

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
W1-11-002600

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 a 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 113 - 09 - CB - 003 _____
(please insert no.) (please insert no.)

92 MAY 11 PM 1:12
BY *J. Allen*
JUDITH ALLEN, CLERK
DEP

OBJECTOR INFORMATION

Objector's Name: Magma Copper Company (1267) ASARCO Incorporated (1263)
Objector's Address: 7400 North Oracle Rd P.O. Box 8
Suite 200 Hayden, Arizona 85235
Tucson, Arizona 85704
Objector's Telephone No.: (602) 575-5600 (602) 356-7811

* The names, addresses and telephone numbers of Objectors' attorneys are on the back of this form.

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):
Magma Copper Company: 113-08-XXXX-022, et al.
ASARCO Incorporated: 114-01-XXXX-005, et al.

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):
NOT APPLICABLE

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):
39 - NOT APPLICABLE

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the forgoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 11th day of May, 1992, postage prepaid and addressed as follows:

Name SACATON BINGHAM RANCH
and &LIMITED PARTNERSHIP
Address 2323N. CENTRAL
PHOENIX, AZ 85004

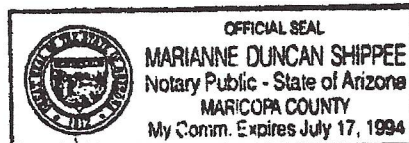
I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based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

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

Juni Phukan
Signature of Objector's Representative (ASARCO)

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

(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.

2

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 Decreases
- 3. I object to the description of DWR's Analysis of Filings and Decreases
- 4. I object to the description of Diversions for the claimed water right(s)
- 5. I object to the description of Uses for the claimed water right(s)
- 6. I object to the description of Reservoirs used for the claimed water right(s)
- 7. I object to the description of Shared Uses & Diversions for the claimed water right(s)
- 8. I object to the PWR (Potential Water Right) Summary of the claimed water right(s)
- 9. I object to the description of Quantities of Use for the claimed water right(s)
- 10. I object to the Explanation provided for the claimed water right(s)
- 11. Other Objections (please state volume, page and line number for each objection)

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attach supporting information and additional pages as necessary):

Category Number: 4, 8 and 11

Magma Copper Company ("Magma") and ASARCO Incorporated ("ASARCO") submit this objection as co-objectors.

Magma and ASARCO object to the inclusion of groundwater in this Adjudication because groundwater is 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"), Magma and ASARCO are 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, Magma and ASARCO presently believe 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, Magma and ASARCO object 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 Magma or ASARCO. (Uniform Objection Code Nos. 600, 610 and 1150)

Magma and ASARCO are also filing this objection to obtain notice and an opportunity to be heard on all issues in the event that claims to the groundwater referenced in claimant's WFR are adjudicated.

Attorneys for Magma:

Robert B. Hoffman (004415)

Carlos D. Ronstadt (006468)

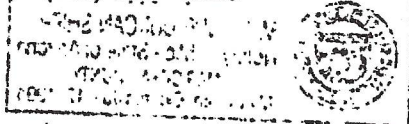
Jeffrey W. Crockett (012672)

SNELL & WILMER

One Arizona Center

Phoenix, Arizona 85004-0001

(602) 382 - 6000



Attorneys for ASARCO:

Burton M. Apker (001258)

Gerrie Apker Kurtz (005637)

APKER, APKER, HAGGARD
& KURTZ, P.C.

2111 E. Highland, Suite 230

P.O. Box 10280

Phoenix, Arizona 85064-0280

(602) 381 - 0085

**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: W111002600

**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. 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.

113-09-CB-003

or Catalogued Well No.

(please insert no.)

(please insert no.)

JUDITH ALLEN, CLERK
 BY *J. Allen*
 FILED
 MAY 12 AM 9:45

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, Ponto
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 B 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: **113-09-CB-003
SACATON BINGHAM RANCH
LIMITED PARTNERSHIP**

Address: **2195 E. RIVER ROAD
TUCSON AZ 85718**

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

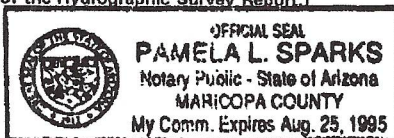
Alfred S. Cox
Signature of Co-Objector or Co-Objector's Representative

Joe [Signature]
Signature of Co-Objector or Objector's Representative

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

Pamela L. Sparks

(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.)



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. Object to the description of Land Ownership.
- 2. Object to the description of Applicable Filings and Decreases.
- 3. Object to the description of DWR's Analysis of Filings and Decreases.
- 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):

1. There is a discrepancy between the name of owner/lessee listed by ADWR for this Watershed File Report and the name of the owner/lessee identified in the adjudication filing. (SM 320)
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) (W01)
The available historical record does not support the priority date listed in the pre-filings. (SM 430) (IR090)
The available historical record does not support the priority date listed in the adjudication filings. (SM 478) (IR090)
Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)
The amount claimed, as described by ADWR, exceeds a reasonable amount required for beneficial use. (SM 478)
The statement of claimant lists a use not verified by DWR. (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 POD legal descriptions listed in the WFR is too general. (SM 623) (1011032351100; 1011032431100)
One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (1011032351100; 3900049600000; 3900049720000; 3900071630000)
The claimant associated with this Watershed File Report has expanded that claimed volume without providing documentation to support such expansion. (SM 750)

The adjudication filing is challenged because it claims a use that has been discontinued. (SM 832)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (1011032351100; 1011043171100; 3600273300000; 3900049720000)

The claimant associated with this Watershed File Report has expanded the claimed volume without providing documentation to support such expansion. (SM 1090)

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) (W01)

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) (W01; W03)

One or more of the POD legal descriptions listed in the WFR is too general. (SM 623) (1011032351100; 1011032431100)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (1011032351100; 3900049600000; 3900049720000; 3900071630000)

All or part of the PWR has been idle for more than five years and therefore is not entitled to a water right. (SM 832)

The available historical record does not support the priority date listed in the ADWR analysis of Apparent First Use Date. (SM 920) (IR090)

9. The claimant associated with this Watershed File Report has expanded that claimed volume without providing documentation to support such expansion. (SM 750)

The claimant associated with this Watershed File Report has expanded the claimed volume without providing documentation to support such expansion. (SM 1090)

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**MANDATORY FORM FOR OBJECTIONS TO
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No. W111002600

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.

92 MAY 13 AM 9:58
 FILED
 JUDITH ALLEN, CLERK
 BY *[Signature]*
 DEP

This objection is directed to Watershed _____ or Catalogued Well No. _____
 File Report or Zone 2 Well Report No. 11309CB 003 (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):

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:

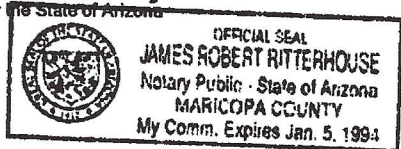
Name: SACATON BINGHAM RANCH
 Address: 2323N. CENTRAL
 PHOENIX AZ 85004

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 06 day of May 1992.

James R. Ritterhouse
 Notary Public for the State of Arizona



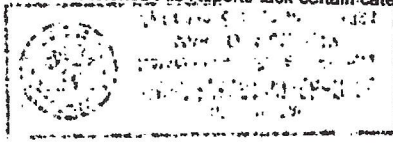
(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well report; or to information contained 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.

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**
- 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 HSR does not show a quantity for pre-filing(s) (430).
- 2 Claim date from filing(s) and/or pre-filing(s) are inconsistent (478)(430).
- 2 Quantities from filing(s) and/or pre-filing(s) are inconsistent (478)(430).

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 2 - APPLICABLE FILINGS AND DECREES

The Salt River Project objects to the inaccurate reporting of the "claim date" for notices of appropriation. Where the date claimed in the notice is different than the date of filing, DWR has reported the date of filing as the "claim date". Since the "claim date" should be used as the basis for reporting apparent dates of first use, failure to select the correct "claim date" would result in an inaccurate apparent date of first use (0430). This objection applies to: IR090.

WFR CATEGORY 3 - DWR'S ANALYSIS OF FILINGS AND DECREES

The Salt River Project objects to the "discontinued use" designation assigned to this Potential Water Right (PWR). Presently, the legal implications of the "discontinued use" designation are not known. It is also uncertain how the master and the court will treat PWRs assigned the "discontinued use" designation. In order to protect its ability to participate in the resolution of legal issues related to the "discontinued use" designation, the Project submits its objection at this time (0830). This objection applies to: IR090.

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, particularly notices of appropriation, are the evidentiary foundation for the date of priority associated with a water right. Where two or more notices of appropriation and a Water Rights Registration Act filing have been matched to the same PWR but suggest different dates of priority, the date evidenced by the oldest notice 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 evidenced by the oldest notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by the oldest notice (0920). This objection applies to: IR090.

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: IR090.

WFR CATEGORY 9 - QUANTITIES OF USE

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: IR090.

* * * *

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: IR090.