

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

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

No. W1,W2,W3 & W4
W1-11-001365

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 _____ or Catalogued Well No. _____
File Report or Zone 2 Well Report No. 111 - 24 - CC - 002 _____
(please insert no.) (please insert no.)

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 STICKLAND, DAVID W.
and && MARGARET L.
Address 407 30TH TERRACE
BISBEE, AZ 85603

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

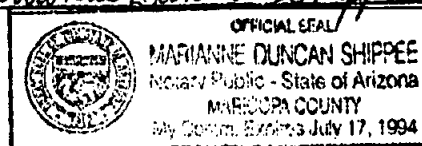
Jeffrey W. Cockett
Signature of Objector's Representative (Magma)

Janie O'Brien Kuntz
Signature of Objector's Representative (ASARCO)

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

(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)

Marianne Duncan Shippee



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.

92 MAY 11 PM 1:37
FILED
JUDITH ALLEN, CLERK
San Pedro River

EL

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: 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 not subject to claims based on federal law (Uniform Objection Code Nos. 561, 562 and 1134). In addition, this objection is intended to preserve this issue until such time as it is resolved by the Arizona Supreme Court. (Uniform Objection Code No. 1130)

While this objection pertains to a specific Zone 2 Well Report number ("Zone 2 Report"), Magma and ASARCO are objecting to each Zone 2 Report that classifies a well as a "Zone 2 Well", that extends federal reserved rights to groundwater pumped from the Zone 2 Well(s), or that otherwise creates a presumption that groundwater withdrawals from the well(s) significantly affect federal reserved rights.

With respect to this particular Zone 2 Report, Magma and ASARCO presently believe that groundwater withdrawn from the subject well(s) does not significantly diminish water otherwise available to a federal reservation and therefore is not subject to the Gila Adjudication. However, should it be determined that groundwater withdrawn from the well(s) does significantly diminish water otherwise available to a federal reservation, Magma and ASARCO object to such use where such groundwater withdrawal interferes with paramount water rights of Magma or ASARCO. (Uniform Objection Code Nos. 1135, 1136 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 Zone 2 Report are adjudicated.

Attorneys for Magma:

Robert B. Hoffman (004415)
Carlos D. Ronstadt (006468)
Jeffrey W. Crockett (012672)

SNELL & WILMER
One Arizona Center
Phoenix, Arizona 85004-0001
(602) 382 - 6000

Attorneys for ASARCO:

Burton M. Apker (001258)
Gerrie Apker Kurtz (005637)
APKER, APKER, HAGGARD
& KURTZ, P.C.
2111 E. Highland, Suite 230
P.O. Box 10280
Phoenix, Arizona 85064-0280
(602) 381 - 0085

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WATER IN THE GILA RIVER SYSTEM AND SOURCE

MANDATORY FORM FOR OBJECTIONS TO
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No. W111001365

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. 11124CC 002 (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

92MAY 13 AM 11:05
FILED
J. Allen Clerk
S. J. [Signature]

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:

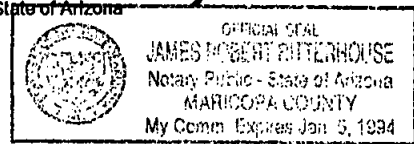
Name: STICKLAND, DAVID W.
Address: 407 30TH TERRACE
BISBEE AZ 85603

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.

[Signature of Alfred S. Cox] [Signature of Joe [unclear]]
Signature of Objector or Objector's Representative

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

[Signature of James R. Ratzl]
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.

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- 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).
- 2 HSR does not show a claimed water use rate (1000).
- 9 HSR does not show the apparent annual volume of water used (1000).
- 2 Not all wells have applicable statement of claimants (475).
- 5 Claimed uses were not found by DWR (830).

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STATE OF ARIZONA

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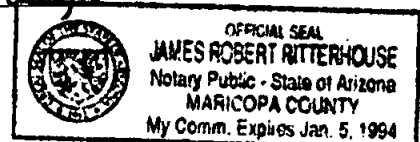
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Alfred S Cox Jim Sparks

Signature of Objector or Objector's Representative

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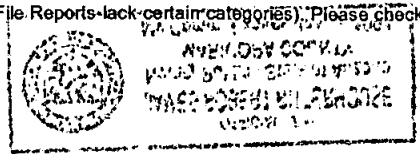
James R. Rutterhouse
Notary Public for the State of Arizona



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File Report or Zone 2 Well Report No.
11124CC 002

92 MAY 18 AM 10:26
FILED
JUDITH ALLEN, CLERK
BY S. Bergman
REP

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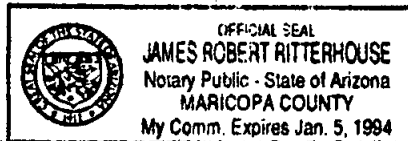
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Signature of Objector or Objector's Representative

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Notary Public for the State of Arizona

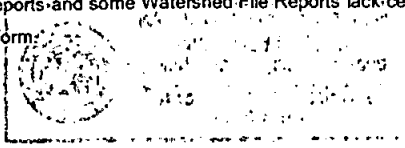
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CATEGORY
NUMBER

- 10) DWR investigations found that uses were abandoned and/or forfeited (832)(833).