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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

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. W1-11-1207

ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Phelps Dodge Corporation I*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case initiated and report due **July 23, 2021**

NUMBER OF PAGES: 10

DATE OF FILING: June 15, 2021

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report 111-24-078 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991) (“HSR”). A copy of the watershed file report is attached as Attachment A. Arizona Department of Water Resources did not include a map of the land investigated in the WFR in Volume 9 of the final HSR.

1 The WFR identified Statement of Claimant 39-2297 (SOC) as the relevant filing for the  
2 potential water right. Phelps Dodge Corporation filed the SOC and subsequently amended it to  
3 claim rights to water for municipal, commercial, mining and stock watering uses. Arizona  
4 Department of Water Resources did not find any uses of water and identified no potential water  
5 rights for the land described in the WFR as located in Townships 23S and 24S and Range 24E.  
6 On August 20, 2015, the SOC was the subject of an assignment as part of a corporate name  
7 change from Phelps Dodge Corporation to Freeport Minerals Corporation (the "Claimant").  
8  
9

10 **IT IS ORDERED:**

11 1. Contested Case. This contested case shall be known as *In re Phelps Dodge*  
12 *Corporation I* and it will adjudicate the claims for water rights asserted in the Statement of  
13 Claimant and objections that were filed to Watershed File Report 111-24-078 published in the  
14 Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can  
15 be found under the case name and number on the following website:  
16 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
17

18 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
19 2. Litigants. The litigants in this contested case are the Claimant, all persons who  
20 filed objections to Watershed File Report 111-24-078, who are included on Attachment B, and  
21 claimants who are allowed to intervene by order.

22 3. Court-Approved Mailing List.

23 A. The initial Court-approved mailing list for this case shall include all  
24 persons listed on Attachment B to this order. The list may be modified only by  
25 filing a motion with the Special Master to amend the Court-approved mailing list.  
26 Litigants are responsible for using the current Court-approved mailing list.


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1 B. A copy of any pleading filed with the Clerk of the Maricopa County  
2 Superior Court in this case shall be served upon each person listed on the Court-  
3 approved mailing list.

4 C. Claimants wishing to be added or removed from the mailing list shall file  
5 a motion with the Special Master. Parties allowed to intervene will be  
6 automatically added to the mailing list.

7  
8 D. The Clerk of the Court will send copies of all minute entries and orders  
9 issued in this case to the parties listed on the Court-approved mailing list. Upon  
10 request, the Clerk of the Court will provide copies by email. Parties may request  
11 emailed copies of minute entries and orders by completing and submitting a  
12 CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS,  
13 which is attached as Attachment C.  
14

15 4. Report. The Claimant shall file a Report by **July 23, 2021**. The Report shall  
16 state whether Claimant intends to withdraw the Statement of Claimant or pursue rights to  
17 appropriable water on the land. If Claimant does not intend to withdraw the Statement of  
18 Claimant, but will seek appropriable water rights, the Report shall include a map and a  
19 description of the land on which the claimed water is used and identify the sources of water. If  
20 Claimant intends to file an amended Statement of Claimant, the Report shall include the  
21 additional information that the Claimant must obtain to file the Amended Statement of Claimant  
22 and the amount of time that Claimant reasonably believes necessary to file an amended Statement  
23 of Claimant.  
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28 SUSAN WARD HARRIS  
Special Master



1 On June 15, 2021, the original of the foregoing was  
2 delivered to the Clerk of the Maricopa County Superior  
3 Court for filing and distributing a copy to all persons  
4 listed on the Court-approved mailing list for this contested  
5 case, a copy of which is attached hereto as Attachment B,  
6 and to all persons listed on the Court-approved mailing  
7 list for W-1, W-2, W-3, and W-4 (Consolidated).  
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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
PHELPS DODGE CORPORATION	111-24-078

## 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 SECTION	LOCATION TWNP	RNGE
39-0002297	APPLICA. AMENDED	IRRIGATION STOCK MUNICIPAL MINING COMMERCIAL/IND							230S 240S	240E 240E

## 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
39-0002297	IRRIGATION STOCK MUNICIPAL MINING RECREATION	NONE NONE NONE NONE NONE		

## P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0002297	NONE		

## E X P L A N A T I O N

## FILINGS AND DECREES

FILING 39-2297 - CLAIMS IRRIGATION, MINING, INDUSTRIAL, MUNICIPAL, STOCKWATERING, AND RECREATION USES. NO WATER USES WERE FOUND AT THE CLAIMED LOCATION. THE PHELPS DODGE CORPORATION OPERATED A DEWATERING UNIT IN THE SAN PEDRO RIVER WATERSHED WHICH PUMPED WATER FROM MINE SHAFTS AND PORTALS. THE UNIT HAS BEEN INACTIVE SINCE 1984.

## DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

AN EXTENSIVE COMMENT WAS RECEIVED WHICH PROVIDED ADDITIONAL INFORMATION ON OWNERSHIP AND WATER USE.

# ATTACHMENT B

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Arizona Department of Water Resources  
Kimberly Parks  
P. O. Box 36020  
Phoenix, AZ 85067

Clerk of the Superior Court  
Maricopa County  
Attn: Water Case  
601 West Jackson Street  
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

Joe P. Sparks and Laurel A. Herrmann  
The Sparks Law Firm, P.C.  
7503 First Street  
Scottsdale, Az 85251-4573

Richard Palmer, Jr., Jeremiah Weiner,  
and Lauren Mulhern  
Rosette, LLP  
565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225

Sean Hood  
Fennemore Craig, P.C.  
2394 E Camelback Rd, St 600  
Phoenix, AZ 85016-3429

Susan Montgomery, R. Interpreter, J. Tomkus  
Montgomery & Interpreter, Plc  
3301 E. Thunderbird Road  
Phoenix, AZ 85032

Special Master Susan Ward Harris  
Superior Court of Arizona  
201 W. Jefferson Street  
Courtroom 301  
Phoenix, AZ 85003

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**ATTACHMENT C**



**CLERK OF THE COURT  
SUPERIOR COURT OF ARIZONA**

Jeff Fine  
Clerk

**MARICOPA COUNTY  
Customer Service Center  
601 West Jackson  
Phoenix, AZ 85003**

602 372-4115  
Water Case Clerk

**CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS**

In an effort to provide more timely and cost effective distribution of copies of filed Water Case documents, the Clerk of the Superior Court would like implement electronic distribution via email. To do so, we require your consent to receive copies of documents electronically at an email address provided to our office.

This consent is voluntary and can be rescinded if you so choose. If you no longer wish to receive Water Case documents from the Clerk of Superior Court electronically, please send written notification to the Clerk of the Superior Court Water Case Specialist at the email address below requesting that all future records be sent in paper form.

Please note that if you consent to receive documents via email, you must notify the Clerk's Office of any change to your email address to avoid delay in receiving future filings. In the event there is no valid email address on file with the Clerk of the Superior Court Water Case Specialist, documents will be mailed to the address provided.

If you wish to consent to receive future documents via email, please either fill out the information below and mail to our office or provide the below information to [Mayra.Antelo@Maricopa.Gov](mailto:Mayra.Antelo@Maricopa.Gov).

Preferred email address:

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Alternate email address:

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Physical address:

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Phone number:

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Firm Name:

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Name [Printed]:

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Signature:

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Date:

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Thank you,

Mayra Antelo  
Clerk of the Superior Court  
Water Case Specialist  
(602) 372-5375 options 7,1,3,4