

**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. W111002710

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 10:19
 JUDITH ALLEN CLERK
 BY R. [Signature] DEPT

This objection is directed to Watershed _____ or Catalogued Well No. _____
 File Report or Zone 2 Well Report No. 11312DBC 014 (please insert no.)
 (please insert no.)

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community San Carlos Apache Tribe; Tonlo 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

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 9th day of May, 1992, postage prepaid and addressed as follows:

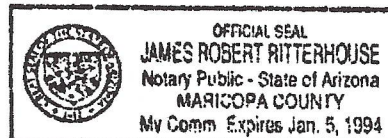
Name: EL POTRERO, INC.
 Address: 2018 W. LOS REALES
 TUCSON AZ 85746

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

Alfred S. Cox [Signature]
 Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 6th 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.)

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 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

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

W1-11-2710

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

113-12-DBC-014
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: El Potrero, Inc.

Objector's Address: P.O. Box 43121, Tucson, AZ, 85733

Objector's Telephone No.: (602) 327-2896

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):

113-12-DBC-014

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 Cochise

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.

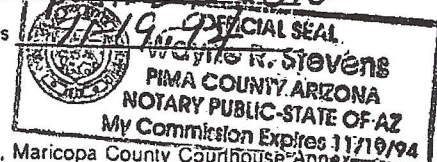
Martin Turner president
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 18 day of MAY 1992

Notary Public for the State of ARIZONA CITY OF PIMA

Residing at 1837 E. PRINCE TUCSON

My commission expires



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.

92 MAY 14 AM 10:15
FILED
JUDITH ALLEN, CLERK
BY S. Bergman DEP

STATEMENT OF THE OBJECTION

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

- 1. I object to the description of **Land Ownership**
- 2. I object to the description of **Applicable Filings and Decrees**
- 3. I object to the description of **DWR's Analysis of Filings and Decrees**
- 4. I object to the description of **Diversions** for the claimed water right(s)
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- 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

Please refer to attached pages dated May 12, 1992.



MANDATORY FORM FOR OBJECTIONS TO
THE HYDROGRAPHIC SURVEY REPORT FOR
THE SAN PEDRO RIVER WATERSHED

OBJECTOR'S NAME: EL POTRERO, Inc.

MAY 12, 1992

THESE OBJECTIONS PERTAIN TO
WATERSHED FILE REPORT NO.: 113-12-DBC-014

REASONS FOR OBJECTIONS

Category Number:

Reasons For Objection:

3. DWR Analysis

The "location of use" for Filing Number 36-0029151 is incorrectly given as "IR001". Apparently staff from ADWR only listed IR001 based upon their analysis of information provided in the "36" filing made in 1979.

We know, based upon information contained in Well Registration #607859, that 21.16 acres were under cultivation in 1960 when this well was registered. We also know that the total areas within IR001 and IR002 are 9.2 acres and 9.7 acres, respectively. Consequently, we believe that IR002 needs to be added beside filing 36-0029151 in order to (1) have the total irrigated acreage known to be in use at that time add up to approximately 21 acres, and (2) so that staff's interpretation be consistent with their interpretation of filing 39-0005823 which says that both IR001 and IR002 were in use.

4. Diversions

Please add:

Diversion #:W02; Location: SENWSE04 T13S R19E; Diversion Name: Unnamed; Water Source: Groundwater: Zone 1 of the San Pedro River. W02 is located within (D-13-19)4dbb, and it is an existing 6-inch-diameter, 50-foot-deep, domestic well that was drilled on June 27, 1960. For your information, the registration number for this well is 607857.

MAY 12, 1992

REASONS FOR OBJECTIONS (CONTINUED):

4. Diversions Please add:
- Diversion #:D01; Location: Sec10 T13S R19E; Diversion Name: Unnamed; Water Source: Surface Water: San Pedro River. D01 is an irrigation ditch that was constructed prior to 1880 in order divert water from the San Pedro River to the local farms. This ditch was replaced by wells drilled in 1960. Please refer to Filing 39-14019 by Hope I. Jones of the C-Spear Ranch for additional information concerning the first settlement of this area.
- 4 Diversions We object to ADWR's finding that our diversion was "Shared" with Mr. Carey Smith. We believe that Mr. Carey Smith (Watershed File Report No. 113-12-DBC-022) does not own property near our farm. Consequently, ADWR's assertions regarding shared use is incorrect, and therefore, any mention of a shared use with Mr. Smith should be removed from all Watershed File Reports.
- 5 Uses The source of water used on our farm changed from ditch water to well water when the wells were drilled in 1960. Prior to 1960, both IR001 and IR002 were irrigated by the aforementioned ditch. Therefore, there should be a "yes" placed in the column marked "source change" so as to indicate that a change in source had occurred.
- 7 Shared Uses We do not share water or ownership of IR002 with Mr. Smith as incorrectly stated on the Map of Water Uses. Please remove Watershed File Report Number 113-12DBC-22 from this list of shared uses.
- 8 PWR Summary Based upon written historical accounts, it is known that the first beneficial use of irrigation water on IR001 and IR002 occurred prior to 1880 when an irrigation ditch was used to divert surface water from the San Pedro River to these fields.

REASONS FOR OBJECTIONS (CONTINUED):

It is also known that the first recorded title to the 80 acres containing both IR001 and IR002 was granted to Mr. Miguel M. Lopez on June 1, 1912. Filing 39-5823 says that first beneficial use occurred "pre-1919" and not "1919" as stated on the PWR summary. Furthermore, it is known, based upon well-registration records, that the source of irrigation water was changed in 1960 when two wells were drilled within the area currently known as Zone 1 of the San Pedro River. The PWR summary should state that the Apparent First Use Date of surface water from the San Pedro River on both IR001 and IR002 occurred prior to 1880. The PWR Summary should also state that 1960 is the Apparent First Use Date of Zone 1 Groundwater on IR001 and IR002.

9 Quantities of Use

We evaluated the volume of historical groundwater pumpage based upon recorded electrical power usage during 1982 and 1983. Our study shows that the actual annual water pumpage was 166.87 acrefeet per annum (AFA) and 149.15 AFA for 1982 and 1983, respectively. Since only the 9.2-acre IR001 was being irrigated during 1982 and 1983, then it is obvious to us that ADWR's estimate of 49.7 AFA to 92.0 AFA pumped and delivered to IR001 is incorrect, and is perhaps off by more than three hundred percent. Consequently, because of the size of this discrepancy, we also believe that ADWR's estimate of the water duty for the 9.7-acre IR002 is also incorrect, and would have to be substantially increased in order to reflect actual groundwater pumpage.

10 Explanation

Filings and Decrees: We have two wells on our property, both were drilled in 1960. The 6-inch-diameter well is currently not in use, whereas the 12-inch-diameter well is used for both irrigation and domestic/stock water. This larger-diameter well has two pumps to satisfy these two types of uses.

REASONS FOR OBJECTIONS (CONTINUED):

- 10 Explanation Diversions: W02 does exist, but it is not in use at the present time.
- 10 Explanation Uses and Reservoirs: IR001 and IR002 are irrigated farmland and not pasture.
- 10 Explanation Shared wells and diversions: W01 is not shared by Smith (Watershed File Report No. 113-12-DBC-22).

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

No. W1,W2,W3 & W4
W1-11-002710

MANDATORY FORM FOR OBJECTIONS TO
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This objection is directed to Watershed
File Report or Zone 2 Well Report No. 113 - 12 - DBC - 014 or Catalogued Well No. _____
(please insert no.) (please insert no.)

OBJECTOR INFORMATION

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

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

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

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

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

STATE OF ARIZONA

COUNTY OF MARICOPA

VERIFICATION (must be completed by objector)

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

Name EL POTRERO, INC.
and 2018 W. LOS REALES
Address TUCSON, AZ 85746

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

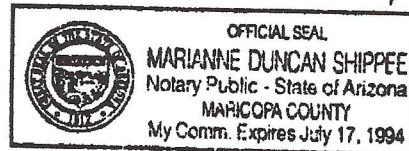
Jeffrey W. Corbett
Signature of Objector's Representative (Magma)

Gene O'Brien
Signature of Objector's Representative (ASARCO)

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

Marianne Duncan Shippee

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



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

92 MAY 11 PM 1:22
FILED
JUDITH ALLEN, CLERK
B. Campbell DEP

✓

STATEMENT OF THE OBJECTION

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- 9. I object to the description of Quantities of Use for the claimed water right(s)
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- 11. Other Objections (please state volume, page and line number for each objection)

REASON FOR OBJECTION

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

Category Number: 4, 8 and 11

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

Magma and ASARCO object to the inclusion of groundwater in this Adjudication because groundwater is neither appropriable under Arizona law (Uniform Objection Code Nos. 500, 510, 1120 and 1132), nor is it subject to claims based on federal law (Uniform Objection Code Nos. 561, 562, 1120 and 1134). In addition, this objection is intended to preserve these issues until such time as each is resolved by the Arizona Supreme Court. (Uniform Objection Code No. 1130)

While this objection pertains to a specific Watershed File Report ("WFR"), Magma and ASARCO are objecting to each WFR that classifies a well as a "Zone 1 Well" or otherwise employs the "50% - 90 day standard" to create a presumption of a well's diversion of appropriable surface water.

With respect to this particular WFR, Magma and ASARCO presently believe that the subject well(s) is/are taking nonappropriable groundwater not subject to the Gila Adjudication. However, should it be determined that the well(s) is/are taking appropriable surface water, Magma and ASARCO object to such use where such taking is a diversion of surface water without an appropriative right under state law and/or is interfering with the water rights of Magma or ASARCO. (Uniform Objection Code Nos. 600, 610 and 1150)

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

Attorneys for Magma:

Robert B. Hoffman (004415)

Carlos D. Ronstadt (006468)

Jeffrey W. Crockett (012672)

SNELL & WILMER

One-Arizona-Center

Phoenix, Arizona 85004-0001

(602) 382-6000

Attorneys for ASARCO:

Burton M. Apker (001258)

Gerrie Apker Kurtz (005637)

APKER, APKER, HAGGARD

& KURTZ, P.C.

2111 E. Highland, Suite 230

P.O. Box 10280

Phoenix, Arizona 85064-0280

(602) 381-0085

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

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

Contested Case File: W111002710

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

113-12-DBC-014

or Catalogued Well No.

(please insert no.)

(please insert no.)

92 MAY 12 10 59 AM '92

JUDITH ALLEN, CLERK
BY
FILED

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 18th day of May, 1992, postage prepaid and addressed as follows:

Name: 113-12-DBC-014
EL POTRERO, INC.
Address: 2018 W. LOS REALES
TUCSON AZ 85746

(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.

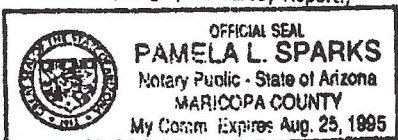
Gary B. Randall
Signature of Objector or Objector's Representative

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.

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- 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 claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420) (W01)

Adjudication filings associated with this WFR contain inaccurate or incomplete information. (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 place of use legal description. (SM 720) (3900058220000)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (3900058220000)

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)

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)

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) (DM001000; IR001000; IR002000)

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)

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 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

No. W1, W2, W3 & W4
Contested Case No. W1-11-002710

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.

113-12-DBC-014
(please insert no.)

or Catalogued Well No.
(please insert no.)

FILED
MAY 11 11:27
DOROTHY ALLEN, CLERK
DEP

OBJECTOR INFORMATION

Objector's Name:

Salt River Project

Objector's Address:

Post Office Box 52025

Objector's Telephone No:

Phoenix, Arizona 85072-2025

(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: EL POTRERO, INC.

Address: 2018 W. LOS REALES

TUCSON, AZ 85746

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

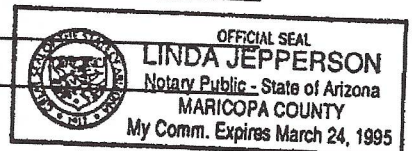
Signature of Objector or Objector's Representative

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.)

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.

(Handwritten mark)

STATEMENT OF THE OBJECTION

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

- 1. I object to the description of LAND OWNERSHIP
- 2. I object to the description of APPLICABLE FILINGS AND DECREES
- 3. I object to the description of DWR's ANALYSIS OF FILINGS AND DECREES
- 4. I object to the description of the DIVERSIONS for the claimed water right(s)
- 5. I object to the description of the USES for the claimed water right(s)
- 6. I object to the description of RESERVOIRS used for the claimed water right(s)
- 7. I object to the description of SHARED USES & DIVERSIONS for the claimed water right(s)
- 8. I object to the PWR (POTENTIAL WATER RIGHT) SUMMARY of the claimed water right(s)
- 9. I object to the description of the QUANTITIES OF USE for the claimed water right(s)
- 10. I object to the EXPLANATION provided for the claimed water right(s)
- 11. Other Objections (please state volume number, page number and line number for each objection)

REASON FOR OBJECTION

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

CATEGORY
NUMBER

SEE ATTACHMENT 1

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

ATTACHMENT 1

WFR CATEGORY 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: IR001 and IR002.

* * * *

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 (WRRRA), are the evidentiary foundation for the priority date associated with any water right. This PWR has been matched to multiple WRRRA filings. The WRRRA 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 WRRRA 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 WRRRA filings (0910). This objection applies to: DM001.

* * * *

WFR CATEGORY 8 - PWR SUMMARY (continued)

The Salt River Project objects to the weight placed upon aerial photography in determining the apparent date of first use for this Potential Water Right (PWR). Where DWR concludes that no use exists on a parcel as of a given photo date, it does not follow that a claimant either had no water right to start with or abandoned that right by nonuse. Scattered photos reflecting occasional periods of nonuse over a fifty-year time span should not be interpreted by DWR to refute the priority date or dates evidenced by a claimant's previous filings (0910). This objection applies to: IR002.

* * * *

The Salt River Project objects to the use of "statement of claimant" as the basis for the apparent date of first use assigned to this Potential Water Right (PWR). Mere allegations made in a Statement of Claimant are insufficient to refute the date of priority evidenced by one or more applicable previous filings. The Watershed File Report fails to set forth historical evidence sufficient to refute the priority date evidenced by the previous filings 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 those filings (0910). This objection applies to: IR001.

WFR CATEGORY 9 - QUANTITIES OF USE

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 and IR002.

* * * *

WFR CATEGORY 9 - QUANTITIES OF USE (continued)

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.

* * * *

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, IR001 and IR002.

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 average consumptive use requirement to the water duty equation based upon the types of crops recently 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 minimum 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 Arizona Climate, 1931-1972, 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 average 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.