

(LD)

3-2-339

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

W1-11-003351

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

99 MAY 11 PM 1:31

FILED

JUDITH ALLEN: CLERK
BY: [Signature] DEP

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 File Report or Zone 2 Well Report No. 111 24 - CBC 007
(please insert no.)

or Catalogued Well No. _____
(please insert no.)

OBJECTOR INFORMATION

Objector's Name: ASARCO Incorporated (1263)
Objector's Address: P.O. Box 8, Hayden, AZ 85235
Objector's Telephone No.: (602) 356-7811

The names, address and telephone number of Objector's attorneys are on the Attachment hereto.
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): 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): _____

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):
39 - _____

STATE OF ARIZONA
COUNTY OF Maricopa

VERIFICATION (must be completed by objector)

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 11th day of May, 1992, postage prepaid and addressed as follows:

Name: Warne, Jr., J.E. & (Trustee)
Address: 4455 E. Camelback Road
Suite 290-E
Phoenix, AZ 85018

(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.)

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 these portions, I believe them to be true.

[Signature]
Signature of Objector or Objector's Representative
Authorized Attorney

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

[Signature]
Maurine Duncan Skypie

Notary Public for the State of Arizona

Residing at Phoenix, Maricopa County

My commission expires July 17, 1994

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.

Attachment to Objection re Warne, Jr., J. E. & (Trustee), WFR # 111-24-CBC-007

4, 8

& 11. ASARCO objects to the inclusion of groundwater in this Adjudication because groundwater is neither appropriable under Arizona law (Uniform Objection Code Nos. 500, 510, 1120 and 1132), nor is it subject to claims based on federal law (Uniform Objection Code Nos. 561, 562, 1120 and 1134). In addition, this objection is intended to preserve these issues until such time as each is resolved by the Arizona Supreme Court. (Uniform Objection Code No. 1130) While this objection pertains to a specific Watershed File Report ("WFR"), ASARCO is objecting to each WFR that classifies a well as a "Zone 1 Well" or otherwise employs the "50% - 90 day standard" to create a presumption of a well's diversion of appropriable surface water. With respect to this particular WFR, ASARCO presently believes that the subject well(s) is/are taking nonappropriable groundwater not subject to the Gila Adjudication. However, should it be determined that the well(s) is/are taking appropriable surface water, ASARCO objects to such use where such taking is a diversion of surface water without an appropriative right under state law and/or is interfering with the water rights of ASARCO. (Uniform Objection Code Nos. 600, 610 and 1150) ASARCO is 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 WFR are adjudicated.

ASARCO objects 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"), ASARCO is 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, ASARCO presently believes 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

Continuation of Attachment to Objection re Warne, Jr., J. E. & (Trustee), WFR # 111-24-CBC-007

available to a federal reservation, ASARCO objects to such use where such groundwater withdrawal interferes with paramount water rights of ASARCO. (Uniform Objection Code Nos. 1135, 1136 and 1150) ASARCO is 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 Objector: Burton M. Apker, Id. No. 001258
 Gerrie Apker Kurtz, Id. No. 005637
 APKER, APKER, HAGGARD & KURTZ, P.C.
 2111 E. Highland, Suite 230
 P.O. Box 10280
 Phoenix, Arizona 85064-0280
 (602) 381-0085

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

Contested Case File: W111001351

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

92 MAY 12 AM 10:55

JUDITH ALLEN, CLERK
BY
FILED

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. 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.

This objection is directed to Watershed
File Report or Zone 2 Well Report No.

111-24-CBC-007

or Catalogued Well No.

(please insert no.)

(please insert no.)

OBJECTOR INFORMATION

Objector's Name:
United States of America

Co-Objector's Name:
Gila River Indian Community
c/o Cox & Cox

Co-Objector's Name:
San Carlos Apache Tribe; Tonto
Apache Tribe; Yavapai-Apache Indian
Community; Camp Verde Reservation
c/o Sparks & Siler, P.C.

Objector's Address:
601 Pennsylvania Ave.
Washington, D.C. 20004

Co-Objector's Address:
Suite 300 Luhrs Tower
Phoenix, AZ 85003

Co-Objector's Address:
7503 First Street
Scottsdale, AZ 85251

Objector's Telephone No.:
(202) 272-4059 / 272-6978

Co-Objector's Telephone No.:
(602) 254-7207

Co-Objector's Telephone No.:
(602) 949-1998

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):

111-19-009

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):

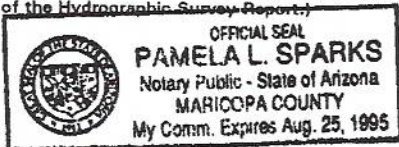
39-11-05478 39-05-41142 39-07-12652 39-07-12676 39-05-50058 39-07-12169
39-U8-60083 39-L8-36340 39-L8-37360 39-U8-63614 39-07-12675 39-05-50059

STATE OF ARIZONA
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 18th day of May, 1992, postage prepaid and addressed as follows:

Name: 111-24-CBC-007
WARNE, JR., J.E.
(TRUSTEE)
Address: 4455 E. CAMELBACK ROAD
SUITE 290-E
PHOENIX AZ 85018

(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.)



VERIFICATION (must be completed by objector)

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.

Gary B. Randall
Signature of Objector or Objector's Representative

Oliver J. Cox
Signature of Co-Objector or Co-Objector's Representative

Jay Sparks
Signature of Co-Objector or Co-Objector's Representative

SUBSCRIBED AND SWORN to before me this 17th day of May, 1992.

Pamela L. Sparks
Signature of Notary Public

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. Object to the description of Land Ownership.
- 2. Object to the description of Applicable Filings and Decrees.
- 3. Object to the description of DWR's Analysis of Filings and Decrees.
- 4. Object to the description of Diversions for the claimed water right(s).
- 5. Object to the description of Uses for the claimed water right(s).
- 6. Object to the description of Reservoirs used for the claimed water right(s).
- 7. Object to the description of Shared Uses & Diversions for the claimed water right(s).
- 8. Object to the PWR (Potential Water Right) Summary of the claimed water right(s).
- 9. Object to the description of Quantities of Use for the claimed water right(s).
- 10. 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):

- 2. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420)

Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)

The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3900059820000)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (3601023440000)

- 3. Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)

- 4. The diversion is not associated with a POU. It may be unused, discontinued or not applicable and should not be assigned a water right. (SM 600)

- 8. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420)

The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)

The legal description for the point of diversion listed by ADWR is not fully supported by the applicable filings listed. (SM 623) (W04)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3900059820000)

The regional volume of use is less than both the claimed and maximum observed volume of use. This indicates that the water is being used inefficiently. The claimant is not entitled to the water that will be wasted. (SM 1000)

9. The regional volume of use is less than both the claimed and maximum observed volume of use. This indicates that the water is being used inefficiently. The claimant is not entitled to the water that will be wasted. (SM 1000)

ADWR uses a methodology that overestimates crop water requirements. (SM 1020)

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

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

No. W111001351

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. 11124CBC 007 (please insert no.)
(please insert no.)

92 MAY 13 AM 9:57
FILED
BY JUDITH ALLEN, CLERK
DPT.
Cox

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

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: WARNE, JR., J.E.

Address: 4455 E. CAMELBACK ROAD, SUITE 290E

PHOENIX AZ 85018

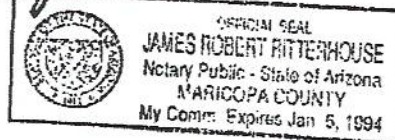
I declare under perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof, and that the information contained in the Objection is true based on my 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.

Alfred S. Cox
Signature of Objector or Objector's Representative

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

James R. Rutter
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.)



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.

STATEMENT OF THE OBJECTION

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- 1. I object to the description of Land Ownership
- X 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
- X 4. I object to the description of Diversions for the claimed water right(s)
- X 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)
- X 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 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).
- 4 This well takes water directly from the flow of the river under state standards (500) (532) (1132) (1137).
- 9 HSR does not show the apparent annual volume of water used (1000).
- 5 Claimed uses were not found by DWR (830).

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
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No. W111001351

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This objection is directed to Watershed _____ or Catalogued Well No. _____
File Report or Zone 2 Well Report No. 11124CBC 007
(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

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):

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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: WARNE, JR., J.E.

Address: 4455 E. CAMELBACK ROAD, SUITE 290E

PHOENIX AZ 85018

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.

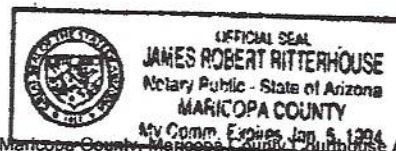
Alfred S. Cox Joe [Signature]

Signature of Objector or Objector's Representative

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

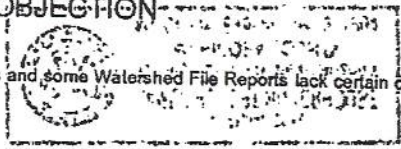
James R. Ruffel
Notary Public for the State of Arizona

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- 6. I object to the description of **Reservoirs** used for the claimed water right(s)
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- X 9. I object to the description of **Quantities of Use** for the claimed water right(s)
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- 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).
- 9 HSR does not show a claimed water use rate (1000).
- 2 Quantities from filing(s) and/or pre-filing(s) are inconsistent (478)(430).

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
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No. W111001351

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File Report or Zone 2 Well Report No. 11124CBC 007
(please insert no.) (please insert no.)

92 MAY 13 AM 0:57
FILED
BY JUDITH ALLEN, CLERK
DEPT. OF WATER RESOURCES
Handwritten signature

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
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STATE OF ARIZONA

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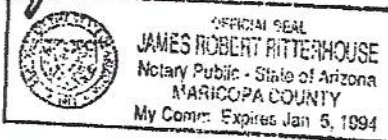
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Alfred S. Cox *Joe Sparks*
Signature of Objector or Objector's Representative

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James R. Rutter
Notary Public for the State of Arizona



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STATEMENT OF THE OBJECTION

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- 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)
- X 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 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).
- 4 This well takes water directly from the flow of the river under state standards (500) (532) (1132) (1137).
- 9 HSR does not show the apparent annual volume of water used (1000).
- 5 Claimed uses were not found by DWR (830).

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

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

No. W11001351

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. 11124CBC 007
(please insert no.) (please insert no.)

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community San Carlos Apache Tribe; Tonlo 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

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: WARNE, JR., J.E.
Address: 4455 E. CAMELBACK ROAD, SUITE 290E
PHOENIX AZ 85018

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.

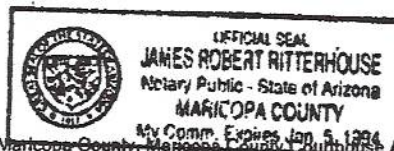
Alfred S. Cox James R. Ritterhouse

Signature of Objector or Objector's Representative

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

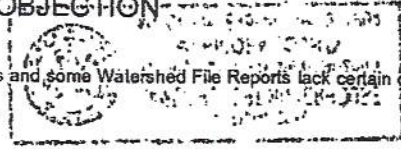
James R. Ritterhouse
Notary Public for the State of Arizona

(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.)



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.

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**
- X 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**
- X 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)
- X 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 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).
- 9 HSR does not show a claimed water use rate (1000).
- 2 Quantities from filing(s) and/or pre-filing(s) are inconsistent (478)(430).

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
W1-11-1351

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
File Report or Zone 2 Well Report No.

111-24-CBC-007

or Catalogued Well No.

OBJECTOR INFORMATION

Objector's Name: Bella Vista Ltd. Partnership; Nicksville Water Company; Bella Vista Water Company;
Bella Vista Ranches Ltd. Partnership; Dan Cracchiolo; Pueblo Del Sol Water Company
c/o William P. Sullivan, Martinez & Curtis, P.C.
Objector's Address: 2712 North Seventh Street
Phoenix, Arizona 85006-1003
Objector's Telephone No.: (602) 248-0372

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):

112-16-002; 111-20-007; 111-23-030; 111-20-062; 111-20-030; 111-23-017; 111-23-064; 111-23-017; 111-23-034

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):

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 14th day of May, 1992, postage prepaid and addressed as follows:

Name: WARNE, JR., J.E. & TRUSTEE
Address: 4455 E. CAMELBACK ROAD, SUITE 290-E.
PHOENIX AZ 85018

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.

William P. Sullivan
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 14th day of May, 1992.

Walter N. Carey

Notary Public for the State of Arizona

Residing at Phoenix, Maricopa County, Arizona.

My commission expires January 16, 1996.

(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.)

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, 1991.

FILED
MAY 14 PM 4:16
KATHY ALLEN, CLERK
DEP.

W1-11-1351
111-24-CBC-007
WARNE, JR., J.E. & TRUSTEE
4455 E. CAMELBACK ROAD, SUITE 290-E
PHOENIX AZ 85018

Category
Number

The objectors protest the WFR for the following reasons:

- 11 Pursuant to Section 6.08 of the Rules for Proceedings before the Special Master, Objectors wish to preserve all objections which may arise from or otherwise are related to the five remaining issues on Interlocutory Appeal before the Arizona Supreme Court. Objectors reserve the right to amend or supplement this objection following the issuance of an opinion and mandate by the Supreme Court dealing with any of the issues pending before it (1130, 1132, 1133, 1134, 1135, and 1136).
- 11 The procedures imposed by the trial court and Master to preserve an objection to this claim are inconsistent with A.R.S. § 45-256(B). The Legislature did not intend each party to be required to review each and every claim and file all potential objections within the 180 day period or be foreclosed from participating in a contested case. The Statute clearly permits a party who has filed an objection "to make objections to any other claims" (100).
- 11 Zone 1 and Zone 2 wells, and the uses related thereto, are beyond the jurisdiction of the general adjudication and should not be included in the WFR. (510, 520, 1121)
- 5 (IR001) Objectors protest ADWR's failure to analyze whether the PWR significantly diminishes water available to federal reservations. (220, 562, 1010)
- 9 (IR001) ADWR's assigned volume of use exceeds the claimed volume. (1020, 478)
- 5 (IR001) The assigned priority date and volume are inconsistent with the claimed priority date and volume. (410, 910, 1010)

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
Contested Case No. W1-11-001351

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
File Report or Zone 2 Well Report No.

111-24-CBC-007
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name:

Salt River Project

Objector's Address:

Post Office Box 52025

Phoenix, Arizona 85072-2025

Objector's Telephone No:

(602) 236-2210

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 Watershed):

39-07 01040, 01041, 01206, 01207, 01998

39-05 50053, 50054, 50055

39-L8 35212, 35213

STATE OF Arizona

COUNTY OF Maricopa

VERIFICATION (must be completed by objector)

I hereby make this Objection. I certify that, if required, copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 14th day of May, 1992, postage prepaid and addressed as follows:

Name: WARNE, JR., J.E.

Address: 4455 E. CAMELBACK ROAD

PHOENIX, AZ 85018

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 by 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.

David C. Roberts

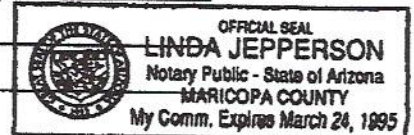
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 1st day of May, 1992.

Linda Jepperson
Notary Public for the State of Arizona

Residing at Maricopa County

My commission expires _____



(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.)

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 4 11:05 AM '92
FILED
JUDITH ALLEN
BY
S. J. [unclear]
DEP

E

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 the DIVERSIONS for the claimed water right(s)
- 5. I object to the description of the 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 the 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 number, page number 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

SEE ATTACHMENT 1

In this attachment the uniform code designated by the
Special Master in accordance with Case Management
Order No. 1 is shown in parenthesis following each
objection statement.

ATTACHMENT 1

WFR CATEGORY 8 - PWR SUMMARY

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, in this case, filings made pursuant to the Water Rights Registration Act (WRRRA), are the evidentiary foundation for the priority date associated with a water right. The Watershed File Report fails to set forth sufficient historical evidence to refute the date of priority claimed in the WRRRA filing matched to this PWR. In the absence of such evidence, the apparent date of first use for this PWR should be the date claimed in the WRRRA filing (0920). This objection applies to: IR001.

* * * *

The Salt River Project objects to the absence of an apparent date of first use for this Potential Water Right (PWR). Previous filings, where available, are the evidentiary basis for any appropriative right. This PWR has been matched to a Water Rights Registration Act (WRRRA) filing. The date claimed in the WRRRA filing should form the basis for the apparent date of first use, unless sufficient historical evidence indicates a contrary date.

The Watershed File Report fails to articulate sufficient historical evidence to refute the priority date claimed in the WRRRA filing matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date claimed in the WRRRA filing (0910). This objection applies to: DM001.

* * * *

WFR CATEGORY 8 - PWR SUMMARY (continued)

The Salt River Project objects to the weight placed upon aerial photography in determining the apparent date of first use for this Potential Water Right (PWR). Where DWR concludes that no use exists on a parcel as of a given photo date, it does not follow that a claimant either had no water right to start with or abandoned that right by nonuse. Scattered photos reflecting occasional periods of nonuse over a fifty-year time span should not be interpreted by DWR to refute the priority date or dates evidenced by a claimant's previous filings (0910). This objection applies to: IR001.

WFR CATEGORY 9 - QUANTITIES OF USE

The Salt River Project objects to the quantities of use assigned to this Potential Water Right (PWR). The maximum observed and regional methods used by DWR for determining quantities of use for certain agricultural irrigation PWRs are inconsistent with the Arizona doctrine of prior appropriation; these methods are also technically inaccurate. The maximum potential method used by DWR for determining quantities of use is consistent with Arizona law; however, several technical corrections are necessary. For an additional discussion of the problems associated with DWR's methods of quantification for this type of PWR, see the Salt River Project's Volume 1 objections to these methods, a copy of which is attached to this objection and incorporated herein by reference (1020). This objection applies to: IR001.

* * * *

The Salt River Project objects to the failure of DWR to assign a quantity of use to this Potential Water Right (PWR). All water rights subject to the court's jurisdiction must be quantified in accordance with A.R.S. § 45-257(B). This PWR is no exception (1010). This objection applies to: DM001.

* * * *

WFR CATEGORY 9 - QUANTITIES OF USE (continued)

The Salt River Project objects to the failure of DWR to calculate a diversion rate for this Potential Water Right (PWR). All PWRs assigned a point or points of diversion should be assigned a separate diversion rate for each point of diversion. Diversion rates should be calculated at the point of diversion and should include conveyance losses (1010). This objection applies to: DM001 and IR001.

**EXCERPT FROM
SALT RIVER PROJECT OBJECTIONS TO
VOLUME 1 OF THE SAN PEDRO RIVER HSR**

IRRIGATION QUANTITY ESTIMATES

(page numbers refer to Volume 1)

INTRODUCTION

The Salt River Project objects to DWR's estimation methods and results for irrigation water quantities for the following reasons:

First, the Salt River Project objects to DWR's estimation of water duty under both the "maximum observed" and "regional" methods. In the absence of decreed rights, which must be accepted by the court in the absence of abandonment, Arizona law requires that the extent of an appropriative right be measured according to the quantity of water that the appropriator diverted for beneficial use since the time of the appropriation. A.R.S. § 45-141(B) ("Beneficial use shall be the basis, measure and limit to the use of water"). Neither the "maximum observed" or "regional" quantification methods employed by DWR properly estimate maximum actual historical beneficial use as required by law.

The Salt River Project supports DWR's estimation of water duty using the "maximum potential" method since, in the absence of sufficient historical records, this method properly estimates maximum actual historical beneficial use.

Second, DWR's method to compute maximum observed water duty does not accurately estimate maximum actual historical beneficial use since it incorporates inaccurate crop irrigation requirements, deficit irrigation, five years or less of crop history, or overly high efficiency estimates.

Third, although DWR has developed new terminology in reporting regional water duties, DWR still uses the Arizona Groundwater Code method of "areas of similar farming conditions" (ASFC), now termed "regional farming conditions" (RFC). The RFC method assigns a weighted average consumptive use requirement to the water duty equation based upon the types of crops recently grown by appropriators in a designated area. Historical information or records evincing an individual claimant's actual cropping patterns and the quantities of water actually used to cultivate such crops since the time of appropriation are not considered. In fact, the Court noted that "[average efficient use] is not directly related to what is the property's water right[s] . . ." (Entitlement Order at 6). Under the prior appropriation doctrine, an appropriator who has grown alfalfa on his property historically is entitled to a water duty that will support alfalfa, regardless of the crops that he or his neighbors are currently growing. Under DWR's "averaging" approach, an appropriator in this situation would be assigned an apparent entitlement inadequate to meet crop needs.

Additionally, under the RFC concept, the efficiency of various irrigation methods is averaged among appropriators, thus further exacerbating the inadequate water duty for the appropriator who does not have a system with above-average efficiency.

Fourth, there are a number of technical errors in DWR's calculation of crop consumptive use including the use of a five year crop history, adjusted weather data, relative humidity, growing season, effective precipitation, crop coefficients, alfalfa stand establishment, deficit irrigation, and efficiency estimates.

Five Year Crop History

pp. 146-151, C-18, C-19, C-68 through C-78

The Salt River Project objects to DWR's use of its five year investigation period for computing acreages irrigated for maximum observed quantification and for computing crop irrigation water requirements for both maximum observed and regional quantifications. Indeed, it appears that DWR has relied heavily on a single year (1990) of crop survey data. The information developed from a single year, or five year period, cannot be used to properly estimate actual historical beneficial use since low consumptive use crops or no crop may be present during the period. Thus, historical cropping practices or completion of a crop rotation are not reflected.

Adjusted Weather Data

pp. C-6 through C-19

The Salt River Project objects to DWR's adjustment of weather station temperatures from recorded values and relative humidities from estimated values. The temperature and relative humidity adjustment procedure is intended for prediction of crop water requirements for large, new irrigation developments where the current observations are from a nearby non-irrigated area. Because of the "clothesline" configuration of San Pedro irrigated areas in relation to the extremely arid surrounding environment, it is extremely doubtful there is any moderating effect due to surrounding irrigated land or to the San Pedro River.

Relative Humidity

pp. C-9, C-17, C-25, C-29, C-34, C-92

The Salt River Project objects to DWR's failure to specify whether it used minimum relative humidity as specified in Food and Agricultural Organization (FAO) Paper 24. Minimum relative humidity is not reported by Sellers and Hill. Furthermore, their 6 p.m. (1800 hours) data must be adjusted downward to reflect lower humidity in mid-afternoon. The proper publication date for Arizona Climate, 1931-1972, by Sellers and Hill, is 1974.

Growing Season

pp. C-20, C-24

The Salt River Project objects to DWR's use of field observations during one or just a few years to estimate the length of growing season for perennial crops. A few field observations of irrigation dates do not define the water use period because water use occurs both before and after irrigation and because growing seasons vary from year to year. Growing seasons can best be determined for perennial crops by a relationship between plant growth and mean temperature or mean date of low temperatures over an extended period of record.

Effective Precipitation

pp. C-38, C-40 through C-49

The Salt River Project objects to DWR's method of estimating non-growing season effective precipitation. The procedure used neglects runoff, uses soil constant values that are highly variable and not well quantified, and is unclear about assumptions of initial soil moisture conditions for each month. Published methods can be used to estimate non-growing season effective precipitation for the winter months, the relevant period for most crops. Furthermore, the Salt River Project objects to DWR's use of a 50 percent probability of precipitation, which results in an inadequate supply in one-half of the years. A 50 percent probability indicates that average effective precipitation is subtracted from crop consumptive use when DWR calculates the irrigation requirement. This means that in years of below-average precipitation, irrigation users would be unable to replace the lack of precipitation with additional irrigation water. The amount of precipitation that is available 80 percent of the time for field crops and 90 percent of the time for orchards and vegetables is appropriate.

Crop Coefficients

p. C-33

The Salt River Project objects to DWR's use of 0.8 as the kc for Winter Pasture. Winter Pasture is a cool-season grass mixture that has a higher crop coefficient than a warm-season grass. SRP also objects to DWR's use of the mean of kc1 and kc3 as a value for kc2, instead of interpolation. Both FAO-24 and University of California Leaflet 21427 specify interpolation.

Alfalfa Stand Establishment

p. C-37

The Salt River Project objects to DWR's failure to include water for alfalfa stand establishment as an "Other Need."

Deficit Irrigation

pp. C-4, C-5, C-54 through C-68

The Salt River Project objects to DWR's use of deficit irrigation values for the maximum observed quantification for water right entitlements. As noted above, maximum actual historical beneficial use is the proper measure of a water right entitlement, not current practice.

Efficiency Estimates

pp. 138-140, C-51 through C-54

The Salt River Project objects to DWR's omission of the effect of a rotation delivery system on On-Farm Irrigation Efficiency. A rotation delivery system reduces On-Farm Irrigation Efficiency below that which can be achieved if irrigation water is available on demand.

The Salt River Project also objects to DWR's use of average estimated values of irrigation efficiency for regional quantification. The use of average efficiencies understates entitlements for one-half of all irrigated acres on this basis alone.

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

W1-11-001351

MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed

FILED
MAY 18 1992
3:43
M. ALLEN
DEB

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
File Report or Zone 2 Well Report No. 111 - 24 - CBC - 007
(please insert no.)

or Catalogued Well No. _____
(please insert no.)

OBJECTOR INFORMATION

Objector's Name: J. E. WARNE, JR., AS TRUSTEE OF THE WARNE FAMILY TRUST
4455 EAST CAMELBACK ROAD, SUITE 290E

Objector's Address: PHOENIX, ARIZONA 85016

Objector's Telephone No.: (602) 952-8312

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):

111 - 24 - CBC - 007 * (ATTORNEYS ON BACK) ✓

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 - _____

STATE OF ARIZONA

COUNTY OF MARICOPA

VERIFICATION (must be completed by objector)

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 18th day of MAY, 1992, postage prepaid and addressed as follows:

Name: NOT APPLICABLE

Address: OBJECTOR'S WFR

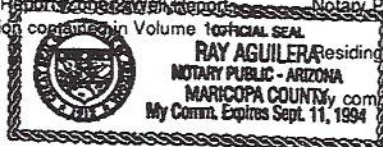
I declare under penalty of perjury that I am a claimant in this proceeding or the duly- authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true 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. Corbett
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 18 day of MAY, 1992.

Ray Aguilera
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, or Catalogued Well Report; or to information contained in Volume 1 of the Hydrographic Survey Report.)



Residing at Glendale, Az.
My Commission Expires Sept. 11, 1994

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.

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

2, 3, 4 SEE ATTACHMENT

8, 9 _____

OBJECTOR'S ATTORNEYS:

ROBERT B. HOFFMAN

CARLOS D. RONSTADT

JEFFREY W. CROCKETT

c/o SNELL & WILMER

ONE ARIZONA CENTER

PHOENIX, ARIZONA 85004-0001

PHONE: (602) 382-6000

ATTACHMENT TO OBJECTIONS
FOR WATERSHED FILE REPORT NO. 111-24-CBC-007
FILED BY
J.E. WARNE, JR., AS TRUSTEE OF THE WARNE FAMILY TRUST

Prefatory Statement.

A. Initially, Warne incorporates by reference its objections and the objections of Magma Copper Company (WFR 113-08-22) to Volumes I and IA of the San Pedro Hydrographic Survey Report, just as though each objection has been fully set forth herein. Specifically, and without limitation, Warne objects to the inclusion of groundwater rights within the scope of this Adjudication under the "brightline" theory set forth in Judge Goodfarb's order of September 9, 1988. Warne also objects on the basis that the withdrawal of groundwater from its wells does not significantly diminish the quantity of water available to satisfy downstream federal reserve rights. (Objection code nos. 510, 521, 561, 562, 1121)

Warne also reserves the right to supplement or amend these objections. Many of the issues upon which these objections are based will be subject to rulings of the Arizona Supreme Court entered in the pending interlocutory appeal of issues 2 through 6. (Objection code numbers 1130, 1132, 1133, 1134, 1135, 1136). Warne further reserves the right to object to each and every watershed file report, zone 2, well report or catalogued well report based upon subsequent rulings of the Arizona Supreme Court as may be entered in these interlocutory appeals.

Specific Objections.

1. Warne objects to DWR's characterization of well W04 as a Zone 1 well. As set forth above, Warne has joined in the objections of others to the formulation of the brightlines, within which well W04 is located. Warne believes that well W04 once tapped artesian waters, which are not part of the Gila River System and Source. Therefore, such waters are neither subject to appropriation under state law, nor does the withdrawal of waters from well W04 substantially diminish the water available to satisfy downstream federal reserved rights. (Uniform Objection Code 500, 510, 520, 521, 531, 561, 1120, 1121, 1130)

2. In addition, Warne objects to the classification of wells W01 through W03 as Zone 2 wells. Warne believes that such wells tapped artesian waters,

which are not part of the Gila River System and Source. Therefore, such wells are not subject to the jurisdiction of this Court. (Uniform Objection Code 500, 510, 520, 521, 531, 561, 1120, 1121, 1130).

These same objections also apply to the PWR summary for PWR nos. DM001 and IR001.

3. Warne further objects to DWR's "apparent first use date" as 1955. This tract of property was homesteaded in 1902, and as set forth in the appropriate documents on file with the Department of Water Resources (attached to 36-102344), 1902 should be the priority date. (Uniform Objection Codes No. 900, 910, 920)

4. With respect to the quantification of the water duty for to IR001, Warne asserts that the water duty should be the highest set forth in watershed file no. 111-24-CBC-007, that amount being 885 acre feet per annum. This quantification is based upon the historic use of water on this tract, and is further supported by custom and usage in the vicinity of Sierra Vista. (See Uniform Objection Code No. 1010, 1020)