alfalfa
milo, Oats, Barley, Wheat, Sorghum
sugar cane, vegetables

5. A. (3) -Indicate kind of crops cultivated: _____
 Character of soil: sandy loam, heavy loam
- B. If for domestic purposes, number of persons: _____, or families: _____
- C. If for stockwater purposes, number and kind of stock watered: _____
approx 300hd. beef cattle
- D. If for municipal purposes, population to be served, and estimate of future requirements: _____
- E. If for power purposes, describe type of plant and capacity: _____
- F. If for mining purposes, describe purpose of use, location and character of the mine(s) to be served: _____
- G. If for recreational purposes, describe: _____
- H. If for wildlife purposes, including fish, describe: _____
- I. If for other purposes, describe: _____

6. A. Direct source of public water diverted: _____ tributary to San Pedro River on the San Pedro watershed.
- B. Point of Diversion (indicate on map): NW 1/4 SE 1/4, Section 28 Township 16S (N/S), Range 20E (E/W), Gila and Salt River Base and Meridian, County Cochise. Ownership Unknown
- C. Place of use (indicate on map): NW 1/4 SE 1/4, Section 28 Township 16S (N/S), Range 20E (E/W), Gila and Salt River Base and Meridian, County Cochise. Ownership Unknown

7. State all other sources of water supply not described in Question 6 of this form.
- A. Type of Source: Wells
- B. Location of Source (indicate on map): NW 1/4 SE 1/4, Section 28 Township 16S (N/S), Range 20E (E/W), Gila and Salt River Base and Meridian, County Cochise. Ownership R.C. Bundy + W.J. Bundy
- C. If other source is well, list following:
- (1) Date well construction began: Mar 58; Date well place in use: May 58.
 (Month/Day/Year) (Month/Day/Year)
- (2) Location (10 acre subdivision) (indicate on map): NW 1/4 SE 1/4 SW 1/4 NE 1/4 SW 1/4, Section 28, Township 16S (N/S), Range 20E (E/W), Gila and Salt River Base Meridian, County of Cochise
- (3) State Land Department Intent to Drill, File No. DC16-20 28809 or Application for Permit No. _____
- (4) State whether free flowing or pump: Pump. If pump, list type of pump and capacity: Electric 3000 gal/min
- (5) Casing depth 90 ft. Total well depth 90 ft. Diameter of casing 16" inches.
- (6) Depth to water: 40 ft. (Static Level)
- (7) Annual amount pumped, or otherwise extracted, 5500 million Ac. Ft. /Gallons
- (8) State purpose of use: Irrigation & stock water
- (9) Indicate annual period of use: Jan 1 to Dec 31
 (Month/Day) (Month/Day)

8. Water storage reservoir and/or diverting works:
- A. Location (indicate on map): NW 1/4 SE 1/4 SW 1/4 NE 1/4 SW 1/4 } Section 28
 Township 16S (N/S), Range 20E (E/W), Gila and Salt River Base and Meridian, County Cochise. Ownership R.C. Bundy + W.J. Bundy
- B. Name of storage reservoir and/or diverting works (if known): _____
- C. Maximum capacity: 200 Ac. Ft.
- D. Maximum depth of water: 10 ft.

Check # 264 Enclosed

CLAIM OF WATER RIGHT FOR A STOCKPOND;
APPLICATION FOR CERTIFICATION
Chapter 69 Laws 1977)

Exhibit 1

(LEAVE BLANK)	
No. _____	_____
Filed _____ at _____	_____
(Date)	(Time)

FILING FEE \$10.00
INSTRUCTIONS:

- File a separate claim for each stockpond.
- Submit in duplicate; typewrite or print in ink.
- Complete each blank with required information.

NOTE: The law provides that a claim which does not contain the required information or which is not accompanied by the required filing fee shall not be accepted by the Department and shall be returned to the sender.

Robert C + Winifred J Bundy of Drawer A E

 (Name) _____ (Street, P.O. Box, Rural Route)
Benson AZ 85602 None
 (City) (State) (Zip Code) (Phone No.)

I do hereby claim a water right for the stockpond herein described and do hereby make application for certification of such right.

State the date of completion of construction of the stockpond ~ 1938 to 48
(a) Name of stockpond NA (Mo., Day, Yr.)

State the capacity of the stockpond at spillway level on August 29, 1977:
~ 60 (Acre Feet).

What was sole purpose for which pond was constructed? Water storage and erosion control

What is current primary use? Same as 3

What other uses are made of pond? when sufficient water is available the land on lower side of pond is irrigated (approx 50%)
(Give percentage of each "other" use to total use.)

Was stockpond subject to litigation or to a protest of record to the Land Department prior to August 29, 1977? Yes No

(a) If the answer is 'yes', attach explanation.

Has previous filing, claim or registration of this stockpond been made? Yes No; if 'yes', attach explanation giving date and file number.

State the date water was first used beneficially ~ 1938 to 48
(Month, Day, Year)

State the quantities of water used annually ~ 120 Acre Feet
(Acre Feet)

(a) What is average number of head using this water? 150 (prior to 76) maximum no. ? 300

(b) Over what part of year? Any time sufficient rainfall for run off

State the name of water course or water source Cada 77ic Wash
Tributary to San Pedro on the (Leave Blank) watershed.

The point of diversion is within NA $\frac{1}{4}$, $\frac{1}{4}$, Section _____, of Township _____, Range _____ in the County of _____.

The location of impounding dam is within N $\frac{1}{4}$, NW $\frac{1}{4}$, Section 33, of Township 16S, Range 20E in the County of Cochise
(If site of number 11 differs from number 12 attach explanatory plat or map)

The dimensions of the impounding dam and reservoir are:

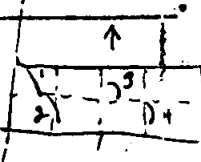
(a) Height of dam to spillway 10 ft. (Measured inside dam)

(b) Length of dam 2600 ft.

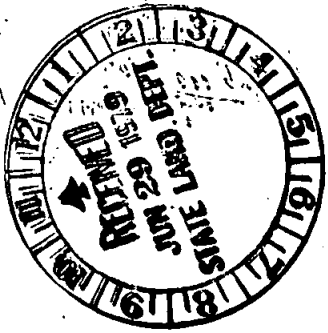
(c) Surface area of water at spillway level ~ 12 acres. Shape? (Circle One) square; rectangle, circle; half-circle; egg-shaped; triangle.

State the name of owner of land on which dam is located:
Robert C + Winifred J. Bundy

State the name of owner (s) of any land inundated when stockpond is filled to capacity:
Sama as 4



109.164 x 2.500 = 272.910
 60,5000 g/100
 150,000
 43560
 205920



4

I hereby certify under the penalty of perjury, that the information contained and statements herein made are, to the best of my knowledge and belief, true, correct and complete.

Dated this 26 day of June, A.D., 1979

Robert C. Bundy
(Claimant)

Subscribed and sworn to before me this 27th day of June, 1979

My Commission Expires:

May 1, 1983.

(Seal)

Elizabeth J. Long
(Notary Public)

STATE OF ARIZONA

CERTIFICATE OF WATER RIGHT

to a

STOCKPOND

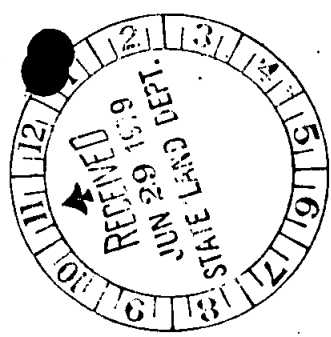
Number

THIS IS TO CERTIFY, that
of _____ State of _____ pursuant to the provisions of Title
45, Chapter 1, Article 8, ARS, has registered a claim of water right for a stockpond and
has made application for certification of that right and that it appears to the STATE LAND
COMMISSIONER that the material facts stated in the claim are true and entitle the claim
ant to a water right for a stockpond with capacity not to exceed _____ acr
feet; that date of priority based on date of construction is _____
that location is in _____ $\frac{1}{4}$, _____ $\frac{1}{4}$, Section _____, Township _____
Range _____, Gila and Salt River Base and Meridian,
County, Arizona; that source of water is _____

The water right for the stockpond herein certified is subject to all prior existing
rights as provided by Section 45-402, B, Arizona Revised Statutes.

WITNESS, the seal and signature of
the STATE LAND COMMISSIONER
affixed this

State Land Commissioner



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BRUCE E. HABBITT
GOVERNOR

Arizona
State Land Department

1624 WEST ADAMS
PHOENIX, ARIZONA 85007
602 - 271-4634



OFFICE OF
STATE LAND COMMISSIONER

November 20, 1978

Mr. Robert C. Bundy
Drawer AE
Benson, Arizona 85602

Dear Mr. Bundy:

In regard to your letter received at this office on November 15, 1978, a review of our records indicates that the following wells are of record in the name of R. C. Bundy:

<u>File No.</u>	<u>Date Drilled</u>	<u>Location of Well</u>					
<i>A11</i> D(16-20)28BDD	1958 ✓	<i>NW 1/4 NW 1/4 SE 1/4</i> SE 1/4 SE 1/4 NW 1/4	Sec. 28	T 16S	R 20E		
<i>N52</i> D(16-20)28BCD	1963 ✓	<i>NW 1/4 SW 1/4 SE 1/4</i> SE 1/4 SE 1/4 NW 1/4	" 28	T 16S	R 20E		
<i>N103</i> D(16-20)28CCA	1963 ✓	SW 1/4 SW 1/4 SE 1/4	" 28	T 16S	R 20E		
<i>Org hole</i> D(16-20)28CCC	1963 ✓	SW 1/4 SW 1/4 SW 1/4	" 28	T 16S	R 20E		
? { D(21-10)27BDA	1974	NE 1/4 SE 1/4 NW 1/4	" 27	T 21S	R 20E		
? { D(21-10)27BDA	1976	NE 1/4 SE 1/4 NW 1/4	" 27	T 21S	R 20E		
<i>N4</i>	1981	<i>NW 1/4 NW 1/4 SE 1/4</i> <i>S 22 28</i>	<i>T 16S</i>		<i>R 20E</i>		

If we may be of further assistance, please advise.

Sincerely,

Andrew L. Bettwy
State Land Commissioner

BY *W. Dempsey Helms*
W. Dempsey Helms
Water Rights Division

ALB:WDH:sw



BRUCE E. HABBITT
GOVERNOR

Arizona
State Land Department

1624 WEST ADAMS
PHOENIX, ARIZONA 85007
602 - 271-4634



OFFICE OF
STATE LAND COMMISSIONER

November 20, 1978

Mr. Robert C. Bundy
Drawer AE
Benson, Arizona 85602

Dear Mr. Bundy:

In regard to your letter received at this office on November 15, 1978, a review of our records indicates that the following wells are of record in the name of R. C. Bundy:

<u>File No.</u>	<u>Date Drilled</u>	<u>Location of Well</u>				
<i>411</i> D(16-20)28BDD	1958 ✓	SE$\frac{1}{4}$ SE$\frac{1}{4}$ NW$\frac{1}{4}$	Sec. 28	T 16S	R 20E	
<i>NO. 2</i> D(16-20)28BCD	1963 ✓	SE$\frac{1}{4}$ SE$\frac{1}{4}$ NW$\frac{1}{4}$	" 28	T 16S	R 20E	
<i>NO. 3</i> D(16-20)28CCA	1963 ✓	SW$\frac{1}{4}$ SW$\frac{1}{4}$ SE$\frac{1}{4}$	" 28	T 16S	R 20E	
<i>Orig. Acct</i> D(16-20)28CCC	1963 ✓	SW$\frac{1}{4}$ SW$\frac{1}{4}$ SW$\frac{1}{4}$	" 28	T 16S	R 20E	
? { D(21-10)27BDA	1974	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	" 27	T 21S	R 20E	
. { D(21-10)27BDA	1976	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	" 27	T 21S	R 20E	
<i>N4</i>	1981	NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	5000.28	T 16S	R 20E	

If we may be of further assistance, please advise.

Sincerely,

Andrew L. Bettwy
State Land Commissioner

BY *W. Dempsey Helms*
W. Dempsey Helms
Water Rights Division

ALB:WDH:sw

#4

ARIZONA STATE LAND DEPARTMENT
1624 WEST ADAMS
PHOENIX, ARIZONA 85007

APPLICATION FOR PERMIT TO APPROPRIATE WATER
STATE OF ARIZONA

Application No. _____
Permit No. _____
Filed: _____ at _____ M
(date) (time)

Examination Fee \$3.00

Map (see Instructions)

APPLICATION MUST BE SUBMITTED IN DUPLICATE

To be filled in by
State Land Department

1. Name of Applicant: Robert C. & Min. Fred J Bundy
Drawer AE Benson Ariz 85602 602 506 2425
(Address, City, State, Zip) (Phone No.)

2. Indicate by an (x) on the proper line(s) the use(s) for which this application is being submitted:
Irrigation Domestic Stockwatering Municipal Power Mining Other Uses

3. If for irrigation purposes, fill in the following:

Township (N/S)	Range (E/W)	Section	Legal Subdivision	No. of Acres
<u>16S</u>	<u>20E</u>	<u>33</u>	<u>SE 1/4 NW 1/4 NW 1/4</u>	<u>5</u>

If for domestic purposes, number of persons _____, or families _____.
If for stockwatering purposes, number and kind of stock watered 300 head Charolais Cattle
If for municipal purposes, name of municipality _____
If for power purposes, type of plant, size and rated capacity _____
If for mining, the water will be used in _____ mine.
If for other uses, describe Erosion Control

4. For each use applied for (use symbols) state amount of water required for each use:
Irrigation - (I), Domestic - (D), Stockwatering - (S), Municipal - (M), Power - (P), Mining - (Mi),
Other uses - (O).
Symbol _____ cfs/gpm or I 5 ac. ft. from June 1 to October 30
_____ cfs/gpm or S 2 ac. ft. from June 1 to October 30
_____ cfs/gpm or _____ ac. ft. from _____ to _____

5. The direct source of supply is Rain fall on land above dike
tributary to _____ on the _____ watershed.
(leave blank)

6. The point of diversion (locate on map) is within the NA $\frac{1}{4}$, Section _____, of Township _____,
Range _____, G&SRB&M., in the County of _____ (N/S)
(E/W)

7. The place of use (locate on map) is in the NE 1/4 NW 1/4, Section 33, of Township 16S,
Range 20E, G&SRB&M., in the County of Cochise. (N/S)
(E/W)

8. Description of the proposed works by which the water is to be put to beneficial use
Gravity flow & siphon tubes to land below dike

9. If water is to be stored, give capacity of reservoir in acre feet 7, height of dam
7 ft., area inundated in acres 2. Use explanatory sheet for capacity for each
foot of depth.

10. Construction Schedule. It is proposed to begin construction within 1957 after ap-
(not over 2 years)
proval of this application, to complete construction within 1957 thereafter, and
(not more than 4 years)
to completely apply the water to the proposed use within 1957 after the beginning
of construction. (not more than 5 years)

11. Is the land owned by the applicant? Yes No . If "No" explain on page 2.
12. Is the water to be used supplementally with other water(s)? Yes No . If "Yes" identi-
fy other waters or water rights on page 2.

(12) *Electric*

1965

'64

'65

'66

'67

'68

'69 84650 kWh.

'70 64250 kWh.

1971

1972

1973

1974

1975

1976

1977

1978

84090 kWh.

139860 kWh.

89870 kWh.

135990 kWh.

80900 kWh.

(13)

Sulphur Springs Valley Elec Coop.

(14)

Approx 80ft.

(15)

1963 D(16-20) 28 CCA

[FOLLOW INSTRUCTION E FOR ADDITIONAL WELLS.]

WELL #3 (page 1 of 3 pages)

(1)

SW 1/4 JW 1/4 SE 1/4 Sec 28 T16S R20E

(2)

1963 approx 90ft

(3)

16"

(4)

40ft to 90ft

(5)

38ft

(6)

1963	311,040,000 gal?	1976	320,650,000 gal
1964	311,040,000 gal	1977	546,720,000 "
1965	311,040,000 gal?	1978	301,840,000 "
1966	352,880,000 "		
1967 & 1968	414,720,000 "		
1969 & 1970	466,560,000 "		
1971	622,080,000 "		
1972-1974	466,560,000 "		
1975	449,280,000 "		

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(12) *Electric*

1958	1969 - 49690 <i>Kaha</i>
'59	'70 - 38970 "
'60	'71 - 39940 "
'61	'72 - 53330 "
'62	'73
'63	'74
'64	'75
'65	'76 - 41570 <i>Kaha</i>
'66	'77 - 92920 "
'67	'78 - 39280 "
'68	

(13) *Sulphur Springs Valley Elec. Corp*

(14) *approx 80ft*

(15) 1958 D(16-20) 28 BDD

1
2
3 (7)

*Pardee Well Drilling
Benson Ag
85602*

4
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8 (8)

*Pardee Well Drilling
Benson Ag
85602*

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14 (9)

*Pardee Well Drilling
Benson Ag
85602*

15
16
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19 (10)

48ft

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28 (11)

25hp

WELL #1 (page 1 of 3 pages)

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(1)

~~NW 1/4 NW 1/4 SE 1/4~~ Sec 28
~~SE 1/4 SE 1/4 NW 1/4~~ sec 28 T16S R20S

(2)

1958 approx 90ft

(3)

16"

(4)

40ft to 90ft

(5)

48ft.

(6)

1958-1959	155,520,000 gal	1969-1990	466,560,000 gal
1960-1961	466,560,000 gal	1991	622,080,000 gal.
1962	548,320,000 gal	1972-1974	466,560,000 gal.
1963	414,720,000 gal	1995	414,720,000 gal
1964	466,560,000 gal	1976-78	161,040,000 gal.
1965	311,040,000 gal		
1966	362,880,000 gal		
1967-1969	414,720,000 gal		

16

1 tribunal;

2
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4
5 (2) The number and title of the proceedings;

6
7
8 (3) The date proceedings were commenced;

9
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12 (4) The date of final determination;

13
14 (5) The name under which the right was then held;

15 (6) The name, address, and telephone number of
16 the attorney representing such right or representing
17 the party claiming such right; and
18

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20
21 (7) The location of records of and papers con-
22 cerning such proceedings with name and address of
23 person having control thereof.
24

25
26
27 g. If such right is to the use of surface water,

28 (1) The description of each structure used to
29 dam or divert such waters.

30 *Dam across San Pedro NW SE Sec*
31
32

Year	Purposes for which used	Quantity for each purpose
1958	Dry well NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 28	T 16 S R 20 E
1966	Dry well SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 28	" "
1938	Dry well NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 28	" "
approx 1875	Dry well SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 28	" "
	Dry well SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 28	" "

INTERROGATORY 7. a. Did your predecessors in interest ever use any of the Waters of the San Pedro River Watershed?

Yes No

b. If so, on the following table state the inclusive dates of such use, a description of the place and manner in which the water was used, each year in which water was used, the purposes for which water was used, and the quantity used that year. [If purpose was to irrigate land, show acres irrigated and crops grown; if purpose was domestic, show number of people served; if the purpose was industrial, describe the industry and its use of water; if the purpose was mining, give the manner in which water was used; and for other purposes, in like manner describe the purpose and manner of use of water.]

Year	Purposes for which used	Quantity for each purpose
approx 1870-1957	livestock & household 3 artesian wells	6000 gal/day
approx 1870-1890	Irrigation 30 acres From dam across San Pedro before the earth quake which caused the river channel to be cut down so deep that dam was impracticable.	300 acre ft/yr.

1 Cox and Cox
300 Luhrs Tower
2 Phoenix, Arizona 85003
(602) 254-7203
3
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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 GILA RIVER INDIAN COMMUNITY,)
11 etc.,)
12 Plaintiff,) No. CIV 78-145 TUC MAR
13 v.) PART II OF
14 AMERICAN SMELTING AND) PLAINTIFF'S FIRST SET
REFINING COMPANY, et al.,) OF INTERROGATORIES AND
15 Defendants.) REQUESTS FOR ADMISSION
16) TO:
ROBERT C. BUNDY

17 THE NOTICE, INSTRUCTIONS FOR USE, DEFINITIONS AND EACH
18 PART THEREOF (found in Part I) ARE APPLICABLE TO THIS PORTION
19 (PART II) OF PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS
20 FOR ADMISSION. [If in Part I you answered Interrogatory 3 "No,"
21 or if you admitted Request 4, you do not have to answer anything
22 in this Part II and may keep or dispose of the three copies
23 of this Part II.]

24 -----
25 INTERROGATORY 6. a. Have you ever used any of the
26 Waters of the San Pedro River Watershed?

27 Yes No

28 b. If so, on the following table state the inclusive
29 dates of such use, a description of the place and manner in
30 which the water was used, each year in which water was used,
31 the purposes for which water was used, and the quantity used that
32 year. [If purpose was to irrigate land, show acres irrigated

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COX AND COX and RODNEY B. LEWIS

By Alfred S. Cox
Attorneys for plaintiff

STATE OF)
County of) : ss

I do hereby solemnly swear or affirm that I have read the foregoing Interrogatories and my answers thereto and that my answers are true.

Robert L. Bundy
Notary Public

Subscribed and sworn to before me _____

1978.

My commission expires _____

Notary Public

CERTIFICATION

I certify that I have answered the foregoing Requests for Admission in Part I and that on _____, 1978, I mailed/delivered a copy of my answers to Interrogatories and Requests for Admission in Part I to:

Cox and Cox and Rodney B. Lewis
300 Luhrs Tower
Phoenix, Arizona 85003
Attorneys for plaintiff

1	Date	Maximum quantity	Legal description
2			
3	1960	18 acre <i>1/4</i>	6 livestock tanks
5			
6			
7	approx 1880 1900	6000 gal/day	3 artesian wells SW NW } sec 28 NE SW } NW SW }
10			
11			

12 REQUEST 4. Community's rights to the use of sufficient
13 water from the Gila River and its tributaries, including Waters
14 of the San Pedro River Watershed, to irrigate at least 250,000
15 acres of arid arable Reservation land are paramount, prior, and
16 superior to any of your rights to the use of Waters of the San
17 Pedro River Watershed.

18 ADMIT _____ DENY _____

22 [IF YOU ADMIT REQUEST 4, YOU NEED NOT ANSWER REQUEST 5 OR ANY OF
23 THE REQUESTS FOR ADMISSION OR INTERROGATORIES IN PART II AND
24 YOU DO NOT HAVE TO RETURN ANY OF THE THREE COPIES OF PART II.
25 READ AND FOLLOW INSTRUCTION B FOR SIGNING, VERIFYING, AND SERVING
26 THE COPIES OF THIS PART I.]

27 REQUEST 5. Community's rights to the use of Waters of
28 the San Pedro River Watershed are paramount, prior, and superior
29 to any of your rights to the use of Waters of the San Pedro
30 River Watershed.

31 ADMIT _____ DENY _____

~~726 200 944 11/11~~

d. The name, residence address, post office address, and telephone number of each other person or entity having any interest in the land and a description of the interest held by each such person or entity.

Wini Fred J Bundy wife of Robert C Bundy
Drawer AE Joint tenents with
Benson AZ right of survivor
85602

INTERROGATORY 3. a. Do you claim any right to use any of the Waters of the San Pedro River Watershed?

Yes No

[IF YOUR ANSWER IS "NO," YOU NEED NOT ANSWER THE FOLLOWING REQUESTS FOR ADMISSIONS IN THIS PART I OR ANY IN PART II AT THIS TIME AND YOU DO NOT HAVE TO RETURN ANY OF THE THREE COPIES OF PART II. READ AND FOLLOW INSTRUCTION B ABOVE FOR SIGNING, VERIFYING, AND SERVING COPIES OF PART I.]

b. If your answer is "Yes," for each claimed right state date of priority claimed, the maximum quantity of water per annum you contend may be used, and the legal description of the place of use or of the land to which such water right is appurtenant:

Date	Maximum quantity	Legal description
1958 wells	2,102,400, 000 gal/yr (4000 gal/min)	See 2b.
1958	500 hd.	livestock water from river
1870 approx.	30 acre x 10 acre ft/yr = 300 acre ft/yr	From dam across San Pedro River in (NW SE) (Sec 28) (2 crops per year @ 5 acre ft/crop or 10 acre ft/yr per acre)

(5)

Exhibit 4

INTERROGATORIES AND REQUESTS

INTERROGATORY 1. State your

Name Robert C. Bundy Telephone Number None
 Residence address 4. Wini. Feed Jean Bundy Post office address
Drawer A E
Benson Arizona
85602

INTERROGATORY 2. a. Do you own any land or any interest in land which is within the San Pedro River Watershed?

Yes No

If so, state:

b. The legal description of the land.

S.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$, S.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$, Portion W of San Pedro River N.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$,
 Portion W of San Pedro River N.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ Portion W of
 San Pedro River S.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ + S.W. $\frac{1}{4}$ + W 2 S.E. $\frac{1}{4}$
 Sec 28 T 16 R 20

N 2 N.W. $\frac{1}{4}$, N.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$, Portion W of San Pedro
 River N.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$, Portion W of San Pedro River
 in strip 660 ft wide on N side of S 2 N.E. $\frac{1}{4}$
 Sec 33 T 16 E R 20 S

(see Detailed tax notice attached for all parcels which are included in above)

c. The full nature of each such interest in the land and the date you acquired each such interest.

owner - deed (see title)
~~May '56~~ Mar. '57
 Dec '75

(see d. below)

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. W1-11-001890

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

92 MAY 14 11:25
FILED
JUDITH A. HARRIS
CLERK

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. 112-17-BAB -001 (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: BUNDY, WINIFRED J.
Address: P.O. BOX 2197
BENSON, AZ 85602

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

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

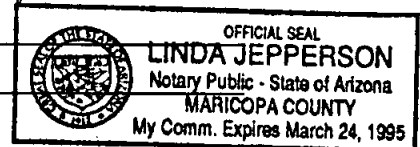
(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well Report, or to information contained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

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

Linda Jepperson
Notary Public for the State of Arizona

Residing at Maricopa County

My commission expires _____



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

STATEMENT OF THE OBJECTION

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

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

REASON FOR OBJECTION

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

CATEGORY
NUMBER

SEE ATTACHMENT 1

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

ATTACHMENT 1

WFR CATEGORY 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 and IR091.

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 and IR091.

* * * *

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 and IR091.

**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. W111001890

92 MAY 23 AM 9:25

FILED
BY JUDITH ALLEN, CLERK
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 _____ or Catalogued Well No. _____
File Report or Zone 2 Well Report No. 11217BAB 001
(please insert no.) (please insert no.)

OBJECTOR INFORMATION

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

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

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

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

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

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: BUNDY, WINIFRED J.
Address: P.O. BOX 2197
BENSON AZ 85602

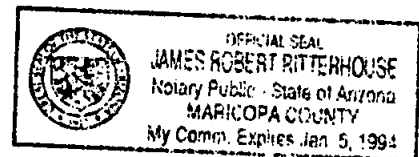
I declare under perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my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

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

SUBSCRIBED AND SWORN to before me this 06 day of May 1992.

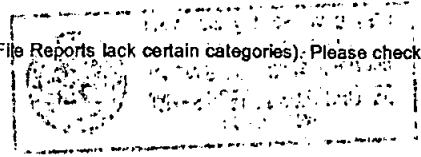
James R. Ritterhouse
Notary Public for the State of Arizona

(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.)



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

Contested Case File: W111001890

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 85003

92 MAY 12 AM 10:53
FILED
BY
JUDITH ALLEN, CLERK
DEP

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

112-17-BAB-001

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 18th day of May, 1992, postage prepaid and addressed as follows:

Name: 112-17-BAB-001
BUNDY, WINIFRED J.

Address: P.O. BOX 2197
BENSON AZ 85602

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

VERIFICATION(must be completed by objector)

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

Gary B. Randall

Signature of Objector or Objector's Representative

Alfred S. Cox

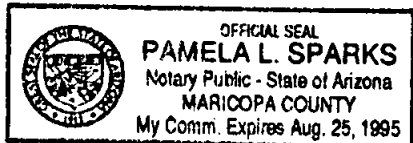
Signature of Co-Objector or Co-Objector's Representative

[Signature]

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

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

Pamela L. Sparks



LE

STATEMENT OF THE OBJECTION

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

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

REASON FOR OBJECTION

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

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

The available historical record does not support the priority date listed in the adjudication filings. (SM 478) (IR090)

The statement of claimant lists a use not verified by DWR. (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)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (3900124560000)
- 3. ADWR fails to list all potential water rights in the WFR summary that have been assigned in the WFR analysis. (SM 220) (3900038980000-IR001; 3900038980000-IR002; 3900124540000-IR001; 3900124540000-IR002; 3900124570000-IR001; 3900124570000-IR002)
- 4. The diversion is not associated with a POU. It may be unused, discontinued or not applicable and should not be assigned a water right. (SM 600)
- 8. ADWR fails to list all potential water rights in the WFR summary that have been assigned in the WFR analysis. (SM 220) (3900038980000-IR001; 3900038980000-IR002; 3900124540000-IR001; 3900124540000-IR002; 3900124570000-IR001; 3900124570000-IR002)

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)

The legal description for the point of diversion listed by ADWR is not fully supported by the applicable filings listed. (SM 623) (W01; W02; W03; W04)

The legal description for the place of use of a potential water right listed by ADWR is not fully supported by applicable filings. (SM 720) (IR090000; IR090001; IR090005; IR090006)

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)

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

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

No. W1,W2,W3 & W4
W1-11-001890

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 - 17 - BAB - 001
(please insert no.)
or Catalogued Well No. _____
(please insert no.)

92 MAY 11 PM 2:24
FILED
BY JUDITH ALLEN, CLERK
DEP

OBJECTOR INFORMATION

Objector's Name: Magma Copper Company (1267) ASARCO Incorporated (1263)
Objector's Address: 7400 North Oracle Rd P.O. Box 8
Suite 200 Hayden, Arizona 85235
Tucson, Arizona 85704
Objector's Telephone No.: (602) 575-5600 (602) 356-7811

* The names, addresses and telephone numbers of Objectors' attorneys are on the back of this form.

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):
Magma Copper Company: 113-08-XXXX-022, et al. ✓
ASARCO Incorporated: 114-01-XXXX-005, et al. ✓

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):
NOT APPLICABLE

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):
39 - NOT APPLICABLE

STATE OF ARIZONA

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, 1992, postage prepaid and addressed as follows:

Name BUNDY, WINIFRED J.
and P.O. BOX 2197
Address BENSON, AZ 85602

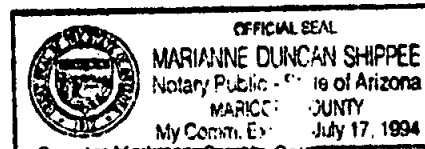
I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based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

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

Gene O'Brien
Signature of Objector's Representative (ASARCO)

SUBSCRIBED AND SWORN to before me this 11th day of May, 1992
Marianne Duncan Shippee

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



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.

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- 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

602.382.6000

602.382.6000

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