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

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

CIVIL NO. W1-11-2503  
ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Magma Copper - Irrigation*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.  
DESCRIPTIVE SUMMARY: The Special Master initiates contested case W1-11-2503 to address objections to watershed file report 113-08-AD-002.  
NUMBER OF PAGES: 15.  
DATE OF FILING: July 12, 2018.

This Order initiates a contested case to resolve objections to watershed file report 113-08-AD-002 (WFR) that sets forth proposed water rights for domestic and irrigation water uses. The statements of claimant considered in this watershed file report were filed by Magma Copper Company and Hampton & Hicks. Based on Pinal County Assessor's public records, it does not appear that Hampton & Hicks currently owns the land which is the subject of the

1 WFR. Magma Copper Company is identified in the Pinal County Assessor's records as the  
2 landowner of the majority of the land listed in the WFR. Show Low Acquisition Company is  
3 identified as the owner of 40 acres labelled as the Mill Site #1 Mng Claim located in NESE  
4 Sec. 24 T9S R17E. The public records of Arizona Department of Water Resources do not  
5 include a statement of claimant filed by Show Low Acquisition Company. Although Show  
6 Low Acquisition Company is not a claimant, a courtesy copy of this order shall be sent to the  
7 address of record for Show Low Acquisition Company with the Pinal County Assessor's  
8 Office.

9 **IT IS ORDERED:**

10 1. Contested Case. This contested case shall be known as *In re Magma Copper -*  
11 *Irrigation* and it will address the objections that were filed to the watershed file report 113-08-  
12 AD-002 published in the Final San Pedro River Watershed Hydrographic Survey Report  
13 (1991).

14 2. Litigants. The litigants in this contested case are the Claimants, all persons who  
15 filed objections to the listed watershed file reports who are listed on Attachment B, and  
16 claimants who are allowed to intervene by order.

17 3. Court-Approved Mailing List.

18 A. The initial Court-approved mailing list for this case shall include all  
19 persons listed on Attachment C to this order. The list may be modified only by  
20 filing a motion with the Special Master to amend the Court-approved mailing  
21 list. Litigants are responsible for using the current Court-approved mailing list.

22 B. A copy of any pleading filed with the Clerk of the Maricopa County  
23 Superior Court in this case shall be served upon each person listed on the Court-  
24 approved mailing list.  
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C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the mailing list.


4. Courtesy Email List.

The Special Master's office will email courtesy copies of orders and minute entries entered in this case to persons listed on Attachment B. Requests for inclusions on the email list should be sent to Barbara Brown at [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

An initial scheduling conference shall be held to determine the process to resolve the objections made to the claims for water rights at issue on **August 23, 2018**, at 1:30 p.m. before:

Special Master Susan Ward Harris  
Superior Court of Arizona  
201 West Jefferson Street  
Courtroom 301  
Phoenix, AZ 85003-2202

Instructions for telephonic appearance:  
Dial: 602-506-9695 (local)  
1-855-506-9695 (toll free long distance)  
Dial Participant Pass Code 357264#

  
SUSAN WARD HARRIS  
Special Master

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On July 12, 2018, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached hereto as Attachment B, and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).

*Barbara K. Brown*

Barbara K. Brown

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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
MAGMA COPPER COMPANY	113-08-AD-002

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1101013.5100		IRRIGATION	1800.00	S2NW24	090S	170E	1917	SWSE24	090S	170E
10-1101014.5100		IRRIGATION DOMESTIC STOCK OTHER	9000.00	NESW24	090S	170E	1917	NWSESW30	090S	170E
10-1101157.1200		IRRIGATION	10800.00	NESW14	090S	170E	1877		090S	170E
10-1101275.1100		IRRIGATION	10800.00	NE15	090S	170E	1878		090S	170E
10-1103296.1100		IRRIGATION STOCK OTHER	1800.00	NESW14	090S	170E	1886	N231	090S	180E
10-1103407.1100		IRRIGATION DOMESTIC	1800.00	E2NE02	090S	170E	1887	NWNESE23	090S	170E
10-1103552.1100		IRRIGATION STOCK OTHER	1800.00	W2NW02	090S	170E	1888	N231	090S	170E
10-1103560.1100		IRRIGATION DOMESTIC	9000.00	NWNW15	090S	170E	1888	NWNESE23	090S	170E
10-1104595.1100		IRRIGATION STOCK		S2NE15	090S	170E	1888	NWNESE23	090S	170E
10-1115351.1100		IRRIGATION DOMESTIC STOCK OTHER	1800.00	SE15	090S	170E	1916	NE23	090S	170E
36-0102334		IRRIGATION STOCK	1830.00	NESW15	090S	170E	1887	SE23	090S	170E
36-0102335		IRRIGATION STOCK	372.00	S2NENE23	090S	170E	1890	SW30	090S	180E
36-0102336		IRRIGATION	1900.00	NWSWNE23	090S	170E	1877	NW15	090S	170E
39-0003159		IRRIGATION	35.00	E2SWNE23	090S	170E	< 1947	SE23	090S	170E
39-0003162	AMENDED	IRRIGATION DOMESTIC STOCK	75.00 5.00	S2SWNW10	090S	170E	1887	SWSESE24	090S	170E
39-0003165	AMENDED	DOMESTIC STOCK	1.25	NWSW10	090S	170E	1877	NWSWSE24	090S	170E
39-0004351		IRRIGATION	2172.00	NESWSW10	090S	170E	< 1978	SWSESW24	090S	170E
39-0004352		IRRIGATION	60.00	SWNW14	090S	170E	< 1941	NWSWSE24	090S	170E
39-0005228	AMENDED	IRRIGATION	1176.00	W2SESW14	090S	170E	1877	SWSESW14	090S	170E
39-0005229		IRRIGATION	60.00	W2SW14	090S	170E		NWSWSE24	090S	170E
39-0005230	AMENDED	IRRIGATION	2172.00	SE24	090S	170E	< 1887	SWSESW24	090S	170E
39-0005231	AMENDED	IRRIGATION DOMESTIC STOCK	371.50 .50				< 1877	SWSESW10	090S	170E

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1101013.5100	IRRIGATION	IRRIGATION	W01, W02, W03 W05, W06	IRO90, PS001
10-1101014.5100	IRRIGATION	IRRIGATION	W01, W02, W03	DMO01, IRO90, PS001

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1101014.5100	DOMESTIC STOCK POWER OTHER	DOMESTIC INCIDENTAL NONE	W05,W06	
10-1101157.1200	IRRIGATION	IRRIGATION	W05	IROO1
10-1101275.1100	IRRIGATION	IRRIGATION		IROO1
10-1103296.1100	IRRIGATION STOCK OTHER	IRRIGATION INCIDENTAL NONE	W01,W02,W03 W05,W06	IRO90,PS001
10-1103407.1100	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	W01,W02,W03 W05,W06	DM002, IRO90, PS001
10-1103552.1100	IRRIGATION STOCK OTHER	IRRIGATION INCIDENTAL NONE	W01,W02,W03 W05,W06	IRO90,PS001
10-1103560.1100	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	W05	DM002, IROO1
10-1104595.1100	IRRIGATION STOCK	IRRIGATION INCIDENTAL	W05	IROO1
10-1115351.1100	IRRIGATION DOMESTIC STOCK OTHER	IRRIGATION DOMESTIC INCIDENTAL NONE		DM001, IROO1, IRO90
36-0102334	IRRIGATION STOCK	IRRIGATION STOCK	W01,W02,W03 W05,W06	IRO90,PS001
36-0102335	IRRIGATION STOCK	IRRIGATION INCIDENTAL	W01,W02,W03 W05,W06	IRO90
36-0102336	IRRIGATION	IRRIGATION	W05	IROO1
39-0003159	IRRIGATION	IRRIGATION	W01	IROO2, IROO3
39-0003162	IRRIGATION DOMESTIC STOCK	DISCONTINUED DOMESTIC INCIDENTAL	W03	DM001, IRO90, IRO91 IRO92
39-0003165	DOMESTIC STOCK	DOMESTIC INCIDENTAL	W03	DM001
39-0004351	IRRIGATION	IRRIGATION	W01	IROO2, IROO3
39-0004352	IRRIGATION	DISCONTINUED	W03	IRO90, IRO92, PS001
39-0005228	IRRIGATION	IRRIGATION	W05	IROO1, IRO90, IRO94
39-0005229	IRRIGATION	DISCONTINUED	W03	IRO90, IRO91, IRO92
39-0005230	IRRIGATION	IRRIGATION	W01	IROO2, IROO3
39-0005231	IRRIGATION DOMESTIC STOCK	DISCONTINUED NONE NONE	W06	IRO90, IRO94

D I V E R S I O N S

LOCATION					WATER SOURCE AND CLASSIFICATION
DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	
W01	SWSESE24	090S	170E	UNNAMED	GROUNDWATER : ZONE 2
W02	NWSWSE24	090S	170E	UNNAMED	GROUNDWATER : ZONE 2 UNUSED
W03	NWSWSE24	090S	170E	UNNAMED	GROUNDWATER : ZONE 2
W04	NENWNE23	090S	170E	UNNAMED	GROUNDWATER : ZONE 2 UNUSED
W05	SWSESW14	090S	170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W06	SWSESW10	090S	170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED

U S E S

PWR #	LOCATION			SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
	SECTION	TWNP	RNGE					
DM001	NWSWSE24	090S	170E	W03	GROUNDWATER : ZONE 2			NO
DM002	NWSENE15	090S	170E	W05	GROUNDWATER : ZONE 1			NO
IROO1	NE15	090S	170E	W05	GROUNDWATER : ZONE 1	1935	YES	
	SE15	090S	170E					
	SW14	090S	170E					
	NESE23	090S	170E					
	SWNW24	090S	170E					
IROO2	SESW24	090S	170E	W01	GROUNDWATER : ZONE 2	1945		NO
	SWSE24	090S	170E					
IROO3	NWNE25	090S	170E	W01	GROUNDWATER : ZONE 2	1979		NO

PWR #	LOCATION			SUPPLIED BY		PHOTO DATE	SOURCE CHANGE	FACILITY NAME
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES			
IRO03	SWSE24	090S	170E					
IRO90	NE15	090S	170E	WO1, WO3, WO5	GROUNDWATER : ZONE 1	1935	YES	
	NW10	090S	170E		GROUNDWATER : ZONE 2			
	NW14	090S	170E					
	NW15	090S	170E					
	SE15	090S	170E					
	SW10	090S	170E					
	SW14	090S	170E					
	SW24	090S	170E					
IRO91	NESW24	090S	170E	WO3	GROUNDWATER : ZONE 2	1945	NO	
IRO92	NE23	090S	170E	WO3	GROUNDWATER : ZONE 2	1955	NO	
	NW24	090S	170E					
	SE23	090S	170E					
	SW24	090S	170E					
IRO93	NENW23	090S	170E	WO4	GROUNDWATER : ZONE 2	1979	NO	
	NWNE23	090S	170E					
IRO94	NESE15	090S	170E	WO5	GROUNDWATER : ZONE 1	1984	NO	
	NESW10	090S	170E					
	NWSW10	090S	170E					
	SENE15	090S	170E					
	SESW10	090S	170E					
	SWSW10	090S	170E					

R E S E R V O I R S

PWR #	LOCATION			SUPPLIED BY		PHOTO DATE	RESERVDIR NAME	STORAGE PURPOSE
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES			
PS001	SENE	SW24	090S	170E	WO3	1935	CRYSTAL LAKE	IRRIGATION

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS FOR DATE	DATE	
DM001	39-0003162 39-0003165 39-0004352 39-0005229	10-1101013.5100			GROUNDWATER : ZONE 2
		10-1101014.5100			
		10-1103296.1100			
		10-1103407.1100			
		10-1103552.1100			
		10-1115351.1100			
		36-0102334			
		36-0102335			
		36-0102336			
		36-0102337			
DM002	39-0005228	10-1101013.5100			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
		10-1101014.5100			
		10-1101157.1200			
		10-1103296.1100			
		10-1103407.1100			
		10-1103552.1100			
		10-1103560.1100			
		10-1104595.1100			
		36-0102334			
		36-0102335			
IRO01	39-0005228	10-1101013.5100	1886 FILING	36-102334	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
		10-1101014.5100			
		10-1101157.1200			
		10-1101275.1100			
		10-1103296.1100			
		10-1103407.1100			
		10-1103552.1100			
		10-1103560.1100			
		10-1104595.1100			
		10-1115351.1100			
IRO02	39-0003159 39-0004351 39-0005230	10-1101013.5100	1945	1945 AERIAL PHOTO	GROUNDWATER : ZONE 2
		10-1101014.5100			
		10-1103296.1100			
		10-1103407.1100			
		10-1103552.1100			



PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IR002		36-0102334 36-0102335		
IR003	39-0003159 39-0004351 39-0005230	10-1101013.5100 10-1101014.5100 10-1103296.1100 10-1103407.1100 10-1103552.1100 36-0102334 36-0102335	1979 1979 AERIAL PHOTO	GROUNDWATER : ZONE 2
IR090	39-0003159 39-0003162 39-0003165 39-0004351 39-0004352 39-0005228 39-0005229 39-0005230 39-0005231	10-1101013.5100 10-1101014.5100 10-1101157.1200 10-1103296.1100 10-1103407.1100 10-1103552.1100 10-1103560.1100 10-1104595.1100 10-1115351.1100 36-0102334 36-0102335 36-0102336	1886 FILING 36-102334	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2
IR091	39-0003162 39-0003165 39-0004352 39-0005229	10-1101013.5100 10-1101014.5100 10-1103296.1100 10-1103407.1100 10-1103552.1100 36-0102334 36-0102335	1945 1945 AERIAL PHOTO	GROUNDWATER : ZONE 2
IR092	39-0003162 39-0003165 39-0004352 39-0005229	10-1101013.5100 10-1101014.5100 10-1103296.1100 10-1103407.1100 10-1103552.1100 36-0102334 36-0102335	1955 1955 AERIAL PHOTO	GROUNDWATER : ZONE 2
IR093	NONE	NONE	1979 1979 AERIAL PHOTO	GROUNDWATER : ZONE 2
IR094	39-0005228 39-0005231	10-1101013.5100 10-1101014.5100 10-1101157.1200 10-1103296.1100 10-1103407.1100 10-1103552.1100 10-1103560.1100 10-1104595.1100 36-0102334 36-0102335 36-0102336	1984 1984 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
PS001	39-0003162 39-0003165 39-0004352 39-0005229	10-1101013.5100 10-1101014.5100 10-1103296.1100 10-1103407.1100 10-1103552.1100 36-0102334 36-0102335	1935 1935 AERIAL PHOTO	GROUNDWATER : ZONE 2

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
DMOO2							SEE VOLUME 1 - GENERAL ASSESSMENT
IR001	MAX. OBSERVED REGIONAL	167.1 167.1	MULTI CROPS AVE. CROP	58% 50%	4.8 AF/AC 5.4 AF/AC	802.1 AFA 902.3 AFA	
	MAX. POTENTIAL	167.1	ALFALFA	58%	5.7 AF/AC	952.5 AFA	
IR002	MAX. OBSERVED REGIONAL	6.3 6.3	SUMMER PSTR AVE. CROP	38% 50%	5.4 AF/AC 5.4 AF/AC	34.0 AFA 34.0 AFA	
	MAX. POTENTIAL	6.3	ALFALFA	38%	8.8 AF/AC	55.4 AFA	
IR003	MAX. OBSERVED REGIONAL	16.8 16.8	SUMMER PSTR AVE. CROP	38% 50%	5.4 AF/AC 5.4 AF/AC	90.7 AFA 90.7 AFA	
	MAX. POTENTIAL	16.8	ALFALFA	38%	8.8 AF/AC	147.8 AFA	
IR090	REGIONAL	107.2	NO CROP				DISCONTINUED IRRG.

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IRO91	REGIONAL	1.3	NO CROP				DISCONTINUED IRRG.
IRO92	REGIONAL	133.3	NO CROP				DISCONTINUED IRRG.
IRO93	REGIONAL	23.1	NO CROP				DISCONTINUED IRRG.
IRO94	REGIONAL	7.0	NO CROP				DISCONTINUED IRRG.
PS001	MAX. AREA/CAP	2.0				15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 10-1101014-51 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, POWER, AND OTHER USES. NO POWER OR OTHER USES WERE FOUND AT THE CLAIMED LOCATION.  
 FILING 10-1103296-11 - CLAIMS IRRIGATION, STOCKWATERING, AND OTHER USES. NO OTHER WATER USES WERE FOUND AT THE CLAIMED LOCATION.  
 FILING 10-1103522-11 - CLAIMS IRRIGATION, STOCKWATERING, AND OTHER USES. NO OTHER WATER USES WERE FOUND AT THE CLAIMED LOCATION.  
 FILING 10-1115351-11 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, AND OTHER USES FROM THE THE SAN PEDRO RIVER. NO OTHER WATER USES WERE FOUND AT THE CLAIMED LOCATION.  
 FILING 39-5231 - CLAIMS DOMESTIC AND STOCKWATERING USES SUPPLIED FROM AN UNUSED WELL.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.  
 W2, W4 & W6 - UNUSED WELLS.  
 W3 & W5 - WELLS PROVIDE WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.

USES AND RESERVOIRS

DM1 & DM2 - DOMESTIC USES.  
 IR1 - IRRIGATED MULTIPLE CROPS (ALFALFA, PASTURE, AND HAY).  
 IR2-IR3 - IRRIGATED PASTURE.  
 IR90-IR94 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON A PORTION OF THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.  
 PS1 - PRIMARY STORAGE RESERVOIR (CRYSTAL LAKE), SUPPLIED BY WELL W3, IS USED FOR IRRIGATION PURPOSES.

# ATTACHMENT B

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ASARCO, Inc.  
L.J. Caster, B.J. Heiserman, B.J. Pew  
Fennemore Craig, P.C.  
2394 East Camelback Road, Ste 600  
Phoenix, AZ 85016

City of Phoenix  
Charles L. Cahoy, Assistant City Attorney  
200 West Washington 13<sup>th</sup> Floor  
Phoenix, AZ 85003

Gila River Indian Community  
Linus Everling and Thomas L. Murphy  
Office of the General Counsel  
P. O. Box 97  
Sacaton, AZ 85147

Magma Copper Company  
P. O. Box M  
San Manuel, AZ 85631

Salt River Project  
Salmon, Lewis & Weldon, P.C.  
2850 East Camelback Road, Ste. 200  
Phoenix, AZ 85016

San Carlos Apache Tribe  
Tonto Apache Tribe  
Joe P. Sparks and Laurel A. Hermann  
The Sparks Law Firm, P.C.  
7503 First Street  
Scottsdale, AZ 85251-4573

U. S. Department of Justice  
R. Lee Leininger  
Natural Resources Section  
999 18<sup>th</sup> Street, So Terrace, Ste. 370  
Denver, CO 80202

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Yavapai-Apache Nation  
Camp Verde Reservation  
Susan B. Montgomery and Robyn L. Interpreter  
Montgomery & Interpreter, PLC  
3301 E. Thunderbird Road  
Phoenix, AZ 85032

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**ATTACHMENT C**

Court Approved Mailing List  
In re Magma Copper - Irrigation case no. W1-11-2503  
W1-11-2503 (13 Names)  
Prepared by the Special Master  
7/12/2018

---

Charles L. Cahoy, Asst. City  
Attorney  
Phoenix City Attorney's Office  
200 W. Washington 13th Flr.  
Phoenix, AZ 85003

L. J. Caster, B.J. Heiserman, B.  
J. Pew  
Fennemore Craig, P.C.  
2394 East Camelback Road  
Ste 600  
Phoenix, AZ 85016-3429

Clerk of the Superior Court  
Maricopa County  
Attn: Water Case  
601 West Jackson Street  
Phoenix, AZ 85003

Linus Everling and Thomas L.  
Murphy  
Gila River Indian Community  
Office of the General Counsel  
P. O. Box 97  
Sacaton, AZ 85147

Hampton & Hicks  
P O BOX 128  
San Manuel, AZ 85331

Magma Copper Company  
P.O. Box M  
San Manuel, AZ 85631

Joe P. Sparks and Laurel A.  
Herrmann  
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