

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

W1-11-002798

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. 114.01 .XXXX .005  
(please insert no.)

or Catalogued Well No. \_\_\_\_\_  
(please insert no.)

OBJECTOR INFORMATION

Objector's Name: ASARCO Incorporated  
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

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: McFarland & Hullinger  
Address Box 238  
Tooele City, UT 84074

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.

Burt M. Cooper  
Signature of Objector or Objector's Representative  
Authorized Attorney

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

Marianne Duncan Shippoe

Notary Public for the State of Arizona

Residing at Phoenix

My commission expires July 17, 1994

(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.)



Attachment to Objection re ASARCO Incorporated, WFR #  
114-01-XXXX-005

1-11. ASARCO incorporates herein the comments submitted by ASARCO dated 6/1/87, 6/5/87 and 9/13/88 to the "first draft" Preliminary San Pedro River HSR and the comments submitted by ASARCO dated 11/16/90 to the August 1990 Preliminary San Pedro HSR, to the extent those comments have not been observed in the preparation of the Final HSR for the San Pedro River Watershed. (200)

2. Statement of Claimant 39-0002272 contains no information as to Use Location, Claim Date, or Diversion Location. Objector cannot therefore form an opinion as to its accuracy. (471)

2, 3

& 8. ASARCO filing 36-27389 should be listed as to the claim of right on which Statements of Claimant 39-002481 and 39-012015 are based, as shown in those Statements of Claimant. A copy of filing 36-37289 is attached for ready reference. (410)

DWR should include corresponding well registration filings and any other previous well-related filings if it is determined that wells should be listed in the Watershed File Reports. (410)

4, 8

& 11. Objector objects to the designation of Zone 1 and Zone 2 wells. Objector contends it is groundwater and is not subject to Zone 1, Zone 2 or any other Zone classification (510, 610, 1132, 1134)

4. If it is determined that wells are subject to this proceeding and are subject to Zone classification, W01 and W03 are incorrectly coded by DWR as Zone 1 wells. W01 and W03 are Zone 2 wells, as shown on Figure 5-17, Vol. 1, p. 357. (531)

11. The water uses reported in this Watershed File Report relate to ASARCO Incorporated (Major User Code 1263).

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

ARIZONA STATE LAND DEPARTMENT

1624 West Adams

Phoenix, Arizona 85007

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE

Filing Fee \$5.00

(LEAVE BLANK)	
Registry No.	36-27389
Filed _____ at _____ M.	
(DATE)	(TIME)

INSTRUCTIONS:

1. Submit Statement of Claim in duplicate.
2. Answer all questions fully.
3. File separate claim for each claimed right to appropriate and for each source of water.

1. Name of Claimant ASARCO Incorporated  
 (Print Last Name or Name of Co.) (First Name) (Middle Initial)

P. O. Box 98, Hayden, AZ 85235 (602) 356-7804  
 (Address, City, State, Zip) (Phone No.)

2. The purpose(s) and extent of use(s) Irrigation 100% (Stockwater minimal)  
 (Examples: Irrigation, Stockwater, Domestic)

3. The quantities of water used annually 90 acre feet from 1 1  
 (Gallons or Acre feet) (Day) (Month)

to 31 12 each year  
 (Day) (Month)

4. The date(s) the water was first used beneficially believed prior to  
January 1 1900  
 (Month) (Day) (Year)

5. The Name(s) of the water course(s) or Water Source(s) being claimed San Pedro River  
 (Source Name)

Tributary to Gila River on the \_\_\_\_\_ Watershed  
 (Leave Blank)

6. The point of diversion is within the NW 1/NW 1/Section 8  
 of Township 6S, Range 16E, G&SRB&M, in the County of Pinal  
 (N/S) (E/W)

7. The Place(s) of use is in the NW 1/NE 1/Section 25, of  
 Township 5S, Range 15E, G&SRB&M, in the County of Pinal  
 (N/S) (E/W)

8. The legal basis for the claim Appropriation and application to beneficial use (see copies of affidavits attached); see attachment.

(Attach copies of any documents being filed in support of Claim)

STATE OF ARIZONA )  
 ) SS  
 County of Maricopa )

C. K. Gupta being first duly sworn on oath, deposes and states that the foregoing Statement of Claim is true and correct of his own knowledge except as to any matters stated therein to be on information and belief and as to all such matters so stated he believes the same to be true and correct.

C. K. Gupta  
 authorized agent of claimant  
 (CLAIMANT(S))

Subscribed and sworn to before me this 28th day of June, 1979.

My Commission Expires:  
July 17, 1982  
 (SEAL)

Marianne Duncan  
 (NOTARY PUBLIC)

Filed in Water Rights Claim Registry No. \_\_\_\_\_ of the State Land Department of \_\_\_\_\_ at \_\_\_\_\_ M.

STATEMENT OF CLAIM OF RIGHT TO USE  
PUBLIC WATER OF THE STATE

Attachment

8. Direct surface diversion from San Pedro River terminated in 1940s when flooding repeatedly destroyed diversion dams or ditches and when drought reduced the surface flow until diversion from the surface was impractical and irrigation wells were installed.

That water is now obtained from well F-1 located on attached map. Claimant believes that the well takes percolating groundwater. However, should it be determined that the well takes public water, the well would then be a different point of diversion for the surface right to the extent thereof.

AFFIDAVIT

STATE OF ARIZONA

County of Pima

} ss.

James F. Ragsdale, being

first duly sworn, upon oath deposes and says: I am 73 years old. I was born in Deming, New Mexico on June 22, 1906. In 1922 when I was 16 years old, I was living in Arizona and worked in general labor and irrigation on PZ Ranch at Feldman on the San Pedro River about 2 1/2 miles north of the Aravaipa Creek. In my work I rode horseback up and down the San Pedro River, and was acquainted with the farms and ranches in the vicinity.

At that time the farms and ranches known as the Ray Ranch, the Wilcox Ranch (later called the Robinson Place), the Aravaipa Ranch (later called the Shartzer Place) and the VS Ranch, all located along the Winkelman-Tucson highway, were old, established farming and ranching operations.

The Ray Ranch is about 1 mile south of Winkelman. It had about 45 acres in cultivation at that time. It was irrigated from the San Pedro River by a ditch about two miles from the diversion point to the south. The Wilcox Ranch is adjacent on the south of the Ray Ranch. It had about 50 acres in cultivation at that time and was irrigated from the same ditch as the Ray Ranch (the ditch crossed the Wilcox Ranch).

The Aravaipa Ranch had about 200 acres in cultivation on both sides of Aravaipa Creek. It was irrigated by a ditch from the Aravaipa Creek about 3 miles to the east. The VS Ranch is adjacent on the south of the Aravaipa Ranch. It had 30 to 40 acres in cultivation, irrigated by a ditch from the San Pedro River from a point about 1 mile south of the VS Ranch.

In 1927, I married Bessie Shartzer, daughter of D. C. Shartzer. In 1937 or 1938, Mr. Shartzer bought the Aravaipa Ranch, and later acquired the Ray, Wilcox and VS ranches. In 1946, I bought the Zapata Place adjacent to the VS Ranch on the south. We lived there until 1974, and I was familiar with the operations on the Shartzer properties during that period. The Ray, Wilcox and VS Ranches were irrigated from the San Pedro River until the 1940's when drought reduced the surface flow until diversion from the surface was impractical, and irrigation wells were installed. Surface diversions from the Aravaipa for the Aravaipa Ranch continued in wet seasons. Mr. Shartzer died in 1962, and the four ranches were sold to ASARCO in 1964.

James F. Ragsdale

Subscribed and sworn to before me this 27<sup>th</sup>

day of June, 1979.

Marianne Duncan  
Notary Public

My commission expires:

July 17, 1982

AFFIDAVIT

STATE OF ARIZONA

County of Pinal

} ss.

June Dorsey, being

first duly sworn, upon oath deposes and says: I was born in 1907 on the George Swingle place on the west side of the San Pedro River about 5 miles south of Winkelman. I lived there until I was 16 and have lived in Winkelman and in Hayden and on ranches in the area since that time. As a child, I was familiar with the farms and ranches on the east side of the San Pedro River which are now owned by ASARCO. We used to visit on the Tom Wills place (later called Aravaipa place) and the Scott place (later called the Miles Ray Ranch), and I attended dances on the ranch called the V.S. Ranch. I was also familiar with the Wilcox Ranch (later known as Robinson). All of these places were established farms and ranches when I was a child. I do not remember and cannot estimate how much land was in cultivation in these places, but I knew that the Wilcox Ranch and the Scott Ranch were irrigated by ditches from the San Pedro River and that the Tom Wills place was irrigated by a ditch from Aravaipa Creek. I do not remember how the V.S. Ranch was irrigated, but I believe it was irrigated by a ditch from the San Pedro because all the farms along the San Pedro were irrigated from the River.

June Dorsey

Subscribed and sworn to before me this 27<sup>th</sup>

day of June, 1979.

Marianne Duncan  
Notary Public

My commission expires:

July 17, 1982

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  
W111002798

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

Please use 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.

114-01-005

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

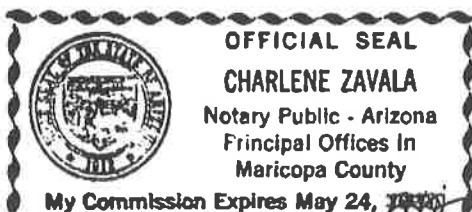
STATE OF ARIZONA  
COUNTY OF MARICOPA

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:

ASARCO, INC.  
&(HAYDEN UNIT)  
P.O. BOX 98

HAYDEN AZ 85235



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. James 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**
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 & Diversion** for the claimed water right(s)
- X 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)
- 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

4  
5  
8  
11

**Attachment to Watershed File Report: 114-01-005**

PHOENIX OBJECTS TO CATEGORIES 4, 5, AND 8 FOR THE REASON THAT: DWR  
CREATES A POTENTIAL WATER RIGHT FOR DV099, 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 ASARCO (MAJOR USER CODE 1263).

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. W111002798

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. 11401 005  
(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:

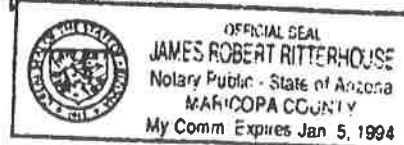
Name: ASARCO, INC.  
Address: P.O. BOX 98  
HAYDEN AZ 85235

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.)

# 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)

ONLY 4

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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).

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

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

Contested Case File: W111002798  
Major User No. 1263

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.

114-01-005

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

Name: 114-01-005  
ASARCO, INC.  
(HAYDEN UNIT)  
Address: P.O. BOX 98  
HAYDEN AZ 85235

(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 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 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):

- 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)

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

There is no claim date reported for a filing or pre-filing under this WFR. (SM 478) (3900022720000)

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 filings or pre-filings as reported in this WFR is missing a point of diversion legal description. (SM 623) (3900022720000)

One or more of the filings or pre-filings as reported in this WFR is missing a place of use legal description. (SM 720) (3900022720000; 3900024840000; 3900024850000; 3900024860000; 3900120140000; 3900120150000)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3900024810000)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (3900022720000)

Applicable or potentially applicable filings indicate a volume of actual or claimed use less than the volume estimated by ADWR (both maximum observed and regional use for irrigation PWR's). The claimant is not entitled to more than actually used or claimed. (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)

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; W02; W03; W04)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3900024810000)

Applicable or potentially applicable filings indicate a volume of actual or claimed use less than the volume estimated by ADWR (both maximum observed and regional use for irrigation PWR's). The claimant is not entitled to more than actually used or claimed. (SM 1000)

ADWR overestimates the amount of beneficial use. (SM 1000)

9. Applicable or potentially applicable filings indicate a volume of actual or claimed use less than the volume estimated by ADWR (both maximum observed and regional use for irrigation PWR's). The claimant is not entitled to more than actually used or claimed. (SM 1000)

ADWR overestimates the amount of beneficial use. (SM 1000)

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. W1-11-002798

COPY

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.

114-01-\_\_\_-005  
(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

VERIFICATION (must be completed by objector)

COUNTY OF Maricopa

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: ASARCO, INC.

Address: P.O. BOX 98

HAYDEN, AZ 85235

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

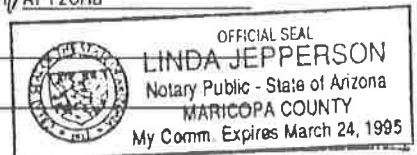
SUBSCRIBED AND SWORN to before me this 1st day of May, 1992.

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.)



**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

The following objection is directed to ASARCO. The corresponding major user number for ASARCO is 1263.

WFR CATEGORY 8 - PWR SUMMARY

The Salt River Project objects to the assignment of a single Potential Water Right (PWR) for this 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.

The Watershed File Report does not match any previous filings to this PWR. Accordingly, this PWR should be assigned an amount reflecting the initial quantity of use. A separate PWR should be created for each additional increase, with a date of apparent first use as of the date of each increase (0930,1090). This objection applies to: DV099.

\* \* \* \*

The Salt River Project objects to DWR's characterization of this diversion as a "Potential Water Right" (PWR). The Watershed File Report for a diversion should list PWRs served by the diversion that define the purpose of the use (e.g., mining (MI), municipal (MU), or mining and municipal (MI/MU). The diversion itself, however, is not a water right, and should not be so designated in the HSR (0220). This objection applies to: DV099.

WFR CATEGORY 9 - QUANTITIES OF USE

The Salt River Project objects to the total annual volume of use assigned to this Potential Water Right (PWR). Unless it is a decreed right, 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). Historical information in Volume 1 of the HSR identifies higher annual volumes of use than that reported by DWR in this Watershed File Report. Maximum actual historical use should be reported by DWR as the total annual volume of use assigned to each PWR. For further discussion of this objection, see the Salt River Project's objections to Volume 1 of the HSR, attached to this objection and incorporated herein by reference (1040). This objection applies to: DV099.

\* \* \* \*

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: DV099.

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

**HISTORICAL AMOUNT OF USE**

(page numbers refer to Volume 1)

**Maximum Historical Amount of Use  
pp. 352-375, C-87**

The Salt River Project objects to the total annual volume of use assigned to some municipal and industrial Potential Water Rights (PWRs). Unless it is a decreed right, 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"). Historical information in Volume 1 of the HSR identifies higher annual volumes of use than that reported by DWR for these Watershed File Reports. Furthermore, DWR's investigation and reporting of historical use should not be confined to the most recent 5 or 10 year period. DWR itself notes that other factors may warrant examination of a longer period of record ". . . such as current or projected economic or market conditions that have or may affect water use" (p. C-85). Maximum actual historical use should be reported by DWR as the total annual volume of use assigned to each PWR.

The following municipal and industrial uses have information in the HSR indicating higher historical use during DWR's 5 to 10 year investigation period alone.

Name	WFR/PWR	Volume 1 page(s)	Maximum Use (afa)	Reported Use in WFR (afa)
Young Concrete	111-20-69-ID1	374	58.6	29.3
Ramco	111-21-37-MI1	372	30.0	1.0
BLM/Alanco	111-21-38-MI1	354	38.7	1.0
Apache Nitrogen	112-17-90-ID1	356	752.0	542.0
AWC-San Manuel	113-8-3-MU1	369, 370	1,057.0	1,051.8
Magma	113-8-22-MI1, 2	303, 367	16,439.0	16,045.0
ASARCO (Hayden)	114-1-5-DV99	359	1,205.0	1,138.0
ASARCO (Ray)	114-4-35-DV99	361	2,876.0	1,053.0



SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

RESPONSE: B.L.S. IRREVOCABLE TRUST, C/O D. DEEN (TRUSTEE),  
Conceded Case File: W1-11-XXXX-XX et. al. Gila River Indian  
Community, dba, Apache Nation

Claimant and/or claimants negate any and all objections of  
objections based on Amendment 14, adopted 1868, and Amendment 18.  
The 11th Amendment adopted 1798, as part of the Constitution of  
the United States and contained therein.

Objections stated in the above mentioned case file are ambiguous,  
biased, reflective upon presumed and pretentious articles that  
may or may not exist.

Objectors: Gila River Community, c/o Cox & Cox, 300 Lohre Tower,  
P.O. Box 4245, Phoenix, AZ 85030. Apache Nation, c/o Sparks &  
Siler, P.O., 7503 First Street, Scottsdale, AZ 85251.

Salt River Project, Water Rights and Contracts, P.O. Box 2025,  
Phoenix, AZ 85077-2025

Magma Copper Co., 7400 North Oracle Rd, Suite 200, Tucson, AZ  
85704.

ASARCO Inc., P.O. Box 9, Hayden, Arizona 85235

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. W1-11-002877

COPY

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. 114-04-\_\_\_\_-035 or Catalogued Well No. \_\_\_\_\_  
(please insert 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

VERIFICATION (must be completed by objector)

COUNTY OF Maricopa

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: ASARCO, INC.  
Address: P.O. BOX 8  
HAYDEN, AZ 85235

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. Robst  
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.)

**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.

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- 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

The following objection is directed to ASARCO. The corresponding major user number for ASARCO is 1263.

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: DV099.

\* \* \* \*

The Salt River Project objects to DWR's characterization of this diversion as a "Potential Water Right" (PWR). The Watershed File Report for a diversion should list PWRs served by the diversion that define the purpose of the use (e.g., mining (MI), municipal (MU), or mining and municipal (MI/MU). The diversion itself, however, is not a water right, and should not be so designated in the HSR (0220). This objection applies to: DV099.

\* \* \* \*

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

The Salt River Project objects to DWR's reference, without further explanation, to "claimant interview or information as a basis for the apparent date of first use assigned to this Potential Water Right (PWR). The Watershed File Report fails to specify the particular information or evidence relied upon by DWR to refute the date of priority evidenced by the previous filings matched to this PWR. In the absence of sufficient historical evidence refuting a claimant's previous filings, the apparent date of first use should be the date evidenced by those filings (0910). This objection applies to: DV099.

**WFR CATEGORY 9 - QUANTITIES OF USE**

The Salt River Project objects to the total annual volume of use assigned to this Potential Water Right (PWR). Unless it is a decreed right, 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). Historical information in Volume 1 of the HSR identifies higher annual volumes of use than that reported by DWR in this Watershed File Report. Maximum actual historical use should be reported by DWR as the total annual volume of use assigned to each PWR. For further discussion of this objection, see the Salt River Project's objections to Volume 1 of the HSR, attached to this objection and incorporated herein by reference (1040). This objection applies to: DV099.

\* \* \* \*

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: DV099.

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

**HISTORICAL AMOUNT OF USE**

(page numbers refer to Volume 1)

**Maximum Historical Amount of Use  
pp. 352-375, C-87**

The Salt River Project objects to the total annual volume of use assigned to some municipal and industrial Potential Water Rights (PWRs). Unless it is a decreed right, 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"). Historical information in Volume 1 of the HSR identifies higher annual volumes of use than that reported by DWR for these Watershed File Reports. Furthermore, DWR's investigation and reporting of historical use should not be confined to the most recent 5 or 10 year period. DWR itself notes that other factors may warrant examination of a longer period of record ". . . such as current or projected economic or market conditions that have or may affect water use" (p. C-85). Maximum actual historical use should be reported by DWR as the total annual volume of use assigned to each PWR.

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BLM/Alanco	111-21-38-MI1	354	38.7	1.0
Apache Nitrogen	112-17-90-ID1	356	752.0	542.0
AWC-San Manuel	113-8-3-MU1	369, 370	1,057.0	1,051.8
Magma	113-8-22-MI1, 2	303, 367	16,439.0	16,045.0
ASARCO (Hayden)	114-1-5-DV99	359	1,205.0	1,138.0
ASARCO (Ray)	114-4-35-DV99	361	2,876.0	1,053.0

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. W111002877

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. 11404 035  
(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<sup>th</sup> day of May, 1992 postage prepaid and addressed as follows:

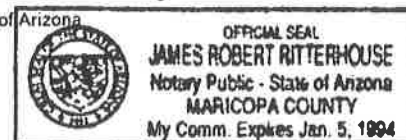
Name ASARCO, INC  
Address P O BOX 8  
HAYDEN AZ 85235

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 Sparks  
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.)

# 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 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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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. W111002877

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. 11404 035  
(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 1 day of May, 1992, postage prepaid and addressed as follows:

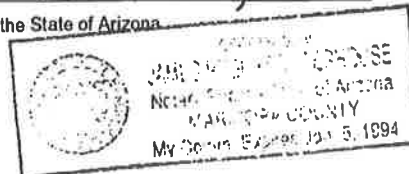
Name: ASARCO, INC.  
Address: P.O. BOX 8  
HAYDEN AZ 85235

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 Sparks  
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 5 day of May 1992.

James R. Ruffal  
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)
- 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)
- I object to the description of **Quantities of Use** for the claimed water right(s)
- 9. 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).
- 2      Not all wells have applicable statement of claimants (475).
- 5      Claimed uses were not found by DWR (830).

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

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

Contested Case File: W111002877  
Major User No. 1263

**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.

114-04-035

(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):

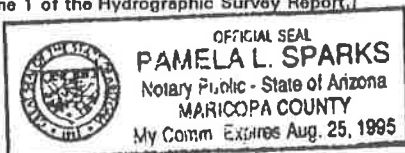
39-11-05478	39-05-41142	39-07-12652	39-07-12676	39-05-50058	39-07-12169
39-U8-60083	39-L8-36340	39-L8-37360	39-U8-63614	39-07-12675	39-05-50059

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: 114-04-035  
ASARCO, INC.  
(RAY UNIT)  
Address: P.O. BOX 8  
HAYDEN AZ 85235

(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.

*Robert Barry*  
\_\_\_\_\_  
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 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 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):

2. The available historical record does not support the priority date listed in the pre-filings. (SM 430) (DV099)

The available historical record does not support the priority date listed in the adjudication filings. (SM 478) (DV099)

There is no claim date reported for a filing or pre-filing under this WFR. (SM 478) (3900138170000; 3900138180000)

The amount claimed, as described by ADWR, exceeds a reasonable amount 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)

Water listed under this WFR is diverted outside of the San Pedro River basin resulting in a total consumptive use and depletion of water in the San Pedro River basin. (SM 627)

One or more of the filings or pre-filings as reported in this WFR is missing a place of use legal description. (SM 720) (3600188260000; 3600188270000; 3600188280000; 3600188290000; 3600188300000; 3600188310000; 3900040040000; 3900120190000; 3900138170000)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (3600188260000; 3600188270000; 3600188280000; 3600188290000; 3600188300000; 3600188310000; 3900040040000; 3900120190000; 3900138170000)

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. Water listed under this WFR is diverted outside of the San Pedro River basin resulting in a total consumptive use and depletion of water in the San Pedro River basin. (SM 627)
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 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)

Water listed under this WFR is diverted outside of the San Pedro River basin resulting in a total consumptive use and depletion of water in the San Pedro River basin. (SM 627)

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) (DV099000)

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) (DV099)

RECEIVED MAY 11 1992

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

W1-11-002877

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.

114.04 .XXXX .035  
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: ASARCO Incorporated

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):

114.04 .XXXX .035

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: State Land Department

Address: 1616 W. Adams

Phoenix, AZ 85007

\*continued below

(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.)

\*Simonis Donovan Accounts  
610 Newport Center Drive  
Suite #500  
Newport Beach, CA 92660

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.

Bert M. Copher  
Signature of Objector or Objector's Representative  
Authorized Attorney

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

Marianne Duncan Skippes

Notary Public for the State of Arizona

Residing at Phoenix

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 ASARCO Incorporated, WFR #  
114-04-XXXX-035

1-11. ASARCO incorporates herein the comments submitted by ASARCO dated 6/1/87 to the "first draft" Preliminary San Pedro River HSR and the comments submitted by ASARCO dated 11/16/90 to the August 1990 Preliminary San Pedro HSR, to the extent those comments have not been observed in the preparation of the Final HSR for the San Pedro River Watershed. (200)

2, 3

& 8. DWR should include corresponding well registration filings and any other previous well-related filings if it is determined that wells should be listed in the Watershed File Reports. (410)

4. The legal description of W02 is incorrect. The correct legal description is NWSWNE33 060S 160E. (623)

The legal description of W03 is incorrect. The correct legal description is SWNWNE33 060S 160E. (623)

The legal description of W05 is incorrect. The correct legal description is NWSWSE28 060S 160E. (623)

The legal description furnished by DWR for the point of diversion of W07 is not on ASARCO property, and ASARCO is therefore unable to form an opinion as to the accuracy of this well information. (623) (624)

4, 8

& 11. Objector objects to the designation of Zone 1 and 2 wells. Objector contends it is groundwater and is not subject to Zone 1, Zone 2 or any other Zone classification (510, 610, 1132, 1134)

11. ASARCO's industrial wells, W01, W02, W03, W04, W05 and W06, are not shown in Volume 9, page 163. Only ASARCO's agricultural wells are shown therein. ASARCO's industrial wells W01 through W06 should be shown in Volume 9, page 163, at their correct points of diversion. (620) ASARCO has separately included this objection item in its Objection to Volume 9 in Contested Case No. W1-11-00006, filed simultaneously herewith.

The water uses reported in this Watershed File Report relate to ASARCO Incorporated (Major User Code 1263) and to Arizona State Land Department (Major User Code 1291).

Continuation of Attachment to Objection re ASARCO Incorporated,  
WFR # 114-04-XXXX-035

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