

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

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

W1-11-000473

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.

111-21-XXXX-032  
(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

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

Name: City of Tombstone

Address: P.O. Box 339

Tombstone, AZ 85638

(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 those 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]  
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 City of Tombstone, WFR #  
111-21-XXXX-032

4, 8

- & 11. 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 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.
11. Water uses reported in this Watershed File Report relate to City of Tombstone (Major User Code 1239). ..

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

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

No. W111000473

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. 11121 032  
(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):  
\_\_\_\_\_

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: CITY OF TOMBSTONE  
Address: P.O. BOX 339  
TOMBSTONE AZ 85638

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.

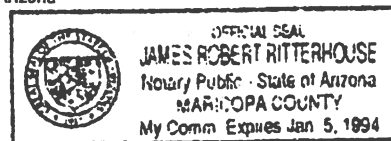
Alfred S. Cox [Signature]

Signature of Objector or Objector's Representative

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

James R. Rittnerhouse  
Notary Public for the State of Arizona

(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well report; or to information contained in Volume 1 of the Hydrographic Survey Report.)



# STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check the category(ies) to which you object, and state the reason for the objection on the back of this form.

- 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)

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## 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).

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WATER IN THE GILA RIVER SYSTEM AND SOURCE

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

No. W111000473

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. 11121 032  
(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):  
\_\_\_\_\_

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: CITY OF TOMBSTONE

Address: P.O. BOX 339

TOMBSTONE AZ 85638

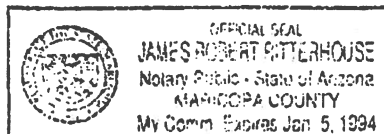
I declare under perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my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

Signature of Objector or Objector's Representative

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

James R. Paster  
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 Decreases**
- 3. I object to the description of **DWR's Analysis of Filings and Decreases**
- 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)
- 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)

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### 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      The 1881 priority date claimed for Zone 2 well(s) of the Saint David Irrigation District is not supported by the historic record. If wells are replacements for surface diversions they should be categorized as Zone 1 wells due to their "in lieu" status (900) (532).
- 5      Claimed uses were not found by DWR (830).

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

No. W1,W2,W3 & W4

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

W1-11-000473

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 21 032

(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name:

City of Mesa

Objector's Address:

P.O. Box 1466, Mesa, Arizona 85211-1466

Objector's Telephone No.:

(602) 644-2343

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):

39-18-37263-37640,  
39-07-7828

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: City of Tombstone

Address: P.O. Box 339

Tombstone, AZ 85638

(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 those portions, I believe them to be true.

Stephen D. Burg  
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 15th day of May, 1992.

Carla Wagner  
Notary Public for the State of Arizona

Residing at Mesa

My commission expires 10-25-95

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 Tombstone Municipal  
Water Supply, WFR # 111-21-032

- 11 Objector has objected to Volume 1, page 555, lines 8-23, of the San Pedro HSR for the reason that the investigation and method of reporting data employed by DWR is insufficient to determine whether an appropriable surface water right has been lost through forfeiture and abandonment. (143) In addition, "discontinued use" or "forfeiture and abandonment" have no legal application to groundwater rights, A.R.S. § 45-401 et. seq.; DWR has arbitrarily exempted certain classes of water users from reporting "discontinued uses"; DWR's methods of investigating and reporting "discontinued uses" fail to distinguish between a true case of non-use and a case where the place of use has changed; and DWR has incorrectly assumed that non-use of water is a relative factor in the examination of municipal water rights, A.R.S. § 45-152(B)(4). This WFR contains a claim which is representative of the DWR practices which were described in Volume 1. (1239)
- 11 Objector has objected to Volume 1, page 559, lines 13-23, of the San Pedro HSR for the reason that DWR has reported a "place of use" for municipal surface water rights. This information is not a necessary component of a municipal surface water right. Compare A.R.S. § 45-152(B)(1) with A.R.S. § 45-152(B)(4). The incorrect inference arising from the method DWR used to report municipal uses is that the appurtenancy doctrine applies to municipal uses. Also, as to municipal service area groundwater wells, the place of use is limited only by the reasonable use doctrine. See A.R.S. § 45-453. (143) This WFR contains a water

right claim which is representative of Objector's underlying objection. (700, 1239)

- 11 Objector has objected to Volume 1, pages 267-304 and C-87, all lines, for the reason that DWR has attempted to apply water conservation limitations and measures to municipal water rights, placed artificial limitations on the growth of municipal water rights, and placed quantity limitations on groundwater rights which conflict with the reasonable and beneficial use standards applicable to groundwater rights. Finally, DWR has been arbitrary and capricious in treating domestic uses differently than municipal uses. (116,160). This WFR contains a claim which is representative of the DWR practices which were described in Volume 1. (540, 810, 1010, 1030, 1040, 1239)

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
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USE WATER IN THE GILA RIVER SYSTEM AND SOURCE

No. W1, W2, W3 & W4  
W111000473

MANDATORY FORM FOR OBJECTIONS TO  
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This objection is directed to Watershed  
File Report or Zone 2 Well Report No.

111-21-032

or Catalogued Well No.

OBJECTOR INFORMATION

Objector's Name: City of Phoenix  
Objector's Address: Suite 800  
251 W. Washington St.  
Phoenix, AZ 85003

Objector's Telephone: (602)-262-6761

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): N/A

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 or the HSR): N/A

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

39-07-7927; 39-05-50153 through 39-05-50155; 39-L8-37666 through 39-L8-37691

STATE OF ARIZONA  
COUNTY OF MARICOPA

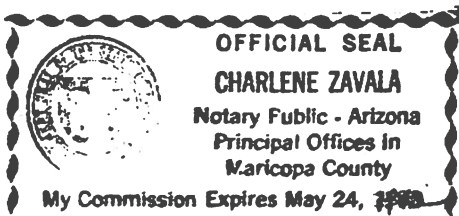
VERIFICATION

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the claimant(s) by mailing true and correct copies thereof on the 18th day of May, 1992, postage prepaid and addressed as follows:

CITY OF TOMBSTONE

P.O. BOX 339

TOMBSTONE AZ 85638



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.

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; 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.

*M. Jesus Callahan*

Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 18th day of May, 1992

*Charlene Zavala*

Notary Public for the State of Arizona  
Residing at: Phoenix, Maricopa County, Arizona  
My commission expires: MAY 24, 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**
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- 10. I object to the **Explanation** provided for the claimed water right(s)
- X 11. Other Objections (please state volume, page and line number for each objection)

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### 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  
Numbers

2  
3  
4  
5  
8  
11

**Attachment to Watershed File Report: 111-21-032**

PHOENIX OBJECTS TO CATEGORIES 2 AND 3 FOR THE REASON THAT: DWR SEVERELY ABBREVIATES THIS ZONE 2 WELL REPORT IN THAT STATEMENT OF CLAIMANT NUMBERS 39-0000728, 39-0000729, 39-0000730, 39-0000731, 39-0000732, 39-0001647 AND 39-0002197 ARE REPORTED BUT NO OTHER STATEMENT OF CLAIMANT INFORMATION IS PRESENTED. (478)

PHOENIX OBJECTS TO CATEGORY 11 FOR THE REASON THAT: A SIMILAR OBJECTION IS MADE BY PHOENIX TO VOLUME 1, PAGES 556-557 AND 577-588. (146) THE WATERSHED FILE REPORT RELATES TO THE TOMBSTONE MUNICIPAL WATER SUPPLY (MAJOR USER CODE 1239).

**Attachment to Watershed File Report: 111-21-032**

PHOENIX OBJECTS TO CATEGORIES 4 AND 8 FOR THE REASON THAT: WITH DWR'S METHOD OF REPORTING WELLS, ONE CANNOT DETERMINE IF WELLS W01, W02, W03 AND W04 ARE INCLUDED IN ZONE 2, BECAUSE EACH WELL IMPACTS SURFACE WATER SUPPLIES TO A FEDERAL RESERVATION OR IMPACTS THE GROUNDWATER AVAILABLE TO A FEDERAL RESERVATION. (560)

PHOENIX OBJECTS TO CATEGORY 11 FOR THE REASON THAT: A SIMILAR OBJECTION IS MADE BY PHOENIX TO VOLUME 1, PAGES 242-243. (114)  
THE WATERSHED FILE REPORT RELATES TO THE TOMBSTONE MUNICIPAL WATER SUPPLY (MAJOR USER CODE 1239).

**Attachment to Watershed File Report: 111-21-032**

PHOENIX OBJECTS TO CATEGORIES 4, 5, AND 8 FOR THE REASON THAT: DWR  
CREATES A POTENTIAL WATER RIGHT FOR DV001 AND DV002, YET DIVERSION IS  
NOT IN ITSELF A BENEFICIAL USE OR AN APPROPRIABLE RIGHT UNDER  
A.R.S. 45-151(A). (610)

PHOENIX OBJECTS TO CATEGORY 11 FOR THE REASON THAT: A SIMILAR  
OBJECTION IS MADE BY PHOENIX TO VOLUME 1, PAGE 569. (144)  
THE WATERSHED FILE REPORT RELATES TO THE TOMBSTONE MUNICIPAL WATER  
SUPPLY (MAJOR USER CODE 1239).



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No. W1, W2, W3 & W4  
Contested Case No. W1-11-000473

**COPY**

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The Hydrographic Survey Report for the  
San Pedro River Watershed**

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

111-21-\_\_\_-032  
(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: CITY OF TOMBSTONE

Address: P.O. BOX 339

TOMBSTONE, AZ 85638

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. Rohrer*  
\_\_\_\_\_

Signature of Objector or Objector's Representative

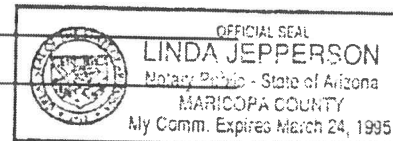
SUBSCRIBED AND SWORN to before me this 1st day of May, 1992.

*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.

**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)

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**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.

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ATTACHMENT 1

The following objection is directed to the Tombstone Municipal Water Supply. The corresponding major user number for the Tombstone Municipal Water Supply is 1239.

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

The Salt River Project objects to the exclusion of several notices of appropriation from the list of filings and decrees matched to one or more of the City of Tombstone's Potential Water Rights (PWRs). The Watershed File Report for Tombstone lists three notices of appropriation that were not matched to any PWR. It appears that at least two of these notices (10-211261 and 10-216247) were filed on springs that have historically supplied water to the City of Tombstone. Since those notices were clearly filed with the intent ". . . of furnishing water to the city and citizens of Tombstone . . .," these filings should have been matched to one or more of Tombstone's PWRs (0410).

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 a notice of appropriation and one or more Water Rights Registration Act filings have been matched to the same PWR but suggest different dates of priority, the date evidenced by the 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 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 notice (0920). This objection applies to: DV001 and DV002.

\* \* \* \*

WFR CATEGORY 8 - PWR SUMMARY (continued)

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: MU001.

\* \* \* \*

The Salt River Project objects to the assignment of a single Potential Water Right (PWR) for this municipal use. Previous filings, where available, are the evidentiary foundation for the attributes of a water right. Where water use has increased incrementally over time and increases are not attributable to a previous filing, a new PWR should be created for the amount of each unattributable increase, with an apparent date of first use as of the date of increase. Likewise, where water diversions are established from new sources and those sources are not covered by a previous filing, a new PWR should be created for the amount of water used from the new source, with an apparent date of first use as of the date of filing on that source or establishment of the diversion. It appears that DWR has assigned a single quantity of use to this PWR reflecting all incremental increases in use and development of new sources over time. Since no previous filing matched to this PWR evidences an amount sufficient to cover the amount of use or all sources of water attributed to this PWR, separate PWRs should have been created for the initial use and source, as well as for each subsequent incremental increase in use or additional source (0550,0900,1090). This objection applies to: MU001.

\* \* \* \*

**WFR CATEGORY 8 - PWR SUMMARY (continued)**

The Salt River Project objects to DWR's characterization of this diversion as a "Potential Water Right." For purposes of administration, diversions should be assigned a quantity, as well as the priority date or dates associated with downstream Potential Water Rights (PWRs) for which the diversion constitutes a source of supply. The Watershed File Report for a diversion should also list all PWRs, along with their applicable Watershed File Report Nos., served by the diversion. The diversion itself, however, is not a water right, and should not be so designated in the HSR (0220). This objection applies to: DV001 and DV002.

**WFR CATEGORY 9 - QUANTITIES OF USE**

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: DV001, DV002 and MU001.

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

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

W1-11-000473

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 - 21 032  
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: City of Tombstone 1239  
Objector's Address: P.O. Box 339, Tombstone Az. 85638  
Objector's Telephone No.: (602) 457-3562

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 - 21 - 032

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 Pima

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 \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_, postage prepaid and addressed as follows:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

(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 those portions, I believe them to be true.

John Dwall  
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 15 day of

May 19992  
July Single

Notary Public for the State of Arizona

Residing at Tucson, Arizona

My commission expires May 28, 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, on or before May 18, 1992.

STATEMENT OF THE OBJECTION

The following the are 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

8 There is no potential water right on the emergency in-stream pump referred ot as diversion P-1. This is filed as 39-0001647.

9 In watershed file reports 39-000732 and 39-000728 the recent amendments made by claimant are not reflected. The claim amounts from Miller and Carr Springs have been increased by approximately 250 acre feet per source, and the claims preserve the right to use and commingle for municipal purposes all surface and groundwater from the wells and springs. Claimant also objects to the statement in the HSR that water is shared with other files. The water claimed by claimant is used completely by the Tombstone municipal system.

SEE EXHIBIT A FOR CONTINUATION---

EXHIBIT "A"

CATEGORY NUMBER

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- 9 (Continued) We have been advised that these changes are reflected in DWR's system but are simply not yet reflected on the HSR report because of time considerations.
- 3 The DWR Analysis of wells 02 and 03 as being unused wells is incorrect. Wells 02 and 03 are being substantially used.
- 11 The wells W01, W02 and W03 do not affect the surface water rights and as such, should not be subject to the adjudication and City of Tombstone objects to the Zone 2 designation.
- 9 The total quantity of use is, at a minimum, 430 acre feet; not 389.7 acre feet as reflected in the Watershed File Report.
- 8 We object that there is no potential water right for Clark Spring, 36-0075715 (39-0000732), Rock Spring, 36-75716 (39-0000731), and Gardner Spring, 36-75714 (39-0000729) reflected in the Watershed File Report. The current non-use of the water in these springs is due to water unavailability.



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: W111000473  
Major User No. 1239

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.

111-21-032

(please insert no.)

or Catalogued Well 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 18<sup>th</sup> day of May, 1992, postage prepaid and addressed as follows:

Name: 111-21-032  
CITY OF TOMBSTONE

Address: P.O. BOX 339  
TOMBSTONE AZ 85638

(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.

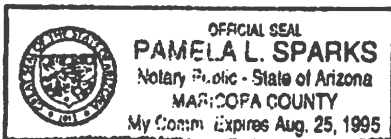
Gary B. Randall  
Signature of Objector or Objector's Representative

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

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

SUBSCRIBED AND SWORN to before me this 17<sup>th</sup> day of May, 1992.

Pamela L. Sparks



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):

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) (P01; S01; S02; S03; S04; S05)

The available historical record does not support the priority date listed in the pre-filings. (SM 430) (DV002; DV001)

The available historical record does not support the priority date listed in the adjudication filings. (SM 478) (DV002; DV001)

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 estimated volume required for beneficial use cited by ADWR is less than the quantity claimed by the claimant. The claimant is not entitled to more than the quantity required for beneficial use. (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) (1002252921100)

One or more of the filings or pre-filings as reported in this WFR is missing a place of use legal description. (SM 720) (1002112611100; 1002112631100; 1002150311100; 1002150331100; 1002162471100)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3600432260000; MU001)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (1002112611100; 1002112631100; 1002150311100; 1002150331100; 1002162471100; 1002252921100; 3600294460000; 3900007280000; 3900007290000; 3900007300000; 3900007310000; 3900007320000; 3900016470000)

Applicable or potentially applicable filings indicate a volume of claimed use greater than the volume of apparent use estimated by ADWR. The claimant is not entitled to more water than is actually being used. (SM 1000)

3. Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)
4. According to ADWR, the Point of Diversion (POD) identified as serving the Places of Use (POU) under this WFR is currently inactive. The claimant and/or ADWR need(s) to provide information regarding the POD that provides water to the POU's. (SM 500)

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) (P01; S01; S02; S03; S04; S05)

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) (S01; S03)

One or more of the POD legal descriptions listed in the WFR is too general. (SM 623) (1002252921100)

The legal description for the place of use of a potential water right listed by ADWR is not fully supported by applicable filings. (SM 720) (DV001000; DV002000; MU001000; MU001001; MU001002; MU001003; MU001004; MU001005; MU001006; MU001007; MU001008)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3600432260000; MU001)

The available historical record does not support the priority date listed in the ADWR analysis of Apparent First Use Date. (SM 920) (DV002; DV001)

9. The estimated volume required for beneficial use cited by ADWR is less than the quantity claimed by the claimant. The claimant is not entitled to more than the quantity required for beneficial use. (SM 478)

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  
W1-11-473  
Major User No. 1239

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.

111-21-032

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 Cataloged 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:

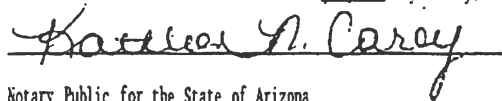
Name: CITY OF TOMBSTONE  
Address: P.O. BOX 339  
TOMBSTONE AZ 85638

(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 those portions, I believe them to be true.

  
Signature of Objector or Objector's Representative

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

  
Notary Public for the State of Arizona

Residing at Phoenix, Maricopa County, Arizona.

My commission expires January 16, 1996.

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.



W1-11-473  
111-21-032  
CITY OF TOMBSTONE  
P.O. BOX 339  
TOMBSTONE AZ 85638

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)
- 4 Objectors protest the PWR because all, or a portion, of the water right was not in use, or had not been used in the past, for a period of five or more continuous years thereby reverting to the public pursuant to A.R.S. § 45-141(c). (1239, 833)
- 4 DV001 and DV002 should have been considered to be significantly diminishing supplies to the SPRNCA.
- 5 Objectors protest ADWR's failure to analyze whether the PWR significantly diminishes water available to federal reservations. (220, 562, 1239, 180, 560)
- 5 The apparent priority date assigned by the ADWR is inconsistent with the date claimed in prior filings made by Claimant. (410, 910)