

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. W111003207

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

This objection is directed to Watershed \_\_\_\_\_ or Catalogued Well No. \_\_\_\_\_  
File Report or Zone 2 Well Report No.  
11404CAA 001

92 MAY 18 AM 10:42  
FILED  
JUDITH ALLEN, CLERK  
BY  
D. Campbell  
DEP

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

Name: SMITH, JOHN E. & MARY LOU

Address: P.O. BOX 57

MARICOPA AZ 85239

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.

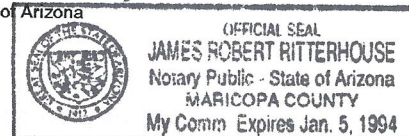
Alfred L. Cox Joe [Signature]

Signature of Objector or Objector's Representative

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

James R. Ritterhouse  
Notary Public for the State of Arizona

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



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
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- 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

See Attached

W. F. R. No. 114-04-CAA-001

Smith, John E. & Mary Lou

ATTACHMENT

**STATEMENT OF THE OBJECTION**

11. Other objections. Claim date. Vol. 6, Table 2, Page 144.

**REASON FOR OBJECTION**

11. The HSR shows (Vol. 6, Table 2, Page 144) two Pre-Filing Numbers with an 1886 claim date:

10-1103298.1100      36-0048159

The HSR shows at the same page one Filing Number with an 1886 claim date:

39-0002962

The HSR shows that current diversion is via wells classified as located in Zone 1 of the San Pedro River.

In 1886, pumps were so large and required such expensive steam engines to operate them that only mining enterprises could afford to install them to dewater shafts in this region. San Pedro River Valley farmers could not profitably pump groundwater. The pumps now in use were installed many years after the claim date (900).

The use of the water claimed depletes water for senior federal and Indian water rights (1150).

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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. W1-11-003207

MANDATORY FORM FOR OBJECTIONS TO  
The Hydrographic Survey Report for the  
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This objection is directed to Watershed File Report or Zone 2 Well Report No. 114-04-CAA -001 or Catalogued Well No. \_\_\_\_\_  
(please insert no.) (please insert no.)

OBJECTOR INFORMATION

Objector's Name: Salt River Project  
Objector's Address: Post Office Box 52025  
Phoenix, Arizona 85072-2025  
Objector's Telephone No: (602) 236-2210  
Objector's Watershed File Report or Zone 2 Well Report No. (If the Objector's claimed water rights are within the San Pedro River Watershed): \_\_\_\_\_

FILED  
MAY 14 1992  
JUDITH ALLEN, CLERK  
BY S. Boykin  
DEP

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)

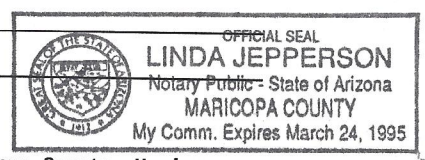
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Name: SMITH, JOHN E. & MARY LOU  
Address: P.O. BOX 57  
MARICOPA, AZ 85239

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.)

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E

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- 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

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In this attachment the uniform code designated by the

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Special Master in accordance with Case Management

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Order No. 1 is shown in parenthesis following each

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objection statement.

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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: IR002 and IR003.

\* \* \* \*

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 basis for any appropriative right. This PWR has been matched to a Water Rights Registration Act (WRRRA) filing. The date claimed in the WRRRA 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 WRRRA 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 WRRRA filing (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 and IR003.

\* \* \* \*

The Salt River Project objects to the basis used by DWR to assign the apparent date of first use 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. This PWR has been matched to a notice of appropriation and a Water Rights Registration Act (WRRRA) filing. The apparent date of first use for this PWR should be based on the notice, not the WRRRA filing, even though in this case the dates are the same (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, IR002, IR003, IR004 and IR005.

\* \* \* \*

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, IR002, IR003, IR004 and IR005.



**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.

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JUDITH ALLEN, CLERK  
 BY *[Signature]*  
 FILED  
 02 MAY 13 AM 10:21

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 File Report or Zone 2 Well Report No. 11404CAA 001  
 (please insert no.) (please insert no.)

**OBJECTOR INFORMATION**

Objector's Name: Gila River Indian Community San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community, Camp Verde Reservation  
 C/O Cox & Cox C/O Sparks & Siler, P.C.  
 Objector's Address: Suite 300 Luhrs Tower, P.O. Box 4245 7503 First Street  
 Phoenix, AZ 85030 Scottsdale, AZ 85251  
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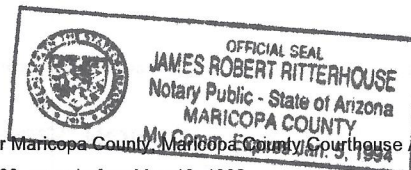
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*Alfred S. Cox*      *John E. Smith*  
 \_\_\_\_\_  
 Signature of Objector or Objector's Representative

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

*James R. Ritterhouse*  
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 Notary Public for the State of Arizona

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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 Quantities from filing(s) and/or pre-filing(s) are inconsistent (478)(430).

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or Catalogued Well No.

(please insert no.)

(please insert no.)

92 MAY 12 AM 10:23  
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JUDITH ALLEN, CLERK  
BY P. Sparks  
DEP

**OBJECTOR INFORMATION**

Objector's Name:  
United States of America

Co-Objector's Name:  
Gila River Indian Community  
c/o Cox & Cox

Co-Objector's Name:  
San Carlos Apache Tribe; Tonto  
Apache Tribe; Yavapai-Apache Indian  
Community; Camp Verde Reservation  
c/o Sparks & Siler, P.C.

Objector's Address:  
601 Pennsylvania Ave.  
Washington, D.C. 20004

Co-Objector's Address:  
Suite 300 Luhrs Tower  
Phoenix, AZ 85003

Co-Objector's Address:  
7503 First Street  
Scottsdale, AZ 85251

Objector's Telephone No.:  
(202) 272-4059 / 272-6978

Co-Objector's Telephone No.:  
(602) 254-7207

Co-Objector's Telephone No.:  
(602) 949-1998

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

111-19-009 ✓

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

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

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

STATE OF ARIZONA  
COUNTY OF MARICOPA

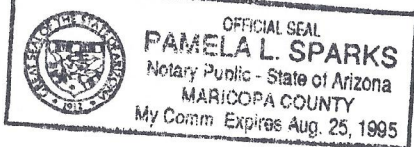
I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 18<sup>th</sup> day of May, 1992, postage prepaid and addressed as follows:

114-04-CAA-001

Name: SMITH, JOHN E. & MARY LOU

Address: P.O. BOX 57  
MARICOPA AZ 85239

(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.

Signature of Objector or Objector's Representative

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 17 day of May, 1992.

*Pamela L. Sparks*

E

STATEMENT OF THE OBJECTION

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

- 1. I object to the description of **Land Ownership**.
- 2. I object to the description of **Applicable Filings and Decrees**.
- 3. I object to the description of **DWR's Analysis of Filings and Decrees**.
- 4. I object to the description of **Diversions** for the claimed water right(s).
- 5. I object to the description of **Uses** for the claimed water right(s).
- 6. I object to the description of **Reservoirs** used for the claimed water right(s).
- 7. I object to the description of **Shared Uses & Diversions** for the claimed water right(s).
- 8. I object to the **PWR (Potential Water Right) Summary** of the claimed water right(s).
- 9. I object to the description of **Quantities of Use** for the claimed water right(s).
- 10. I object to the **Explanation** provided for the claimed water right(s).
- 11. Other Objections (please state volume, page and line number for each objection).

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REASON FOR OBJECTION

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

- 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)  
Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)  
The amount claimed, as described by ADWR, exceeds a reasonable amount required for beneficial use. (SM 478)  
The statement of claimant lists a use not verified by DWR. (SM 478)  
The 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 POU legal descriptions listed in the WFR is too general. (SM 720) (3900024720000; 3900024730000)  
There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (3600481590000; 3900029620000)  
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; W02; W03)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (3900024720000; 3900024730000)

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 volume of use is less than both the claimed and maximum observed volume of use. This indicates that the water is being used inefficiently. The claimant is not entitled to the water that will be wasted. (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 volume of use is less than both the claimed and maximum observed volume of use. This indicates that the water is being used inefficiently. The claimant is not entitled to the water that will be wasted. (SM 1000)

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



112

6-2-144

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

W1-11-003207

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

This objection is directed to Watershed File Report or Zone 2 Well Report No. 114 04 CAA 001 or Catalogued Well No. \_\_\_\_\_  
(please insert no.) (please insert no.)

OBJECTOR INFORMATION

Objector's Name: ASARCO Incorporated (1263)  
Objector's Address: P.O. Box 8, Hayden, AZ 85235  
Objector's Telephone No.: (602) 356-7811

The names, address and telephone number of Objector's attorneys are on the Attachment hereto.  
Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed): 114 - 04 - CAA - 002 et al.

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

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

STATE OF ARIZONA  
COUNTY OF Maricopa

VERIFICATION (must be completed by objector)

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

Name: John E. & Mary Lou Smith  
Address: P.O. Box 57  
Maricopa, AZ 85239

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

[Signature]  
Signature of Objector or Objector's Representative  
Authorized Attorney

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

[Signature]  
Notary Public for the State of Arizona

Residing at Phoenix, Maricopa County

My commission expires July 17, 1994

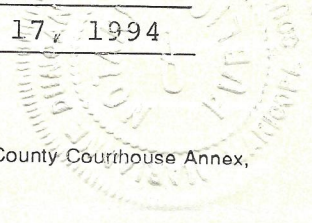
\*continued below

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

\*State Land Department  
1616 W. Adams  
Phoenix, AZ 85007

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.

FILED  
92 MAY 11 PM 1:51  
JUDITH ALLEN, CLERK  
BY [Signature] DEP



## 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**
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- 7. I object to the description of **Shared Uses & Diversions** for the claimed water right(s)
- 8. I object to the **PWR (Potential Water Right) Summary** of the claimed water right(s)
- 9. I object to the description of **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

SEE ATTACHMENT

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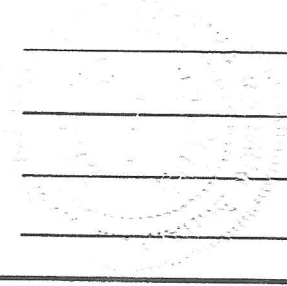
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

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

No. W1,W2,W3 & W4  
W1-11-003207

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

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

This objection is directed to Watershed  
File Report or Zone 2 Well Report No. 114 - 04 - CAA - 001 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

VERIFICATION (must be completed by objector)

COUNTY OF MARICOPA

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

Name SMITH, JOHN E. & MARY LOU  
and P.O. BOX 57  
Address MARICOPA, AZ 85239

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.

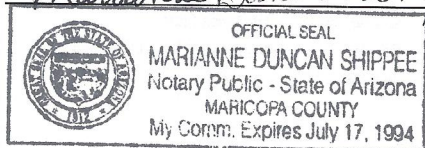
*Jeffrey W. Crockett*  
Signature of Objector's Representative (Magma)

*Janie Ophie King*  
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)



92 MAY 11 PM 1:55  
FILED  
JUDITH ALLEN, CLERK  
BY  
M. Carlson  
DEP

E

## 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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- 3. I object to the description of **DWR's Analysis of Filings and Decrees**
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- 5. I object to the description of **Uses** for the claimed water right(s)
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- 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: 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

Attachment to Objection re Smith, John E. & Mary Lou, WFR # 114-04-CAA-001

1. Smith, John E. & Mary Lou are not the owners of the property shown for Statements of Claimant 39-0002472 and 39-0002473. ASARCO Incorporated is the owner of the property. This property is listed in ASARCO Incorporated WFR # 114-04-CAA-002. (310)

Smith, John E. & Mary Lou are not the owners of Statements of Claimant 39-0002472 and 39-0002473. ASARCO Incorporated is the owner of the Statements of Claimant. These Statements of Claimant are listed in ASARCO Incorporated WFR ## 114-04-CAA-002. (320)

4. W02 and W03 diversions are owned by ASARCO, and are listed in ASARCO WFR # 114-04-CAA-002. (624)
- 4, 7. W02 and W03 are not shared with Watershed File Report #114-04-CAA-002. ASARCO's use and diversion of these waters is exclusive. (625) (720)
11. Water uses erroneously reported in this Watershed File Report relate to ASARCO Incorporated (Major User Code 1263) and to Arizona State Land Department (Major User Code 1291).

Attorneys for Objector:     Burton M. Apker, Id. No. 001258  
                                  Gerrie Apker Kurtz, Id. No. 005637  
                                  APKER, APKER, HAGGARD & KURTZ, P.C.  
                                  2111 E. Highland, Suite 230  
                                  P.O. Box 10280  
                                  Phoenix, Arizona 85064-0280  
                                  (602) 381-0085