

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

SUPPLEMENTAL PROVISION FOR FILING GROUNDWATER CLAIMS



~~AMENDED~~
STATEMENT OF CLAIMANT

IN THE MATTER OF DETERMINATION OF) File No. 39-11-12706
RELATIVE RIGHTS TO THE USE OF)
WATERS OF THE SAN PEDRO RIVER AND) Filed: 10-9-86 at _____ M
ITS TRIBUTARY WATERSHED, INC.) (date) (time)
ARAVAIPA CK.)

(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	<u>1000</u> (ac.ft./gallons)	From <u>Jan 1</u>	to <u>Dec 31</u>
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
<u>22 S</u>	<u>22 E</u>	<u>8</u>	<u>5 1/2</u>	<u>100</u>
<u>22 S</u>	<u>22 E</u>	<u>17</u>	<u>0 1/2</u>	<u>100</u>

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

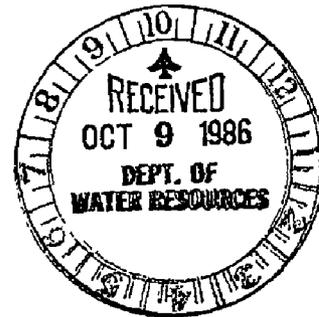
(3) Indicate kind of crops cultivated: _____
Character of soil: _____

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

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

- 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, describe 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: 55-623591
- B. Location of well (indicate on map): 55-623591, Section 8 Township 22S (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: 1964; Date well placed in use: June 1964.
(Month/Day/Year) (Month/Day/Year)
 - (2) Location (10 acre subdivision) (indicate on map): NW/NE/SW, Section 8, Township 22 (N/S), Range 22 (E/W),
 - (3) Intent to Drill, File No. D/22-228c60 or Application for Permit No. _____
 - (4) State whether free flowing or pump: PUMP. If pump, list type of pump and capacity: 125 H.P. Layne & Bowler
 - (5) Casing depth 460 ft. Total well depth 855 ft. Diameter of casing 16 inches.
 - (6) Depth to water: 30 ft. (Static Level)
 - (7) Annual amount pumped, or otherwise extracted: 1000 Ac.Ft./Gallons
 - (8) State purpose of use: irrigation
 - (9) Indicate annual period of use: Jan 1 to Dec 31.
(Month/Day) (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.

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.



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

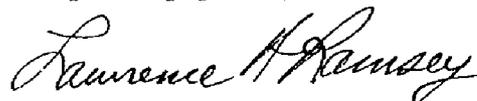
RE: Tenneco West, et al./San Pedro Watershed

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. (Al) Ramsey
Section Manager
Surface Water/Adjudication

LAR:mi

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586

FCSPRNCA2204

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& MALLAMO, P. C.

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MARK S SIFFERMAN
(602) 263-7769



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-

FCSPRNCA2205

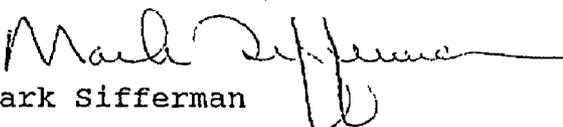
Mr. Lawrence A. Ramsey
December 15, 1986
Page 2

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).

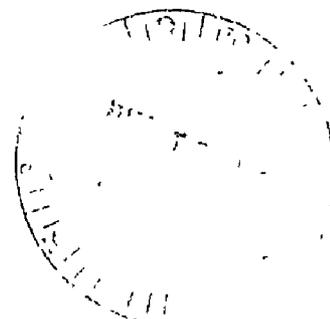
Please let me know if you have changed your mind concerning the comment in your December 5 letter concerning noting the filings to be "late".

Sincerely,

MOLLOY, JONES & DONAHUE, P.C.


Mark Sifferman

MSS/km



State of Arizona
DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



December 5, 1986

BRUCE BABBITT, Governor
KATHLEEN FERRIS, Director

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 word 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

Think Conservation!

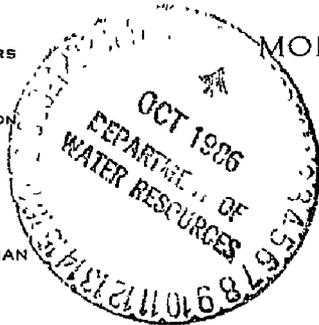
Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

FCSPRNCA2207

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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.

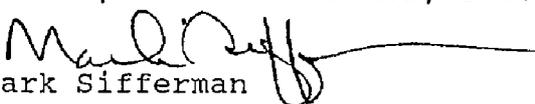
To clean up the confusion, I decided to refile on all the wells. Those wells were attached as Exhibit "A" to our Motion to Amend. For that reason, some of the recent filings may not have corresponding original "39" numbers.

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

FCSPRNCA2208



INDEX TO LITTLE BOQUILLAS WELLS

<u>Legal Description</u>	<u>Other Reference Aids</u>
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 XXXXXXXXXXXX 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

T18S R20E S6 - SE/SE/NW

Tenneco West, Inc.
D(18-20)6 bdd
55-623648

✓ Cline 39-1104269

T18S R20E S21 - SW/SW/SE

Tenneco West, Inc.
D(18-20)21 dcc
55-623649

Black
✓ 39-1104270

~~T18S R21E S19 - NW/NW/SE~~

~~Tenneco Realty Development
D(18-21)19 dbb
55-623650
Stonehouse~~

T18S R21E S33 - NW/SW

Tenneco West, Inc.
D(18-21)33 cb
55-623663
Curtis Flat

✓ 39-1104286

T18S R22E S14 - NW/SW/NW

Tenneco West, Inc.
D(18-22)14 bcb
55-623653
Slavin

✓ 39-1104271

T18S R22E S30 - SE/SW/NW

Tenneco West, Inc.
D(18-22)30 bcd
55-623654

✓ 39-1104272

T19S R21E S9 - NE/NW/SW

Tenneco West, Inc.
D(19-21)9 cba
55-623655
Summers

✓ 39-1104287

T19S R21E S21 - NW/NE/NW

Tenneco West, Inc.
D(19-21)21 bab
55-623656
Contention

✓ 39-1104288

T19S R21E S21 - SW/NE/SE

Tenneco West, Inc.
D(19-21)21 dac
55-623601
Contention

T20S R21E S3 - NW/NW

Tenneco West, Inc.
D(20-21)3 bb
55-623602
Fairbanks

T20S R21E S10 - NE/NE/SW

Tenneco West, Inc.
D(20-21)10 uns.caa
55-623623

✓39-1104289

~~T20S R21E S10 - SE/SW/SW~~

~~Tenneco West, Inc.
D(20-21)10 ceo
55-623588
Chinese Garden #1~~

T20S R21E S14 - SW/SW/NW

Tenneco West, Inc.
D(20-21)14 bcc
55-623588
Fairbanks

✓39-1104290

T20S R21E S15 - SE/SW/SE

Tenneco West, Inc.
D(20-21)15 dcd
55-623589
Fairbanks

✓39-1104291

T20S R21E S15 - SE/SE/NE

Tenneco West, Inc.
D(20-21)15 add
55-623603

T20S R21E S16 - SW/SE/SE

Tenneco West, Inc.
D(20-21)16 uns.ddc
55-623624

✓39-1104292

~~T22S R20E S13 - NE/NE/NW~~

~~Tenneco Realty Development
D(22-20)13 baa
55-623633
Golf Course~~

T22S R20E S23 - SW/SW/SE

Tenneco West, Inc.
D(22-20)23 dcc
55-623661
Rambo

T22S R20E S24 - NE/NE/NE

Pueblo Del Sol #3
D(22-20)24 aaa
55-623582

✓39-1104263

T22S R20E S36 - NW/NW/NE

Pueblo Del Sol #2
D(22-20)36 abb
55-623583

✓39-1104262

T22S R21E S17 - SW/SW/SW

Tenneco West, Inc.
D(22-21)17 ccc
55-623621
Dreezen

~~T22S R21E S18 - SW/SE/SE~~

~~Pueblo Del Sol #4
D(22-21)18 ddc
55-623581~~

~~T22S R22E S6 - NW/NE/SE~~

~~Tenneco West, Inc. ✓
D(22-22)6 dab
55-623620
36-19424
Wolf #1~~

T22S R22E S6 - SW/SE/NE

Tenneco West, Inc.
D(22-22)6 adc
55-623590
Wolf

✓39-1104293

~~T22S R22E S8 - NW/NW/SW~~

~~Tenneco West, Inc. ✓
D(22-22)8 cbb
55-623591
36-19426
Wolf #2~~

T22S R22E S17 - NW/SE/SW

Tenneco West, Inc.
D(22-22)17 cdb
55-623592
Cottonwood #1

~~T22S R22E S17 - SE/SW/NW~~

~~Tenneco West, Inc. ✓
D(22-22)17 dms.dcb
55-623584
36-19425~~

T22S R22E S21 - SW/SW/NW

Tenneco West, Inc.
D(22-22)21 bcc
55-623622
Sierra Vista Mix Gravel Pit

T22S R22E S29 - NE/SW/NE

Tenneco West, Inc.
D(22-22)29 aca
55-~~623593~~ 500489
Cottonwood #3

T23S R21E S21 - NW/NW/SE

Tenneco West, Inc.
D(23-21)21 dbb
55-623608

T23S R21E S33 - SE/SE/SW

Tenneco West, Inc.
D(23-21)33 cdd
55-623657
Gentry

✓ 39-1104273

~~T23S R22E S9 - SW/SB/SE~~

~~Tenneco West, Inc.
D(23-22)9 dde
55-623619
Application No. 33-89569
River~~

T23S R22E S10 - SE/SE/SW

Tenneco West, Inc.
D(32-22)10 cdd
55-623659
Hereford

✓ 39-1104294

T23S R22E S10 - NW/SE/SW

Tenneco West, Inc.
D(23-22)10 cdb
55-623658
School House

✓ 39-1104295

T23S R22E S10 - NW/NE/SW

Tenneco West, Inc.
D(23-22)10 cab
55-623594
Shugart #1

✓ 39-1104296

T23S R22E S15 - SW/NW/SE

Tenneco West, Inc.
D(23-22)15 dbc
55-623596
Sneed

5 ✓ 39-1104298

T23S R22E S15 - SW/SW/SW

Tenneco West, Inc.
D(23-22)15 ccc
55-623605

T23S R22E S16 - SW/SW/NE

Tenneco West, Inc.
D(23-22)16 acc
~~55-623618~~ 085 799
North Cobb

T23S R22E S16 - SW/SW/NE

Tenneco West, Inc.
D(23-22)16 acc
55-623606
Cobb House

~~T23S R22E S16 - NW/NE/SE~~

~~Tenneco West, Inc.
D(23-22)16 dab
55-623617
App. No. 33-89568
Hereford~~

T23S R22E S17 - SW/SW/NE

Tenneco West, Inc.
D(23-22)17 acc
~~55-623618~~ 500 488

T23S R22E S17 - NW/NE/SW

Tenneco West, Inc.
D(23-22)17 cab
~~55-623616~~ 500 487
Ladd #1

T23S R22E S20 - NW/SE

Tenneco West, Inc.
D(23-22)20 db
55-623607

~~T23S R22E S20 - SE/NW/NE~~

~~Tenneco West, Inc.
D(23-22)20 abd
55-623614~~

~~T23S R22E S20 - NW/SE/SE~~

~~Tenneco West, Inc.
D(23-22)20 dab
55-623613
South Airbase #2~~

T23S R22E S21 - SW/NE/SE

Tenneco West, Inc.
D(23-22)21 dac
55-623595
Cobb Place

✓39-1104301

~~T23S R22E S22 - NW/SE/SW~~

~~Tenneco Realty Development
D(23-22)22 eab
55-623600
Lowery~~

~~T23S R22E S29 - SE/SE/NE~~

~~Tenneco West, Inc.
D(23-22)29 aad
55-623611
Lowry #3~~

~~T23S R22E S29 - NW/SW/NE~~

~~Tenneco West, Inc.
D(23-22)29 aab
55-623627
36-19427
Lowry #2~~

~~T23S R22E S29 - SW/NW/SE~~

~~Tenneco West, Inc. ✓
D(23-22)29 dbc
55-623610
36-19428/36-19429
Lowry #1~~

October 14, 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

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

RE: Motion to File Amended Statement of Claimant Forms

Bruce Babbitt, Governor
Kathleen Ferris, Director

Dear Mr. Sifferman:

99 East Virginia Avenue
Phoenix, Arizona 85004

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,

A handwritten signature in cursive script that reads "Lawrence A. Ramsey".

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

LAR:mg
Enclosures

FCSPRNCA2216

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

LAW OFFICES OF
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MARK S. SIFFERMAN
(602) 263-7769

October 8, 1986

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:

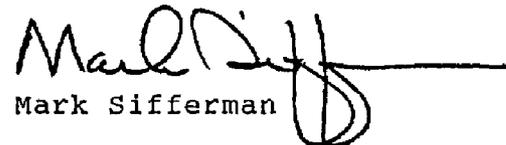
This office represents Tenneco West, Inc., Tenneco Realty Development Corporation, and Pueblo Del Sol. Previously, claims in the General Adjudication were filed for these clients' wells. These wells are in the San Pedro Water Shed.

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



1 John F. Molloy
 2 Mark Sifferman
 3 Rory C. Hays
 4 MOLLOY, JONES, DONAHUE, TRACHTA,
 5 CHILDERS & MALLAMO, P.C.
 6 4041 N. Central, Suite 2001
 7 Phoenix, Arizona 85012
 8 Telephone: (602) 263-7769
 9 Attorneys for Tenneco West, Inc.,
 10 Tenneco Realty Development
 11 Corporation, and Pueblo Del Sol

REVIEWED
 Docketed
 Date 6-25-86 By CA

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

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

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

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

DONE IN OPEN COURT this _____ day of _____,
 1986.

 The Honorable Stanley Z. Goodfarb

MOLLOY, JONES, DONAHUE, TRACHTA, CHILDERS & MALLAMO, P.C.
 ATTORNEYS AT LAW
 4041 NORTH CENTRAL AVENUE, SUITE 2001
 PHOENIX, ARIZONA 85012
 (602) 263-7764

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

RECEIVED
APR 10 1986
WATER RESOURCES

1 John F. Molloy
Mark Sifferman
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7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
8 IN AND FOR THE COUNTY OF MARICOPA

9 In re) NOS. W-1, W-2, W-3, W-4
10 THE GENERAL ADJUDICATION)
OF THE RIGHTS TO USE WATER) MOTION TO FILE AMENDED
11 IN THE GILA RIVER SYSTEM) STATEMENT OF CLAIMANT FORMS
AND SOURCE)
12) (Assigned to the Hon.
Stanley Z. Goodfarb)
13

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

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

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1 inaccuracies became clear during the gathering of informati
2 necessary for the contemplated land exchange whereby the land
3 which many of these wells rest have become the property of t
4 Unites States of America. Many of the inaccuracies in t
5 already filed claimant forms arise from the fact that we
6 dealing with old records concerning wells drilled many years a
7 Moreover, many of the problems with legal descriptions arise f
8 the fact that the 35,000 acres making up the Mexican Grant l
9 have not been surveyed to fit within the regular section sys
10 for legal description. Thus, many locations have been based
11 projections of sections into the Mexican Land Grant area.

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

18 A.R.S. Section 45-259 provides that Arizona Rules
19 Civil Procedure apply to this general adjudication. Rule 15
20 Arizona Rules of Civil Procedure, provides that amendments sh
21 be freely given when justice requires. 1/ An amendment shoul
22 denied only where new factual issues are raised and there
23

24
25 1/ This is not a case where civil procedural rule
26 amendment is displaced by the specific statutory procedure
intervention. A.R.S. Section 45-254(E), on its face, applie
someone who has not filed any statement of claimant forms.

MOLLOY, JONES, DONAHUE, TRACHTA, CHILDERS & MALLAMO, P.C.
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1 caused an unreasonable delay in the prosecution of the actio
2 Owen v. Superior Court, 133 Ariz. 75, 649 P.2d 278 (1982)
3 Where, as here, the amendment does nothing more than permit
4 party to obtain whatever relief is justified by the facts already
5 established by discovery, a denial of an amendment is an abuse of
6 discretion. Id. Where the opponents to the motion fail to point
7 out specifically what delay would be caused or what prejudice
8 would be created, amendments must be allowed. Id.

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

12 Therefore, movants request that this Court enter
13 order allowing amendments to statement of claimant forms
14 correctly show the legal description and other information
15 concerning the wells set forth in Exhibit A.

16 RESPECTFULLY SUBMITTED this 9th day of April, 1986.

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

19
20 By Mark Sifferman
21 Mark Sifferman
22 Attorneys for Tenneco West, Inc.
Tenneco Realty Corporation,
Pueblo Del Sol

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

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

INDEX TO LITTLE BOQUILLAS WELLS

<u>Legal Description</u>	<u>Other Reference Aids</u>
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 S6 - SE/SE/NW	Tenneco West, Inc. D(18-20)6 bdd 55-623648 Cline
T18S R20E S21 - SW/SW/SE	Tenneco West, Inc. D(18-20)21 dcc 55-623649 Black
T18S R21E S19 - NW/NW/SE	Tenneco Realty Development D(18-21)19 dbb 55-623650 Stonehouse
T18S R21E S33 - NW/SW	Tenneco West, Inc. D(18-21)33 cb 55-623663 Curtis Flat
T18S R22E S14 - NW/SW/NW	Tenneco West, Inc. D(18-22)14 bcb 55-623653 Slavin
T18S R22E S30 - SE/SW/NW	Tenneco West, Inc. D(18-22)30 bcd 55-623654
T19S R21E S9 - NE/NW/SW	Tenneco West, Inc. D(19-21)9 cba 55-623655 Summers
T19S R21E S21 - NW/NE/NW	Tenneco West, Inc. D(19-21)21 bab 55-623656 Contention
T19S R21E S21 - SW/NE/SE	Tenneco West, Inc. D(19-21)21 dac 55-623601 Contention

T20S R21E S3 - NW/NW	Tenneco West, Inc. D(20-21)3 bb 55-623602 Fairbanks
T20S R21E S10 - NE/NE/SW	Tenneco West, Inc. D(20-21)10 uns.caa 55-623623
T20S R21E S10 - SE/SW/SW	Tenneco West, Inc. D(20-21)10 ccd 55-623586 Chinese Garden #1
T20S R21E S14 - SW/SW/NW	Tenneco West, Inc. D(20-21)14 bcc 55-623588 Fairbanks
T20S R21E S15 - SE/SW/SE	Tenneco West, Inc. D(20-21)15 dcd 55-623589 Fairbanks
T20S R21E S15 - SE/SE/NE	Tenneco West, Inc. D(20-21)15 add 55-623603
T20S R21E S16 - SW/SE/SE	Tenneco West, Inc. D(20-21)16 uns.ddc 55-623624
T22S R20E S13 - NE/NE/NW	Tenneco Realty Development D(22-20)13 baa 55-623635 Golf Course
T22S R20E S23 - SW/SW/SE	Tenneco West, Inc. D(22-20)23 dcc 55-623661 Rambo

T22S R20E S24 - NE/NE/NE	Pueblo Del Sol #3 D(22-20)24 aaa 55-623582
T22S R20E S36 - NW/NW/NE	Pueblo Del Sol #2 D(22-20)36 abb 55-623583
T22S R21E S17 - SW/SW/SW	Tenneco West, Inc. D(22-21)17 ccc 55-623621 Dreezen
T22S R21E S18 - SW/SE/SE	Pueblo Del Sol #4 D(22-21)18 ddc 55-623581
T22S R22E S6 - NW/NE/SE	Tenneco West, Inc. ✓ D(22-22)6 dab 55-623620 36-19424 Wolf #1
T22S R22E S6 - SW/SE/NE	Tenneco West, Inc. D(22-22)6 adc 55-623590 Wolf
T22S R22E S8 - NW/NW/SW	Tenneco West, Inc. ✓ D(22-22)8 cbb 55-623591 36-19426 Wolf #2
T22S R22E S17 - NW/SE/SW	Tenneco West, Inc. D(22-22)17 cdb 55-623592 Cottonwood #1
T22S R22E S17 - SE/SW/NW	Tenneco West, Inc. ✓ D(22-22)17 uns.dcb 55-623584 36-19425

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

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

T23S R22E S21 - SW/NE/SE

Tenneco West, Inc.
D(23-22)21 dac
55-623595
Cobb Place

T23S R22E S22 - NW/SE/SW

Tenneco Realty Development
D(23-22)22 cdb
55-623660
Lowery

T23S R22E S29 - SE/SE/NE

Tenneco West, Inc.
D(23-22)29 add
55-623611
Lowry #3

T23S R22E S29 - NW/SW/NE

Tenneco West, Inc. ✓
D(23-22)29 acb
55-623627
36-19427
Lowry #2

T23S R22E S29 - SW/NW/SE

Tenneco West, Inc. ✓
D(23-22)29 dbc
55-623610
36-19428/36-19429
Lowry #1