

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. W1-11-3248

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re H & E Land and Cattle Company*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3248 initiated and status conference set for **February 4, 2020 at 2:00 p.m.**

NUMBER OF PAGES: 25

DATE OF FILING: December 19, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report 114-04-DCB-001 and the associated Zone 2 Well Report (“Reports”) prepared by the Arizona Department of Water Resources and published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).

1 The Reports identified potential water rights for domestic and irrigation use on land
2 located in section 36 T7S R16E and section 1 T8S R16E. The identified source of water for the
3 claimed uses are four wells located in section 36 T7S R16E and section 1 T8S R16E. The
4 Arizona Department of Water Resources has determined that at least one of the wells is located
5 in the subflow zone.

6 Copies of the Reports are attached as Attachment A. Copies of the maps prepared for
7 the Reports is attached as Attachment B on which the land in question is labelled as "(DCB-1)"
8 and "(1)". Copies of the maps prepared by the Pinal County Assessor showing tax parcels 300-
9 54-006, 306-02-002, 306-02-004, and 306-02-006, are attached as Attachment C.

11 **Landowners & Claimants**

12
13 The Reports name H & E Land and Cattle Company, a Delaware corporation, as the
14 owner of the property described in the Reports. According to a General Warranty Deed filed
15 on April 23, 2001, H & E Land & Cattle Company conveyed property in section 1 T8S R16E
16 and Section 36 T7S R16E to the Nature Conservancy. The records of the Pinal County Assessor
17 identify the Nature Conservancy as the owner of the property described in the Reports.

18 The Reports identified six Statements of Claimant (SOCs) relevant to the potential water
19 right: 39-5990, 39-5991, 39-5992, 39-5993, 39-5994, and 39-5995. Four N Farms, Inc. filed the
20 SOC's claiming water for irrigation, stock watering and domestic uses. It assigned the SOC's to
21 Bruce Nevitt on October 10, 1990 who then assigned the SOC's to H & E Land and Cattle Co on
22 the same day. Copies of the Assignments are attached as Attachment D. On April 16, 2001, H
23 & E Land and Cattle Co assigned the SOC's to The Nature Conservancy.

25 **IT IS ORDERED:**

26 1. Contested Case. This contested case shall be known as *In re H & E Land and*
27 *Cattle Co.* and it will determine water rights asserted in the Statement of Claimant and objections
28 that were filed to Watershed File Report 114-04-DCB-001 published in the Final San Pedro River

1 Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the
2 case name and number on the following website:
3 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
4 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

5 2. Litigants. The litigants in this contested case are the Claimant and all persons
6 who filed objections to the listed watershed file reports who are included on Attachment E, and
7 claimants who are allowed to intervene by order.

8 3. Court-Approved Mailing List.

9 A. The initial Court-approved mailing list for this case shall include all
10 persons listed on Attachment E to this order. The list may be modified
11 only by filing a motion with the Special Master to amend the Court-
12 approved mailing list. Litigants are responsible for using the current
13 Court-approved mailing list.
14

15 B. A copy of any pleading filed with the Clerk of the Maricopa County
16 Superior Court in this case shall be served upon each person listed on the
17 Court-approved mailing list.
18

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

22 4. Courtesy Email List. The Special Master's office will email courtesy copies of
23 orders and minute entries entered in this case to persons listed on Attachment E. Requests for
24 inclusions on the email list should be sent to Barbara Brown at
25 brownb099@superiorcourt.maricopa.gov.
26

27 5. Status Conference. An initial status conference shall be held on **February 4, 2020**
28 **at 2:00 p.m.** in the Superior Court of Arizona, 201 West Jefferson Street, Courtroom 301,

1 Phoenix, AZ 85003-2202. At the status conference, The Nature Conservancy shall be prepared

2 to:

- 3 A. Identify the wells on the property that pump water for any purpose;
- 4 B. Identify which of the wells are located within the subflow zone;
- 5 C. Identify the claimed use of the water pumped from the wells; and
- 6 D. Identified the legal basis for its claims for water rights for water used on
- 7 the property.
- 8
- 9

10 Instructions for telephonic appearance:

11 Dial: 602-506-9695 (local)

12 1-855-506-9695 (toll free long distance)

13 Dial Participant Pass Code 357264#

14 
15 _____
16 SUSAN WARD HARRIS
17 Special Master

18

19

20

21 On December 19, 2019, the original of the foregoing was

22 delivered to the Clerk of the Maricopa County Superior

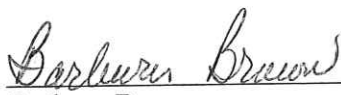
23 Court for filing and distributing a copy to all persons

24 listed on the Court-approved mailing list for this contested

25 case, a copy of which is attached hereto as Attachment E,

26 and to all persons listed on the Court-approved mailing

27 list for W-1, W-2, W-3, and W-4 (Consolidated).

28 

Barbara Brown

ATTACHMENT A

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

LAND OWNER	WATERSHED FILE REPORT NUMBER
-----	-----
H & E LAND AND CATTLE CO. 9 DELAWARE CORPORATION	114-04-DCB-001

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-3248

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1115346.1100		IRRIGATION	9000.00	SWNE26	070S	160E	1916	NENE01	080S	160E
				W2SE26	070S	160E				
				SESE26	070S	160E				
39-0005990		IRRIGATION	2000.00		36	070S 160E	1949	NESESW36	070S	160E
					01	080S 160E				
39-0005991		DOMESTIC STOCK	.06				1949	SWSENE01	080S	160E
			.09							
39-0005992		IRRIGATION	200.00		36	070S 160E	1925	SENE01	080S	160E
					01	080S 160E				
39-0005993		IRRIGATION	100.00		01	080S 160E	1974	SENESE01	080S	160E
39-0005994		DOMESTIC STOCK	.92				1949	SWSWSE36	070S	160E
			1.53							
39-0005995		IRRIGATION	360.00		01	080S 160E	1976	SWNESE01	080S	160E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1115346.1100	IRRIGATION	NONE		
39-0005990	IRRIGATION	IRRIGATION	WO1	IROO1, IROO2, IROO3
39-0005991	DOMESTIC STOCK	DOMESTIC INCIDENTAL		DMOO1
39-0005992	IRRIGATION	IRRIGATION	WO2	IROO1, IROO2, IROO3
39-0005993	IRRIGATION	IRRIGATION	WO4	IROO1, IROO2, IROO3
39-0005994	DOMESTIC STOCK	DOMESTIC INCIDENTAL	WO1	DMOO1
39-0005995	IRRIGATION	IRRIGATION	WO3	IROO1, IROO2, IROO3

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NWSWSE36	070S	160E	UNNAMED	GROUNDWATER : ZONE 2
WO2	SENE01	080S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO3	SWNESE01	080S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO4	SENESE01	080S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE FACILITY NAME
DMOO1	NWNWNE01	080S	160E	WO1	GROUNDWATER : ZONE 2		NO
	NWSWSE36	070S	160E				
IROO1		01	080S	160E	WO1, WO2, WO3	GROUNDWATER : ZONE 1	1955 NO
		36	070S	160E	WO4	GROUNDWATER : ZONE 2	
IROO2	NENWO1	080S	160E	WO1, WO2, WO3	GROUNDWATER : ZONE 1	1964	NO
	NWNE01	080S	160E	WO4	GROUNDWATER : ZONE 2		
	NWNWO1	080S	160E				
IROO3	NESE01	080S	160E	WO1, WO2, WO3	GROUNDWATER : ZONE 1	1971	NO
	NWSE01	080S	160E	WO4	GROUNDWATER : ZONE 2		
	SENE01	080S	160E				

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0005990 39-0005991 39-0005994	NONE		GROUNDWATER : ZONE 2
IRO01	39-0005990 39-0005992 39-0005993 39-0005994 39-0005995	NONE	1955 1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2
IRO02	39-0005990 39-0005992 39-0005993 39-0005994 39-0005995	NONE	1964 1964 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2
IRO03	39-0005990 39-0005992 39-0005993 39-0005994 39-0005995	NONE	1971 1971 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2
NONE	NONE	10-1115346.1100		

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
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT
IRO01	MAX. OBSERVED REGIONAL	205.6	MULTI.CROPS	45%	3.8 AF/AC	781.3 AFA	
	MAX. POTENTIAL	222.4	AVE. CROP	50%	5.4 AF/AC	1201.0 AFA	
IRO02	MAX. OBSERVED REGIONAL	30.9	ALFALFA	45%	7.4 AF/AC	1645.8 AFA	
	MAX. POTENTIAL	30.9	AVE. CROP	50%	5.4 AF/AC	228.7 AFA	
IRO03	MAX. OBSERVED REGIONAL	30.9	ALFALFA	45%	7.4 AF/AC	166.9 AFA	
	MAX. POTENTIAL	32.4	DBL.CROPPED	32%	6.7 AF/AC	228.7 AFA	
	MAX. POTENTIAL	32.4	AVE. CROP	50%	5.4 AF/AC	217.1 AFA	
	MAX. POTENTIAL	32.4	ALFALFA	32%	10.4 AF/AC	175.0 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 10-1115346-11 - CLAIMS IRRIGATION WATER USES FROM THE SAN PEDRO RIVER. NO DIVERSION WAS FOUND AT THE CLAIMED LOCATION.
FILING 39-5991 - CLAIMS DOMESTIC AND STOCKWATERING USES FROM A WELL WHICH WAS NOT LOCATED DURING FIELD INVESTIGATIONS.

DIVERSIONS

W1-W4 - WELLS PROVIDE WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
IR1 - IRRIGATED MULTIPLE CROPS (PASTURE, SMALL GRAINS, ALFALFA AND VEGETABLES).
IR2 - IRRIGATED ALFALFA.
IR3 - IRRIGATED DOUBLE CROPS (SMALL GRAINS AND ALFALFA).

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH INDICATED THAT A CHANGE IN OWNERSHIP HAD OCCURRED.

LAND OWNER	ZONE 2 WELL REPORT NUMBER
-----	-----
H & E LAND AND CATTLE CO. 9 DELAWARE CORPORATION	114-04-DCB-001

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	NWSWSE36	070S	160E	DMOO1, IROO1, IROO2 IROO3	WI-11-3248

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
DMOO1	NWNWNE01	080S	160E				
IROO1	NWSWSE36	070S	160E	1955	1955 AERIAL PHOTO	1,201.0 AFA	222.4
		01	080S				
IROO2	NENW01	080S	160E	1964	1964 AERIAL PHOTO	166.9 AFA	30.9
		36	070S				
IROO3	NWNE01	080S	160E	1971	1971 AERIAL PHOTO	175.0 AFA	32.4
	NWNW01	080S	160E				
	NESE01	080S	160E				
	NWSE01	080S	160E				
	SENE01	080S	160E				

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0005990	WO1	DMOO1, IROO1, IROO2 IROO3
39-0005991		DMOO1
39-0005992		IROO1, IROO2, IROO3
39-0005993		IROO1, IROO2, IROO3
39-0005994	WO1	DMOO1
39-0005995		IROO1, IROO2, IROO3

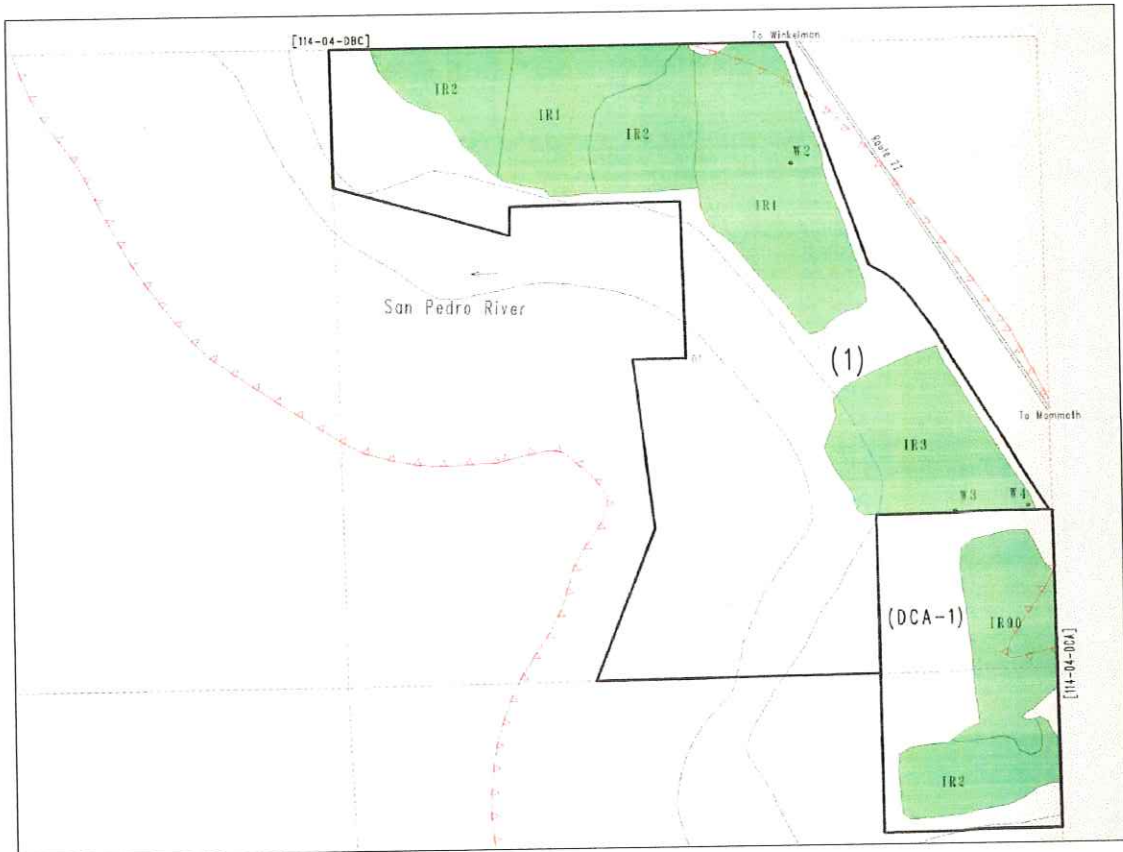
EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO1 IS PARTIALLY SUPPLIED BY ZONE 1 GROUNDWATER.
 THE APPARENT ANNUAL VOLUME REPORTED FOR IROO2 IS PARTIALLY SUPPLIED BY ZONE 1 GROUNDWATER.
 THE APPARENT ANNUAL VOLUME REPORTED FOR IROO3 IS PARTIALLY SUPPLIED BY ZONE 1 GROUNDWATER.

W1 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.
 DM1 - DOMESTIC USE.
 IR1 - IRRIGATED MULTIPLE CROPS (PASTURE, SMALL GRAINS, ALFALFA, AND VEGETABLES).
 IR2 - IRRIGATED ALFALFA.
 IR3 - IRRIGATED DOUBLE CROPS (SMALL GRAINS AND ALFALFA).

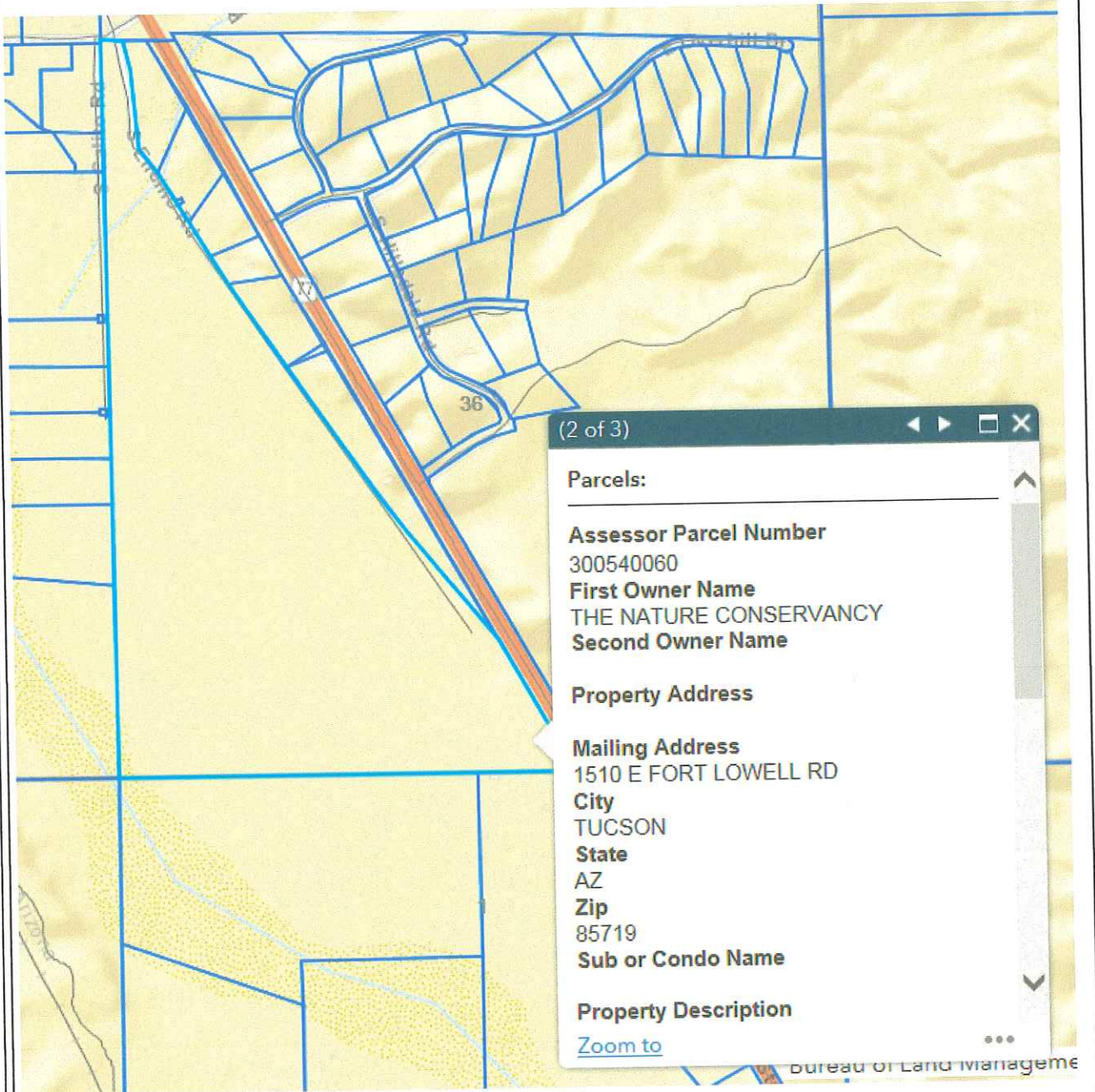
ATTACHMENT B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

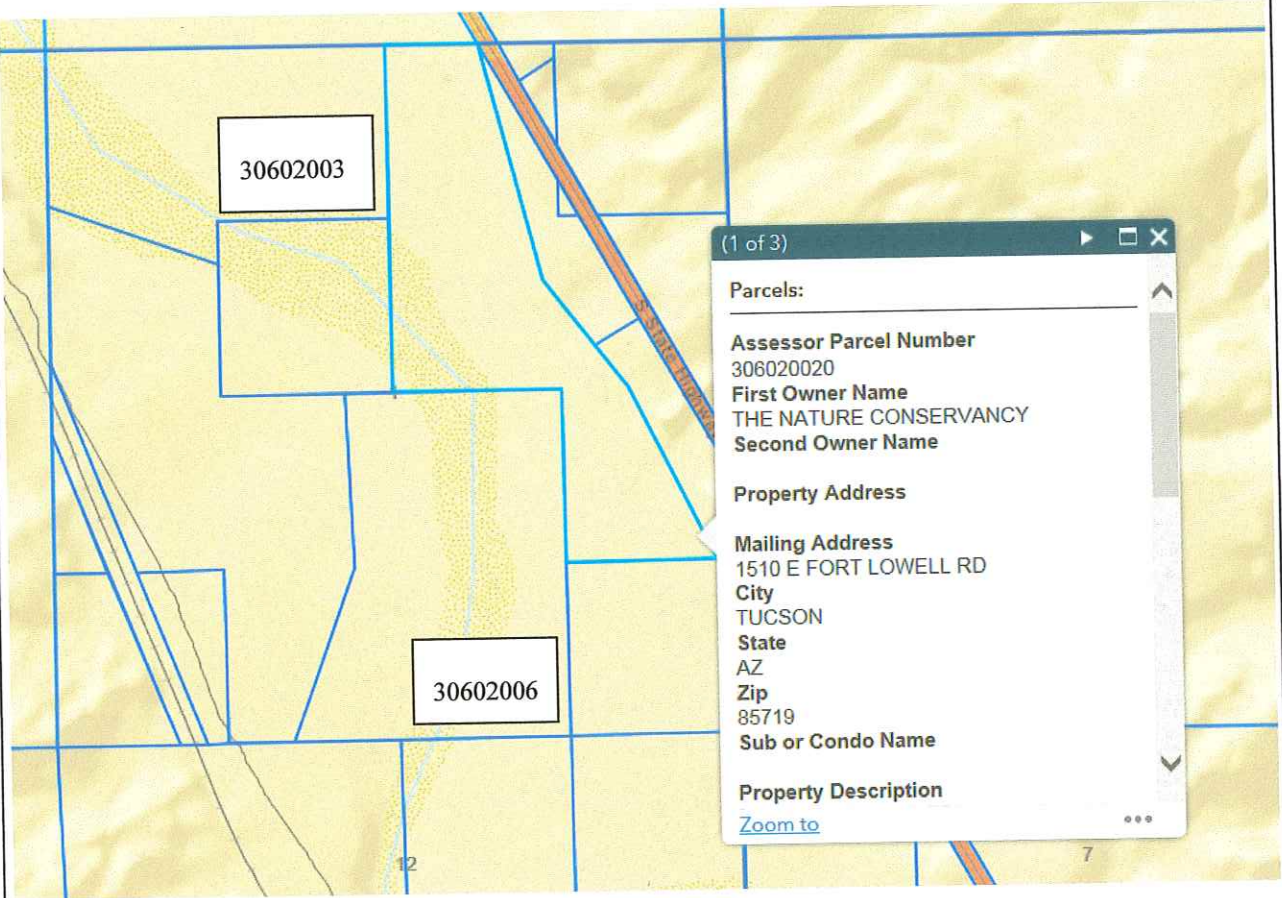


ATTACHMENT C

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



(1 of 3)

Parcels:

Assessor Parcel Number
306020020

First Owner Name
THE NATURE CONSERVANCY

Second Owner Name

Property Address

Mailing Address
1510 E FORT LOWELL RD

City
TUCSON

State
AZ

Zip
85719

Sub or Condo Name

Property Description

[Zoom to](#) ...

ATTACHMENT D

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

ASSIGNMENT OF STATEMENT OF CLAIMANT.
Superior Court of Maricopa County

This form is to be used to notify the Superior Court of Maricopa County of any change in ownership of land upon which a claim for a water right was made on a statement of claimant form filed in the General Adjudication of the Gila River System and Source. This form may also be used to notify the Court of any change in ownership of a water right which is not attached or appurtenant to land or which has been transferred from one parcel of land to another. The General Adjudication of the Gila River System and Source includes the Salt River, San Pedro River, Upper Gila River, Verde River, Agua Fria River, Lower Gila River and Upper Santa Cruz River Watersheds.

Both sides of this form are to be completed in accordance with the instructions below. All signatures are to be verified by a notary public. Mail the original completed form to: Arizona Department of Water Resources, P. O. Box 2920, Phoenix, Arizona 85062.

Clerk of the Superior Court
Received From D.W.R.

12/12/90

Date

[Signature]
Deputy Clerk

General Instructions

Please attach to this form a copy of a duly recorded deed, a copy of the County Assessor's tax parcel notice or other documentation which evidences change of ownership of the land or of a water right to which Statement(s) of Claimant applies.

Two or more Statements of Claimant may be assigned on this form only if the assignors/sellers are identical on all Statements of Claimant and the assignees/buyers are identical on all Statements of Claimant. If a Statement of Claimant is subdivided to two or more separate assignees/buyers, an assignment form must be completed for each of the assignees/buyers. If more space is needed, attach a separate sheet.

This assignment form must be signed by all assignee(s)/buyer(s) and all assignor(s)/seller(s), and the current address and telephone number of each party must be furnished. If there are more than two assignees or assignors, the name, address, telephone number and signature of each additional assignee or assignor should be attached on a separate sheet.

The undersigned parties hereby notify the Superior Court of Maricopa County of the assignment of the following Statement(s) of Claimant:

- 39-005990 filed in the San Pedro River Watershed
- 39-005991 filed in the San Pedro River Watershed
- 39-005992 filed in the San Pedro River Watershed
- 39-005993 filed in the San Pedro River Watershed
- 39-005994 filed in the San Pedro River Watershed

39-005995

COMPLETE OTHER SIDE OF FORM

39-005995 filed in the San Pedro River Watershed
 39- filed in the River Watershed
 39- filed in the River Watershed
 39- filed in the River Watershed
 39- filed in the River Watershed

SELLER(S)/ASSIGNORS

BUYER(S)/ASSIGNEE(S)

NAME(S) Four N Farms, Inc., an Arizona
 (print or type) corporation

ADDRESS Star Route Box 114
Winkleman, AZ 85292

TELEPHONE (602) 489-2460

FOUR N FARMS, INC., an Arizona corporation

Signature

By: Bruce Nevitt, Sr. Pres.

Its: President

Signature

STATE OF ARIZONA)
 County of Maricopa) ss.

The foregoing instrument was acknowledged and signed
 before me this 10 day of October
~~September~~

1990 by Bruce Nevitt, Sr. as the
President of Four N. Farms, Inc., an
Arizona corporation, on behalf of the
 corporation.

Lisa R. Coy
 Notary Public

My Commission Expires:
3/17/92

NAME(S) Bruce Nevitt
 (print or type)

ADDRESS Star Route Box 5163
Winkleman, AZ 85292

TELEPHONE (602) 487-2460

Signature Bruce Nevitt, Sr.
 Signature Bruce Nevitt

Signature

STATE OF ARIZONA)
 County of Maricopa) ss.

The foregoing instrument was acknowledged and signed
 before me this 10 day of October
~~September~~

1990 by Bruce Nevitt

Lisa R. Coy
 Notary Public

My Commission Expires:
3/17/92

STATE OF ARIZONA, COUNTY OF PINAL (25)
 I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN
 PINAL COUNTY, STATE OF ARIZONA. WITNESSE MY HAND AND OFFICIAL SEAL.



REC: 854689 TRF: 1085 289688 PAGE: 002 TRF:

WALTER H. C. FELIX
 PINAL COUNTY RECORDER, BY _____ DEPUTY

This instrument was recorded at request of:
 James Benham, P.C.
 714 North Third Street
 Phoenix, Arizona 85004

1409-514

854689

The recording official is directed to return this instrument or a copy to the above person.

Space Reserved For Recording Information

QUIT CLAIM DEED

Effective Date: December 1, 1986		County and State where Real Property is located Pinal County, Arizona		
GRANTOR (Name, Address and Zip Code) Four N Farms, Inc., an Arizona corporation c/o James Benham, P.C. 714 North Third Street Phoenix, Arizona 85004		GRANTEE (Name, Address and Zip Code) Bruce Nevitt, Sr. and M. Marcella Nevitt, husband and wife, JTWROS Star Route, Box 5163 Winkelman, Arizona 85292		
Subject Real Property (Address or Location) Pinal County, Arizona	Legal Description Proved by Persons Whose Initials Appear to the Right	1	2	3
Subject Real Property (Legal Description)				

See Exhibit A attached hereto.

For valuable consideration, Grantor quit claim to Grantee all right, title and interest of Grantor in Subject Real Property together with all rights and privileges appurtenant or to become appurtenant to Subject Real Property on effective date

James Benham, P.C. PRES. *Bruce Nevitt, Sr. JWC*

STATE OF ARIZONA COUNTY OF PINAL	Acknowledgment, on this date, before me, a Notary Public, personally appeared Edward G. Nevitt, Jr. BRUCE NEVITT	Signature of Grantor
Date of Acknowledgment December 18, 1986	known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, it is for the principal named and in the capacity indicated.	
STATE OF ARIZONA COUNTY OF PINAL	Acknowledgment, on this date, before me, a Notary Public, personally appeared _____	Signature of Notary Public
Date of Acknowledgment	known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, it is for the principal named and in the capacity indicated.	Notary Expiration Date

1409-515

3. The land referred to in this policy is situated in the County of _____ Final _____, State of Arizona, and is described as follows:

PARCEL NO. 1:

Lots Two (2), Three (3) and Four (4), the Southwest quarter of the Northwest quarter (SW 1/4 NW 1/4), the Northwest quarter of the Southwest quarter (NW 1/4 SW 1/4), East half of the Southwest quarter (E 1/2 SW 1/4), West half of the Southeast quarter (W 1/2 SE 1/4), and the Southeast quarter of the Northwest quarter (SE 1/4 NW 1/4) of Section One (1), Township Eight (8) South, Range Sixteen (16) East of the Gila and Salt River Base and Meridian;

EXCEPT that part conveyed by D. O. Shartner and Myrtle Shartner, his wife, by Deed dated August 11, 1938, recorded September 29, 1938 in Book 60 of Deeds, page 33, to Armental W. Patterson, more particularly described as follows: BEGINNING at a point 510 feet East of the Southwest corner of the Southeast quarter of the Southwest quarter of Section 1 of said Township and Range; run thence North 19 degrees 41 minutes East 1402 feet to a point; thence North 2 degrees 44 minutes West 1321 feet to a point; thence West 919 feet to a point; thence North 977 feet to a point; thence North 71 degrees 22 minutes West 1393 feet to a point; thence South to the Southwest corner of the Northwest quarter of the Southwest quarter of said Section 1; thence East to the Southwest corner of the Northeast quarter of the Southwest quarter of said Section 1; thence South 1320 feet to a point; thence East 510 feet to the point of beginning; and

EXCEPT any part thereof lying East of the Arizona State Highway No. 77, as now located.

EXCEPTING AND RESERVING to the United States, pursuant to the provisions of the Act of August 1, 1946 (60 Stat., 755), all uranium, thorium, or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as set forth in the Patent to said land. (Affects the Southeast quarter of the Northwest quarter of said Section 1)

PARCEL NO. 2:

That part of the South half of the Northeast quarter (S 1/2 NE 1/4) and the Northeast quarter of the Southeast quarter (NE 1/4 SE 1/4) of Section One (1), Township Eight (8) South, Range Sixteen (16) East of the Gila and Salt River Base and Meridian, LYING West of the Arizona State Highway No. 77, as now located.

PARCEL NO. 3:

That part of Section Thirty-six (36), Township Seven (7) South, Range Sixteen (16) East of the Gila and Salt River Base and Meridian, LYING West of the Arizona State Highway No. 77, as now located.

EX. "A"

ASSIGNMENT OF STATEMENT OF CLAIMANT.
Superior Court of Maricopa County

This form is to be used to notify the Superior Court of Maricopa County of any change in ownership of land upon which a claim for a water right was made on a statement of claimant form filed in the General Adjudication of the Gila River System and Source. This form may also be used to notify the Court of any change in ownership of a water right which is not attached or appurtenant to land or which has been transferred from one parcel of land to another. The General Adjudication of the Gila River System and Source includes the Salt River, San Pedro River, Upper Gila River, Verde River, Agua Fria River, Lower Gila River and Upper Santa Cruz River Watersheds.

Both sides of this form are to be completed in accordance with the instructions below. All signatures are to be verified by a notary public. Mail the original completed form to: Arizona Department of Water Resources, P. O. Box 2920, Phoenix, Arizona 85062.

General Instructions

Please attach to this form a copy of a duly recorded deed, a copy of the County Assessor's tax parcel notice or other documentation which evidences change of ownership of the land or of a water right to which Statement(s) of Claimant applies.

Two or more Statements of Claimant may be assigned on this form only if the assignors/sellers are identical on all Statements of Claimant and the assignees/buyers are identical on all Statements of Claimant. If a Statement of Claimant is subdivided to two or more separate assignees/buyers, an assignment form must be completed for each of the assignees/buyers. If more space is needed, attach a separate sheet.

This assignment form must be signed by all assignee(s)/buyer(s) and all assignor(s)/seller(s), and the current address and telephone number of each party must be furnished. If there are more than two assignees or assignors, the name, address, telephone number and signature of each additional assignee or assignor should be attached on a separate sheet.

The undersigned parties hereby notify the Superior Court of Maricopa County of the assignment of the following Statement(s) of Claimant:

- 39-005990 filed in the San Pedro River Watershed
- 39-005991 filed in the San Pedro River Watershed
- 39-005992 filed in the San Pedro River Watershed
- 39-005993 filed in the San Pedro River Watershed
- 39-005994 filed in the San Pedro River Watershed

39- 005995 filed in the San Pedro River Watershed
 39- _____ filed in the _____ River Watershed
 39- _____ filed in the _____ River Watershed
 39- _____ filed in the _____ River Watershed
 39- _____ filed in the _____ River Watershed

SELLER(S)/ASSIGNORS

NAME(S) Bruce Nevitt
 (print or type)

ADDRESS Star Route Box 5163
Winkleman, AZ 85292

TELEPHONE (602) 487-2460

Bruce Nevitt - SA
 Signature Bruce Nevitt

Signature _____

STATE OF ARIZONA)
)
 County of MARICOPA) ss.

The foregoing instrument was acknowledged and signed
 before me this 10 day of October,
 19 90, by Bruce Nevitt

Lisa R. Giff
 Notary Public

My Commission Expires:
3/17/92

BUYER(S)/ASSIGNEE(S)

H & E Land & Cattle Company, a
 NAME(S) Delaware corporation
 (print or type)

ADDRESS Payson Star Route, Box 479
Globe, AZ 85501

TELEPHONE (602) 425-1020
 H & E Land & Cattle Company, a Delaware
 corporation

Signature _____
 By: *Hollis J. Crim*
Hollis J. Crim, President

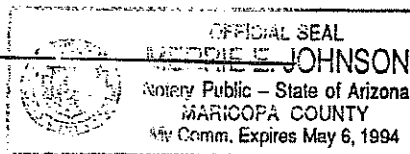
Signature _____

STATE OF ARIZONA)
)
 County of MARICOPA) ss.

The foregoing instrument was acknowledged and signed
 before me this 10th day of October,
 19 90, by Hollis J. Crim as the President
of H & E Land & Cattle Company, a Delaware
corporation, on behalf of the corporation.

Muri E. Johnson
 Notary Public

My Commission Expires:



United Title Agency of Arizona, Inc.

United Title Agency of Arizona

When recorded, return to:
Kenneth Van Winkle Jr., Esq.
Lewis and Roca
40 North Central Avenue
Phoenix, Arizona 85004

1703-453

310680-8

GENERAL WARRANTY DEED

200 1000
2000
SU-075-123-17
01-885-123-N

FOR THE CONSIDERATION OF TEN DOLLARS (\$10.00), and other valuable considerations, BRUCE NEVITT, SR. and M. MARCELLA NEVITT, husband and wife, as joint tenants with right of survivorship (the "Grantors"), do hereby grant and convey to H & E LAND & CATTLE COMPANY, a Delaware corporation (the "Grantee"), the following real property situated in Pinal County, Arizona:


See Exhibit "A" attached hereto and incorporated herein by this reference

SUBJECT ONLY TO those matters set forth on Exhibit "B" attached hereto and incorporated herein by this reference, the Grantor warrants the title against all persons whomsoever.

DATED this 10 day of October, 1990.

Bruce Nevitt Sr
Bruce Nevitt, Sr.

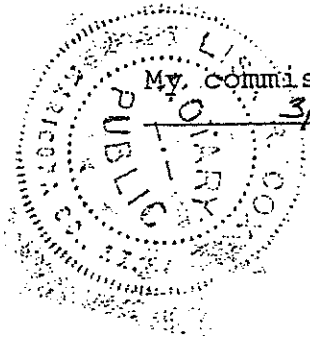
M. Marcella Nevitt
M. Marcella Nevitt

			
OFFICIAL RECORDS OF PINAL COUNTY RECORDER KATHLEEN C. FELIX			
DATE:	11OCT90	TIME:	1315
FEE:	\$6.00	\$4.00	\$.00
PAGES:	005		
DOCKET:	1703	PAGE:	453
INSTRUMENT #	990592		

STATE OF ARIZONA)
)
County of Maricopa) ss.

The foregoing instrument was acknowledged before me this 10 day of October, 1990, by BRUCE NEVITT, SR. and M. MARCELLA NEVITT, husband and wife, as joint tenants with right of survivorship.

Lisa R. Cort
Notary Public



My commission expires:
3/17/92

1703-455

EXHIBIT A

PARCEL NO. 1:

That portion of Section One (1), Township Eight (8) South, Range Sixteen (16) East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of said Section 1, said point being a found 2 inch open pipe buried 2.5 feet underground; thence North 89 degrees 52 minutes 58 seconds East along the North line of said Section 1, a distance of 3291.07 feet to a point on the existing centerline of pavement of abandoned old Highway #77; thence along the centerline of existing pavement of abandoned old Highway #77, as located on and before July 22, 1957, and as abandoned by the Pinal Board of Supervisors in Resolution and Order No. 10780 dated January 7, 1980, recorded January 10, 1980 in Docket 992, page 124, records of Pinal County, Arizona, the following bearings and distances; thence South 18 degrees 47 minutes 29 seconds East, a distance of 1252.13 feet; thence South 15 degrees 15 minutes 24 seconds East, a distance of 542.31 feet; thence South 26 degrees 14 minutes 23 seconds East, a distance of 134.88 feet; thence South 48 degrees 26 minutes 34 seconds East, a distance of 156.05 feet; thence South 41 degrees 36 minutes 17 seconds East, a distance of 149.76 feet; thence South 33 degrees 24 minutes 33 seconds East, a distance of 261.10 feet; thence South 29 degrees 35 minutes 14 seconds East, a distance of 421.45 feet; thence South 26 degrees 50 minutes 27 seconds East to a point on the North line of the Southeast quarter of the Southeast quarter, said point being 163.49 feet Westerly of the Northeast corner of said Southeast quarter of the Southeast quarter; thence leaving the centerline of existing pavement of abandoned old Highway #77, South 89 degrees 17 minutes 20 seconds West along the North line of the Southeast quarter of the Southeast quarter a distance of 1148.27 feet to the Northwest corner of said Southeast quarter of the Southeast quarter; thence South 00 degrees 21 minutes 20 seconds East along the West line of said Southeast quarter of the Southeast quarter, a distance of 1308.63 feet to the Southwest corner of said Southeast quarter of the Southeast quarter; thence South 89 degrees 07 minutes 03 seconds West along the South line of said Section 1, a distance of 1310.92 feet to the South quarter corner of said Section 1; thence continuing South 89 degrees 07 minutes 03 seconds West along said South Section line, a distance of 800.92 feet to a point being 510.00 feet Easterly of the Southeast corner of the Southwest quarter of the Southwest quarter, and the point of beginning of that certain parcel of land conveyed to ARMENAL W. PATTERSON by deed recorded September 29, 1938 in Book 60 of Deeds, page 33, Pinal County records; thence along the Easterly and Northerly boundary lines of said Patterson parcel the following courses and distances: North 19 degrees 17 minutes 13 seconds East, a distance of 1399.17 feet to a point on the North line of the Southeast quarter of the Southwest quarter; thence continuing along the boundary line of said Patterson parcel North 03 degrees 10 minutes 27 seconds West, a distance of 1314.75 feet to a point on the South line of the Southeast quarter of the Northwest quarter, said point being 919.00 feet Easterly of the Southwest corner of said Southeast quarter of the Northwest quarter; thence continuing along the boundary line of said Patterson parcel South 89 degrees 25 minutes 13 seconds West along the South line of said Southeast quarter of the Northwest quarter a distance of 919.00 feet to the Southwest corner of said Southeast quarter of the Northwest quarter; thence continuing along the boundary line of said Patterson parcel North 00 degrees 25 minutes 41 seconds West along the West line of said Southeast quarter of the Northwest quarter, a distance of 977.00 feet to a point; thence continuing along the boundary line of said Patterson parcel North 71 degrees 50 minutes 45 seconds West, a distance of 1385.55 feet to a point on the West line of said Section 1 and the Northwest corner of said Patterson parcel said point being 1422.00 feet Northerly of the Southwest corner of the Northwest quarter; thence North 00 degrees 27 minutes 45 seconds West along the West line of said Section 1, a distance of 1230.78 feet to the point of beginning;

1703-456

EXCEPTING AND RESERVING to the United States, pursuant to the provisions of the Act of August 1, 1946 (60 Stat. 755), all uranium, thorium, or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value as set forth in the Patent to said land. (Affects the Southeast quarter of the Northwest quarter of said Section 1).

PARCEL NO. 2:

That portion of Section Thirty-six (36), Township Seven (7) South, Range Sixteen (16) East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying Westerly of the centerline of abandoned old Highway #77, as located on and before July 22, 1975, more particularly described as follows, and as abandoned by the Pinal Board of Supervisors in Resolution and Order No. 10780 dated January 7, 1980, recorded January 10, 1980 in Docket 992, page 124, records of Pinal County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of said Section 36, said point being the found original GLO stone; thence North 89 degrees 50 minutes 50 seconds East along the North line of said Section 36, a distance of 120.61 feet to a point in the centerline of existing pavement of abandoned old Highway #77; thence along the centerline of existing pavement of abandoned old Highway #77 the following bearings and distances: thence South 16 degrees 30 minutes 23 seconds East, a distance of 209.85 feet; thence South 05 degrees 55 minutes 04 seconds East, a distance of 571.97 feet; thence South 39 degrees 06 minutes 11 seconds East, a distance of 227.36 feet; thence South 33 degrees 21 minutes 24 seconds East, a distance of 233.98 feet; thence South 30 degrees 28 minutes 32 seconds East, a distance of 226.08 feet thence South 30 degrees 28 minutes 32 seconds East, a distance of 143.70 feet; thence South 34 degrees 09 minutes 22 seconds East, a distance of 99.24 feet; thence 34 degrees 09 minutes 22 seconds East, a distance of 243.00 feet; thence South 35 degrees 13 minutes 42 seconds East, a distance of 722.89 feet; thence South 37 degrees 37 minutes 27 seconds East, a distance of 305.62 feet; thence South 35 degrees 51 minutes 47 seconds East, a distance of 544.47 feet; thence South 34 degrees 49 minutes 33 seconds East a distance of 314.72 feet; thence South 37 degrees 18 minutes 45 seconds East, a distance of 287.11 feet; thence South 38 degrees 10 minutes 28 seconds East, a distance of 1030.23 feet to a point on the Westerly right-of-way line of State Highway #77, as it now exists; thence South 29 degrees 58 minutes 45 seconds East along said Westerly right-of-way line, a distance of 1109.69 feet to a point on the South line of said Section 36; thence South 89 degrees 52 minutes 58 seconds West along said South Section line, a distance of 3307.93 feet to the Southwest corner of said Section 36, said point being a found 2 inch open pipe buried 2.5 feet underground; thence North 00 degrees 32 minutes 55 seconds West along the West line of said Section 36, a distance of 5282.21 feet to the point of beginning.

1703-437

EXHIBIT B

1. Taxes for the year 1990, a lien, but not yet payable.
2. Liabilities and obligations imposed upon said land by reason of inclusion within COUNTY FIRE CONTRIBUTIONS, CENTRAL ARIZONA WATER CONSERVATION, PINAL COUNTY LIBRARY DISTRICT and PINAL COUNTY FLOOD CONTROL.
3. Right of entry reserved unto the United States in connection with minerals reserved in the Patent of said land. (Southeast quarter of the Northwest quarter of said Section 1)
4. Railroad right of way over said premises, as quitclaimed to the Phoenix and Eastern Rail Road Company by instrument recorded October 24, 1904 in Book 21 of Deeds, page 306. (Parcel 1)
5. Easement and rights incident thereto for electric power lines over said premises, as shown in instrument recorded October 7, 1935 in Book 54 of Deeds, page 583. (Parcel 1)
6. Easement and rights incident thereto for roadways in connection with construction, operation and maintenance of electrical transmission lines over said premises, as shown in instrument recorded October 6, 1953 in Docket 90, page 85. (Parcel 1)
7. Easement and rights incident thereto for pipelines over said premises, as shown in instrument recorded November 15, 1957 in Docket 191, page 207. (Parcels 1 and 2)
8. Deed of Trust executed by H & E Land & Cattle Company, a Delaware corporation, as Trustor, for the benefit of Bruce Nevitt, Sr. and M. Marcella Nevitt, his wife, as Beneficiary, and United Title Agency of Arizona, Inc., an Arizona corporation, as Trustee, dated October 12, 1990, recorded contemporaneously herewith; to secure \$300,000.00, and other amounts payable thereunder.
9. Deed of Trust executed by H & E Land & Cattle Company, a Delaware corporation, as Trustor, for the benefit of Elena Uihlein Crim, as Beneficiary, and United Title Agency of Arizona, Inc., as Trustee, dated October 12, 1990, recorded contemporaneously herewith; to secure \$250,000.00, and other amounts payable thereunder.

ATTACHMENT E

1
2 Arizona Department of Water Resources

3 Kimberly Parks

4 P. O. Box 36020

5 Phoenix, AZ 85067

6 ASARCO Incorporated

7 Lauren J. Caster

8 Fennemore Craig, P.C.

9 2394 East Camelback Road

10 Suite 600

11 Phoenix, AZ 85016-3429

12 BHP Copper, Inc.

13 John D. Burnside

14 Snell & Wilmer, L.L.P.

15 400 E. Van Buren Street, Ste 1900

16 Phoenix AZ 85004

17 Carla Consoli & Stanley Lutz

18 Lewis Roca Rothgerber Christie, LLP

19 201 East Washington Street, Ste 1200

20 Phoenix, AZ 85004

21 Clerk of the Superior Court

22 Maricopa County

23 Attn: Water Case

24 601 West Jackson Street

25 Phoenix, AZ 85003

26 Gila River Indian Community

27 Linus Everling and Thomas L. Murphy

28 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

Lucas T. Christian & Julian Nava

Rosette, LLP

565 W. Chandler Blvd. Suite 212

Chandler, AZ 85225

1 S. Montgomery, R. Interpreter, J. Tomkus
2 Montgomery & Interpreter, Plc
3 3301 E. Thunderbird Road
4 Phoenix, AZ 85032

5 Salt River Valley Water Users Association,
6 Salt River Project Agricultural Improvement and Power District
7 John B. Weldon, Jr. and Mark A. McGinnis
8 Salmon, Lewis & Weldon PLC
9 2850 E Camelback Rd, Ste. 200
10 Phoenix, AZ 85016

11 Special Master Susan Ward Harris
12 Superior Court of Arizona
13 201 W. Jefferson Street
14 Courtroom 301
15 Phoenix, AZ 85003

16 U. S. Department of Justice
17 Patrick Barry, Yosef Negose and Emmi Blades
18 Environment and Natural Resources
19 P. O. Box 7611
20 Washington, D.C. 20044-7611

21

22

23

24

25

26

27

28