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

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

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. W1-11-2131

ORDER TO FILE STIPULATED
ABSTRACTS OR STATUS REPORT

CONTESTED CASE NAME: *In re Andrew and Lavee Mayberry*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Stipulated abstracts or status report due **October 18, 2022**.

NUMBER OF PAGES: 13

DATE OF FILING: August 31, 2022

This contested case had been consolidated with *In re St. David Irrigation District*, contested case W1-11-1675. It was severed by Order dated August 30, 2022, in accordance with Case Management Order dated July 21, 2022, governing the second phase of that consolidated case. The purpose of this proceeding is to adjudicate all of the claimed water rights and resolve all of the objections filed in contested case W1-11-2131.

1 This case will adjudicate the claims for water rights and resolve objections to Watershed
2 File Report and Zone 2 Well Report 112-17-DBB-37 (collectively "Report") published in the
3 Final San Pedro River Watershed Hydrographic Survey Report (1991). The Report identified
4 potential water rights for domestic and irrigation uses for land located in Section 6 Township
5 18S Range 21E. The identified sources of water for the identified uses are surface water from
6 the San Pedro River and two wells operated by the St. David Irrigation District. A copy of the
7 Report is attached as Attachment A. A copy of the map prepared for the Report is attached as
8 Attachment B.
9

10 Andrew and Laree Mayberry filed Statement of Claimant 39-3811. Roland and Verna
11 Mayberry filed Statement of Claimant 39-4026, and Jimmie Esker Mayberry filed Statement of
12 Claimant 39-4012. St. David Irrigation District filed Statements of Claimant 39-6593 and 39-
13 6594 that include land located in Section 6 Township 18S Range 21E in its description of "Place
14 of Use." Arizona Department of Water Resources prepared Watershed File Report 112-17-088
15 that discussed the results of its investigation of the water uses on the land shown on Attachment
16 B.
17

18 The St. David Irrigation District has identified the land included within the boundaries of
19 the Report as Cochise County tax parcels 121-15-050A and 121-15-051A. A copy of a map
20 prepared by ADWR that includes the parcel numbers of the property included in the Report
21 is attached as Attachment C. The Cochise County Assessors' Office identifies the
22 landowners of those tax parcels as Carter and Faye Mayberry and Cochise County
23 Investments LLC, respectively. Copies of the current tax parcel maps are attached as
24 Attachment D.
25

26 The public records maintained by the Arizona Department of Water Resources do not
27 contain assignments of any of the Statements of Claimant. The public records maintained by
28

1 the Arizona Department of Water Resources do not contain Statements of Claimant filed by
2 Cochise County Investments LLC.

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6 **IT IS ORDERED:**

7 1. Contested Case. This contested case will address the Statements of Claimant
8 identified above and the objections that were filed to Watershed File Report and Zone 2 Well
9 Report 112-17-DBB-37 published in the Final San Pedro River Watershed Hydrographic Survey
10 Report (1991). Copies of objections can be found under the case name and number on the
11 following website:
12 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
13 [asp](#)

14 2. Litigants. The litigants in this contested case are the Claimants, St. David
15 Irrigation District, the current landowners, all persons who filed objections to the Watershed File
16 Report and Zone 2 Well Report 112-17-DBB-37, all persons who filed objections to Watershed
17 File Report 112-17-088, and claimants allowed to intervene by order.

18
19 3. Court-Approved Mailing List.

20 A. The initial Court-approved mailing list for this case shall include all
21 persons listed on Attachment E to this order. The list may be modified only by
22 filing a motion with the Special Master to amend the Court-approved mailing list.
23 Litigants are responsible for using the current Court-approved mailing list.

24 B. A copy of any pleading filed with the Clerk of the Maricopa County
25 Superior Court in this case shall be served upon each person listed on the Court-
26 approved mailing list.
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C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the mailing list.

4. Stipulation or Status Report. Stipulated abstracts or, if no agreement can be reached among the parties, a status report shall be filed by the St. David Irrigation District by **October 18, 2022.**


SUSAN WARD HARRIS
Special Master

On August 31, 2022, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached hereto as Attachment D.


Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
MAYBERRY, ANDREW B. & LAVEE T.	112-17-DBB-037

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-2131

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE	
39-0003811		IRRIGATION	32.00	NWNWNE06	180S	200E	1881		36	170S	210E
		DOMESTIC	1.50	NENENW06	180S	210E		NWNWNE06	180S	210E	
		STOCK	2.50								
39-0004012		IRRIGATION	214.00	NENENW06	180S	210E	1898	NWNWNE06	180S	210E	
		DOMESTIC	1.00	NWNWNE06	180S	210E					
		STOCK	1.00								
39-0004026		IRRIGATION	80.00	NWNWNE06	180S	210E	1881	NESW04	190S	210E	
		DOMESTIC	2.00					NWNWNE06	180S	210E	
		STOCK	2.00								

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0003811	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	DO1,WO1,W99	DMOO1,IROO1
39-0004012	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	WO1	DMOO1,IROO1
39-0004026	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	DO1,WO1,WO3 W99	DMOO1,IROO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NENWSW04	190S	210E	ST. DAVID I.D. DITCH	SURFACE WATER: SAN PEDRO RIVER SHARED
WO1	NWNWNE06	180S	210E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
WO3	NENENW06	180S	210E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
W99	NWSW28	180S	210E	ST. DAVID I.D. WELLS	GROUNDWATER : ZONE 2 SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NWNWNE06	180S	210E	WO1	GROUNDWATER : ZONE 2		NO	
IROO1	NENW06	180S	210E	DO1,WO1,WO3	SURFACE WATER	1935	NO	
	NWNE06	180S	210E	W99	GROUNDWATER : ZONE 2			

SHARED USES AND DIVERSIONS

- ** DIVERSION DO1 OPERATED BY THE ST DAVID IRRIGATION DISTRICT (FILE 112-17-88) SUPPLIES WATER TO PWRS IN THIS FILE.
- ** WATER FROM WO1 FOUND IN FILE (112-17DBB-21) IS USED IN THIS FILE
- ** WATER FROM WO3 FOUND IN FILE (112-17DBB-21) IS USED IN THIS FILE
- ** DIVERSION W99 OPERATED BY THE ST DAVID IRRIGATION DISTRICT (FILE 112-17-88) SUPPLIES WATER TO PWRS IN THIS FILE.

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0003811 39-0004012 39-0004026	NONE		GROUNDWATER : ZONE 2
IROO1	39-0003811 39-0004012 39-0004026	NONE	1881 ST. DAVID I.D. INFO.	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED	2.4	PERM. PSTR	45%	7.0 AF/AC	16.8 AFA	
	REGIONAL	2.4	AVE. CROP	50%	5.4 AF/AC	13.0 AFA	
	MAX. POTENTIAL	2.4	ALFALFA	45%	7.4 AF/AC	17.8 AFA	

E X P L A N A T I O N

DIVERSIONS

D1 - DIVERSION FROM THE SAN PEDRO RIVER INTO THE ST. DAVID IRRIGATION DISTRICT DITCH.
 W1 & W3 - WELLS PROVIDE WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.
 W99 - WELLS W1 & W2, WHICH ARE OWNED AND OPERATED BY THE ST. DAVID IRRIGATION DISTRICT (SDID),
 ARE USED TO SUPPLEMENT SURFACE WATER DIVERTED FROM THE SAN PEDRO RIVER BY SDID DIVERSION D1 FOR
 IRRIGATION USES WITHIN THE DISTRICT.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
 IR1 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W1 & W3 - WELLS ARE SHARED WITH W.F.R. #112-17-DBB-21.

PWR SUMMARY

FILINGS MADE BY THE ST. DAVID IRRIGATION DISTRICT ALSO APPLY TO IRRIGATION USES (IR1) ON THIS
 PROPERTY. FOR MORE INFORMATION ON THE ST. DAVID IRRIGATION DISTRICT, SEE THE MAJOR USERS
 REPORTS IN VOLUME 1.

LAND OWNER	ZONE 2 WELL REPORT NUMBER
-----	-----
MAYBERRY, ANDREW B. & LAVEE T.	112-17-DBB-037

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W01	UNNAMED	NWNWNE06	18OS	21OE	DMOO1, IROO1	SHARED
W03	UNNAMED	NENENW06	18OS	21OE	IROO1	SHARED
W99	ST. DAVID I.D. WELLS	NWSW28	18OS	21OE	IROO1	SHARED

W1-11-2131

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
DMOO1	NWNWNE06	18OS	21OE				
IROO1	NENW06	18OS	21OE	1881	ST. DAVID I.D. INFO.	13.0 AFA	2.4
	NWNE06	18OS	21OE				

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0003811	W01, W99	DMOO1, IROO1
39-0004012 - 2128	W01	DMOO1, IROO1
39-0004026	W01, W03, W99	DMOO1, IROO1

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO1 IS PARTIALLY SUPPLIED BY SURFACE WATER.

** WATER FROM W01 FOUND IN FILE (112-17DBB-21) IS USED IN THIS FILE.

** WATER FROM W03 FOUND IN FILE (112-17DBB-21) IS USED IN THIS FILE.

** WATER FROM W99 FOUND IN FILE (112-17-88) IS USED IN THIS FILE.

W1 & W3 - WELLS PROVIDE WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.

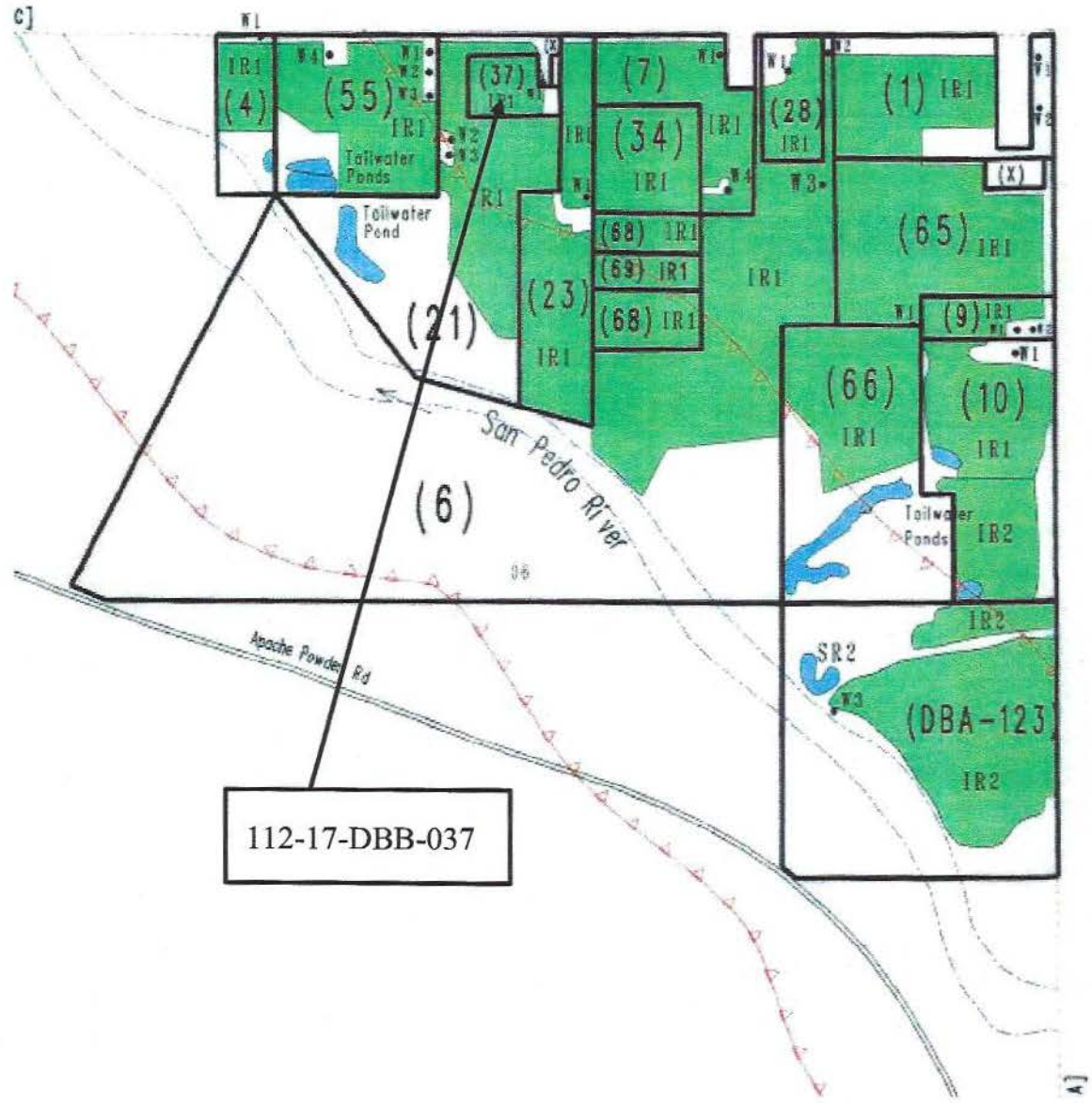
W99 - WELLS W1 & W2, WHICH ARE OWNED AND OPERATED BY THE ST. DAVID IRRIGATION DISTRICT (SDID), ARE USED TO SUPPLEMENT SURFACE WATER DIVERTED FROM THE SAN PEDRO RIVER BY SDID DIVERSION D1 FOR IRRIGATION USES WITHIN THE DISTRICT.

DM1 - DOMESTIC USE.

IR1 - IRRIGATED PASTURE.

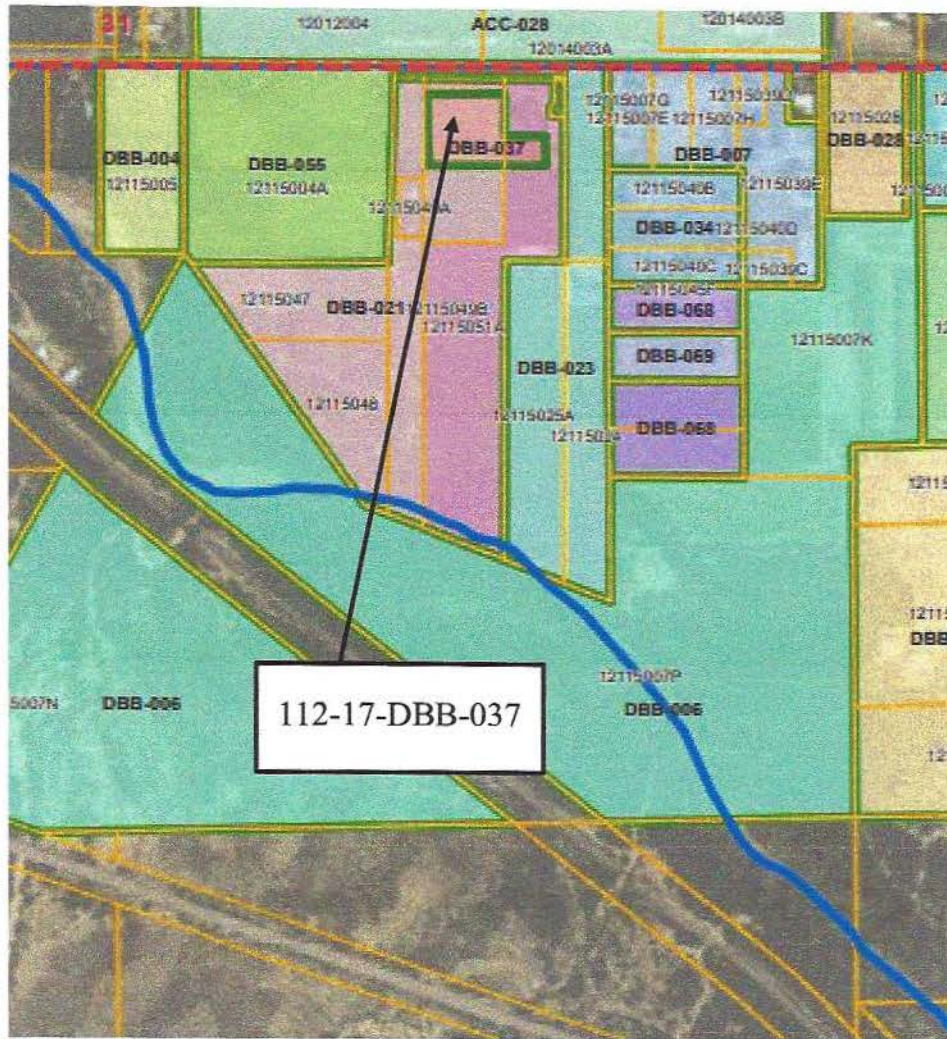
ATTACHMENT B

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ATTACHMENT C

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ATTACHMENT D

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Salt River Project Agricultural
Improvement and Power District
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