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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 NOS. W1-11-3194
and W1-11-3201

ORDER TO INITIATE CONTESTED
CASES AND
ORDER TO CONSOLIDATE

CONTESTED CASE NAME: *In re Salt River Project - Irrigation*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master initiates contested cases W1-11-3194 and W1-11-3201 to address objections to watershed file reports 114-04-BDD-001 and 114-04-BDD-029. The two cases are consolidated under Contested Case No. **W1-11-3194**.

NUMBER OF PAGES: 21

DATE OF FILING: January 28, 2019

This case involves potential water rights for irrigation and domestic use. This Order initiates a contested case to resolve objections to watershed file reports 114-04-BDD-001 and 114-04-BDD-029 published in the Final San Pedro River Watershed Hydrographic Survey

1 Report (1991). Copies of the watershed file reports are attached as Attachment A. Copies of
2 objections will be posted under the What's New tab under the case name and number at the
3 following website:

4 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication>

5 **WFR 114-04-BDD-001**

6 The watershed file report lists one domestic water use and three irrigation water uses.
7 The report lists Statements of Claimant 39-1976, 39-1977, 39-1978, and 39-2482, as the
8 applicable adjudication filings. Three statements of claimant, 39-1976, 39-1977, and 39-1978
9 have been assigned to Salt River Project Agricultural Improvement and Power District, a
10 municipal corporation ("SRP"). ASARCO, Incorporated filed Statement of Claimant 39-2482.
11

12 The locations of the uses of water are described as sections 9 and 10 in T7S R16E.
13 A well located in SESENW 10 T7S R16E is identified as the source of water. A copy of the
14 map prepared by the Arizona Department of Water Resources for WFR 114-04-BDD-001 is
15 attached as Attachment B. The watershed file report named William M. and Gloria
16 Stambaugh as the landowner. Based on the public records maintained by the Pinal County
17 Assessor's Office, the relevant land described as the places of use include tax parcels
18 3003006B and 30034010A, both of which are owned by SRP. A copy of the map prepared by
19 the Pinal County Assessor's Office of the relevant land is attached as Attachment C. At the
20 initial scheduling conference, SRP shall be prepared to state whether the well which provides
21 the source of water is located within the subflow zone.
22
23

24 **WFR 114-04-BDD-029**

25 The watershed file report lists one domestic water use and three irrigation water uses. It
26 lists Statements of Claimant 39-4843, 39-4844, 39-4845, and 39-4846 as the applicable
27 adjudication filings for the potential water rights. Statement of Claimant 39-4843 was filed by
28

1 Edwin Ash and the public records of Arizona Department of Water Resources do not show that
2 it has been assigned. Statements of Claimant 39-4844, 39-4845, and 39-4846 have been
3 assigned to the Salt River Project Agricultural Improvement and Power District.

4 The locations of the uses of water are described as within the northwest quarter of
5 section 4 T7S R16E. A well located in NESWNW 4 T7S R16E is identified as the source of
6 water. A copy of the map prepared by the Arizona Department of Water Resources for WFR
7 114-04-BDD-029 is attached as Attachment D. The watershed file report named Donovan
8 Simonis as the landowner. Based on the public records maintained by the Pinal County
9 Assessor's Office, the relevant land described as the places of use includes tax parcel
10 30031003A, which is owned by SRP. A copy of the map prepared by the Pinal County
11 Assessor's Office of the relevant land is attached as Attachment E. At the initial scheduling
12 conference, SRP shall be prepared to state whether the well which provides the source of
13 water is located within the subflow zone.
14
15

16 **IT IS ORDERED:**

17
18 1. Contested Case, Consolidation, Designation and Docket Number. This
19 contested case initiates case nos. W1-11-3194 and W1-11-3210. The two contested cases are
20 consolidated under *In re Salt River Project – Irrigation*, Contested Case No. W1-11-3194.

21 2. Litigants. The litigants in this contested case are the claimants, all persons who
22 filed objections to the listed watershed file reports who are listed on Attachment F, and
23 claimants who are allowed to intervene by order.

24 3. Court-Approved Mailing List.

25 A. The initial Court-approved mailing list for this case shall include all
26 persons listed on Attachment G to this order. The list may be modified only by
27
28

1 filing a motion with the Special Master to amend the Court-approved mailing
2 list. Litigants are responsible for using the current Court-approved mailing list.

3 B. A copy of any pleading filed with the Clerk of the Maricopa County
4 Superior Court in this case shall be served upon each person listed on the Court-
5 approved mailing list.

6 C. Claimants wishing to be added or removed from the mailing list shall file
7 a motion with the Special Master. Parties allowed to intervene will be
8 automatically added to the mailing list.

9
10 4. Courtesy Email List.

11 The Special Master's office will email courtesy copies of orders and minute
12 entries entered in this case to persons listed on Attachment G upon request.

13 Requests for inclusions on the email list should be sent to Barbara Brown at
14 brownb099@superiorcourt.maricopa.gov.

15
16 An initial scheduling conference to address a discovery plan, potential issues,
17 anticipated motions and any other matters the litigants deem relevant to be included in a Case
18 Management Order shall be held on March 20, 2019 at 1:30 p.m. before:

19
20 Special Master Susan Ward Harris
21 Superior Court of Arizona
22 201 West Jefferson Street
23 Courtroom 301
24 Phoenix, AZ 85003-2202

25 Instructions for telephonic appearance:

26 Dial: 602-506-9695 (local)

27 1-855-506-9695 (toll free long distance)

28 Dial Participant Pass Code 357264#

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SUSAN WARD HARRIS
Special Master

On January 28, 2019, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached hereto as Attachment G and to all persons listed on the Court-approved mailing list for the Gila River Adjudication W-1, W-2, W-3, W-4 (Consolidated).

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
STAMBAUGH, WILLIAM M.	114-04-BDD-001
& GLORIA M.	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-3194

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1101214.1100		IRRIGATION	5400.00	SE09	070S	160E	1878	NW08	070S	170E
10-1101386.1100				SW09	070S	160E				
10-1103016.1100		IRRIGATION	27000.00	NE10	070S	160E	1880	SE09	070S	160E
				SE09	070S	160E	1884	NE12	070S	160E
				SW09	070S	160E				
10-1116075.1100		IRRIGATION STOCK	36000.00	NE10	070S	160E		SE09	070S	160E
				N2SW10	070S	160E	1917	SE09	070S	160E
				SWSW10	070S	160E				
36-0060269		IRRIGATION	100.00	N2SESW10	070S	160E		SE09	070S	160E
				E209	070S	160E	1884	SENE11	070S	160E
39-0001976		IRRIGATION	325.00	W210	070S	160E				
				09	070S	160E	1878	NWNW08	070S	170E
39-0001977		IRRIGATION	325.00	W210	070S	160E				
				09	070S	160E	1878	SWSWNE10	070S	160E
				10	070S	160E				
39-0001978		DOMESTIC STOCK	.22				1898	NWNWSE10	070S	160E
		IRRIGATION	1.00							
39-0002482		IRRIGATION	1659.00	10	070S	160E	1884	NWNW08	070S	170E
				11	070S	160E				
				SENE11	070S	160E				

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1101214.1100	IRRIGATION	IRRIGATION		IROO1
10-1101386.1100				
10-1103016.1100	IRRIGATION	IRRIGATION		IROO1
10-1116075.1100	IRRIGATION STOCK	IRRIGATION NONE		IROO1
36-0060269	IRRIGATION	IRRIGATION		IROO1, IROO2
39-0001976	IRRIGATION	IRRIGATION		IROO1, IROO2
39-0001977	IRRIGATION	IRRIGATION	W03	IROO1, IROO2, IROO3
39-0001978	DOMESTIC STOCK	CATALOGUED WELL		DMOO1
39-0002482	IRRIGATION	CATALOGUED WELL IRRIGATION		IROO1, IROO3

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W03	SESESW10	070S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NENWSW10	070S	160E		GROUNDWATER : CATALOGUED			
IROO1	NW10	070S	160E	W03	GROUNDWATER : ZONE 1	1935	NO	
	SE09	070S	160E				YES	
	SW10	070S	160E					
IROO2	NESW10	070S	160E	W03	GROUNDWATER : ZONE 1	1969	NO	
	SESW10	070S	160E					
IROO3	SESE09	070S	160E	W03	GROUNDWATER : ZONE 1	1983	NO	

** WATER FROM W03 IS SHARED WITH THESE ADDITIONAL FILES:
 114-04-BDD-2, 114-04BDD-32

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0001978	NONE		
IROO1	39-0001976	10-1101214.1100	1878 FILING 10-1101214-11	GROUNDWATER : CATALOGUED
	39-0001977	10-1103016.1100		GROUNDWATER : ZONE 1 OF THE
	39-0001977	10-1116075.1100		ARAVAIPA CREEK
	39-0002482	36-0060269		
IROO2	39-0001976	36-0060269	1969 1969 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE
	39-0001977			ARAVAIPA CREEK
IROO3	39-0001977	NONE	1983 1983 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE
	39-0002482			ARAVAIPA CREEK
NONE	NONE	10-1101386.1100		

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED REGIONAL	101.3	MULTI.-DBL.	70%	1.8 AF/AC	182.3 AFA	
	MAX. POTENTIAL	101.3	AVE. CROP	50%	5.4 AF/AC	547.0 AFA	
IROO2	MAX. OBSERVED REGIONAL	101.3	ALFALFA	70%	4.8 AF/AC	486.2 AFA	
	MAX. POTENTIAL	6.6	FALL GRAINS	70%	.6 AF/AC	4.0 AFA	
IROO3	MAX. OBSERVED REGIONAL	6.6	AVE. CROP	50%	5.4 AF/AC	35.6 AFA	
	MAX. POTENTIAL	6.6	ALFALFA	70%	4.8 AF/AC	31.7 AFA	
	MAX. OBSERVED REGIONAL	2.0	DBL.CROPPED	70%	2.4 AF/AC	4.8 AFA	
	MAX. POTENTIAL	2.0	AVE. CROP	50%	5.4 AF/AC	10.8 AFA	
		2.0	ALFALFA	70%	4.8 AF/AC	9.6 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 10-1101386-11 - NO WATER USES ARE CLAIMED, THEREFORE NO POTENTIAL WATER RIGHTS (P.W.R.'S) COULD BE MATCHED TO THIS FILING.
 FILINGS 10-1101214-11, 10-1103016-11, 36-60269, 39-1976 & 39-2482 - CLAIM IRRIGATION USES FROM A SURFACE WATER DIVERSION ON ARAVAIPA CREEK. THE SOURCE OF IRRIGATION WATER HAS SINCE BEEN CHANGED TO A GROUNDWATER ZONE 1 WELL.
 FILING 10-1116075-11 - CLAIMS IRRIGATION AND STOCKWATERING USES FROM THE SAN PEDRO RIVER. NO STOCKWATERING USES WERE FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W3 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
 IR1 - IRRIGATED MULTIPLE-DOUBLE CROPS (PINTO BEANS, SMALL GRAINS AND COTTON).
 IR2 - IRRIGATED SMALL GRAINS.
 IR3 - IRRIGATED MULTIPLE-DOUBLE CROPS (PINTO BEANS AND SMALL GRAINS).

SHARED USES AND DIVERSIONS

W3 - WELL IS SHARED WITH W.F.R.'S #114-04-BDD-2 & #114-04-BDD-32.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH INDICATED A DISCREPANCY IN THE QUANTITIES OF USE SECTION.

LAND OWNER _____ WATERSHED FILE
 SIMONIS DONOVAN ACCOUNTS _____ REPORT NUMBER
 114-04-BDD-029

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES **WI-11-3201**

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1102444.1200		IRRIGATION	9000.00	NW04 SW04 NE05	070S	160E	1883	NWSW04	070S	160E
10-1102622.1100		IRRIGATION	54000.00	SW04	070S	160E	1884	NW04	070S	160E
10-1103330.1100		IRRIGATION	54000.00	E229	060S	160E	1886	SW04	070S	160E
10-1105312.1100		IRRIGATION		NE32	060S	160E	1895	NWSW04	070S	160E
36-0026938		IRRIGATION DOMESTIC STOCK	1000.00	SESE05	060S	160E	< 1900	SESE05	060S	160E
39-0004843		REC/FISH/WLDF IRRIGATION STOCK	20.00 5.00	NW04	070S	160E	1900	NW04	070S	160E
39-0004844		REC/FISH/WLDF IRRIGATION STOCK	110.00 60.00 3.00	04	070S	160E	1900	NWSW04	070S	160E
39-0004845		DOMESTIC STOCK	3.00 6.00	NENW04	070S	160E	1919	NENW04	070S	160E
39-0004846		IRRIGATION STOCK	10.00	NW04	070S	160E	1919	NESENW04 NW04	070S 070S	160E 160E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1102444.1200	IRRIGATION	IRRIGATION		IROO1
10-1102622.1100	IRRIGATION	NOT APPLICABLE		
10-1103330.1100	IRRIGATION	NOT APPLICABLE		
10-1105312.1100	IRRIGATION	NOT APPLICABLE		
36-0026938	IRRIGATION DOMESTIC STOCK	NONE NONE NONE		
39-0004843	RECREATION IRRIGATION STOCK	NONE IRRIGATION INCIDENTAL		IROO1, IROO2, IROO3
39-0004844	RECREATION WILDLIFE IRRIGATION STOCK	INCIDENTAL INCIDENTAL IRRIGATION INCIDENTAL		IROO1, IROO2, IROO3
39-0004845	DOMESTIC STOCK	DOMESTIC INCIDENTAL		DMOO1
39-0004846	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO1	IROO1, IROO2, IROO3

DIVERSIONS

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NESWNW04	070S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NWNENW04	070S	160E		GROUNDWATER : CATALOGUED		NO	
IROO1	NW04	070S	160E	WO1	GROUNDWATER : ZONE 1	1935	YES	
IROO2	NENW04	070S	160E	WO1	GROUNDWATER : ZONE 1	1947	NO	
	NWNW04	070S	160E					
	SWNW04	070S	160E					

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IROO3	NENWO4	07OS	16OE	WO1	GROUNDWATER : ZONE 1	1964	NO	

SHARED USES AND DIVERSIONS

** WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:
 114-04BDD-30

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0004845	NONE		
IROO1	39-0004843 39-0004844 39-0004846	10-1102444.1200	1883 FILING 10-1102444-12	GROUNDWATER : CATALOGUED GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO2	39-0004843 39-0004844 39-0004846	NONE	1947 1947 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO3	39-0004843 39-0004844 39-0004846	NONE	1964 1964 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	NONE	10-1102622.1100 10-1103330.1100 10-1105312.1100 36-0026938		

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED REGIONAL	48.0	PERM. PSTR	32%	9.9 AF/AC	475.2 AFA	
	MAX. POTENTIAL	48.0	AVE. CROP	50%	5.4 AF/AC	259.2 AFA	
IROO2	MAX. OBSERVED REGIONAL	1.9 3.9	ALFALFA AVE. CROP	32% 50%	10.4 AF/AC 5.4 AF/AC	499.2 AFA 1.9 AFA	
	MAX. POTENTIAL	3.9	ALFALFA	45%	7.4 AF/AC	21.1 AFA	
IROO3	MAX. OBSERVED REGIONAL	3.0 3.0	WINTER PSTR AVE. CROP	45% 50%	1.0 AF/AC 5.4 AF/AC	28.9 AFA 3.0 AFA	
	MAX. POTENTIAL	3.0	ALFALFA	45%	7.4 AF/AC	16.2 AFA 22.2 AFA	

EXPLANATION

FILINGS AND DECREES

FILING 10-1102622-11 - CLAIMS AN IRRIGATION WATER USE FROM THE SAN PEDRO RIVER. THE CLAIMED USE DOES NOT APPLY TO THIS W.F.R.
 FILINGS 10-1103330-11 & 10-1105312-11 - CLAIM IRRIGATION WATER USES FROM THE SAN PEDRO RIVER. IRRIGATION, DOMESTIC, STOCKWATERING AND RECREATION USES. NO IRRIGATION, DOMESTIC, STOCKWATERING OR RECREATION USES WERE FOUND AT THE CLAIMED LOCATION. THE CLAIMED USES DO NOT APPLY TO ANY POTENTIAL WATER RIGHTS (P.W.R.'S) IN THIS W.F.R.
 FILING 39-4838 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, AND RECREATION WATER USES. NO IRRIGATION, DOMESTIC, STOCKWATERING, OR RECREATION USES WERE FOUND AT THE CLAIMED LOCATION.
 FILINGS 39-4843 & 39-4844 - CLAIM THAT WATER USES ARE SUPPLIED BY COOK'S LAKE. THIS DIVERSION HAS BEEN CHANGED TO AN ZONE 1 GROUNDWATER WELL.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
 IR1-IR3 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #114-04-BDD-30.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

FILE 114-04-BDD-029 (CONTINUED)
E X P L A N A T I O N (CONTINUED)

CONTINUATION OF PAGE: 108

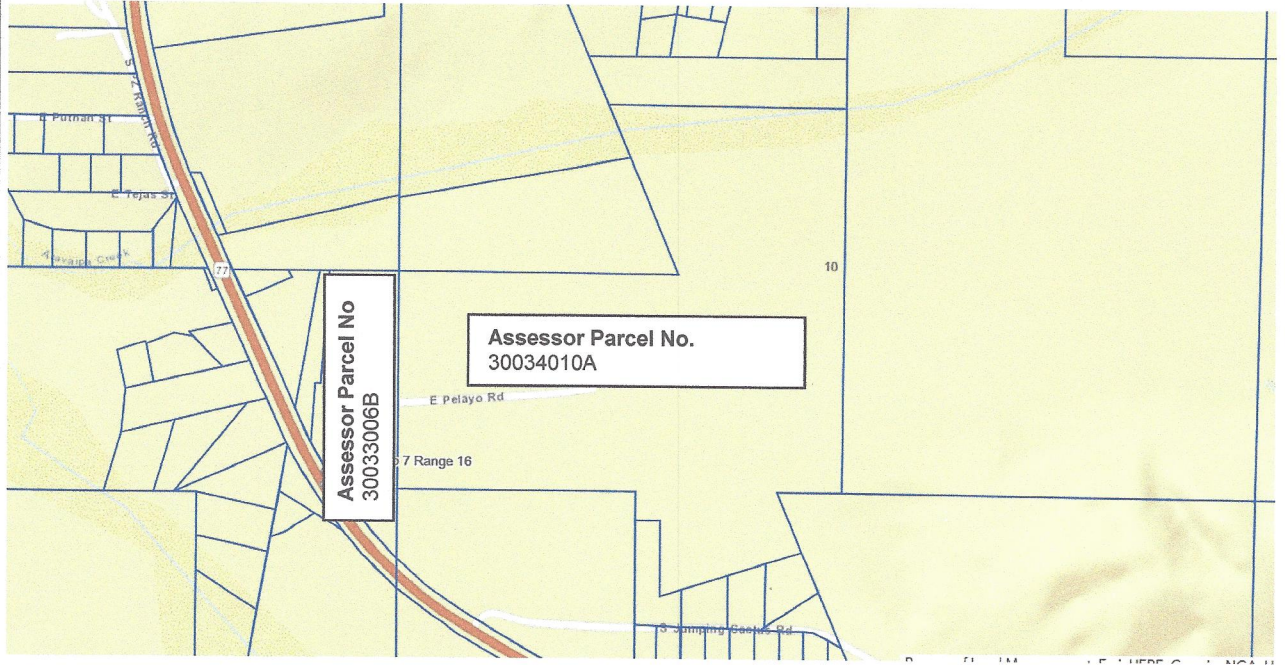
A COMMENT WAS RECEIVED WHICH INDICATED THAT THE OWNER DID NOT UNDERSTAND THE PREVIOUS
WATERSHED FILE REPORT.

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ATTACHMENT B

ATTACHMENT C

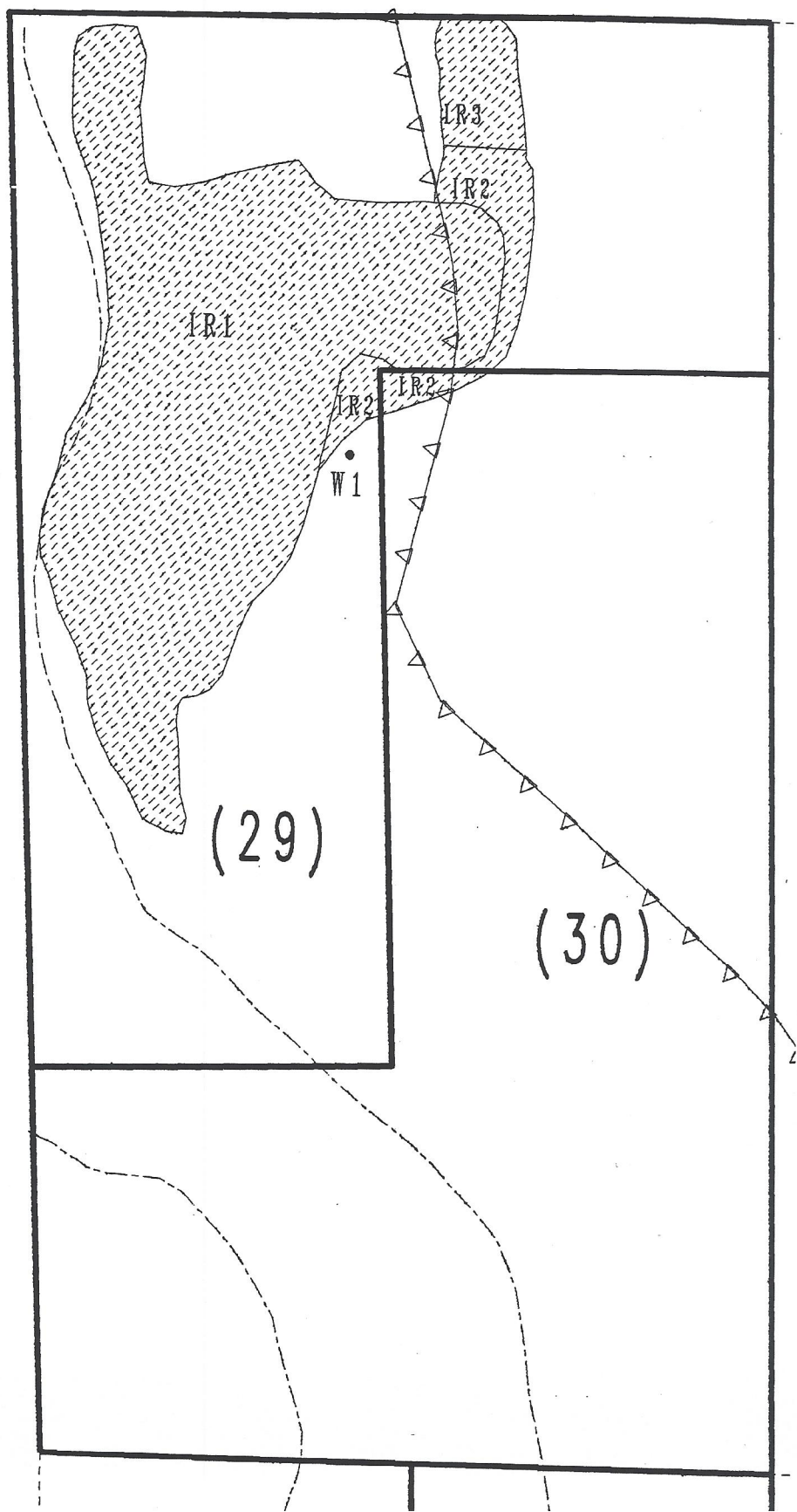
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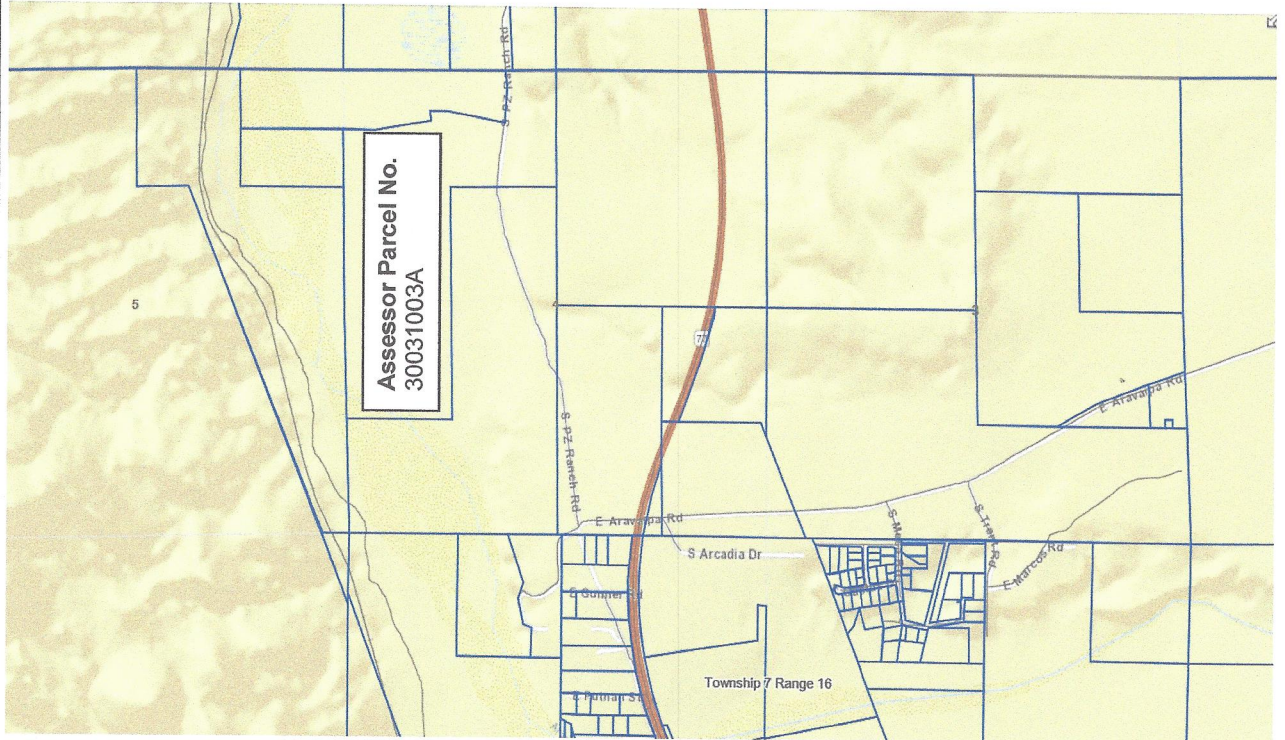
ATTACHMENT D

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ATTACHMENT E

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ASARCO LLC
Lauren Caster, Brian Heiserman and Bradley Pew
Fennemore Craig, P.C.
2394 East Camelback Road, Ste 600
Phoenix AZ 85016-3429

BHP Copper, Inc.
c/o John Burnside
Snell & Wilmer
400 East Van Buren Street, Ste 1900
Phoenix, AZ 85004-2202

Gila River Indian Community
Linus Everling and Thomas L. Murphy
Gila River Indian Community
Office of the General Counsel
P. O. Box 97
Sacaton, AZ 85147

Salt River Valley Water Users' Association and the Salt River Project Agricultural
Improvement and Power District
John B. Weldon, Jr. and Mark A. McGinnis
Salmon, Lewis & Weldon PLC
2850 E Camelback Rd, Ste 200
Phoenix, AZ 85016

San Carlos Apache Tribe
Tonto Apache Tribe
Joe P. Sparks and Laurel A. Herrmann
the Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

U. S. Department of Justice
F. Patrick Barry
Environment and Natural Resources
P. O. Box 7611
Washington DC 20044-7611

1 Yavapai-Apache Nation
2 Camp Verde Reservation
3 Susan B. Montgomery, Robyn L. Interpreter,
and Jay Tomkus
4 Montgomery & Interpreter, PLC
3301 E. Thunderbird Road
5 Phoenix, AZ 85032

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ATTACHMENT G

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ASARCO LLC
Lauren Caster, Brian Heiserman and Bradley Pew
Fennemore Craig, P.C.
2394 East Camelback Road, Ste 600
Phoenix AZ 85016-3429

BHP Copper, Inc.
c/o John Burnside
Snell & Wilmer
400 East Van Buren Street, Ste 1900
Phoenix, AZ 85004-2202

Clerk of the Superior Court
Attn. Water Cases
601 West Jackson Street
Phoenix, AZ 85003

Edwin D. Ash
Box 385
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