

1 JOHN E. THORSON, SBA #13433
 Special Master
 Arizona General Stream Adjudication
 2 Arizona State Courts Building, Suite 228
 3 1501 West Washington
 Phoenix, AZ 85007
 4 (602) 542-9600

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

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

W-1 (Salt)
 W-2 (Verde)
 W-3 (Upper Gila)
 W-4 (San Pedro)
 Consolidated

Contested Case No. W1-11-00001

CASE MANAGEMENT ORDER
 No. 1: SPECIAL REQUIREMENTS
 FOR FILING NUMEROUS
 OBJECTIONS TO THE SAN
 PEDRO RIVER HYDRO-
 GRAPHIC SURVEY REPORT

16 CONTESTED CASE NAME: *In re General Procedures for Adjudication of San Pedro*
 17 *River Watershed.*

18 DESCRIPTIVE SUMMARY: The Special Master issues a case management order,
 19 applicable to all persons who anticipate filing 25 or more objections to the San Pedro
 20 River Watershed Hydrographic Survey Report, establishing certain filing
 21 procedures including, in some cases, the use of uniform objection terms and codes
 and the submission of objection information to DWR on computer media and in a
 standardized form.

22 NUMBER OF PAGES - 9; Attachment 1 - 10; Attachment 2 - 1; Total - 20.

23 DATE OF FILING: January 21, 1992.

25 THIS MATTER COMING before the Special Master on his own motion, after
 26 consultation with the Steering Committee for the Gila River Adjudication

1 (pursuant to a series of meetings, notice of which was provided to the Court-
2 approved mailing list); and the Master being fully advised;

3 IT IS HEREBY ORDERED that the following special filing requirements shall
4 apply to those persons filing numerous objections to the San Pedro River
5 Hydrographic Survey Report (HSR):

6 **1. Introduction**¹

7 Because numerous objections are expected to be filed to the San Pedro River
8 HSR, special filing requirements are imposed on those persons who anticipate filing
9 numerous objections. These special filing requirements will assist (a) the parties to
10 the adjudication in formulating and organizing their objections; (b) the Clerk of the
11 Superior Court in filing and docketing objections to the San Pedro River HSR; and
12 (c) the Special Master in identifying objections which raise issues of broad legal
13 importance, in consolidating common issues of law and fact, and in otherwise
14 managing the expected large volume of objections.

13 **2. Brief Description of Special Filing Requirements**

14 Two sets of special filing requirements are set forth in this Order. The first set
15 of procedures ("Multiple Objection Filing Procedures," *see* section 3, *below*) pertains
16 to the filing of objections with the Clerk of the Superior Court. The second set of
17 procedures ("Uniform Objection Process," *see* section 4, *below*) requires the use of a
18 uniform set of objection terms and codes in preparing and filing objections to the
19 San Pedro River HSR and the submission of this coded information to DWR on
20 computer media and in a standardized form.

18 **3. Multiple Objection Filing Procedures**

19 **[a] Persons Required to Comply**

20 Any person who, during the objection period on the San Pedro River HSR,
21 files objections to 25 or more Watershed File Reports; 25 or more Zone 2 Well
22 Reports; 25 or more Catalogued Wells; makes 25 or more objections to Volume 1 of
23 the HSR; or, as a result of any combination of the preceding, files 25 or more
24 separate objection forms, shall comply with these Multiple Objection Filing
25 Procedures.

26
27 ¹*See* RULES FOR PROCEEDINGS BEFORE THE SPECIAL MASTER § 1.00 (Nov. 1, 1991) for
28 definitions of terms used in this Order.

1 **[b] Requirements**

2 A person who is required to comply with these Multiple Objection Filing
3 Procedures shall file that person's objections to the San Pedro River HSR as follows:
4 The original and two copies (including all attachments) of each objection shall be
5 mailed or submitted in person to the Clerk of the Superior Court for filing at the
6 following location:

7 Clerk of the Superior Court
8 Attn: Water Case
9 Records Management Center
10 3345 W. Durango Street
11 Phoenix, AZ 85009²

12 The original of each objection shall be immediately followed by the two
13 copies. Separate stacks of original objections and copies will not be accepted by the
14 Clerk. The objections shall be arranged by ascending Volume 1 page number,
15 Watershed File Report Number, Zone 2 Well Report Number, and Catalogued Well
16 Number (*see* the indices in Volume 2 of the HSR). The objections shall be arranged
17 with the lowest number "on top of the stack."

18 Objectors filing large numbers of objections in person with the Clerk of the
19 Superior Court are *requested* to make an appointment with the Clerk's Office before
20 bringing in objections to be filed. The failure to make such an appointment, while
21 disruptive of the processes of the Clerk's Office, will not preclude the filing of
22 objections before the deadline.

23 **4. Uniform Objection Process**

24 **[a] Purpose**

25 The uniform objection process consists of terms and codes used to categorize
26 objections to the San Pedro River HSR. Its purpose is to assist the Special Master,
27 Clerk of the Superior Court, Department of Water Resources, and litigants in
28 identifying like issues for consolidation and in managing the contested cases in the
adjudication. The process also assists claimants in the formulation of potential
objections.

²Filing of objections at the Durango Street Records Management Center will benefit all participants as it will remove the filing and processing of the objections from normal civil filings. The Clerk's Office is already strained in its efforts to staff this case and does not have the resources necessary to have personnel familiar with the water case in both the downtown and Durango Street locations.

1 With the assistance of the Steering Committee for the Gila River
2 Adjudication, the Special Master has prepared a list of uniform objection terms and
3 codes which appears as Attachment 1 to this Order. This list sets forth, in outline
4 form, major objection categories and specific objection terms under each category.
5 Each objection term is assigned a unique code number.

6 The list of uniform objection terms and codes is not to be used as a "shopping
7 list" for objections. An objection must state in clear and concise language the
8 particular factual and/or legal reasons for the objection and describe the evidence to
9 support those reasons. The use of these uniform objection terms by themselves
10 usually will not satisfy this requirement.

11 [b] Persons Required to Comply

12 Any person who, during the objection period on the San Pedro River HSR,
13 files objections to 50 or more Watershed File Reports; 50 or more Zone 2 Well
14 Reports; 50 or more Catalogued Wells; makes 50 or more objections to Volume 1 of
15 the HSR; or, as a result of any combination of the preceding, files 50 or more
16 separate objection forms, shall also comply with the Uniform Objection Process set
17 forth in this section 4.

18 Any other person may elect to follow this Uniform Objection Process by
19 following the procedure set forth in the next subparagraph.

20 [c] Notice of Intent to Comply With Uniform Objection Process

21 Any person who is required or desires to file objections pursuant to this
22 Uniform Objection Process shall notify DWR of that person's intent, in writing, no
23 later than April 17, 1992. Even though an objector may not know for a certainty
24 whether the objector will exceed the threshold for filing objections pursuant to the
25 Uniform Objection Process until closer to the objection deadline, the objector should
26 notify DWR by April 17th if it is probable that the threshold will be exceeded.

27 Any person who is required or desires to comply with this Uniform Objection
28 Process (referred to in this section 4 as "Objector") shall file that person's objections
to the San Pedro River HSR by following the procedure set forth in the next
subparagraph.

[d] Submission of Uniform Objection Information

On or before June 12, 1992, each person who is required or desires to file
objections pursuant to this Uniform Objection Process shall submit to DWR, on
computer media, its objections to the HSR utilizing the Uniform Objection Codes
listed in Attachment 1 to this Order. If, within a major objection category (*e.g.*,
"Objections Concerning Diversions"), a specific objection term does not accurately
describe the objection, the objector can use the more general objection code (*e.g.*,

1 "600"). This has the same result as indicating a general diversion objection. This
2 computerized submission shall be prepared as follows (see Attachment 2, Summary
of Required Codes by Objection Classification):

3 [1] *Objections to Volume 1 (Excluding Major User Reports)*

4 If an Objector objects to any portion of Volume 1 of the HSR, excluding
5 the Major User Reports, the Objector shall code the location of the
6 objection, by chapter or appendix, using the codes in Part I of
Attachment 1. No other objection code is necessary.

7 [2] *Objections to Major User Reports in Volume 1*

8 If an Objector objects to a Major User Report³ in Volume 1 of the HSR,
9 the Objector shall code the location of the Major User Report in
Chapter 5, using the codes in Part I of Attachment 1, and shall also code
10 the identity of the Major User using the identification codes in Part III
11 of Attachment 1. An objection to a Major User Report will usually
require an objection to the Watershed File Report pertaining to that
12 Major User.

13 [3] *Objections to Watershed File Reports*

14 If an Objector objects to any portion of a Watershed File Report
15 (Volumes 3-6 of the HSR), the Objector shall specify the uniform
objection codes, using the codes in Part II of Attachment 1, that describe
16 the Objector's objection to a Watershed File Report. For each
Watershed File Report objected to, the Objector need only provide in
17 computerized form the Watershed File Report Number and the
relevant uniform objection codes for that Watershed File Report.
18

19 [4] *Objections to Zone 2 Well Reports*

20 If an Objector objects to any portion of a Zone 2 Well Report (Volume 7
21 of the HSR), the Objector shall specify the uniform objection codes,
using the codes in Part II of Attachment 1, that describe the Objector's
22 objection to the Zone 2 Well Report. For each Zone 2 Well Report
objected to, the Objector need only provide in computerized form the
23 Zone 2 Well Report Number and the relevant uniform objection codes
for that Zone 2 Well Report.
24

25
26 ³The use of the term, "major user," which is taken from Volume 1 of the San Pedro HSR, does not
27 imply any determination by the Court as to the amount of water used by these parties. DWR should use
the term, "major party," in subsequent HSRs.
28

1 [5] *Objections to Catalogued Wells*

2 If an Objector objects to a Catalogued Well (Volume 8 of the HSR), the
3 Objector shall specify the uniform objection codes, using the codes in
4 Part II of Attachment 1, that describe the Objector's objection to the
5 Catalogued Well. For each Catalogued Well objected to, the Objector
6 need only provide in computerized form the Catalogued Well Number
7 and the relevant uniform objection codes for that Catalogued Well.

6 [6] *Relationship of Major Users to Other Users*

7 Frequently, the water uses of an individual water user are related to the
8 water uses of a Major User such as an irrigation district, municipal
9 water provider, or governmental entity. For instance, an irrigation
10 district may have claimed water in behalf of its members. An
11 individual landowner⁴ may have claimed water that is being supplied
12 by a municipality. A permittee or lessee may have claimed water for
13 land owned by the federal or state government.

12 In cases where the water uses of an individual landowner are
13 somehow related to the water uses or claims of a Major User, it is
14 important to provide the objection code for the Major User (Part III of
15 Attachment 1) in the objection to the individual landowner's
16 Watershed File Report. Furnishing this information assists the Clerk
17 and the Special Master in providing notice of subsequent contested case
18 proceedings to the appropriate persons.

16 [e] Format for Submission of Objection Information to DWR

17 The computerized, coded objection information shall be submitted to DWR
18 on a 3.5 inch disk; a 5.25 inch disk; or on 0.5 inch, 9-track magnetic tape. The
19 computerized, coded objection information shall be submitted in ASCII form
20 utilizing flat file, word processing (fixed field), or DBF format. The submission
21 should be accompanied by documentation including the identity of the Objector, the
22 Objector's Watershed File Report Number or Statement of Claimant Number,
23 record lengths, and field definitions (name, length and type). Any person desiring
24 clarification or more information about these requirements should contact Michael
25 Parton at DWR's Adjudication Division, (602) 542-1520.

23 Upon request, DWR will provide to an Objector a computerized data base of
24 all Watershed File Report Numbers, Zone 2 Well Numbers, and Catalogued Well
25 Numbers in the San Pedro River Watershed with an empty field for the insertion by

26 ⁴"Landowner," as used in this Order, means that person or entity listed in a Watershed File
27 Report, Zone 2 Well Report, or Catalogued Well Report as the apparent record owner of land on which
28 a water use occurs.

1 the Objector of the appropriate uniform objection codes. DWR will make the data
2 base available either on computer tape or floppy disk and may charge a reasonable
3 fee for the computer media.⁵

3 [f] Filing and Service of "Hard Copy" Objections

4 Compliance with this uniform objection process does not relieve an Objector
5 of its obligation to file, on or before May 18, 1992, the original and two copies of each
6 objection (using the mandatory objection form) with the Clerk of the Superior
7 Court. The Objector must also serve by mail a copy of each objection on the
8 landowner whose water uses or claims are objected to.⁶

8 In preparing "hard copy" objections for filing with the Clerk, each statement
9 of an objection should contain the applicable code number.⁷ Example:

10 "I object to water use IR 001 for the reason that the
11 claimant failed to exercise due diligence in establishing
12 the right (831)."

12 Additionally, the objection filing requirements contained in the instructional
13 materials sent to claimants in the Gila River adjudication on November 20, 1991,
14 and the objection filing requirements contained in the *Rules for Proceedings Before
15 the Special Master* remain in full force and effect.

15 [g] Significance of Uniform Objection Code Submissions

16 The computerized information and codes submitted pursuant to this
17 uniform objection process have no legal significance in and of themselves. While
18 utilizing this computerized information for preliminary case management
19 purposes, the Special Master will still review the official "hard copy" objections
20 prior to making any final case management decisions. An opportunity will be
21 provided at the scheduling conference in each contested case to discuss with the
22 litigants whether the issues have been appropriately consolidated and whether the
23 proper parties are before the Court.

22 ⁵An objector does not have to purchase a computer tape or floppy disk from DWR in order to
23 prepare the computerized objections. Upon payment of a reasonable fee, DWR is providing such
24 computer media as a convenience. The prohibition against the imposition of fees on Tribes, contained in
25 ARIZ. REV. STAT. § 45-254(F) (1987), applies to the original filing fees that accompanied the
26 statements of claimants.

25 ⁶A question has been raised about how this service requirement will be interpreted in the case of
26 objections to the federally created water rights of an Indian tribe, band, community, or individual.
27 Since the water rights of Tribes and their members will be addressed in separate HSRs and not in
28 watershed HSRs such as the San Pedro HSR, the appropriate objection filing and service requirements
will be determined at that time.

27 ⁷In response to a comment: Since this information will be contained in the "hard copy"
28 objections, the uniform objection information will be served upon the landowner.

1 **5. Exemptions**

2 Any person who would otherwise be required to comply with the provisions
3 of this Order may request an exemption from these special filing requirements. Any
4 person may also request the addition of additional terms and codes to Attachment 1
5 or permission to use that person's own coding system. Such requests may be made
6 by a motion to the Special Master, no later than April 17, 1992, accompanied by an
7 affidavit, indicating that the person does not have the computer resources,
8 computer expertise, or financial means to comply with this Order, desires additions
9 to Attachment 1, or has good reason to use its own coding system. The Master may
10 hold hearings on any such requests (and may require any person using an
11 alternative coding system to provide adequate written documentation about that
12 system).

13 **6. Access to Computerized Information**

14 After DWR has had a reasonable opportunity to compile the uniform
15 objection information submitted in computer form by objectors, the submitted
16 information will be available to the public. Public access to this information must
17 accommodate the prior needs of the Special Master and DWR to use this
18 information for objection analysis and case scheduling. DWR may charge a
19 reasonable fee for information supplied on computer media.

20 **7. Orientation on Special Filing Requirements**


21 The Special Master and DWR will provide two orientation sessions on these
22 special filing requirements for the benefit of persons who are required or desire to
23 follow these requirements. The first orientation will be held at 1:30 p.m. on
24 February 20, 1992, in the Basement Conference Room (Room B044), Arizona
25 Department of Water Resources, 15 South 15th Avenue, Phoenix, Arizona. The
26 second orientation will be held at 1:30 p.m. on February 21, 1992, at the University of
27 Arizona Water Resources Research Center (Conference Room), 350 N. Campbell
28 Avenue, Tucson, Arizona.

8. Additional Information; Addresses

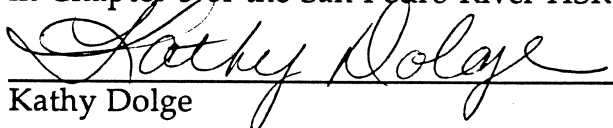
 Additional information on these special filing requirements may be obtained
from DWR. The address for such inquiries, as well as for the notices and
submissions required by this Order, is as follows:

1 Adjudications Division
2 Arizona Department of Water Resources
3 15 South 15th Avenue
4 Phoenix, AZ 85007-3223
5 542-1520 (Phoenix area)
6 1(800) 352-8488 (Toll free from inside Arizona)
7 1(602) 542-1520 (Outside Arizona)

8 Dated this 21st day of January 1992.

9 
10 _____
11 JOHN E. THORSON
12 *Special Master*

13 The foregoing submitted to the Superior
14 Court's Mail Distribution Center this 21st day
15 of January 1992 for filing, copying and
16 mailing to all parties on the Court-approved
17 mailing list for the Gila River adjudication
18 and to those persons listed as "major users"
19 in Chapter 5 of the San Pedro River HSR.

20 
21 _____
22 Kathy Dolge

Attachment 1

**UNIFORM OBJECTION TERMS AND CODES
FOR OBJECTIONS TO THE SAN PEDRO RIVER WATERSHED
HYDROGRAPHIC SURVEY REPORT**

January 21, 1992

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SUMMARY OF REQUIRED CODES BY OBJECTION CLASSIFICATION

1. OBJECTIONS TO VOLUME 1 (excluding Major User reports)
 - Objectors shall provide: location code(s) found in Part I, Attachment 1
2. OBJECTIONS TO MAJOR USER REPORTS IN VOLUME 1
 - Objectors shall provide: location code(s) found in Part I, Attachment 1
identification code(s) for Major Users found in Part III, Attachment 1
may require the use of uniform objection code(s) found in Part II, Attachment 1
3. OBJECTIONS TO WATERSHED FILE REPORTS (Volumes 3-6)
 - Objectors shall provide: uniform objection code(s) found in Part II, Attachment 1
Watershed File Report number
Major User identification code(s) found in Part III, Attachment 1 (if applicable)
4. OBJECTIONS TO ZONE 2 WELL REPORTS (Volume 7)
 - Objectors shall provide: uniform objection code(s) found in Part II, Attachment 1
Zone 2 well report number
Major User identification code(s) found in Part III, Attachment 1 (if applicable)
5. OBJECTIONS TO CATALOGUED WELLS (Volume 8)
 - Objectors shall provide: uniform objection code(s) found in Part II, Attachment 1
catalogued well number
Major User identification code(s) found in Part III, Attachment 1 (if applicable)