111.23.AAA.1 W02/12003

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

SUPPLEMENTAL PROVISION FOR FILING GROUNDWATER CLAIMS

RECEIVED OCT 9 1986 DEPT. OF WATER RESOURCES

~~A-M-E-N-D-E-D~~
STATEMENT OF CLAIMANT

IN THE MATTER OF DETERMINATION OF RELATIVE RIGHTS TO THE USE OF WATERS OF THE SAN PEDRO RIVER AND ITS TRIBUTARY WATERSHED, INC. ARAVAIPA CK.

File No. 39-11-12699

Filed: 10-9-86 (date) at _____ (time) M

(Print or type. If more space is required, use explanatory at end of form, or attachment.)

1. Name of Claimant: Tenneco West, Inc. (Last) (First) (M.I.)
P. O. Box 9380 Bakersfield, CA 93389-9380 (Address, City, State, Zip) (Telephone No.)

2. State the nature of the right or use on which claim is based: (indicate, and attach supporting documentation)

A. ___ Right to surface water initiated by beneficial use prior to June 12, 1919. Indicate registry number if previously submitted under Water Rights Registration Act _____.

B. ___ Court Decreed Water Right. Cite Title and Date of Case _____ Cause No. _____ County _____.

C. ___ Application for permit to Appropriate Water filed. Application No. _____, Permit No. _____, Certificate of Water Right No. _____.

D. ___ Claim of Water Right for a Stockpond. Application No. _____.

E. X Other. Describe: Well

3. A. Date of initiation of right: Prior to 1919 (Month/Day/Year).

B. Date water first used for beneficial purposes: Prior to 1919 (Month/Day/Year).

4. Purpose, annual amount and annual period of use:

Purpose	Amount		Month/Day		Month/Day
Irrigation	1250	ac.ft./gallons	From Jan 1	to	Dec 31
Domestic		ac.ft./gallons	From	to	
Stockwater		ac.ft./gallons	From	to	
Municipal		ac.ft./gallons	From	to	
Power		ac.ft./gallons	From	to	
Mining		ac.ft./gallons	From	to	
Recreation		ac.ft./gallons	From	to	
Wildlife		ac.ft./gallons	From	to	
Other uses		ac.ft./gallons	From	to	

5. A. (1) If for irrigation purposes, describe places of use: (also indicate on map)

Township (N/S)	Range (E/W)	Section	Legal Subdivision	No. of Acres
23 S	22 E	16	E 1/2	258

(2) If land reclaimed over period of years, indicate schedule and amount of land reclaimed first and each subsequent year(s): _____

(3) Indicate kind of crops cultivated: _____
Character of soil: _____

B. If for domestic purposes, number of persons: _____, or families: _____.

C. If for stockwater purposes, number and kind of stock watered: _____

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D. If for municipal purposes, population to be served, and estimate of future requirements: _____

E. If for power purposes, describe type of plant and capacity: _____

F. If for mining purposes, decribe purpose of use, location and character of the mine(s) to be served: _____

G. If for recreational purposes, describe: _____

H. If for wildlife purposes, including fish, describe: _____

I. If for other purposes, describe: _____

6. A. Direct source of public water diverted: _____ tributary to _____ on the _____ watershed.

B. Point of Diversion (indicate on map): _____, Section _____ Township _____ (N/S), Range _____ (E/W), Gila and Salt River Base and Meridian, County _____. Ownership _____.

7. State information on the well which is your source of water supply.

A. Well registration number: 55-623617.

B. Location of well (indicate on map): NW/NE/SE, Section 16, Township 23S (N/S), Range 22E (E/W), Gila and Salt River Base and Meridian, County Cochise. Ownership _____.

C. List the following:

(1) Date well construction began: _____ (Month/Day/Year); Date well placed in use: 5/1/64 (Month/Day/Year).

(2) Location (10 acre subdivision) (indicate on map): NW/NE/SE, Section 16, Township 23 (N/S), Range 22 (E/W),

(3) Intent to Drill, File No. D(23-22)16dcb or Application for Permit No. _____.

(4) State whether free flowing or pump: Pump. If pump, list type of pump and capacity: 1500 gpm.

(5) Casing depth 350 ft. Total well depth 350 ft. Diameter of casing 16 inches.

(6) Depth to water: 20 ft. (Static Level)

(7) Annual amount pumped, or otherwise extracted: _____ Ac.Ft./Gallons

(8) State purpose of use: Irrigation.

(9) Indicate annual period of use: Jan 1 (Month/Day) to Dec 31 (Month/Day).

8. Water storage reservoir and/or diverting works:

A. Location (indicate on map): _____, Section _____, Township _____ (N/S), Range _____ (E/W), Gila and Salt River Base and Meridian, County _____. Ownership _____.

B. Name of storage reservoir and/or diverting works (if known): _____.

C. Maximum capacity: _____ Ac.Ft.

D. Maximum depth of water: _____ ft.

E. (1) Year construction began: _____.

(2) Year construction completed: _____.

(3) Date water first stored: _____ (Month/Year).

F. If dam, list following:

(1) Construction material: _____.

(2) Maximum Length: Top _____ ft.; Bottom _____ ft.

(3) Maximum Width: Top _____ ft.; Bottom _____ ft.

(4) Maximum Height: _____ ft.

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G. If diverting works, describe: _____

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9. Distribution works:

A. If ditch or canal:

(1) Date construction began: _____. (Month/Day/Year)

(2) Length of ditch or canal to first place of use: _____ ft., total length of ditch or canal: _____ ft.

(3) Top width: _____ ft.; Bottom width: _____ ft.

(4) Grade (slope) of ditch: _____.

(5) If ditch or canal owned and/or operated by an association or company or such other entity, list name or association or company or such other entity: _____.

B. If pipeline:

(1) Type: _____ (i.e., aluminum, steel, etc.)

(2) Diameter: _____ inches.

(3) Length of pipeline to first place of use: _____ ft. and total length of pipeline: _____ ft.

(4) Grade (slope) of pipeline: _____.

C. If other, describe: _____.

10. Enlargement(s) of the storage reservoir and/or diverting and/or distributing works.

A. Date begun: _____. (Month/Day/Year)

Date completed _____. (Month/Day/Year)

B. Describe details of enlargements(s): _____

C. Dimensions of work as originally constructed and as enlarged: _____

Explanatory

(continued on the next page)

FCSPRNCA2139

(if more space is required, attach separate sheet(s)

STATE OF ARIZONA)
) SS
County of Maricopa)
)

VERIFICATION

_____, or Mark Sifferman, attorney
(please print Claimant name) (Claimant representative's name)

being first duly sworn, deposes and says; That the claimant or duly authorized representative, possesses the knowledge and the authorization to execute this verification as to the correctness and truthfulness of the matters set forth in the "Statement of Claimant", except as to those matters alleged upon information and belief, and as to those matters believes them to be true and correct.

Claimant signature

Claimant representative signature

Subscribed and sworn to before me this 3rd day of October, 1996

(SEAL)

Notary Public or authorized Employee of the Department of Water Resources

My Commission expires 5-22-98

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Claimant contends the water pumped by this well is percolating groundwater. Thus, it is not public waters and is not subject to appropriation. However, without prejudice to its position, claimant is filing this statement of claimant form to protect its right to divert these waters should it ever be determined that some or all of the water tapped by this well is in reality subflow of the San Pedro River. Claimant and its predecessors in interest have irrigated and used water for beneficial purposes on these and other nearby lands since prior to 1919.

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State of Arizona

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004

BRUCE BABBITT, Governor
KATHLEEN FERRIS, Director

December 17, 1986

Mr. Mark Sifferman
Molloy, Jones, Donohue, Trachta,
Childers & Mallomo, P.C.
Great Western Bank Plaza
4041 North Central Avenue, Ste. 2001
Phoenix, Arizona 85012

RE: Tenneco West, et al./San Pedro Watershed

Dear Mr. Sifferman:

This is in response to your letter of December 15, 1986. When the Department receives a Statement of Claimant filed after the prescribed deadline, and there is no order by the court mandating timely filed status, the folder containing the form is stamped "late". The form is not stamped as you suggested in your letter.

On the advice of counsel, I must inform you that the Department believes its treatment of the Statements of Claimant, filed by you on behalf of Tenneco West, Inc., is consistent with the Order of Judge Goodfarb, for the reasons outlined in previous correspondence and in the conversations we have had. However, the fact that the Department considers the Statements of Claimant "late" does not necessarily make it so; the Department could be mistaken in its interpretation of the Order. This is a matter which may require clarification from the judge.

Very truly yours,

Lawrence A. Ramsey

Lawrence A. (Al) Ramsey
Section Manager
Surface Water/Adjudication

LAR:mi

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MOLLOY, JONES, DONAHUE,
TRACHTA, CHILDERS
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DEPARTMENT OF WATER RESOURCES

December 15, 1986

Mr. Lawrence A. Ramsey
Section Manager
Surface Water/Adjudication
DEPARTMENT OF WATER RESOURCES
99 East Virginia
Phoenix, Arizona 85004

Re: Tenneco West, et al./San Pedro Watershed

Dear Al:

This is in response to your letter of December 5, 1986. On Wednesday, I re-delivered the forms referenced in your letter plus a filing fee for those forms. I agree with your comment in your letter that they should be given the filing date of October 9, 1986, the date they were first delivered.

I, however, do not agree that those forms should be stamped "late". In line with our motion and Judge Goodfarb's order granting our motion, I do not believe the claims should be implied to be untimely. In that motion, dated April 9, 1986, we attached a list of the wells we were to file upon. Those wells were described on Exhibit "A" to the Motion by legal description as well as DWR's file number and "55" number. Judge Goodfarb entered an order stating we would "be allowed to submit amended statements of claimant forms as attached to [the] motion". We followed Judge Goodfarb's order. We filed claims on the wells listed in Exhibit A to our motion.

Considering the language of Judge Goodfarb's order and the fact that we filed the claims on the wells listed in Exhibit A to our motion, I do not understand why the claims would be filed late. The claims on these wells obviously are being allowed to be filed by Judge Goodfarb's order.

As we discussed, there are substantial problems with locating water rights, especially wells, in the San Pedro. Our motion made to Judge Goodfarb was an attempt to clear up mis-

descriptions and errors, which arose because of the difficulty in locating and legally describing those water rights. Our motion was the result of a lengthy process to review the claims and in good faith attempt to provide other parties and DWR with the most accurate information as possible. Considering the purpose of the motion, it does not seem quite fair to label these filings "late". Indeed, as was evidenced by our Supreme Court in *Owen v. Superior Court,* 133 Ariz. 75, 649 P.2d 278 (1982), amendments should be allowed in adjudications where they, as here, reflect reality or the facts established by the discovery process. Our courts have even found a claim to be "timely" (or in your terms not "late") where after the statute of limitations expired, an amendment was made to change who was making the claim. *Watts v. State of Arizona,* 115 Ariz. 545, 666 P.2d 693 (App. 1977).

Please let me know if you have changed your mind concerning the comment in your December 5 letter concerning noting the filings to be "late".

Sincerely,

MOLLOY, JONES & DONAHUE, P.C.

Mark Sifferman

MSS/km

State of Arizona

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004

BRUCE BABBITT, Governor
KATHLEEN FERRIS, Director

December 5, 1986

Mr. Mark S. Sifferman
Molloy, Jones, Donohue, Trachta, Childers
& Mallomo, P. C.
Great Western Bank Plaza
4041 North Central Avenue, Ste 2001
Phoenix, Arizona 85012

RE: Tenneco West, et al/San Pedro River Watershed

Dear Mr. Sifferman:

Per our telephone conversation of this morning, I am returning to you thirty-seven statement of claimant forms received by the Department on October 9, 1986. Of the fifty-nine amended statement of claimant forms filed on that date, only twenty-two could be identified as having a previously filed statement of claimant. These twenty-two are being processed as amendments to the original filings in accordance with Judge Goodfarb's order.

Your letter of October 27, 1986 stated that you had decided to refile on all the wells and that some of the recent filings may not have a corresponding original "39" number. I believe the thirty-seven filings being returned represent new filings and not amendments to original filings. As such they must be processed as new filings and given their own unique "39" number. They must also have the wor AMENDED lined through on the top left of the front page and the appropriate fee paid for each filing.

Because these are new filings, they will be given a date of filing of October 9, 1986 and stamped late. To consider them as timely filed would require another order from Judge Goodfarb as his original ruling pertained to amendments and not new filings.

If I can be of further help, please contact me at 255-1581.

Very truly yours,

Lawrence A. Ramsey

Lawrence A. Ramsey
Section Manager
Surface Water/Adjudication

LAR:et
Enclosures

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OF COUNSEL
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OCT 1986
DEPARTMENT OF WATER RESOURCES

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October 27, 1986

Mr. Lawrence Ramsey
Section Manager
Surface Water/Adjudication
Arizona Department of Water Resources
99 East Virginia Avenue
Phoenix, Arizona 85004

Re: Tenneco West, et al./San Pedro River Water Shed

Dear Mr. Ramsey:

Thank you for your letter of October 14. Your assistance and patience is greatly appreciated. Some of the problem with the amended claims is that there was tremendous confusion over the location of some wells and whether other wells existed. Because of that confusion, some claims were made on wells which turned out to be in a different location, turned out to be duplicative of another claim, or on a well which actually did not exist. Most of that confusion was not apparent until the sale of most of this land to Arizona White Tank Associates, who exchanged the land with the United States.

To clean up the confusion, I decided to refile on all the wells. Those wells were attached as Exhibit "A" to our Motion to Amend. For that reason, some of the recent filings may not have corresponding original "39" numbers.

Pursuant to your request, I have gone through our index to Little Boquillas Wells which we attached as Exhibit "A" to our Motion. I have noted those wells which had a "39" number.

If I can be of any further help, please let me know.

Sincerely,

MOLLOY, JONES & DONAHUE, P.C.

Mark Sifferman

MSS/km

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INDEX TO LITTLE BOQUILLAS WELLS

Legal Description	Other Reference Aids
T17S R19E §34 - NE/NE/SE	Tenneco West, Inc. D(17-19)34 daa 55-623641 Canary 39-11-04265
T17S R19E §35	Tenneco West, Inc. D(17-19)35 55-623597
T17S R19E §36 - NW/NE/NW	Tenneco West, Inc. D(17-19)36 bab 55-623642 Beacon
~~T17S R20E §18 - NW/SE/SE~~	~~Tenneco West, Inc.~~ ~~D(17-20)18 dba~~ ~~55-623662~~ ~~Whetstone~~
T17S R21E §29 - SE/NW/NE	Tenneco West, Inc. D(17-21)29 abd [redacted] 55-623609
T17S R23E §30 - NW/NE/SE	Tenneco West, Inc. D(17-23)30 dab 55-623598
T17S R23E §30 - SW/SW/SE	Tenneco West, Inc. D(17-23)30 dcc 55-623599
T18S R19E §1 - NE/NW/SE	Tenneco West, Inc. D(18-19)1 dba 55-623647 Sabin ✓39-1104268

EXHIBIT A

T18S R20E §6 - SE/SE/NW	Tenneco West, Inc. D(18-20)6 bdd 55-623648 Cline 39 - 1104269
T18S R20E §21 - SW/SW/SE	Tenneco West, Inc. D(18-20)21 dcc 55-623649 Black 39-1104270
~~T18S R21E §19 - NW/NW/SE~~	~~Tenneco Realty~~ Development ~~D(18-21)19 dbb~~ ~~55-623650~~ ~~Stonehouse~~
T18S R21E §33 - NW/SW	Tenneco West, Inc. D(18-21)33 cb 55-623663 Curtis Flat 39-1104286
T18S R22E §14 - NW/SW/NW	Tenneco West, Inc. D(18-22)14 bcb 55-623653 Slavin 39-1104271
T18S R22E §30 - SE/SW/NW	Tenneco West, Inc. D(18-22)30 bcd 55-623654 39-1104272
T19S R21E §9 - NE/NW/SW	Tenneco West, Inc. D(19-21)9 cba 55-623655 Summers 39-1104287
T19S R21E §21 - NW/NE/NW	Tenneco West, Inc. D(19-21)21 bab 55-623656 Contention 39-1104288
T19S R21E §21 - SW/NE/SE	Tenneco West, Inc. D(19-21)21 dac 55-623601 Contention

FCSPRNCA2148

T20S R21E §3 - NW/NW	Tenneco West, Inc. D(20-21)3 bb 55-623602 Fairbanks
T20S R21E §10 - NE/NE/SW	Tenneco West, Inc. D(20-21)10 uns.caa 55-623623 39-1104289
~~T20S R21E §10 - SE/SW/SW~~	~~Tenneco West, Inc.~~ ~~D(20-21)10 ced~~ ~~55-623586~~ ~~Chinese Garden #1~~
T20S R21E §14 - SW/SW/NW	Tenneco West, Inc. D(20-21)14 bcc 55-623588 Fairbanks 39-1104290
T20S R21E §15 - SE/SW/SE	Tenneco West, Inc. D(20-21)15 dcd 55-623589 Fairbanks 39-1104291
T20S R21E §15 - SE/SE/NE	Tenneco West, Inc. D(20-21)15 add 55-623603
T20S R21E §16 - SW/SE/SE	Tenneco West, Inc. D(20-21)16 uns.ddc 55-623624 39-1104292
~~T22S R20E §13 - NE/NE/NW~~	~~Tenneco Realty Development~~ ~~D(22-20)13 baa~~ ~~55-623609~~ ~~Golf Course~~
T22S R20E §23 - SW/SW/SE	Tenneco West, Inc. D(22-20)23 dcc 55-623661 Rambo

FCSPRNCA2149

T22S R20E §24 - NE/NE/NE	Pueblo Del Sol #3 D(22-20)24 aaa 55-623582 39-1104263
T22S R20E §36 - NW/NW/NE	Pueblo Del Sol #2 D(22-20)36 abb 55-623583 39-1104262
T22S R21E §17 - SW/SW/SW	Tenneco West, Inc. D(22-21)17 ccc 55-623621 Dreezen
~~T22S R21E §18 - SW/SE/SE~~	~~Pueblo Del Sol #4~~ ~~D(22-21)18 ddc~~ ~~55-623581~~
~~T22S R22E §6 - NW/NE/SE~~	~~Tenneco West, Inc.~~ ~~D(22-22)6 dab~~ ~~55-623620~~ ~~36-19424~~ ~~Wolf #1~~
T22S R22E §6 - SW/SE/NE	Tenneco West, Inc. D(22-22)6 adc 55-623590 Wolf 39-1104293
~~T22S R22E §8 - NW/NW/SW~~	~~Tenneco West, Inc.~~ ~~D(22-22)8 cbb~~ ~~55-623591~~ ~~36-19426~~ ~~Wolf #2~~
T22S R22E §17 - NW/SE/SW	Tenneco West, Inc. D(22-22)17 cdb 55-623592 Cottonwood #1
~~T22S R22E §17 - SE/SW/NW~~	~~Tenneco West, Inc.~~ ~~D(22-22)17 uns.dcb~~ ~~55-623584~~ ~~36-19425~~

FCSPRNCA2150

T22S R22E §21 - SW/SW/NW	Tenneco West, Inc. D(22-22)21 bcc 55-623622 Sierra Vista Mix Gravel Pit
T22S R22E §29 - NE/SW/NE	Tenneco West, Inc. D(22-22)29 aca 55-~~623593~~ 500489 Cottonwood #3
T23S R21E §21 - NW/NW/SE	Tenneco West, Inc. D(23-21)21 dbb 55-623608
T23S R21E §33 - SE/SE/SW	Tenneco West, Inc. D(23-21)33 cdd 55-623657 Gentry 39-1104273
~~T23S R22E §9 - SW/SE/SE~~	~~Tenneco West, Inc.~~ ~~D(23-22)9 ddc~~ ~~55-623610~~ ~~Application No. 33-89569~~ ~~River~~
T23S R22E §10 - SE/SE/SW	Tenneco West, Inc. D(32-22)10 cdd 55-623659 Hereford 39-1104294
T23S R22E §10 - NW/SE/SW	Tenneco West, Inc. D(23-22)10 cdb 55-623658 School House 39-1104295
T23S R22E §10 - NW/NE/SW	Tenneco West, Inc. D(23-22)10 cab 55-623594 Shugart #1 39-1104296
T23S R22E §15 - SW/NW/SE	Tenneco West, Inc. D(23-22)15 dbc 55-623596 Sneed 39-1104298

T23S R22E §15 - SW/SW/SW	Tenneco West, Inc. D(23-22)15 ccc 55-623605
T23S R22E §16 - SW/SW/NE	Tenneco West, Inc. D(23-22)16 acc 55-~~623618~~ 085799 North Cobb
T23S R22E §16 - SW/SW/NE	Tenneco West, Inc. D(23-22)16 acc 55-623606 Cobb House
~~T23S R22E §16 - NW/NE/SE~~	~~Tenneco West, Inc.~~ ~~D(23-22)16 dab~~ ~~55-623617~~ ~~App. No. 33-89568~~ ~~Hereford~~
T23S R22E §17 - SW/SW/NE	Tenneco West, Inc. D(23-22)17 acc 55-~~623613~~ 500485
T23S R22E §17 - NW/NE/SW	Tenneco West, Inc. D(23-22)17 cab 55-~~623616~~ 500487 Ladd #1
T23S R22E §20 - NW/SE	Tenneco West, Inc. D(23-22)20 db 55-623607
~~T23S R22E §20 - SE/NW/NE~~	~~Tenneco West, Inc.~~ ~~D(23-22)20 abd~~ ~~55-623614~~
~~T23S R22E §20 - NW/SE/SE~~	~~Tenneco West, Inc.~~ ~~D(23-22)20 ddb~~ ~~55-623613~~ ~~South Airbase #2~~

FCSPRNCA2152

T23S R22E §21 - SW/NE/SE	Tenneco West, Inc. D(23-22)21 dac 55-623595 Cobb Place 35-1104301
~~T23S R22E §22 - NW/SE/SW~~	~~Tenneco Realty Development~~ ~~D(23-22)22 adb~~ ~~55-623060~~ ~~Lowery~~
~~T23S R22E §29 - SE/SE/NE~~	~~Tenneco West, Inc.~~ ~~D(23-22)29 add~~ ~~55-623611~~ ~~Lowry #3~~
~~T23S R22E §29 - NW/SW/NE~~	~~Tenneco West, Inc.~~ ~~D(23-22)29 aob~~ ~~55-623627~~ ~~36-19427~~ ~~Lowry #2~~
~~T23S R22E §29 - SW/NW/SE~~	~~Tenneco West, Inc.~~ ~~D(23-22)29 dbc~~ ~~55-623610~~ ~~36-19428/36-19429~~ ~~Lowry #1~~

FCSPRNCA2153

October 14, 1986

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Bruce Babbitt, Governor
Kathleen Ferris, Director

99 East Virginia Avenue
Phoenix, Arizona 85004

Mr. Mark Sifferman
Molloy, Jones, Donohue, Trachta,
Childers & Mallomo, P.C.
Great Western Bank Plaza
4041 North Central Avenue, Ste. 2001
Phoenix, Arizona 85012

RE: Motion to File Amended Statement of Claimant Forms

Dear Mr. Sifferman:

I am in receipt of your letter of October 8, 1986 and the fifty nine (59) amended Statement of Claimant filings by Tenneco West, Inc. etc. The original filings for the San Pedro River Watershed have long ago been transmitted to the Clerk of the Superior Court of Maricopa county. In order for this Department to transmit these amendments to the Court, the amendments must be processed to contain the same Statement of Claimant file number (39-11-_____) as the original file it is amending. To expedite this, your assistance is needed.

Attached is a copy of one of numerous letters dated March 3, 1986 to Mr. John Linkswiler of this Department in which you requested a change of well information similar to your motion filed with the Court in April of this year. You filed seventeen (17) of these letters with the Department in March and sixteen (16) of them were included in your motion to the Court in April. The one (1) not included in your motion was intent to drill file no. D(17-21)19 cac (#55-623645) as Statement of Claimant No. 39-11-04282, copy attached.

Simply stated, it is requested that you match each of the requested changes with its respective Statement of Claimant number as you did in your letters of March 3, 1986. The sixteen (16) changes which are on Exhibit A of your motion and were identified in your letters of March 3, 1986 have been lined through and need no further attention. However, the other forty three (43) changes on Exhibit A (copy attached) need to have the Statement of claimant number identified by each one.

Your assistance in matching the Statement of Claimant numbers with their respective changes will facilitate an early filing of the approved changes with the Clerk of the Superior Court of Maricopa County. For your convenience, you may place the Statement of Claimant filing number (39-11-_____) to the right side of each change indicated on the attached copy of your Exhibit A.

Thank you in advance for your cooperation in this matter. If I can be of any assistance, please call me at 255-1581.

Very truly yours,

Lawrence A. Ramsey

Lawrence A. (Al) Ramsey
Section Manager
Surface Water/Adjudication

LAR:mg
Enclosures

THOMAS H CHILDERS
VICTOR H VERITY
OF COUNSEL
—
DON BENNETT MOON
COUNSEL

MARK S. SIFFERMAN
(602) 263-7769

LAW OFFICES OF
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& MALLAMO, P. C.

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October 8, 1986

RECEIVED
OCT 9 1986
DEPT. OF
WATER RESOURCES

Surface Water Adjudication
Department of Water Resources
99 East Virginia
Phoenix, Arizona 85004

Re: General Adjudication of Gila River System
Nos. W-1, W-2, W-3, W-4

Dear Sirs:

This office represents Tenneco West, Inc., Tenneco Realty Development Corporation, and Pueblo Del Sol. Previously, claims in the General Adjudication were filed for these clients' wells. These wells are in the San Pedro Water Shed.

Recently, Judge Stanley Z. Goodfarb granted a Motion allowing Tenneco West, Tenneco Realty, and Pueblo Del Sol, to file Amended Statement of Claimant forms for these wells. I enclose a copy of the Order allowing such amendment as well as the Minute Entry from the Court noting the Judge's approval and signature on the Order.

Accompanying this letter are the Amended Statement of Claimant Forms for our clients' water wells. If you have any questions, please feel free to call the undersigned.

Sincerely,

MOLLOY, JONES, DONAHUE, TRACHTA,
CHILDERS & MALLAMO, P.C.

Mark Sifferman

MSS/km
Enclosures

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DEPT. OF
WATER RESOURCES

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Attorneys for Tenneco West, Inc.,
Tenneco Realty Development
Corporation, and Pueblo Del Sol

REVIEWED
Docketed No
Date 6-25-86 By CA

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

In re THE GENERAL ADJUDICATION OF THE RIGHTS TO USE WATER IN THE GILA RIVER SYSTEM AND SOURCE	NOS. W-1, W-2, W-3, W-4 ORDER ALLOWING AMENDED STATEMENT OF CLAIMANT FORMS (Assigned to the Hon. Stanley Z. Goodfarb)

Upon Motion filed April 10, 1986 by Tenneco West, Inc., for opportunity to file Amended Statement of Claimant Forms; the Court having read the foregoing Motion and heard arguments upon it;

IT IS HEREBY ORDERED the Petitioner Tenneco West, Inc., Tenneco Realty Development Corporation, and Pueblo Del Sol shall be allowed to submit amended statements of claimant forms as attached to its motion in the above-entitled proceeding.

DONE IN OPEN COURT this _____day of_____, 1986.

_____
The Honorable Stanley Z. Goodfarb

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DEPARTMENT OF WATER RESOURCES
LEGAL DIVISION

M E M O R A N D U M

TO: Dick Gessner

FROM: Paul Bullis PB

DATE: June 3, 1986

SUBJECT: Statements of Claimant

At the hearing on the Gila River Adjudication held before Judge Goodfarb on May 30, 1986, the following motions were granted which will affect your division:

1) Tenneco West, Inc., Tenneco Realty Development Corporation, and Pueblo Del Sol Water Company's motion to file amended statements of claimant on particular wells. Attached is a copy of the motion, which includes a listing of the wells for which amendments will be made.

2) Charles C. Brown's motion to intervene. Mr. Brown owns property on the Agua Fria water shed. Attached are copies of Mr. Brown's proposed Statements of Claimant. The judge directed that the originals be filed with DWR. Please treat these Statements of Claimant as timely filed when you receive them.

3) Robert and Charlene Fite's motion to intervene. Mr. and Mrs. Fite own property on the Upper Gila Water Shed. Attached are Mr. and Mrs. Fite's proposed Statements of Claimant. The judge directed that the originals be filed with DWR. Please treat these Statements of Claimant as timely filed when you receive them.

4) Lorene M. Powers' motion to intervene. Ms. Powers owns property on the Upper Gila Watershed. Judge Goodfarb directed that the Statements of Claimant be filed with DWR. Ms. Powers has already sent the original Statements of Claimant to DWR, attached to our copy of her motion to intervene. I have those originals. Attached are copies of those Statements of Claimant. I don't know whether Ms. Powers will rely on those originals which we already have, or will later send new originals to your shop with the filing fee. I will hold onto the originals for the time being and check back with you in a couple of weeks to see if anything has been filed. Please treat the Statements of Claimant as timely filed when you receive them.

I'll send you a copy of Goodfarb's order granting the motions when I receive it.

PB:dj

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APR 10 1986
WATER RESOURCES

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

In re THE GENERAL ADJUDICATION OF THE RIGHTS TO USE WATER IN THE GILA RIVER SYSTEM AND SOURCE	NOS. W-1, W-2, W-3, W-4 MOTION TO FILE AMENDED STATEMENT OF CLAIMANT FORMS (Assigned to the Hon. Stanley Z. Goodfarb)

Tenneco West, Inc., Tenneco Realty Development Corpor
tion, and Pueblo Del Sol Water Company move this Court for
order pursuant to A.R.S. Section 45-259 and Rule 15(a), Arizo
Rules of Civil Procedure, to allow amended statement of claima
filings on wells. This motion is unlike the many motions
intervene already faced by this Court. This is not a case whe
someone failed to file statement of claimant forms and must mo
to intervene pursuant to A.R.S. Section 45-254(E).

These movants filed their statement of claimant for
for wells within the time period set by this court. However,
has become clear that there are many inaccuracies in tho
filings, consisting mostly of either duplicate filings
inaccurate locations of the wells. These duplications a

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inaccuracies became clear during the gathering of informatio necessary for the contemplated land exchange whereby the land o which many of these wells rest have become the property of th Unites States of America. Many of the inaccuracies in th already filed claimant forms arise from the fact that we ar dealing with old records concerning wells drilled many years ago Moreover, many of the problems with legal descriptions arise fro the fact that the 35,000 acres making up the Mexican Grant lan have not been surveyed to fit within the regular section syste for legal description. Thus, many locations have been based o projections of sections into the Mexican Land Grant area.

We cannot conceive of how any prejudice arises as t any party. All the correct information has been given to th Gila River Indian Community, the entity who appears to be ou chief adversary at this time. Last fall, all of the corre information concerning wells was given to the Gila community answers to their lengthy interrogatories.

A.R.S. Section 45-259 provides that Arizona Rules Civil Procedure apply to this general adjudication. Rule 15(a Arizona Rules of Civil Procedure, provides that amendments shou be freely given when justice requires. 1/ An amendment should denied only where new factual issues are raised and there

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1/ This is not a case where civil procedural rule amendment is displaced by the specific statutory procedure f intervention. A.R.S. Section 45-254(E), on its face, applies someone who has not filed any statement of claimant forms.

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caused an unreasonable delay in the prosecution of the action Owen v. Superior Court, 133 Ariz. 75, 649 P.2d 278 (1982) Where, as here, the amendment does nothing more than permit th party to obtain whatever relief is justified by the facts alread established by discovery, a denial of an amendment is an abuse o discretion. Id. Where the opponents to the motion fail to poin out specifically what delay would be caused or what prejudic would be created, amendments must be allowed. Id.

We have attached a list of the wells involved a Exhibit A. That list provides the legal description, as well a the Department of Water Resources' numbers for the wells.

Therefore, movants request that this Court enter a order allowing amendments to statement of claimant forms t correctly show the legal description and other informati concerning the wells set forth in Exhibit A.

RESPECTFULLY SUBMITTED this 9th day of April, 1986.

MOLLOY, JONES, DONAHUE, TRACHTA,
CHILDERS & MALLAMO, P.C.

By Mark Sifferman
Mark Sifferman
Attorneys for Tenneco West, Inc
Tenneco Realty Corporation, a
Pueblo Del Sol

COPY of the foregoing
delivered this 10th day
of April, 1986, to:

The Honorable Stanley Z. Goodfarb
Maricopa County Superior Court
201 W. Jefferson
Phoenix, Arizona 85003

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FCSPRNCA2160

INDEX TO LITTLE BOQUILLAS WELLS

Legal Description	Other Reference Aids
T17S R19E §34 - NE/NE/SE	Tenneco West, Inc. D(17-19)34 daa 55-623641 Canary
T17S R19E §35	Tenneco West, Inc. D(17-19)35 55-623597
T17S R19E §36 - NW/NE/NW	Tenneco West, Inc. D(17-19)36 bab 55-623642 Beacon
T17S R20E §18 - NW/SE/SE	Tenneco West, Inc. D(17-20)18 dba 55-623662 Whetstone
T17S R21E §29 - SE/NW/NE	Tenneco West, Inc. D(17-21)29 abd 55-623609
T17S R23E §30 - NW/NE/SE	Tenneco West, Inc. D(17-23)30 dab 55-623598
T17S R23E §30 - SW/SW/SE	Tenneco West, Inc. D(17-23)30 dcc 55-623599
T18S R19E §1 - NE/NW/SE	Tenneco West, Inc. D(18-19)1 dba 55-623647 Sabin

EXHIBIT A

T18S R20E §6 - SE/SE/NW	Tenneco West, Inc. D(18-20)6 bdd 55-623648 Cline
T18S R20E §21 - SW/SW/SE	Tenneco West, Inc. D(18-20)21 dcc 55-623649 Black
T18S R21E §19 - NW/NW/SE	Tenneco Realty Development D(18-21)19 dbb 55-623650 Stonehouse
T18S R21E §33 - NW/SW	Tenneco West, Inc. D(18-21)33 cb 55-623663 Curtis Flat
T18S R22E §14 - NW/SW/NW	Tenneco West, Inc. D(18-22)14 bcb 55-623653 Slavin
T18S R22E §30 - SE/SW/NW	Tenneco West, Inc. D(18-22)30 bcd 55-623654
T19S R21E §9 - NE/NW/SW	Tenneco West, Inc. D(19-21)9 cba 55-623655 Summers
T19S R21E §21 - NW/NE/NW	Tenneco West, Inc. D(19-21)21 bab 55-623656 Contention
T19S R21E §21 - SW/NE/SE	Tenneco West, Inc. D(19-21)21 dac 55-623601 Contention

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T20S R21E §3 - NW/NW	Tenneco West, Inc. D(20-21)3 bb 55-623602 Fairbanks
T20S R21E §10 - NE/NE/SW	Tenneco West, Inc. D(20-21)10 uns.caa 55-623623
T20S R21E §10 - SE/SW/SW	Tenneco West, Inc. D(20-21)10 ccd 55-623586 Chinese Garden #1
T20S R21E §14 - SW/SW/NW	Tenneco West, Inc. D(20-21)14 bcc 55-623588 Fairbanks
T20S R21E §15 - SE/SW/SE	Tenneco West, Inc. D(20-21)15 dcd 55-623589 Fairbanks
T20S R21E §15 - SE/SE/NE	Tenneco West, Inc. D(20-21)15 add 55-623603
T20S R21E §16 - SW/SE/SE	Tenneco West, Inc. D(20-21)16 uns.ddc 55-623624
T22S R20E §13 - NE/NE/NW	Tenneco Realty Development D(22-20)13 baa 55-623635 Golf Course
T22S R20E §23 - SW/SW/SE	Tenneco West, Inc. D(22-20)23 dcc 55-623661 Rambo

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T22S R20E §24 - NE/NE/NE	Pueblo Del Sol #3 D(22-20)24 aaa 55-623582
T22S R20E §36 - NW/NW/NE	Pueblo Del Sol #2 D(22-20)36 abb 55-623583
T22S R21E §17 - SW/SW/SW	Tenneco West, Inc. D(22-21)17 ccc 55-623621 Dreezen
T22S R21E §18 - SW/SE/SE	Pueblo Del Sol #4 D(22-21)18 ddc 55-623581
T22S R22E §6 - NW/NE/SE	Tenneco West, Inc. ✓ D(22-22)6 dab 55-623620 36-19424 Wolf #1
T22S R22E §6 - SW/SE/NE	Tenneco West, Inc. D(22-22)6 adc 55-623590 Wolf
T22S R22E §8 - NW/NW/SW	Tenneco West, Inc. ✓ D(22-22)8 cbb 55-623591 36-19426 Wolf #2
T22S R22E §17 - NW/SE/SW	Tenneco West, Inc. D(22-22)17 cdb 55-623592 Cottonwood #1
T22S R22E §17 - SE/SW/NW	Tenneco West, Inc. ✓ D(22-22)17 uns.dcb 55-623584 36-19425

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T22S R22E §21 - SW/SW/NW	Tenneco West, Inc. D(22-22)21 bcc 55-623622 Sierra Vista Mix Gravel Pit
T22S R22E §29 - NE/SW/NE	Tenneco West, Inc. D(22-22)29 aca 55-623593 Cottonwood #3
T23S R21E §21 - NW/NW/SE	Tenneco West, Inc. D(23-21)21 dbb 55-623608
T23S R21E §33 - SE/SE/SW	Tenneco West, Inc. D(23-21)33 cdd 55-623657 Gentry
T23S R22E §9 - SW/SE/SE	Tenneco West, Inc. D(23-22)9 ddc 55-623619 Application No. 33-89569 River
T23S R22E §10 - SE/SE/SW	Tenneco West, Inc. D(32-22)10 cdd 55-623659 Hereford
T23S R22E §10 - NW/SE/SW	Tenneco West, Inc. D(23-22)10 cdb 55-623658 School House
T23S R22E §10 - NW/NE/SW	Tenneco West, Inc. D(23-22)10 cab 55-623594 Shugart #1
T23S R22E §15 - SW/NW/SE	Tenneco West, Inc. D(23-22)15 dbc 55-623596 Sneed

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T23S R22E §15 - SW/SW/SW	Tenneco West, Inc. D(23-22)15 ccc 55-623605
T23S R22E §16 - SW/SW/NE	Tenneco West, Inc. D(23-22)16 acc 55-623618 North Cobb
T23S R22E §16 - SW/SW/NE	Tenneco West, Inc. D(23-22)16 acc 55-623606 Cobb House
T23S R22E §16 - NW/NE/SE	Tenneco West, Inc. D(23-22)16 dab 55-623617 App. No. 33-89568 Hereford
T23S R22E §17 - SW/SW/NE	Tenneco West, Inc. D(23-22)17 acc 55-623615
T23S R22E §17 - NW/NE/SW	Tenneco West, Inc. D(23-22)17 cab 55-623616 Ladd #1
T23S R22E §20 - NW/SE	Tenneco West, Inc. D(23-22)20 db 55-623607
T23S R22E §20 - SE/NW/NE	Tenneco West, Inc. D(23-22)20 abd 55-623614
T23S R22E §20 - NW/SE/SE	Tenneco West, Inc. D(23-22)20 ddb 55-623613 South Airbase #2

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T23S R22E §21 - SW/NE/SE	Tenneco West, Inc. D(23-22)21 dac 55-623595 Cobb Place
T23S R22E §22 - NW/SE/SW	Tenneco Realty Development D(23-22)22 cdb 55-623660 Lowery
T23S R22E §29 - SE/SE/NE	Tenneco West, Inc. D(23-22)29 add 55-623611 Lowry #3
T23S R22E §29 - NW/SW/NE	Tenneco West, Inc. D(23-22)29 acb 55-623627 36-19427 Lowry #2
T23S R22E §29 - SW/NW/SE	Tenneco West, Inc. D(23-22)29 dbc 55-623610 36-19428/36-19429 Lowry #1

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