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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. **W1-11-2413**

**ORDER TO INITIATE CONTESTED CASE**

**CONTESTED CASE NAME:** *In re Arizona Water Company San Manuel System*  
**HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report.  
**DESCRIPTIVE SUMMARY:** Contested case W1-11-2413 initiated to adjudicate potential water rights for Arizona Water Company San Manuel System municipal use. Status conference is set for **December 18, 2020 at 2:00 p.m.**  
**NUMBER OF PAGES:** 17  
**DATE OF FILING:** November 19, 2020

This Order initiates a contested case to consider the claims for water rights and resolve objections to Watershed File Report 113-08-003 ("WFR") published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights for municipal use. The identified sources of water for the claimed uses are 11 wells. A copy of the watershed file report is attached as Attachment A. Copies of the maps of the wells jointly prepared by Arizona Department of Water Resources and BHP Copper, Inc. are attached as

1 Attachment B. Based on the maps generated by the Pinal County Assessor's Office, it appears  
2 that the owner of the land on which the wells are located is Magma Copper Company.

3 The WFR identified eleven Statements of Claimant filed by Magma Copper Company,  
4 now known as BHP Copper Inc., as the relevant filings for the potential water rights. According  
5 to the WFR, the Magma Copper Company sells water to Arizona Water Company for the  
6 community of San Manuel.

7 **IT IS ORDERED:**

8 1. Contested Case and Docket Number. This contested case shall be known as *In re*  
9 *Arizona Water Company San Manuel System*, contested case W1-11-2413 and it will address the  
10 Statements of Claimant and objections that were filed to Watershed File Report 113-08-003  
11 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of  
12 objections can be found under the case name and number on the following website:  
13 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

14 2. Litigants. The litigants in this contested case are the Claimant, all persons who  
15 filed objections to the Watershed File Report who are listed on Attachment C, and claimants who  
16 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 list.  
21 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.

25 C. Claimants wishing to be added or removed from the mailing list shall file a  
26 motion with the Special Master. Parties allowed to intervene will be automatically  
27 added to the mailing list.  
28

1           4.     Courtesy Email List. The Special Master's office will email courtesy copies of  
2 orders and minute entries entered in this case to persons listed on Attachment C. Requests for  
3 inclusions on the email list should be sent to:

4           Durina Farrall at [durina.farrall@jbazmc.maricopa.gov](mailto:durina.farrall@jbazmc.maricopa.gov).

5           5.     Status Conference. An initial status conference shall be held on December 18,  
6 2020, at 2:00 p.m. At the status conference, BHP Copper Inc. shall be prepared to address the  
7 question of whether this case and the WFR should be dismissed because all claims and water  
8 rights addressed in the WFR can be fully adjudicated in *In re Magma Copper – Mining*,  
9 contested case no. W1-11-2428.

10  
11 Instructions for telephonic appearance:  
12 Dial: 602-506-9695 (local)  
13 1-855-506-9695 (toll free long distance)  
14 Dial Participant Pass Code 357264#

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18 SUSAN WARD HARRIS  
19 Special Master

20 On November 19, 2020 the original of the foregoing was  
21 delivered to the Clerk of the Maricopa County Superior  
22 Court for filing and distributing a copy to all persons listed  
23 on the Court-approved mailing list for this contested case, a  
24 copy of which is attached hereto as Attachment C, and to  
25 all persons listed on the Court-approved mailing list for W-  
26 1, W-2 and W-3.

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30 Durina Farrall

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ATTACHMENT A

FILE 113-08-003 (CONTINUED) CONTINUATION OF PAGE: 2  
 D I V E R S I O N S (CONTINUED)

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W02					SHARED
W06	NNNWSE25	0805	170E	WELL #6	GROUNDWATER : ZONE 2 SHARED
W07	SESWNW15	0905	170E	WELL #7	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W08	NNWNW31	0905	180E	WELL #8	GROUNDWATER : ZONE 2 SHARED
W09	SESESE09	0905	170E	WELL #9	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W10	NWSWNE09	0905	170E	WELL #10	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W11	SENESEW31	0905	180E	WELL #11	GROUNDWATER : ZONE 2 SHARED
W12	SENWSE09	0905	170E	WELL #12	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

U S E S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE CHANGE	FACILITY NAME
MU001	04	1005	170E	W02, W03, W04	GROUNDWATER : ZONE 1	NO	
	05	1005	170E	W05, W06, W07	GROUNDWATER : ZONE 2		
	06	1005	170E	W08, W09, W10			
	28	0905	170E	W11, W12			
	29	0905	170E				
	31	0905	170E				
	32	0905	170E				
	33	0905	170E				

SHARED USES AND DIVERSIONS

- \*\* WATER FROM W02 FOUND IN FILE (113-08-22) IS USED IN THIS FILE
- \*\* WATER FROM W03 FOUND IN FILE (113-08-22) IS USED IN THIS FILE
- \*\* WATER FROM W04 FOUND IN FILE (113-08-22) IS USED IN THIS FILE
- \*\* WATER FROM W05 FOUND IN FILE (113-08-22) IS USED IN THIS FILE
- \*\* WATER FROM W06 FOUND IN FILE (113-08-22) IS USED IN THIS FILE
- \*\* WATER FROM W07 FOUND IN FILE (113-08-22) IS USED IN THIS FILE
- \*\* WATER FROM W08 FOUND IN FILE (113-08-22) IS USED IN THIS FILE
- \*\* WATER FROM W09 FOUND IN FILE (113-08-22) IS USED IN THIS FILE
- \*\* WATER FROM W10 FOUND IN FILE (113-08-22) IS USED IN THIS FILE
- \*\* WATER FROM W11 FOUND IN FILE (113-08-22) IS USED IN THIS FILE
- \*\* WATER FROM W12 FOUND IN FILE (113-08-22) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPEARANT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
MU001	39-0003157	NONE	1955 CLAIMANT INFORMATION	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
	39-0003158			GROUNDWATER : ZONE 2
	39-0003172			
	39-0003173			
	39-0003174			
	39-0003175			
	39-0003176			
	39-0003177			
	39-0003178			
	39-0003179			
	39-0003182			

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
MU001						1051.8 AFA	

3 FILINGS AND DECREES

4 FILINGS 39-3157, 39-3158, 39-3172 THROUGH 39-3179 & 39-3182 - CLAIM MUNICIPAL AND MINING  
5 WATER USES. THE CLAIMED MINING USES DO NOT APPLY TO THIS W.F.R., BUT TO W.F.R. #113-08-22  
6 WHICH DESCRIBES THE MAGMA COPPER COMPANY. FOR MORE INFORMATION ON THE MAGMA COPPER COMPANY'S  
7 SAN MANUEL OPERATION, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

8 DIVERSIONS

9 W2-W12 - WELLS PROVIDE WATER FOR MUNICIPAL USES. MAGMA COPPER OWNS AND OPERATES ELEVEN WELLS  
10 LOCATED ON THE WEST SIDE OF THE SAN PEDRO RIVER BETWEEN THE MAGMA COPPER COMPANY'S MINE AND  
11 SMELTER LOCATED NEAR THE COMMUNITY OF SAN MANUEL. THE ELEVEN WELLS ARE JOINED BY A COMMON  
12 PIPELINE AND PROVIDE MINING AND DOMESTIC WATER FOR THE MINE AND SMELTER, AND MUNICIPAL WATER  
13 FOR THE COMMUNITY OF SAN MANUEL. THE ARIZONA WATER COMPANY BUYS THE WATER FROM THE MAGMA COPPER  
14 COMPANY (REFER TO W.F.R. #113-08-22).

15 USES AND RESERVOIRS

16 MUI - MUNICIPAL WATER USE: ARIZONA WATER COMPANY - SAN MANUEL SYSTEM. FOR MORE INFORMATION ON  
17 THE ARIZONA WATER COMPANY - SAN MANUEL SYSTEM, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

18 SHARED USES AND DIVERSIONS

19 W2-W12 - WELLS ARE SHARED WITH W.F.R. #113-08-22.

20 DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

21 A COMMENT WAS RECEIVED WHICH VERIFIED WATER USES AND DIVERSIONS.  
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LAND OWNER	ZONE 2 WELL REPORT NUMBER
ARIZONA WATER COMPANY SAN MANUEL SYSTEM	113-08-003

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WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W02	WELL #2	SESENW25	0905	170E	MU001	SHARED
W04	WELL #4	SESWNW23	0905	170E	MU001	SHARED
W05	WELL #5	NENWNE22	0905	170E	MU001	SHARED
W06	WELL #6	NWNWSE25	0905	170E	MU001	SHARED
W08	WELL #8	NWNWNW31	0905	180E	MU001	SHARED
W11	WELL #11	SENEW31	0905	180E	MU001	SHARED

W1-11-2413

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WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE DATE	APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE			
MU001	04	1005	170E	1958	CLAIMANT INFORMATION	1,051.8 AFA
	05	1005	170E			
	06	1005	170E			
	28	0905	170E			
	29	0905	170E			
	31	0905	170E			
	32	0905	170E			
	33	0905	170E			

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APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
39-0003157		MU001
39-0003158		MU001
39-0003172	W11	MU001
39-0003173		MU001
39-0003174		MU001
39-0003175	W08	MU001
39-0003176		MU001
39-0003177	W06	MU001
39-0003178	W05	MU001
39-0003179	W04	MU001
39-0003182	W02	MU001

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EXPLANATION

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THE APPARENT ANNUAL VOLUME REPORTED FOR MU001 IS PARTIALLY SUPPLIED BY ZONE 1 GROUNDWATER.

\*\* WATER FROM W02 FOUND IN FILE (113-08-22) IS USED IN THIS FILE.

\*\* WATER FROM W04 FOUND IN FILE (113-08-22) IS USED IN THIS FILE.

\*\* WATER FROM W05 FOUND IN FILE (113-08-22) IS USED IN THIS FILE.

\*\* WATER FROM W06 FOUND IN FILE (113-08-22) IS USED IN THIS FILE.

\*\* WATER FROM W08 FOUND IN FILE (113-08-22) IS USED IN THIS FILE.

\*\* WATER FROM W11 FOUND IN FILE (113-08-22) IS USED IN THIS FILE.

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W2, W4, W5, W6, W8 & W11 - WELLS PROVIDE WATER FOR MUNICIPAL AND MINING USES. MAGMA COPPER COMPANY OWNS AND OPERATES ELEVEN WELLS LOCATED ON THE WEST SIDE OF THE SAN PEDRO RIVER. THESE WELLS ARE JOINED BY A COMMON PIPELINE AND PROVIDE WATER FOR MINING AND DOMESTIC USES AT THE MAGMA COPPER COMPANY'S MINE AND SMELTER LOCATED NEAR THE COMMUNITY OF SAN MANUEL. THE ARIZONA WATER COMPANY ALSO PURCHASES WATER FROM MAGMA COPPER COMPANY AND PROVIDES THE WATER TO SAN MANUEL FOR MUNICIPAL USES. FOR MORE INFORMATION ON MAGMA COPPER COMPANY'S SAN MANUEL OPERATION, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

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**ATTACHMENT B**



1  
2 Kimberly R. Parks (Bar No. 032828)  
3 Arizona Department of Water Resources  
4 Legal Division  
5 P.O. Box 36020  
6 Phoenix, Arizona 85067  
7 Telephone: 602-771-8472  
8 Fax: 602-771-8687  
9 [krparks@azwater.gov](mailto:krparks@azwater.gov)  
10 Attorney for ADWR

John D. Burnside (Bar No. 018260)  
SNELL & WILMER L.L.P.  
One Arizona Center, Suite 1900  
400 East Van Buren Street  
Phoenix, Arizona 85004-2202  
Telephone: (602) 382-6000  
Email: [jburnside@swlaw.com](mailto:jburnside@swlaw.com)  
Attorney for BHP Copper

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 **IN RE THE GENERAL ADJUDICATION**  
11 **OF ALL RIGHTS TO USE WATER IN**  
12 **THE GILA RIVER SYSTEM AND**  
13 **SOURCE**

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

Contested Case No. W1-11-2428

**BHP COPPER AND ARIZONA**  
**DEPARTMENT OF WATER**  
**RESOURCES' JOINT REPORT ON**  
**LOCATIONS OF WELLS**

Special Master Susan Ward Harris

14 **CONTESTED CASE NAME:** *In re Magma Copper- Mining*

15 **DESCRIPTIVE SUMMARY:** BHP Copper and The Arizona Department of Water  
16 Resources ("ADWR") provide notice of filing a joint report on the locations of wells as  
17 requested by the Court in the Minute Entry Order dated March 26, 2019.

18 **NUMBER OF PAGES:** Three and three-page attachment

19 **DATE OF FILING:** July 30, 2020

1 Pursuant to the Orders in this matter filed March 26, 2019 and March 31, 2020,  
2 BHP Copper and ADWR hereby jointly submit their report on the locations of wells  
3 relative to the boundaries of the subflow zone.

4 Figure 1 depicts the 26 BHP well locations. ADWR recently performed field  
5 investigations to collect more accurate coordinates for four of the wells. Figure 2 depicts  
6 the field investigation area. Table 1 shows the well locations agreed to by ADWR and  
7 BHP with indications as to whether each well is inside or outside of the subflow zone.

8 The report is attached to the original of this Notice being filed with the Clerk  
9 (Attachment A) and is being posted to ADWR's web site at:

10 <https://new.azwater.gov/adjudications>.

11 DATED this 30<sup>th</sup> day of July, 2020.

12 ARIZONA DEPARTMENT OF WATER  
13 RESOURCES

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Kimberly R. Parks, Deputy Counsel

16  
17 SNELL AND WILMER L.L.P.

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for  
John D. Burnside, Attorney for BHP Copper

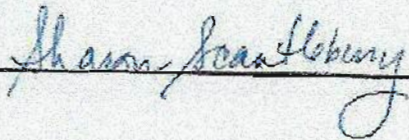
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21 ORIGINAL of the foregoing notice and  
22 attachment sent by first-class mail on  
23 July 30, 2020, to:  
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1 Clerk of the Maricopa Superior Court  
2 Attn: Water Case  
3 601 W. Jackson Street  
4 Phoenix, Arizona 85003

5 **COPIES** of the foregoing notice and  
6 attachment sent by first-class mail on  
7 July 30, 2020, to:

8 Special Master Susan Ward Harris  
9 Maricopa County Superior Court  
10 Central Court Building  
11 201 West Jefferson Street, Suite 3A  
12 Phoenix, AZ 85003-2205

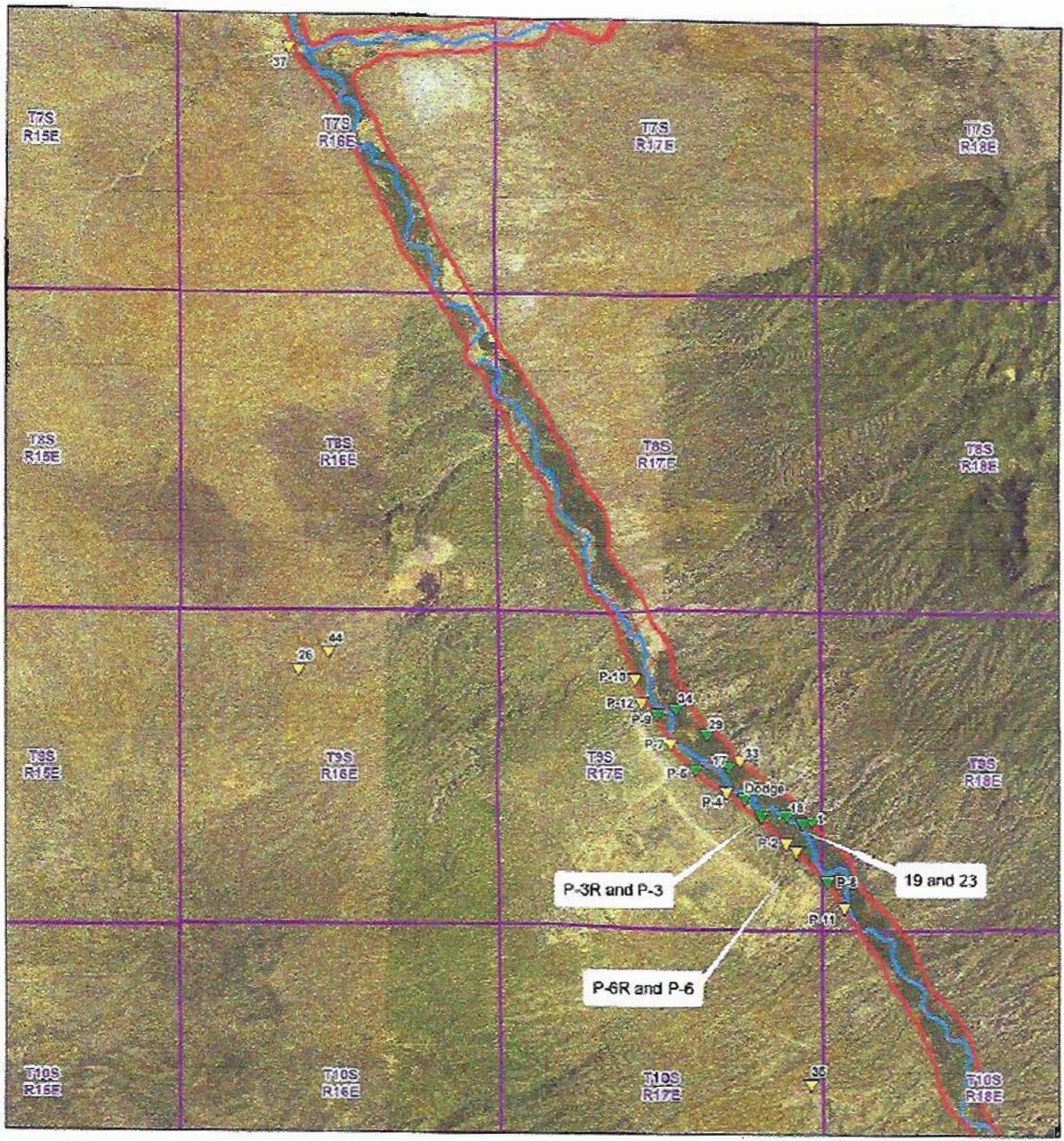
13 **COPIES** of the foregoing notice and  
14 attachment sent by first-class mail on  
15 July 30, 2020 to all parties on the  
16 court-approved mailing list for  
17 Contested Case No. W1-11-2428.


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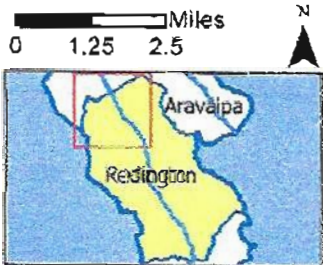
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# ATTACHMENT A






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*In re Magma Copper - Mining*  
 Contested Case W1-11-2428  
**Figure 1 - Overview Map**  
  
 ADWR July 2020

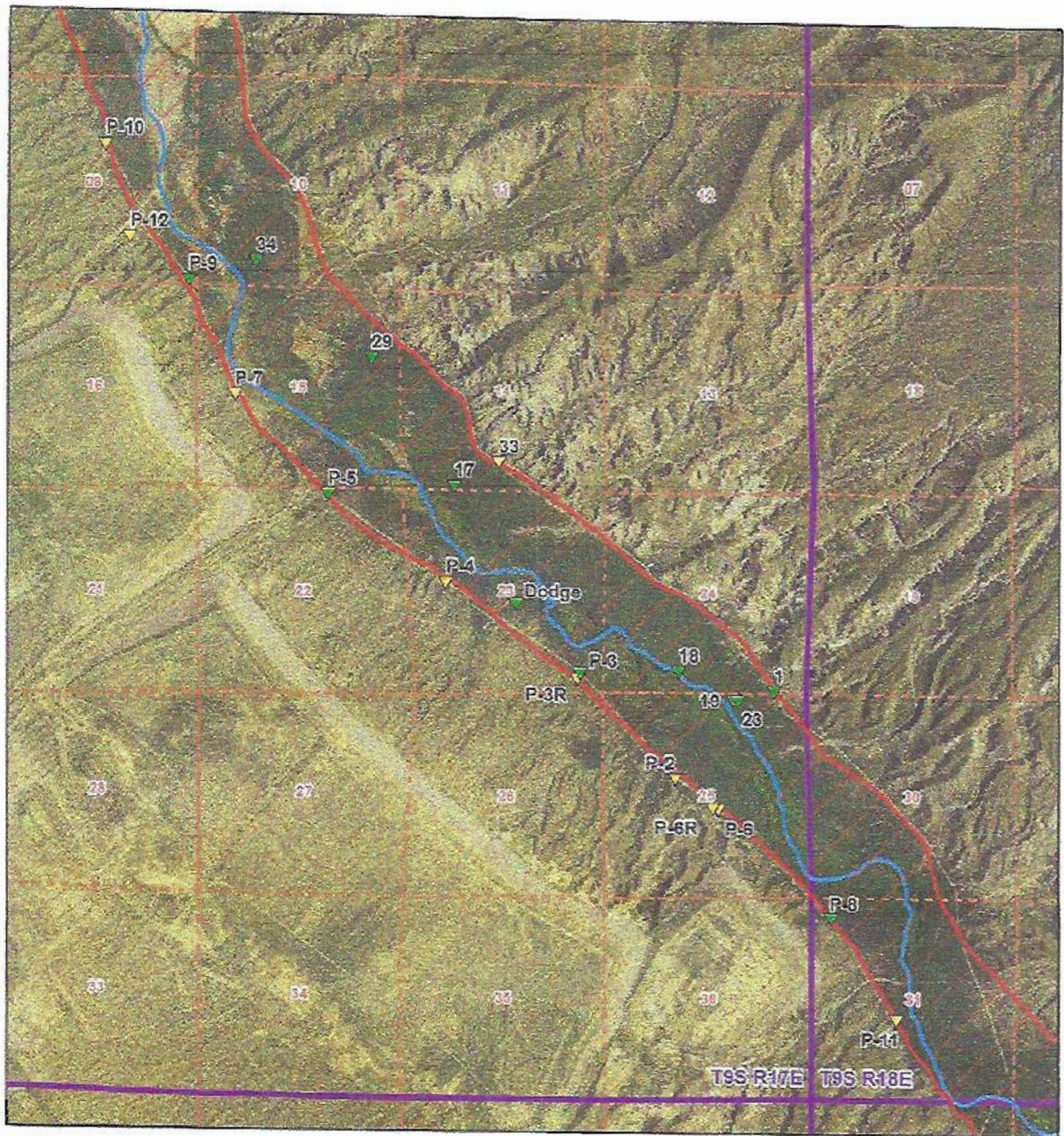


**Legend**


BHP Wells	 San Pedro River
Subflow Location	 Subflow zone
 Inside	 Township
 Outside	

Data sources include: NADP 2013.

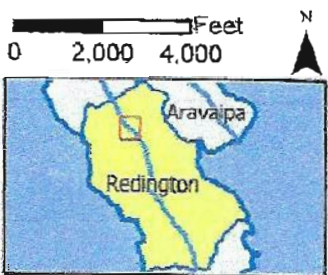
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*In re Magma Copper - Mining*  
 Contested Case W1-11-2428  
 Figure 2 - San Manuel Mine Site



ADWR July 2020



**Legend**

BHP Wells	▬ Township
Subflow Location	▬ Section
▼ Inside	▬ Subflow zone
▽ Outside	— San Pedro River

Data sources include: NAIP 2017

Table 1 - BHP Well Coordinates

BHP Well ID	Original Well Coordinates (NAD83)		Well Coordinates Collected by ADWR (NAD83)		Subflow Zone
	Longitude	Latitude	Longitude	Latitude	
P-2	-110.562794	32.622917	--	--	Outside
P-3	-110.57067	32.630483	--	--	Inside
P-3R	-110.570872	32.630055	-110.57091	32.63005	Outside
P-4	-110.581930	32.636921	--	--	Outside
P-5	-110.591851	32.643031	-110.59187	32.64313	Inside
P-6	-110.559185	32.620743	--	--	Outside
P-6R	-110.559668	32.620842	--	--	Outside
P-7	-110.599663	32.650383	--	--	Outside
P-8	-110.549729	32.61296	--	--	Inside
P-9	-110.603587	32.658442	--	--	Inside
P-10	-110.610407	32.667969	--	--	Outside
P-11	-110.54427	32.605743	--	--	Outside
P-12	-110.608526	32.661469	--	--	Outside
1	-110.554510	32.629210	--	--	Inside
17	-110.581223	32.643817	--	--	Inside
18	-110.5625	32.630619	--	--	Inside
19	-110.557906	32.62857	--	--	Inside
23	-110.557533	32.62852	--	--	Inside
26	-110.718437	32.670000	--	--	Outside
29	-110.588187	32.652964	--	--	Inside
33	-110.576830	32.643871	-110.57749	32.64556	Outside
34	-110.597885	32.659821	--	--	Inside
35	-110.555127	32.557197	--	--	Outside
37	-110.721490	32.838392	--	--	Outside
44	-110.70885	32.674727	--	--	Outside
Dodge	-110.57468	32.631857	-110.5760	32.6354	Inside

ATTACHMENT C

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

Arizona Water Company  
P. O. Box 29006  
Phoenix, AZ 85038

ASARCO Incorporated  
Lauren J. Caster  
Fennemore Craig, P.C.  
2394 East Camelback Road  
Suite 600  
Phoenix, AZ 85016-3429

BHP Copper, Inc.  
John D. Burnside  
Snell & Wilmer, L.L.P.  
400 E. Van Buren Street, Ste 1900  
Phoenix AZ 85004

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

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.



- 1 7503 First Street  
Scottsdale, Az 85251-4573
- 2 Lucas T. Christian & Julian Nava
- 3 Rosette, LLP
- 4 565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225
- 5 S. Montgomery, R. Interpreter, J. Tomkus
- 6 Montgomery & Interpreter, Plc
- 7 3301 E. Thunderbird Road  
Phoenix, AZ 85032
- 8 Salt River Valley Water Users Association,
- 9 Salt River Project Agricultural Improvement and Power District
- 10 John B. Weldon, Jr. and Mark A. McGinnis
- 11 Salmon, Lewis & Weldon PLC
- 12 2850 E Camelback Rd, Ste. 200  
Phoenix, AZ 85016
- 13 Special Master Susan Ward Harris
- 14 Superior Court of Arizona
- 15 201 W. Jefferson Street
- 16 Courtroom 301
- 17 Phoenix, AZ 85003
- 18 U. S. Department of Justice
- 19 Patrick Barry and Emmi Blades
- 20 Environment and Natural Resources
- 21 P. O. Box 7611
- 22 Washington, D.C. 20044-7611
- 23 William J. Taebel
- 24 City of Mesa
- 25 City Attorney's Office
- 26 P. O. Box 1466
- 27 Mesa, AZ 85211-1466
- 28