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: W111002789

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

Please file a separate objection for **each** Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be **received** on or before May 18, 1992. Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009.

This objection is directed to Watershed File Report or Zone 2 Well Report No. 113-14-AD-001 (please insert no.) or Catalogued Well No. (please insert no.)

OBJECTOR INFORMATION

Objector's Name:	Co-Objector's Name:	Co-Objector's Name:
United States of America	Gila River Indian Community c/o Cox & Cox	San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community; Camp Verde Reservation c/o Sparks & Siler, P.C.
Objector's Address:	**Co-Objector's Address:**	**Co-Objector's Address:**
601 Pennsylvania Ave. Washington, D.C. 20004	Suite 300 Luhrs Tower Phoenix, AZ 85003	7503 First Street Scottsdale, AZ 85251
Objector's Telephone No.:	**Co-Objector's Telephone No.:**	**Co-Objector's Telephone No.:**
(202) 272-4059 / 272-6978	(602) 254-7207	(602) 949-1998

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

111-19-009

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

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

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

STATE OF ARIZONA
COUNTY OF MARICOPA

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

113-14-AD-001
Name: DOBSON, JR., H. CLIFFORD & CAROLYN R.
Address: ROUTE 1 BOX 1546 WILLCOX AZ 85643

(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.)

OFFICIAL SEAL
PAMELA L. SPARKS
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Aug. 25, 1995

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 Co-Objector or Objector's Representative

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

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

SUBSCRIBED AND SWORN to before me this 7 day of May, 1992.

Pamela L. Sparks

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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.

[XX] 1. I object to the description of **Land Ownership.**

[XX] 2. I object to the description of **Applicable Filings and Decrees.**

[XX] 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).

[XX] 8. I object to the **PWR (Potential Water Right) Summary** of the claimed water right(s).

[XX] 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) (W01; W02; W04; W05; W06; W07; W10; W11; W12)

   The available historical record does not support the priority date listed in the pre-filings. (SM 430) (IR001)

   The available historical record does not support the priority date listed in the adjudication filings. (SM 478) (IR001)

   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) (3600279120000; 3900024030000)

   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)

   One or more of the POD legal descriptions listed in the WFR is too general. (SM 623) (1002263191100)

   One or more of the filings or pre-filings as reported in this WFR is missing a place of use legal description. (SM 720) (3600279100000; 3600279120000; 3900034550000; 3900061280000)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3900024030000; 3900034530000; 3900034540000; IR005; IR006)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (O 00001280000; 3600279120000; 3600807450000)

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)

8. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420) (W01; W02; W04; W05; W06; W07; W10; W11; W12)

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; W05; W06; W07; W08; W09; W10; W11; W12)

One or more of the POD legal descriptions listed in the WFR is too general. (SM 623) (1002263191100)

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) (IR001003; IR004002; IR005001; IR005002; IR005003; IR005004; IR006004; IR007001; IR007002; IR008000; IR008001; IR008003; IR009000; IR009001; IR009002; IR009003; IR013000; IR013001; IR014000; IR014001; IR014002; IR014003; IR015000; IR015001; IR018000; IR018001; IR018002; IR018003; IR018004; IR018005; IR018006; IR018007)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3900024030000; 3900034530000; 3900034540000; IR005; IR006)

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)

The maximum observed volume is less than both the regional and claimed volume of use for this PWR. A claimant is not entitled to more water than has been put to 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)

The maximum observed volume is less than both the regional and claimed volume of use for this PWR. A claimant is not entitled to more water than has been put to beneficial use. (SM 1000)

The regional acreage is greater than the maximum observed acreage. The maximum observed acreage should be used to calculate the regional volume of use. (SM 1010)

ADWR uses a methodology that over-estimates crop water requirements. (SM 1020)

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

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

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

No. W111002789

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.

FILED
92 MAY 13 AM 8:37
JUDITH ALLEN, CLERK
BY R. Carlisle DEP

This objection is directed to Watershed File Report or Zone 2 Well Report No. 11314AD 001 (please insert no.)

or Catalogued Well 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: DOBSON, JR., H. CLIFFORD

Address: ROUTE 1 BOX 1546

WILLCOX AZ 85643

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

Alfred S. Cox

Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 06 day of May 1992.

James R. Ritterhouse

Notary Public for the State of Arizona

OFFICIAL SEAL
JAMES ROBERT RITTERHOUSE
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Jan. 5, 1994

Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009, on or before May 18, 1992.

STATEMENT OF THE OBJECTION

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

- 1. I object to the description of **Land Ownership**

X 2. I object to the description of **Applicable Filings and Decrees**

- 3. I object to the description of **DWR's Analysis of Filings and Decrees**

X 4. I object to the description of **Diversions** for the claimed water right(s)

- 5. I object to the description of **Uses** for the claimed water right(s)

- 6. I object to the description of **Reservoirs** used for the claimed water right(s)

- 7. I object to the description of **Shared Uses & Diversions** for the claimed water right(s)

- 8. I object to the **PWR (Potential Water Right) Summary** of the claimed water right(s)

X 9. I object to the description of **Quantities of Use** for the claimed water right(s)

- 10. I object to the **Explanation** provided for the unclaimed water right(s)

- 11. Other Objections (please state volume, page and line number for each objection)

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attached supporting information and additional pages as necessary. The following objection(s) are based upon information and belief:

CATEGORY NUMBER	
4	The use of the water claimed depletes water for senior federal and Indian water rights (1150).
2	HSR does not show a well registration filing (420).
9	HSR does not show a claimed water use rate (1000).
2	HSR does not show a claim date for pre-filing(s) (430).
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).
____	_____
____	_____
____	_____
____	_____
____	_____

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. W1-11-002789

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. 113-14-AD -001 (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: DOBSON, JR., H. CLIFFORD

Address: ROUTE 1 BOX 1546
WILLCOX, AZ 85643

(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 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 _____

OFFICIAL SEAL
LINDA JEPPERSON
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires March 24, 1995

Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix Az 85009, on or before May 18, 1992.

2

STATEMENT OF THE OBJECTION

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

[ ] 1. I object to the description of LAND OWNERSHIP

[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

[ ] 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)

[X] 8. I object to the PWR (POTENTIAL WATER RIGHT) SUMMARY of the claimed water right(s)

[X] 9. I object to the description of the QUANTITIES OF USE for the claimed water right(s)

[ ] 10. I object to the EXPLANATION provided for the claimed water right(s)

[ ] 11. Other Objections (please state volume number, page number and line number for each objection)

REASON FOR OBJECTION

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

CATEGORY NUMBER

SEE ATTACHMENT 1

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

ATTACHMENT 1

WFR CATEGORY 2 - APPLICABLE FILINGS AND DECREES

The Salt River Project objects to the inaccurate reporting of the "claim date" for notices of appropriation. Where the date claimed in the notice is different than the date of filing, DWR has reported the date of filing as the "claim date". Since the "claim date" should be used as the basis for reporting apparent dates of first use, failure to select the correct "claim date" would result in an inaccurate apparent date of first use (0430). This objection applies to: IR001, IR002, IR005, IR006, IR012 and IR017.

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 (WFR) 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: IR012 and IR017.

* * * *

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 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: IR006.

* * * *

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. The Watershed File Report fails to set forth 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 should be the date evidenced by the notice (0920). This objection applies to: IR005.

* * * *

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 (WRRA), 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 WRRA 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 WRRA filing (0920). This objection applies to: IR008, IR009, IR014, IR015, IR018, SR002 and SR003.

* * * *

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, in this case, filings made pursuant to the Water Rights Registration Act (WRRA), are the evidentiary foundation for the priority date associated with a water right. Where two or more WRRA filings have been matched to the same PWR but claim different dates of priority, the WRRA filing claiming the earliest date 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 set forth sufficient historical evidence to refute the earliest date of priority claimed in the WRRA filings matched to this PWR. In the absence of such evidence, the apparent date of first use for this PWR should be the earliest date claimed in the WRRA filing (0920). This objection applies to: IR010.

* * * *

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 (WRRA), 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 WRRA 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 WRRA filing (0920). This objection applies to: IR007 and IR013.

* * * *

WFR CATEGORY 8 - PWR SUMMARY (continued)

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

The Watershed File Report fails to articulate sufficient historical evidence to refute the priority date claimed in the WRRA filing matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date claimed in the WRRA filing (0910). This objection applies to: DM003.

* * * *

The Salt River Project objects to the absence of an apparent date of first for this Potential Water Right (PWR). Previous filings, in this case, filings made pursuant to the Water Rights Registration Act (WRRA), are the evidentiary foundation for the priority date associated with any water right. This PWR has been matched to multiple WRRA filings. The WRRA filing claiming the earliest date of priority 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 set forth sufficient historical evidence to refute the earliest date of priority claimed in the WRRA filings matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the earliest date claimed in the WRRA filings (0910). This objection applies to: DM001 and DM002.

* * * *

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, in this case, filings made pursuant to the Water Rights Registration Act (WRRA), are the evidentiary foundation for the priority date associated with a water right. Where two or more WRRA filings have been matched to the same PWR but claim different priority dates, the WRRA filing claiming the earliest date should form the basis for the apparent date of first use, unless sufficient historical evidence indicates a contrary date.

The Watershed File Report (WFR) fails to set forth sufficient historical evidence to refute the earliest date of priority claimed in the WRRA filings matched to this PWR. In the absence of such evidence, the apparent date of first use for this PWR should be the earliest date claimed in the WRRA filings (0920). This objection applies to: IR003, IR011 and IR016.

* * * *

The Salt River Project objects to the weight placed upon aerial photography in determining the apparent date of first use for this Potential Water Right (PWR). Where DWR concludes that no use exists on a parcel as of a given photo date, it does not follow that a claimant either had no water right to start with or abandoned that right by nonuse. Scattered photos reflecting occasional periods of nonuse over a fifty-year time span should not be interpreted by DWR to refute the priority date or dates evidenced by a claimant's previous filings (0910). This objection applies to: IR005, IR007, IR008, IR009, IR010, IR011, IR012, IR013, IR014, IR015, IR016, IR017, IR018, SR002 and SR003.

WFR CATEGORY 9 - QUANTITIES OF USE

The Salt River Project objects to the lack of specificity of the quantity of use assigned to this storage Potential Water Right (PWR). The Watershed File Report fails to indicate whether the volumetric quantity assigned to this PWR implies a continuous fill, one fill per year, or one fill only. Unless evidence from previous filings, or other sufficient historic evidence, indicates a clear intention to the contrary, the quantity of use assigned to a storage PWR should be sufficient to permit continuous filling of the storage reservoir (1050). This objection applies to: SR001, SR002 and SR003.

* * * *

WFR CATEGORY 9 - QUANTITIES OF USE (continued)

The Salt River Project objects to the quantities of use assigned to this Potential Water Right (PWR). The maximum observed and regional methods used by DWR for determining quantities of use for certain agricultural irrigation PWRs are inconsistent with the Arizona doctrine of prior appropriation; these methods are also technically inaccurate. The maximum potential method used by DWR for determining quantities of use is consistent with Arizona law; however, several technical corrections are necessary. For an additional discussion of the problems associated with DWR's methods of quantification for this type of PWR, see the Salt River Project's Volume 1 objections to these methods, a copy of which is attached to this objection and incorporated herein by reference (1020). This objection applies to: IR001, IR002, IR003, IR004, IR005, IR006, IR007, IR008, IR009, IR010, IR011, IR012, IR013, IR014, IR015, IR016, IR017 and IR018.

* * * *

The Salt River Project objects to the failure of DWR to assign a quantity of use to this Potential Water Right (PWR). All water rights subject to the court's jurisdiction must be quantified in accordance with A.R.S. § 45-257(B). This PWR is no exception (1010). This objection applies to: DM001, DM002 and DM003.

* * * *

The Salt River Project objects to the failure of DWR to calculate a diversion rate for this Potential Water Right (PWR). All PWRs assigned a point or points of diversion should be assigned a separate diversion rate for each point of diversion. Diversion rates should be calculated at the point of diversion and should include conveyance losses (1010). This objection applies to: DM001, DM002, DM003, IR001, IR002, IR003, IR004, IR005, IR006, IR007, IR008, IR009, IR010, IR011, IR012, IR013, IR014, IR015, IR016, IR017, IR018, SR001, SR002 and SR003.

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

IRRIGATION QUANTITY ESTIMATES

(page numbers refer to Volume 1)

INTRODUCTION

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

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

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

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

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

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

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

Five Year Crop History
pp. 146-151, C-18, C-19, C-68 through C-78

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

Adjusted Weather Data
pp. C-6 through C-19

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

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

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

Growing Season
pp. C-20, C-24

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

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

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

Crop Coefficients
p. C-33

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

Alfalfa Stand Establishment
p. C-37

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

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

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

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

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

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

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

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

No. W1,W2,W3 & W4

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

W1-11-2789

Please file a separate objection for **each** Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form or a computer facsimile, is required. Objections must be **received** on or before May 18, 1992.

92 MAY 18 PM 2:24 FILED
SOUTH ALLEN, CLERK
BY J. Bayless DEP

This objection is directed to Watershed File Report or Zone 2 Well Report No. 113 - 13 - AD - 001 (please insert no.)

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

OBJECTOR INFORMATION

Objector's Name: H. Clifford Dobson Jr. and Carolyn R. Dobson

Objector's Address: Route 1, Box 1546, Willcox, AZ 85643

Objector's Telephone No.: (602) 384-3609

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):

113 - 13 - AD - 001

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 _____ 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.

_____
Signature of Objector or Objector's Representative
W. Ralph Pew, Attorney for Objector

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

_____

Notary Public for the State of Arizona

Residing at Mesa, Arizona

My commission expires 5-17-94

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 Decrees**

☒ 3. I object to the description of **DWR's Analysis of Filings and Decrees**

☐ 4. I object to the description of **Diversions** for the claimed water right(s)

☐ 5. I object to the description of **Uses** for the claimed water right(s)

☐ 6. I object to the description of **Reservoirs** used for the claimed water right(s)

☐ 7. I object to the description of **Shared Uses & Diversions** for the claimed water right(s)

☒ 8. I object to the **PWR (Potential Water Right) Summary** of the claimed water right(s)

☐ 9. I object to the description of **Quantities of Use** for the claimed water right(s)

☐ 10. I object to the **Explanation** provided for the claimed water right(s)

☒ 11. Other Objections (please state volume, page and line number for each objection)

REASON FOR OBJECTION

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

CATEGORY NUMBER

3 & 8 IR Nos. 1,2,3,5,6,12 & 17 have a priority date or date of first use different than those dates stated in the PWR Summary. Irrigation of farm land along the San Pedro by the predecessors in interest of Mr. Dobson existed in the mid to late 1800s. A notice of appropriation filed by Angel Arandulez, Richardo Apodaca, and Manuel Apodaca (see Exhibit A) on January 6, 1917 claims a continuous and beneficial use of water from 1880. Based on continuous and beneficial use since 1880, the priority date or date of first use on Mr. Dobson's irrigation claims should be at least 1880.

11 See Exhibit B attached hereto and incorporated herein by this reference.

EXHIBIT A

N O T I C E

Notice is hereby given that the Undersigned have appropriated from the waters of the San Pedro River 2000 miner inches of water to be used for the purposes of Irrigation on the Following described lands.

S. E. 1/4 of N. E. 1/4 Sec. 33, N. W. 1/4 of N. E. 1/4 Sec. 34, S.E. 1/4 of S.E.1/4 Sec. 28 and S. W. 1/4 of S. W. 1/4 Sec. 27, and The South 1/2 of the N. E. 1/4 and the N. 1/2 of the S. E. 1/4 of Sec. 28, and N. E. 1/4 of S.E.1/4 of Sec. 20 and S. 1/2 of the S.E.1/4 and the N. E. 1/4 of W. 1/4 of Sec. 21 and The N. 1/2 of the N. E. 1/4 the S. E. 1/4 of the N. E 1/4 and the N. W. 1/4 of the N. E. 1/4 of Sec. 28, Township 14, Range 20, East of the Gila and Salt River Meridian, Cochise County, Arizona.

Three Fourths of said water to belong to Ricardo Apodaca and Manuel Apodaca, and one fourth to Angel Arandules.

We intend to and have already constructed a Dam and ditch to carry the water to said land said Ditch was built about the year 1880 by Grantor of present owners, and water has been continously used from that time to the present.

Angel Arandulez

Ricardo Apodaca

Manuel Apodaca

Misc Bk 26 P 319

Subscribed and sworn to before me this 6th day of January, 1917.

J. N. Morrison

(Seal) My Commission expires March 3, 1920. Notary Public

Filed and recordedat request of J. N. Morrison Jan. 11, 1917, at 9? AM.

by Geo.M.Wales Ray B Krebs

Deputy County Recorder.

NOTICE OF LOCATION

State (Cottonwood) WATER RIGET.

KNOW ALL MEN BY THESE PRESENTS:

That I, H. L. Johnson a resident df Willcox, Cochise County, Arizona, have this day located for Mining and Stock Raising purposes 100 inches, miners' measure, of the water of this Spring (Cottonwood) under and in accordance with thelaws of the State of Arizona regulating thelocation and possession of water rights.

Also, the right of way for a ditch from the point where is posted thisnotice, to a place selected as a suitable site for a Reservoir.

The dimensions of said ditch at the head being as follows: 4feet wide at top 3 feet wide wide at bottom, 3 feet deep in depth, with a uniform grade of two inches to the rod.

This location may more generally described as being situated along the northern line of School Section 16, Township 15 S. Range 21 E. G & S.R.B. Meridian and about one mile northerly from the John Lyons Cabin.

I propose to construct a Reservoir at the source of this spring 10 feet in diameter and 10 feet deep to develop and conserve the water, then construct a ditch about 150 feet in an easterly direction to a point where I propose to put in an Iron tank forwatering stock and to maintain said improvements for the purpose of watering stock. in Cochise County County, State of Arizona.

Dated on the ground this 23rd day of January, A.D. 1917.

H. L. Johnson.

EXHIBIT "B"

Claimant files this objection and requests an opportunity to be heard on all issues raised by objectors to claimant's pre-applicable filings, adjudication claims, volume of water used and claimed interference with downstream federal reserved rights.

Claimant has previously objected to the inclusion of groundwater in this adjudication and renews that objection now. Groundwater is not subject to claims based on federal law nor is it appropriable under Arizona law. Claimant's position is that wells are taking non-appropriable groundwater not subject to this Gila adjudication.

Claimant also objects to the classification of wells in this WFR as "Zone 1 Wells" under presumption that water from such wells is appropriable surface water under the "50% - 90 Day Standard."