

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
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
W1-11-002696

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 _____ or Catalogued Well No. _____
File Report or Zone 2 Well Report No. 113 - 12 - BD - 004 _____
(please insert no.) (please insert no.)

92 MAY 11 PM 1:20
FILED
BY *[Signature]*
JUDITH ALLEN, CLERK
DEP

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 BAYLESS AND BERKALEW CO.
&% K.J. SMALLHOUSE
Address: 5060 E. CALLE CHUECA
TUCSON, AZ 85718

Major user code: 1252

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

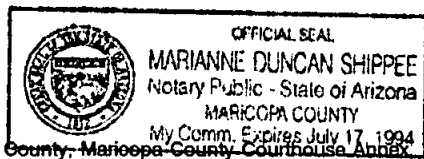
I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based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

[Signature: Jeffrey W. Cockett]
Signature of Objector's Representative (Magma)

[Signature: Jimi Oberkutz]
Signature of Objector's Representative (ASARCO)

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

[Signature: Marianne Duncan Shippee]



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)

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 not subject to claims based on federal law (Uniform Objection Code Nos. 561, 562 and 1134). In addition, this objection is intended to preserve this issue until such time as it is resolved by the Arizona Supreme Court. (Uniform Objection Code No. 1130)

While this objection pertains to a specific Zone 2 Well Report number ("Zone 2 Report"), Magma and ASARCO are objecting to each Zone 2 Report that classifies a well as a "Zone 2 Well", that extends federal reserved rights to groundwater pumped from the Zone 2 Well(s), or that otherwise creates a presumption that groundwater withdrawals from the well(s) significantly affect federal reserved rights.

With respect to this particular Zone 2 Report, Magma and ASARCO presently believe that groundwater withdrawn from the subject well(s) does not significantly diminish water otherwise available to a federal reservation and therefore is not subject to the Gila Adjudication. However, should it be determined that groundwater withdrawn from the well(s) does significantly diminish water otherwise available to a federal reservation, Magma and ASARCO object to such use where such groundwater withdrawal interferes with paramount water rights of Magma or ASARCO. (Uniform Objection Code Nos. 1135, 1136 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 Zone 2 Report 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

No. W1, W2, W3 & W4
W1-11-002696

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.

FILED
MAY 11 PM 1:20
BY
JUDITH ALLEN, CLERK
DEP

This objection is directed to Watershed File Report or Zone 2 Well Report No. 113 - 12 - BD - 004 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 BAYLESS AND BERKALEW CO.
and &% K.J. SMALLHOUSE
Address 5060 E. CALLE CHUECA
TUCSON, AZ 85718

Major user code: 1252

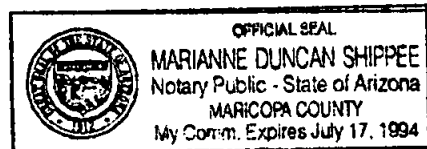
(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well Report; or to information contained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

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

Janie Okun
Signature of Objector's Representative (ASARCO)

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



W

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)

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: W111002696
Major User No. 1252

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

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

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

113-12-BD-004
(please insert no.)

or Catalogued Well No.
(please insert no.)

92 MAY 12 AM 5:17
 BY JUDITH ALLEN, CLERK
 DEPT. OF WATER RESOURCES
 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 B 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):

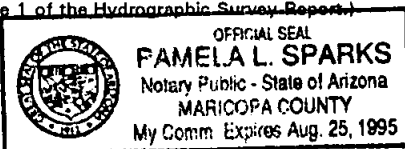
39-11-05478	39-05-41142	39-07-12652	39-07-12676	39-05-50058	39-07-12169
39-U8-60083	39-L8-36340	39-L8-37360	39-U8-63614	39-07-12675	39-05-50059

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-BD-004
BAYLESS AND BERKALEW CO.
% K.J. SMALLHOUSE
Address: 5060 E. CALLE CHUECA
TUCSON AZ 85718

(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

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

SUBSCRIBED AND SWORN to before me this 17 day of May, 1992.

Pamela L. Sparks

STATEMENT OF THE OBJECTION

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

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

REASON FOR OBJECTION

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

1. There is a discrepancy between the name of owner/lessee listed by ADWR for this Watershed File Report and the name of the owner/lessee identified in the adjudication filing. (SM 320)
2. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420) (D01; W01; W05; W06; W07; W12; W16; W17; W19; W20)

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

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

There is no claim date reported for a filing or pre-filing under this WFR. (SM 478) (3900027860000)

The amount claimed, as described by ADWR, exceeds a reasonable amount required for beneficial use. (SM 478)

The statement of claimant lists a use not verified by DWR. (SM 478)

The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)

One or more of the filings or pre-filings as reported in this WFR is missing a point of diversion legal description. (SM 623) (1010016472100; 1010017062100; 1010017252100; 1010017272100; 1010017742100; 1010022752100; 3600196130000; 3600196190000)

One or more of the POD legal descriptions listed in the WFR is too general. (SM 623) (2010013140000; 3600676330000; 3900072550000)

One or more of the filings or pre-filings as reported in this WFR is missing a place of use legal description. (SM 720) (1010016472100; 1010017062100; 1010022752100; 2010013140000; 3900035350000; 3900035440000; 3900035530000)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (1002027861100; 3600196130000; 3600196170000; 3600196190000; 3600196200000; 3600676330000; 3600706720000; 3900027860000; 3900035360000; 3900035390000; 3900072530000; 3900072550000)

There is no type of use for a filing and/or pre-filing listed under this WFR. (SM 820) (1010016472100; 1010017062100; 1010017272100; 1010022752100; 2010013140000)

There is no quantity amount listed for a pre-filing and/or filing under this WFR. (SM 1000) (3600196120000; 3600196130000; 3600196140000; 3600196160000; 3600196170000; 3600196180000; 3600196190000; 3600196200000; 3600676330000; 3600706720000; 3800196360000; 3800196370000; 3900035400000)

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

3. Adjudication filings associated with this WFR contain inaccurate or incomplete information. (SM 478)
4. The diversion is not associated with a POU. It may be unused, discontinued or not applicable and should not be assigned a water right. (SM 600)
8. The claimant and/or ADWR fail(s) to associate this claim with a pre-adjudication water filing as required by Arizona statute. (SM 420) (D01; W01; W05; W06; W07; W12; W16; W17; W19; W20)

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) (D01; D02; W01; W06; W07; W10; W12; W13; W15; W16; W17; W18; W19)

One or more of the POD legal descriptions listed in the WFR is too general. (SM 623) (2010013140000; 3600676330000; 3900072550000)

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) (DV001000; IR002000; IR002001; IR003000; IR003001; IR003002; IR003003; IR005000; IR005001; IR005002; IR009000; IR009001; IR011002; IR012001; IR015002; IR015003; IR015004; IR016000; IR017000; IR017001)

One or more of the POU legal descriptions listed in the WFR is too general. (SM 720) (1002027861100; 3600196130000; 3600196170000; 3600196190000; 3600196200000; 3600676330000; 3600706720000; 3900027860000; 3900035360000; 3900035390000; 3900072530000; 3900072550000)

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 overestimates the amount of beneficial use. (SM 1000)

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

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 overestimates the amount of beneficial use. (SM 1000)

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

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

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
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**MANDATORY FORM FOR OBJECTIONS TO
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No. W111002696

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FILED
 2 MAY 13 AM 10:16
 JUDITH ALLEN, CLERK
 BY R. Carls, DEP

This objection is directed to Watershed _____ or Catalogued Well No. _____
 File Report or Zone 2 Well Report No. 11312BD 004
 (please insert no.) (please insert no.)

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community, Camp Verde Reservation
 C/O Cox & Cox C/O Sparks & Siler, P.C.
 Objector's Address: Suite 300 Luhrs Tower, P.O. Box 4245 7503 First Street
 Phoenix, AZ 85030 Scottsdale, AZ 85251
 Objector's Telephone: (602) 254-7207 (602) 949-1988

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

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

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

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

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following claimant(s) by mailing true and correct copies thereof on the 13 day of May, 1992, postage prepaid and addressed as follows:

Name: BAYLESS AND BERKALEW CO.
 Address: 5060 E. CALLE CHUECA
 TUCSON AZ 85718

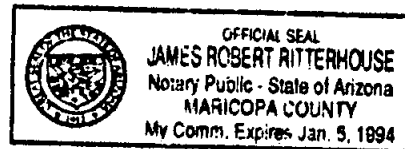
I declare under perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my 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 Jim Sparks
 Signature of Objector or Objector's Representative

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

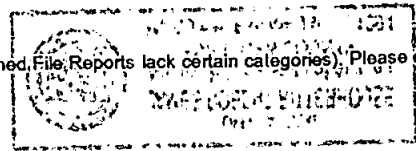
James R. Rutter
 Notary Public for the State of Arizona

(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.)



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STATEMENT OF THE OBJECTION



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

- 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)

Handwritten notes:
obj 2
obj 4

REASON FOR OBJECTION

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

CATEGORY
NUMBER

- 4 The use of the water claimed depletes water for senior federal and Indian water rights (1150).
- 2 HSR does not show a well registration filing (420).
- 2 HSR does not show a claimed water use rate (1000).
- 4 This well takes water directly from the flow of the river under state standards (500) (532) (1132) (1137).
- 9 HSR does not show the apparent annual volume of water used (1000).
- 2 Not all wells have applicable statement of claimants (475).

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. W111002696

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. 11312BD 004
(please insert no.) (please insert no.)

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community, Camp Verde Reservation
C/O Cox & Cox C/O Sparks & Siler, P.C.
Objector's Address: Suite 300 Luhrs Tower, P.O. Box 4245 7503 First Street
Phoenix, AZ 85030 Scottsdale, AZ 85251
Objector's Telephone: (602) 254-7207 (602) 949-1988

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

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

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

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

STATE OF ARIZONA

VERIFICATION (must be completed by objector)

COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 13 day of May, 1992, postage prepaid and addressed as follows:

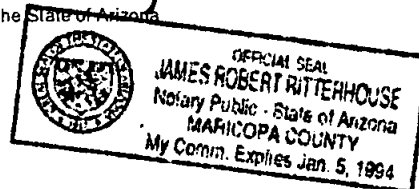
Name: BAYLESS AND BERKALEW CO.
Address: 5060 E. CALLE CHUECA
TUCSON AZ 85718

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 06 day of May 1992.

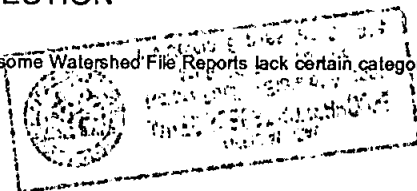
James R. Ritterhouse
Notary Public for the State of Arizona



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

STATEMENT OF THE OBJECTION

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



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

REASON FOR OBJECTION

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

CATEGORY
NUMBER

- 4 The use of the water claimed depletes water for senior federal and Indian water rights (1150).
- 2 HSR does not show a well registration filing (420).
- 9 HSR does not show a claimed water use rate (1000).
- 2 HSR does not show a claim date for pre-filing(s) (430).
- 2 Quantities from filing(s) and/or pre-filing(s) are inconsistent (478)(430).

JOHN ALLEN, CLERK
BY R. Carls DEP.

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

FILED

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

92 MAY 14 PM 1:58
R6. W1, W2, W3 & W4

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

W1-11-2696

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 - BD - 004 or Catalogued Well No. _____
(please insert no.) (please insert no.)

OBJECTOR INFORMATION

Objector's Name: Bayless & Berkalew Co.

Objector's Address: HCR 800 Benson, Az, 85602

Objector's Telephone No.: (602) 748-6347

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 - BD - 004

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 PINAL

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: _____

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

Robert W. Smallhouse
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 13 day of May 1992

Debra C. Lyster
Notary Public for the State of Arizona

Residing at 490 Ave. C San Manuel

My commission expires My Commission Expires Sept. 30, 1994

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

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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- 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

8 D01 - Bayless Ditch system was in use before 1888.

It is identified on the 1879 U.S.G.S. Survey Map.

4 D01 was also diverted in 1947 and later dates at

another location, NENE11 120S 180E. It irrigated
lands in IR2 and IR5, Sec.03 120S 180E.

9 D01 - the DWR Summary shows 0.0 water diverted
during July, August and September (page 4 Table 5-10).

In 1990 and 1991 we continuously diverted and
irrigated from D01 during these months. We also
object to low amounts of acre-feet diverted for May
and June (page 4 Table 5-10). We object to amount
of Crop Water Use and Requirement for July, August
and September (page 4 Table 5-10).

File Report 113 12 Bd 004

Bayless & Berkalew Co.

Category
Number

4

Continued. D01 was also diverted and used at NENE11 120S 180E prior to 1919 and until 1936 when W04 was installed.



1979 Acid Photo

Stem
of
F1205

Sec. 03
F1806
F1205

AFFIDAVIT

I, Cayetano Ronquillo, state that in the late 1920's until about 1950 I irrigated, off and on, the Home Ranch fields (IR02) and Bollen fields (IR03) for Bayless and Berkalew Co. from a gravity flow ditch (D01 and D02) of the San Pedro River.

DATED: May _____, 1992.

Cayetano Ronquillo
Cayetano Ronquillo

Witnesseth:

Francisco Rodriguez
Alicia Ronquillo
Manuel Moreno

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. W1-11-002696

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-BD -004
(please insert no.)

or Catalogued Well No. 2
(please insert no.)

JUDITH ALLEN, CLERK
DEP
FILED
MAY 14 AM 11:28
San Pedro

OBJECTOR INFORMATION

Objector's Name: Salt River Project
Objector's Address: Post Office Box 52025
Phoenix, Arizona 85072-2025
Objector's Telephone No: (602) 236-2210

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

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

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

39-07 01040, 01041, 01206, 01207, 01998
39-05 50053, 50054, 50055
39-L8 35212, 35213

STATE OF Arizona

COUNTY OF Maricopa

VERIFICATION (must be completed by objector)

I hereby make this Objection. I certify that, if required, copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 14th day of May, 1992, postage prepaid and addressed as follows:

Name: BAYLESS AND BERKALEW CO.
Address: 5060 E. CALLE CHUECA
TUCSON, AZ 85718

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

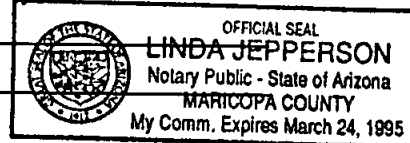
Signature of Objector or Objector's Representative

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 _____



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.
- 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 2 - APPLICABLE FILINGS AND DECREES

The Salt River Project objects to the inaccurate reporting of the "claim date" for notices of appropriation. Where the date claimed in the notice is different than the date of filing, DWR has reported the date of filing as the "claim date". Since the "claim date" should be used as the basis for reporting apparent dates of first use, failure to select the correct "claim date" would result in an inaccurate apparent date of first use (0430). This objection applies to: IR010, IR011, IR014 and PS001.

* * * *

The Salt River Project objects to DWR's failure to sufficiently research court records in preparation of this PWR's Watershed File Report (WFR). DWR has not fulfilled its statutory duty to "[l]ocate, procure and make available all public and other records relevant to determination of any factual or legal issues." A.R.S. § 45-256(A)(2). SRP's research has disclosed a lower court decision and/or other relevant court records that pertain to this Watershed File Report, but DWR has not reported such information. For further background to this objection, see the Salt River Project's objections to Volume 1 of this HSR attached to this objection and incorporated herein by reference (0430). This objection applies to: DM004.

WFR CATEGORY 8 - PWR SUMMARY

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, particularly notices of appropriation, are the evidentiary foundation for the date of priority associated with a water right. Where a notice of appropriation and one or more Water Rights Registration Act filings have been matched to the same PWR but suggest different dates of priority, the date evidenced by the notice should form the basis for the apparent date of first use, unless sufficient historical evidence indicates a contrary date.

The Watershed File Report (WFR) fails to articulate sufficient historical evidence to refute the priority date evidenced by the notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by the notice (0920). This objection applies to: IR006, IR009, IR010, IR011, IR012, IR016, IR017 and PS001.

* * * *

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, particularly notices of appropriation, are the evidentiary foundation for the date of priority associated with a water right. Where two or more notices of appropriation and a Water Rights Registration Act filing have been matched to the same PWR but suggest different dates of priority, the date evidenced by the oldest notice should form the basis for the apparent date of first use, unless sufficient historical evidence indicates a contrary date.

The Watershed File Report fails to articulate sufficient historical evidence to refute the priority date evidenced by the oldest notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by the oldest notice (0920). This objection applies to: IR014.

* * * *

WFR CATEGORY 8 - PWR SUMMARY (continued)

The Salt River Project objects to the absence of an apparent date of first use for this Potential Water Right (PWR). Previous filings, where available, are the evidentiary foundation for the date of priority associated with any appropriative right. This PWR has been matched to a notice of appropriation and a Water Rights Registration Act (WRRRA) filing. However, the WRRRA filing claims a different priority date than that evidenced by the notice. The apparent date of first use assigned to this PWR should be the date evidenced by the notice, unless sufficient historical evidence indicates a contrary date.

The Watershed File Report fails to articulate sufficient historical evidence to refute the priority date evidenced by the notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by the notice (0910). This objection applies to: DM002.

* * * *

The Salt River Project objects to the apparent date of first use assigned to this Potential Water Right (PWR). Previous filings, particularly notices of appropriation, are the evidentiary foundation for the date of priority associated with a water right. Where a notice of appropriation and one or more Water Rights Registration Act filings have been matched to the same PWR but suggest different dates of priority, the date evidenced by the notice should form the basis for the apparent date of first use, unless sufficient historical evidence indicates a contrary date.

The Watershed File Report fails to articulate sufficient historical evidence to refute the priority date evidenced by the notice of appropriation matched to this PWR. In the absence of such evidence, the apparent date of first use assigned to this PWR should be the date evidenced by the notice (0920). This objection applies to: IR004 and IR008.

* * * *

WFR CATEGORY 8 - PWR SUMMARY (continued)

The Salt River Project objects to the absence of an apparent date of first use for this Potential Water Right (PWR). Previous filings, where available, are the evidentiary foundation for the date of priority associated with any water right. This PWR has been matched to a Water Rights Registration Act (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.

* * * *

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: DM003.

* * * *

The Salt River Project objects to DWR's characterization of this diversion as a "Potential Water Right." For purposes of administration, diversions should be assigned a quantity, as well as the priority date or dates associated with downstream Potential Water Rights (PWRs) for which the diversion constitutes a source of supply. The Watershed File Report for a diversion should also list all PWRs, along with their applicable Watershed File Report Nos., served by the diversion. The diversion itself, however, is not a water right, and should not be so designated in the HSR (0220). This objection applies to: DV001.

* * * *

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: IR006, IR009, IR010, IR011, IR012 and IR017.

* * * *

The Salt River Project objects to DWR's reference, without further explanation, to "field investigation" as a basis for the apparent date of first use assigned to this Potential Water Right (PWR). The Watershed File Report fails to specify the particular information or evidence relied upon by DWR to refute the date of priority evidenced by the previous filings matched to this PWR. In the absence of sufficient historical evidence refuting a claimant's previous filings, the apparent date of first use should be the date evidenced by those filings (0910). This objection applies to: IR014, IR015 and PS001.

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, IR005, IR006, IR008, IR009, IR010, IR011, IR012, IR013, IR014, IR015, IR016 and IR017.

* * * *

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, DM002 and DM003.

* * * *

The Salt River Project objects to the failure of DWR to calculate a diversion rate for this Potential Water Right (PWR). All PWRs assigned a point or points of diversion should be assigned a separate diversion rate for each point of diversion. Diversion rates should be calculated at the point of diversion and should include conveyance losses (1010). This objection applies to: DM001, DM002, DM003, DM004, IR001, IR002, IR003, IR004, IR005, IR006, IR008, IR009, IR010, IR011, IR012, IR013, IR014, IR015, IR016, IR017 and PS001.

* * * *

The Salt River Project also objects to the calculation of the maximum demand rate for this Diversion PWR. DWR's method of calculating maximum demand rate relies upon principles which are inconsistent with Arizona law and, further, are technically inaccurate. The quantity associated with a diversion should be the capacity of the diversion facility or facilities, unless historic diversions indicate a different amount.

For an additional discussion of the problems with DWR's methods for quantification of Diversion PWRs, see the Salt River Project's Volume 1 objections on this issue, a copy of which is attached and incorporated herein by reference (1020). This objection applies to: DV001.

**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.

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

MAXIMUM DEMAND ESTIMATES

(page numbers refer to Volume 1)

Maximum Demand Rate for Diversions

pp. 142, 152-154, C-81 through C-83

The Salt River Project objects to DWR's method since it relies upon principles that are inconsistent with Arizona law. A.R.S. § 45-141(B) provides that "[b]eneficial use shall be the basis, measure, and limit to the use of water." Consistent with this legal standard, diversion rates should be based on actual maximum historic diversions or diversion capacity rather than estimates based upon averages. The Salt River Project also objects to DWR's results for maximum demand rates for diversions. Since these rates are based upon estimates of irrigation demand and efficiency, they are inaccurate as a result of the technical errors set forth below.

DWR's report on quantification of irrigation water uses and surface water diversions needs numerous corrections and clarifications. The Salt River Project will submit a list of questions and proposed corrections to DWR at the appropriate pre-hearing meeting.

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 and for computing crop irrigation water requirements. 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.

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

USE OF COURT RECORDS

(page numbers refer to Volume 1)

**Failure to Seek, Obtain, and Use All Court Records
pp. 18-28**

The Salt River Project objects to DWR's failure to conduct sufficient research of court records in its preparation of the San Pedro HSR. DWR has a statutory obligation to "Locate, procure and make available all public and other records relevant to determination of any factual or legal issues." A.R.S. §45-256.A.2. No mention of the lower court decisions or other relevant court records is included in the HSR for the following decrees:

Decree	WFR-PWR (V-T-P) [CC #]	Information Available but Apparently Not Used by DWR
<u>Clifford v. Larrieu</u>	112-17-88-DV1 (4-2-390) [CC# 1675]	County Court of Cochise County, No. 11 Injunction, June 15, 1885. Decisions and Findings of Court, September 26, 1885. Proposed Amendments to Findings by Counsel for Defendant. Decree, January 10, 1886. Verdict.
<u>Dyke v. Caldwell</u>	113-12-BD-4-DM4 (5-2-15) [CC# 2696]	First Judicial District, Pima County No. 1314 Findings and Conclusions of Law, March 24, 1887. Decree, March 24, 1887.
<u>Boquillas v. St. David</u>	112-17-88 (4-2-390) [CC# 1675]	Supreme Court of the Territory of Arizona, No. 988. Abstract of Record.
<u>Pyeatt v. Huachuca Queen</u>	111-19-DC-10-DM1 (3-2-265) [CC# 0212] 111-19-DDC-1- DM1, IR1, SP1 (3-2-266) [CC# 0213]	County Court of Cochise County, No. 7069 Findings of Fact and Conclusions of Law, May 25, 1899. Judgement, May 25, 1899.

These court records contain valuable information on places of use or diversion, priority dates and other factual background.

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

JOYCE ALLEN, CLERK
BY *R. Carlisle* DEC.

FILED

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

92 MAY 14 PM 1:59
No. W1, W2, W3 & W4

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

W1-11-2696

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 - BD - 004
(please insert no.)

or Catalogued Well No.

_____ (please insert no.)

OBJECTOR INFORMATION

Objector's Name: Bayless & Berkalew Co.

Objector's Address: HCR 800 Benson, Az. 85602

Objector's Telephone No.: (602) 748-6347

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 - BD - 004

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 PINAL

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: _____

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

Robert H. Smallhouse
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 12 day of May 1992

Debra C. Gutierrez
Notary Public for the State of Arizona

Residing at 490 Ave. C. San Manuel

My commission expires My Commission Expires Sept. 30, 1994

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

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.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
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John H. Smallhouse
Signature of Objector or Objector's Representative

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Debra A. Juffer

Notary Public for the State of Arizona

Residing at 490 Line C San Manuel

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92 MAY 14 PM 1:59
FILED
JUDITH ALLEN, CLERK
BY R. Carlisle DEN

STATEMENT OF THE OBJECTION

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

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

REASON FOR OBJECTION

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

CATEGORY
NUMBER

10 W05, not W15, supplies water to a stockwater
pipeline. The pipeline was constructed and first
used in 1968 and has been in continuous use since.
Four stockwater troughs are supplied by W05.
Use locations: NESW03 110S 180E
NW06 110S 180E
SWNE08 110S 180E
NWSE08 110S 180E

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

JUDITH ALLEN, CLERK
R. Carlisle, DEP.
FILED

92 MAY 14 PM 1:59
No. W1, W2, W3 & W4

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

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W1-11-2696

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(please insert no.) (please insert no.)

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STATE OF ARIZONA
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John K. Smallhouse
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 12 day of May 1992

Debra C. Citerrey
Notary Public for the State of Arizona

Residing at 490 Ave. C San Manuel

My commission expires My Commission Expires Sept. 30, 1994

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CATEGORY
NUMBER

9 Stockpond filing 38-0019636

The quantity in AFA is incorrect. It should
be 9 AFA.

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

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No. W1,W2,W3 & W4

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92 MAY 14 PM 1:59

FILED

JUDITH ALLEN, CLERK
BY R. Carls, DEP.

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[Signature]
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 13 day of May 1992

[Signature]
Notary Public for the State of Arizona

Residing at Florence, Az.

My commission expires 9-22-92

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14

53.7

22.4

31.2

These acreages are
estimated acreage that
we use for planting.

Due Thomas
ASCS office
1120 W Allen
Tucson, az

Charcoal Farm

T-140

16

PA 3

768

69

PA

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

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John S. Smallhouse
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 12 day of May 1992

Debra C. Gutierrez
Notary Public for the State of Arizona

Residing at 490 Ave C, San Manuel

My commission expires My Commission Expires Sept. 30, 1994

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92 MAY 14 PM 1:59
FILED
BOON ALLEN, CLERK
BY R. Carls

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

W1-11-2696

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 - BD - 004
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Bayless & Berkalew Co.

Objector's Address: HCR 800 Benson, Az. 85602

Objector's Telephone No.: (602) 748-6347

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 - BD - 004

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 PINAL

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.

Julian H. Smallman
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 12 day of May, 1992.

Debra A. Gutierrez
Notary Public for the State of Arizona

Residing at 490 Ave A San Carlos

My commission expires My Commission Expires Sept 30, 1994

FILED
92 MAY 14 PM 1:59
JUDITH ALLEN, CLERK
BY R. Carlisle, DEPT.

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

REASON FOR OBJECTION

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

CATEGORY
NUMBER

10 DWR reports unused well, filing 36-19620. This
well, W03, is in active use for irrigation and
stockwater.

8 We question that W03 and W04 should be placed
in Zone 2.

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

FILED

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

92 MAY 14 PM 1: 9
No. W1, W2, W3 & W4

W1-11-2696

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 - BD - 004
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Bayless & Berkalew Co.

Objector's Address: HCR 800 Benson, Arizona 85602

Objector's Telephone No.: (602) 748-6347

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 - BD - 004

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 PINAL

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: _____

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

SUBSCRIBED AND SWORN to before me this 12 day of May 1992

Debra C. Gutierrez

Notary Public for the State of Arizona

Residing at 490 Ave C. San Antonio

My commission expires My Commission Expires Sept. 30, 1994

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

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

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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)
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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

10

DWR Explanation states an amended statement of claimant was received that could not be matched to an original filing and claims irrigation . W10 is a supplemental well to D01 and W01 to irrigate IR10 and IR11 and to irrigate additional acreage in IR12, IR13 and IR15.

JOHN ALLEN, CLERK
BY R. Carlson DEP.

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

FILED

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

92 MAY 14 PM 1:58

No. W1, W2, W3 & W4

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

W1-11-2696

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 - BD - 004
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Bayless & Berkalew Co.

Objector's Address: HCR 800 Benson, Arizona 85602

Objector's Telephone No.: (602) 748-6347

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 - BD - 004

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 PINAL

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.

John H. Smallhouse
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 12 day of May 1992

Debra C. Lutzberg
Notary Public for the State of Arizona

Residing at 490 Ave. C. San Manuel

My commission expires My Commission Expires Sept. 30, 1994

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

STATEMENT OF THE OBJECTION

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

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

9 D02 - Markham Ditch (Bollen Ditch) irrigated IR3
10 from 1879 until replaced by W05. D02 irrigated IR6, IR8, IR20, IR16 and IR17 at source with booster (centrifical) pump until replaced by W07.

AFFIDAVIT

I, Cayetano Ronquillo, state that in the late 1920's until about 1950 I irrigated, off and on, the Home Ranch fields (IR02) and Bollen fields (IR03) for Bayless and Berkalew Co. from a gravity flow ditch (D01 and D02) of the San Pedro River.

DATED: May _____, 1992.

Cayetano Ronquillo
Cayetano Ronquillo

Witnesseth:

Francisco Rodriguez
Alicia Ronquillo
Manuel Moreno

W111002696

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

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. 11312BD 004 or Catalogued Well No. 92 MAY 15 PM 1:06
(please insert no.) (please insert no.)

FILED
92 MAY 15 PM 1:06
CLERK OF SUPERIOR COURT
MARICOPA COUNTY
AZ

OBJECTOR INFORMATION

Objector's Name: ARIZONA STATE LAND DEPARTMENT
Objector's Address: 1616 W. Adams, Phoenix, AZ 85007
Objector's Telephone No.: (602) 542-3500
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):
11403 001
Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

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

STATE OF ARIZONA
COUNTY OF Maricopa

VERIFICATION (must be completed by objector)

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 15th day of May, 1992, postage prepaid and addressed as follows:

Name: Bayless & Berkalew Co.
5060 Calle Chueca
Address: _____
Tucson, AZ 85718

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.

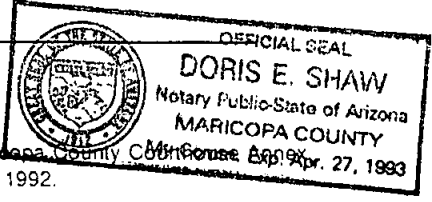
Gleendon E. Collins
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 15th day of May, 1992.

Doris E. Shaw

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, 3345 W. Durango Street, Phoenix, AZ 85009, on or before May 18, 1992.

ATTACHMENT

WATERSHED FILE REPORT NO.: 11312BD 004

OBJECTION(S)

UNIFORM
CODE(S)

The Arizona State Land Department withdraws the following claim(s): 39-7253.

800

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

W1-11-002696

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. BD 4
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: City of Mesa
Objector's Address: P.O. Box 1466, Mesa, Arizona 85211-1466
Objector's Telephone No.: (602) 644-2343
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):
39-18-37263-37640,
39-07-7828

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

Name: Bayless and Berkalew Co.
Address: 5060 East Calle Chueca
Tucson, AZ 85718

(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.

Stephen A. Burg
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 15th day of May, 1992.

Carla Wagner
Notary Public for the State of Arizona
Residing at Mesa
My commission expires 10-25-95

92 MAY 18 AM 8:57
FILED
BY S. Ferguson
Clerk

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)

REASON FOR OBJECTION

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

CATEGORY
NUMBER

3

Objector has objected to Volume 1, page 18, line
11 - page 28, line 27, of the San Pedro HSR for
the reason that the Department of Water Resources
has exceeded its jurisdiction in investigating
prior decreed rights, as A.R.S. § 45-257(B)(1)
requires such rights to be accepted as res
judicata. This Watershed File Report contains
rights which have been previously adjudged or
decreed and is entitled to the res judicata
effect of the statute and must be accepted by DWR
without further investigation, absent a properly
filed objection raising questions of forfeiture
and abandonment. (410)

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
W111002696

MANDATORY FORM FOR OBJECTIONS TO
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The San Pedro River Watershed

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

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

113-12-BD-004

or Catalogued Well No.

OBJECTOR INFORMATION

Objector's Name: City of Phoenix
Objector's Address: Suite 800
251 W. Washington St.
Phoenix, AZ 85003

Objector's Telephone: (602)-262-6761

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

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

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

39-07-7927; 39-05-50153 through 39-05-50155; 39-L8-37666 through 39-L8-37691

92 MAY 18 PM 1:59
FILED
R. Callahan

STATE OF ARIZONA
COUNTY OF MARICOPA

VERIFICATION

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

BAYLESS AND BERKALEW CO.
& K.J. SMALLHOUSE
5060 E. CALLE CHUECA

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

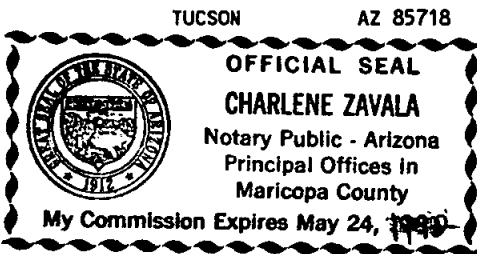
M. James Callahan

Signature of Objector or Objector's Representative

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

Charlene Zavala

Notary Public for the State of Arizona
Residing at: Phoenix, Maricopa County, Arizona
My commission expires: MAY 24, 1992



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

REASON FOR OBJECTION

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

Category
Numbers

2
3
4
5
8
11

Attachment to Watershed File Report: 113-12-BD-004

PHOENIX OBJECTS TO CATEGORY 5 FOR THE REASON THAT: DWR FAILS TO MARK "YES" FOR THE SOURCE CHANGE FOR IR001 EVEN THOUGH A WELL SUPPLIES SOME OF THE WATER FOR THIS POTENTIAL WATER RIGHT WHICH HAS BEEN ASSIGNED AN 1879 DATE OF FIRST USE. (550)

PHOENIX OBJECTS TO CATEGORY 11 FOR THE REASON THAT: A SIMILAR OBJECTION IS MADE BY PHOENIX TO VOLUME 1, PAGE 557. (145)
THE WATERSHED FILE REPORT RELATES TO THE BAYLESS & BERKALEW COMPANY (MAJOR USER CODE 1252).

Attachment to Watershed File Report: 113-12-BD-004

PHOENIX OBJECTS TO CATEGORY 8 FOR THE REASON THAT: DWR FAILS TO ASSIGN
A DATE OF FIRST USE TO DM001, DM002, DM003, DM004 AND DM005. (910)
PHOENIX OBJECTS TO CATEGORY 11 FOR THE REASON THAT: A SIMILAR
OBJECTION IS MADE BY PHOENIX TO VOLUME 1, PAGE 549. (146)
THE WATERSHED FILE REPORT RELATES TO THE BAYLESS & BERKALEW COMPANY
(MAJOR USER CODE 1252).

Attachment to Watershed File Report: 113-12-BD-004

PHOENIX OBJECTS TO CATEGORIES 4, 5, AND 8 FOR THE REASON THAT: DWR CREATES A POTENTIAL WATER RIGHT FOR DVOO1, YET DIVERSION IS NOT IN ITSELF A BENEFICIAL USE OR AN APPROPRIABLE RIGHT UNDER A.R.S. 45-151(A). (610)

PHOENIX OBJECTS TO CATEGORY 11 FOR THE REASON THAT: A SIMILAR OBJECTION IS MADE BY PHOENIX TO VOLUME 1, PAGE 569. (144) THE WATERSHED FILE REPORT RELATES TO THE BAYLESS AND BERKALEW COMPANY (MAJOR USER CODE 1252).

Attachment to Watershed File Report: 113-12-BD-004

Phoenix objects to Categories 2 and 3 for the reason that: DWR fails to include in the filings section of the Watershed File Report the uses identified in the decree. (410)

Phoenix objects to Categories 2 and 3 for the reason that: DWR reports a legal description for IR014 which matches the section, township and range for an irrigation use confirmed by Decree No. 20-1001314, yet DWR does not make the decree "applicable" to IR014. DWR Reports that Notices of Appropriation Nos. 10-1001727.2100 and 10-1001774.2100 are "applicable" to IR014. The legal descriptions for the uses in the Notice of Appropriations and the decrees are the same. The priority dates in the Notice of Appropriations, 1888 and 1893, are similar to the decreed date of 1888. If the Notice of Appropriations are applicable to IR014 then the decree should also be applicable to IR014. (410)

Phoenix objects to Categories 4 and 5 for the reason that: DWR reports that DM004 is a catalogued well yet that use is supplied by W17, a well located in Zone 1. (533)

Phoenix objects to Categories 3 and 8 for the reason that: DWR reports that Decree No. 20-1001314 is applicable to DM004 but DWR does not report a change of source nor does DWR assign a date of first use based on the decree. (410) (910) (920)

The Watershed File Report relates to the Bayless and Barkalew Company. (Major User Code 1252)

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

AMENDED

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

W1-11-2696

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 - BD - 004
(please insert no.)

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Bayless & Berkalew Co.
Objector's Address: HCR 800 Benson, Az. 85602
Objector's Telephone No.: (602) 748-6347

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 - BD - 004

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 - _____

92 MAY 18 PM 10:21

FILED

JUDITH ALLEN, CLERK
BY R. Carlisle, DEP

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:

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.

Name: _____
Address: _____

John K. Swallow
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 21st day of May 19992

Ann Greenhage
Notary Public for the State of Arizona

Residing at Willcox AZ

My commission expires My Commission Expires Dec. 31, 1994

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

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.

DWR has included my groundwater uses in this adjudication. Groundwater should not be included.

Bayless & Berkalew lands in the San Pedro River Basin were homesteaded lands prior to statehood. The Federal government gave the homesteaders the subsurface water and mineral and oil rights when they received title.

Only "subterranean streams, flowing in natural channels, between well defined banks, are subject to appropriation under the same rule as surface streams." Howard v. Perrin, (1904), 8 Ariz. 347, 76 Pac. 460.

To appropriate as subflow inquiry must be made as to whether the drawing off of subsurface water tends to diminish appreciably and directly the flow of the surface stream. None of our wells diminish the flow of the surface stream.

DWR did not give me an early enough priority date. Livestock have been on my range (owned by my own company) since 1884, and before that cattle grazed these lands for two hundred years, according to the San Pedro River Riparian Management Plan and Environmental Impact Statement made by the U.S. Department of the Interior, Bureau of Land Management, Safford District, June 1989.

DWR has shown that my stock ponds that are located on public leased land are not owned by my company. Private investment built these stock ponds and these waters are used by my privately owned livestock that range on both public and private lands. We own these water rights.

~~The adjudication process in general, and the objection process in particular, is too confusing for individual water claimants to participate in effectively. My rights should not be determined or denied until a mechanism is devised to place private claimants on equal footing with the government and institutional claimants.~~

The small claimants have no ability to generate the funds necessary to compete with the government and institutional claimants on complex legal and scientific issues. My rights should not be determined or denied until a mechanism is devised to provide technical and legal back-up to private claimants.

Determining my rights in Maricopa County is too expensive and cumbersome for me to effectively participate. DWR and the court should arrange for local services including the ability to file papers locally, hold hearings locally, hold public workshops locally and have DWR staff available locally to answer questions.

The hydrographic survey report implies that my existing water use is the extent of my water rights. Under Arizona law I have the right to drill more wells, increase my water usage and change both the type and place of use.

DWR underestimated my current water usage and failed to recognize that my groundwater rights are much larger than my current level of usage.

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

W1-11-2696

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 - BD - 004
(please insert no.)
~~113 - 12 - 004~~

or Catalogued Well No.

(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Boyle & Berkalew Co.
Objector's Address: HCR 800 Benson, Az. 85602
Objector's Telephone No.: (602) 748-6347

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 - BD - 004

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 - _____

FILED
92 MAY 18 AM 11:43
J. Boyle
DEP

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: _____

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.

J. Boyle
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 17 day of May 1992

Della Lou Goodner
Notary Public for the State of Arizona
Residing at St. David's Cn.
My commission expires 3-19-93

(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.

W

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)

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

11 Bayless & Berkalew Co. objects to the inclusion of groundwater in this Adjudication.

Bayless & Berkalew lands in the San Pedro River Basin were homesteaded lands prior to statehood. The Federal Government gave the homesteaders the subsurface water and mineral and oil rights when they received title.

And,

The DWR has included my groundwater uses in this stream adjudication. Groundwater should not be included