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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. W1-11-0473

ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re City of Tombstone*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.  
DESCRIPTIVE SUMMARY: The Special Master initiates contested case W1-11-0473 to address objections to watershed file report 111-21-032.  
NUMBER OF PAGES: 11  
DATE OF FILING: February 12, 2019

This Order initiates a contested case to resolve objections to watershed file report 111-21-032 that identifies potential water rights for municipal use. A copy of watershed file report

1 111-21-032 is attached as Attachment A. Copies of objections will be posted under the What's  
2 New tab under the case name and number at the following website:

3 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication>  
4

5  
6 **IT IS ORDERED:**

7 1. Contested Case. This contested case shall be known as *In re City of Tombstone*  
8 and it will address the objections that were filed to the watershed file report 113-12-BD-004  
9 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991) with  
10 respect to potential water rights for which the source of water is surface water or water from  
11 the subflow zone.

12 2. Litigants. The litigants in this contested case are the City of Tombstone, the  
13 Claimant, all persons who filed objections to the watershed file report 113-12-BD-004 and  
14 claimants who are allowed to intervene by order.

15 3. Court-Approved Mailing List.

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

21 B. A copy of any pleading filed with the Clerk of the Maricopa County  
22 Superior Court in this case shall be served upon each person listed on the Court-  
23 approved mailing list.

24 C. Claimants wishing to be added or removed from the mailing list shall file  
25 a motion with the Special Master. Parties allowed to intervene will be  
26 automatically added to the mailing list.  
27  
28

1 4. Courtesy Email List.

2 The Special Master's office will email courtesy copies of orders and minute  
3 entries entered in this case to persons listed on Attachment B. Requests for  
4 inclusions on the email list should be sent to Barbara Brown at  
5 [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

6  
7 An initial status conference shall be held for the purpose of identifying the sources of  
8 water which will be at issue in this case, the procedures for the resolution of the objections, and  
9 for setting a Scheduling Conference pursuant to §8.03 Rules for Procedure Before the Special  
10 Master. The status conference shall be held on March 20, 2019, at 10:30 a.m. before:

11 Special Master Susan Ward Harris  
12 Superior Court of Arizona  
13 201 West Jefferson Street  
14 Courtroom 301  
15 Phoenix, AZ 85003-2202

16 Instructions for telephonic appearance:  
17 Dial: 602-506-9695 (local)  
18 1-855-506-9695 (toll free long distance)  
19 Dial Participant Pass Code 357264#

20   
21 SUSAN WARD HARRIS  
22 Special Master

23  
24 On February 12, 2019, the original of the foregoing was  
25 delivered to the Clerk of the Maricopa County Superior  
26 Court for filing and distributing a copy to all persons  
27 listed on the Court-approved mailing list for this  
28 contested case, and to all persons listed on the Court-  
approved mailing list for W-1, W-2, W-3, and W-4  
(Consolidated).

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# ATTACHMENT A

LAND OWNER

WATERSHED FILE  
REPORT NUMBER

CITY OF TOMBSTONE

111-21-032

W1-11-473

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-0211261.1100		DOMESTIC STOCK MINING OTHER					1905	SENESE14	230S	200E
10-0211263.1100		DOMESTIC STOCK MINING OTHER					1905	SESESW23	230S	200E
10-0215031.1100		DOMESTIC STOCK MINING OTHER	1810.00				1907	NESWNE15	230S	200E
10-0215033.1100		DOMESTIC STOCK MINING OTHER	1810.00				1907	NESWNE15	230S	200E
10-0216247.1100		IRRIGATION DOMESTIC STOCK MINING OTHER					1908	SWNWNW26	230S	200E
10-0225292.1100		IRRIGATION DOMESTIC STOCK MINING OTHER	72.00	E2NESE23	230S	200E	1916	13	230S	240E
				NWNE24	230S	200E		14	230S	240E
				S2NENW24	230S	200E				
36-0029446		MUNICIPAL DOMESTIC		NWNE14	200S	220E	1945	SESW18	200S	220E
36-0043226			27.41	SWSW31	190S	230E	1964	SWSW31	190S	230E
				01	200S	230E				
36-0075713		MUNICIPAL	76.72	NWNE14	200S	220E	1881	SWNE15	230S	200E
36-0075714		MUNICIPAL	76.72	NWNE14	200S	220E	1881	NWNW26	230S	200E
36-0075715		MUNICIPAL	9.20	NWNE14	200S	220E	1881	NESW14	230S	200E
36-0075716		MUNICIPAL	15.34	NWNE14	200S	220E	1881	NENE15	230S	200E
36-0075717		MUNICIPAL	92.06	NWNE14	200S	220E	1881	SWSE23	230S	200E
39-0000728	AMENDED	STOCK MUNICIPAL	76.72	NWNE14	200S	220E	1881	SWNE15	230S	200E
39-0000729		REC/FISH/WLDLF STOCK MUNICIPAL	76.72	NWNE14	200S	220E	1881	NWNW36	230S	200E
39-0000730		REC/FISH/WLDLF STOCK MUNICIPAL	9.20	NWNE14	200S	220E	1881	NESW14	230S	200E
39-0000731		REC/FISH/WLDLF STOCK MUNICIPAL	15.34	NWNE14	200S	220E	1881	NENE15	230S	200E
39-0000732	AMENDED	REC/FISH/WLDLF STOCK MUNICIPAL	92.07	NWNE14	200S	220E	1881	SWSE23	230S	200E
39-0001647		REC/FISH/WLDLF STOCK MUNICIPAL		NWNE14	200S	220E	1945	SESW18	200S	220E
39-0002197		REC/FISH/WLDLF DOMESTIC	30.69	SWSW31	190S	230E	1938	SWSW31	190S	230E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-0211261.1100	DOMESTIC STOCK MINING OTHER	NONE NONE NONE NONE	S05	
10-0211263.1100	DOMESTIC STOCK MINING OTHER	DOMESTIC INCIDENTAL NONE NONE	S02	MU001

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-0215031.1100	DOMESTIC MINING OTHER	DOMESTIC NONE	S01	MU001
10-0215033.1100	DOMESTIC MINING OTHER	DOMESTIC NONE	S01	MU001
10-0216247.1100	IRRIGATION DOMESTIC STOCK MINING OTHER	NONE NONE NONE NONE	S04	
10-0225292.1100	IRRIGATION DOMESTIC STOCK MINING OTHER	NONE NONE NONE NONE	S05	
36-0029446	MUNICIPAL	NONE	P01	MU001
36-0043226	DOMESTIC	NONE	W04	
36-0075713	MUNICIPAL	MUNICIPAL	S01	MU001
36-0075714	MUNICIPAL	NONE	S04	MU001
36-0075715	MUNICIPAL	NONE	S05	MU001
36-0075716	MUNICIPAL	NONE	S03	MU001
36-0075717	MUNICIPAL	MUNICIPAL	S02	MU001
39-0000728	STOCK MUNICIPAL WILDLIFE	INCIDENTAL MUNICIPAL	S01, W01, W02 W03	MU001
39-0000729	STOCK MUNICIPAL WILDLIFE	INCIDENTAL MUNICIPAL	S04, W01, W02 W03	MU001
39-0000730	STOCK MUNICIPAL WILDLIFE	INCIDENTAL MUNICIPAL	S05, W01, W02 W03	MU001
39-0000731	STOCK MUNICIPAL WILDLIFE	INCIDENTAL MUNICIPAL	S03, W01, W02 W03	MU001
39-0000732	STOCK MUNICIPAL WILDLIFE	INCIDENTAL MUNICIPAL	S02, W01, W02 W03	MU001
39-0001647	STOCK MUNICIPAL WILDLIFE	NONE NONE	P01	MU001
39-0002197	DOMESTIC	NOT APPLICABLE	W04	

D I V E R S I O N S

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	LOCATION	WATER SOURCE AND CLASSIFICATION
P01	NWSEW18	21OS	22OE	EMERGENCY SUMP		SURFACE WATER: SAN PEDRO RIVER UNUSED
S01	NESWNE15	23OS	20OE	CARR SPRING		SURFACE WATER: SAN PEDRO RIVER SHARED
S02	SESESW23	23OS	20OE	MILLER SPRING		SURFACE WATER: SAN PEDRO RIVER SHARED
S03	NENENE15	23OS	20OE	ROCK SPRING		SURFACE WATER: SAN PEDRO RIVER SHARED
S04	SWNWNW26	23OS	20OE	GARDINER SPRING		SURFACE WATER: SAN PEDRO RIVER SHARED
S05	SENESE14	23OS	20OE	CLARK SPRING		SURFACE WATER: SAN PEDRO RIVER SHARED
W01	NWSENE11	20OS	22OE	TOMBSTONE WELL #1		UNUSED GROUNDWATER : ZONE 2
W02	NENESW01	20OS	22OE	TOMBSTONE WELL #2		SHARED GROUNDWATER : ZONE 2
W03	SWSESEO1	20OS	22OE	TOMBSTONE WELL #3		UNUSED GROUNDWATER : ZONE 2
W04	SWSW31	20OS	22OE	HOLIDAY ENT. WELL		UNUSED GROUNDWATER : ZONE 2 SHARED

PWR #	LOCATION			SUPPLIED BY		WATER SOURCES	PHOTO SOURCE DATE	FACILITY NAME
	SECTION	TWNP	RNGE	DIVERSIONS				
DV001	SESESW23	230S	200E	SO2		SURFACE WATER		
DV002	NESWNE15	230S	200E	SO1		SURFACE WATER	NO	MILLER SPRING
MU001	01	200S	220E	SO1,SO2,W01		SURFACE WATER	NO	CARR SPRING
	02	200S	220E			GROUNDWATER : ZONE 2	NO	
	03	200S	220E					
	10	200S	220E					
	11	200S	220E					
	12	200S	220E					
	34	190S	220E					
	35	190S	220E					
	36	190S	220E					

SHARED USES AND DIVERSIONS

\*\* WATER FROM SO1 FOUND IN FILE (111-23-7) IS USED IN THIS FILE  
 \*\* WATER FROM SO2 FOUND IN FILE (111-23-9) IS USED IN THIS FILE  
 \*\* WATER FROM SO3 FOUND IN FILE (111-23-7) IS USED IN THIS FILE  
 \*\* WATER FROM SO4 FOUND IN FILE (111-23-9) IS USED IN THIS FILE  
 \*\* WATER FROM SO5 FOUND IN FILE (111-23-9) IS USED IN THIS FILE  
 \*\* DIVERSION W01 PROVIDES WATER TO THE FILE (111-21-31) WHICH DESCRIBES THE HOLIDAY ENTERPRISES WATER CO.  
 \*\* DIVERSION W04 OPERATED BY THE HOLIDAY ENTERPRISES WATER CO. (FILE 111-21-31) SUPPLIES WATER TO PWRS IN THIS FILE.

PWR SUMMARY

PWR #	APPLICABLE		*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
	ADJ FILINGS	PRE FILINGS	DATE BASIS	FOR DATE	
DV001	39-0000732	10-0211263.1100 36-0075717	1881 36-75717 &	39-732	SURFACE WATER: SAN PEDRO RIVER
DV002	39-0000728	10-0215031.1100 10-0215033.1100 36-0075713	1881 36-75713 &	39-728	SURFACE WATER: SAN PEDRO RIVER
MU001	39-0000728 39-0000729 39-0000730 39-0000731 39-0000732 39-0001647	10-0211263.1100 10-0215031.1100 10-0215033.1100 36-0029446 36-0075713 36-0075714 36-0075715 36-0075716 36-0075717	1881 36-75713 &	36-75717	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2
NONE	39-0002197	10-0211261.1100 10-0216247.1100 10-0225292.1100 36-0043226			

QUANTITIES OF USE

PWR #	QUANTIFICATION		CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
	TYPE	ACRES					
MU001						389.7 AFA	

DIVERSION PWR NOS.	DIVERSION CAPACITY	MAXIMUM DEMAND RATE	DECREED RATE	CERTIFICATED RATE	ESTIMATED VOLUME DIVERTED
DV001					
DV002					

FILINGS AND DECREES

FILING 10-0211261-11 - CLAIMS DOMESTIC, STOCKWATERING, MINING, AND OTHER WATER USES FROM CLARK SPRING. NO WATER USES FROM CLARK SPRING WERE FOUND.  
FILING 10-0211263-11 - CLAIMS DOMESTIC, STOCKWATERING, MINING, AND OTHER WATER USES FROM MILLER SPRING. NO MINING OR OTHER USES FROM MILLER SPRING WERE FOUND.  
FILING 10-0215031-11 - CLAIMS DOMESTIC, MINING, AND OTHER WATER USES FROM CARR SPRING. NO MINING OR OTHER WATER USES FROM CARR SPRING WERE FOUND.  
FILING 10-0216247-11 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, MINING, AND OTHER WATER USES FROM GARDINER SPRING. NO WATER USES FROM GARDINER SPRING WERE FOUND.  
FILING 10-0225292-11 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, MINING, AND OTHER WATER USES FROM CLARK SPRING. NO WATER USES FROM CLARK SPRING WERE FOUND.  
FILING 36-29446 & 39-1647 - CLAIM STOCKWATERING, MUNICIPAL, AND WILDLIFE WATER USES FROM AN INSTREAM PUMP. NO WATER USES FROM AN INSTREAM PUMP WERE FOUND.  
FILING 36-43226 - CLAIMS DOMESTIC USE FROM A WELL. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.  
FILING 36-75714 - CLAIMS STOCKWATERING, MUNICIPAL, AND WILDLIFE WATER USES FROM GARDINER SPRING. NO WATER USES FROM GARDINER SPRING WERE FOUND.  
FILING 36-75715 - CLAIMS STOCKWATERING, MUNICIPAL, AND WILDLIFE WATER USES FROM CLARK SPRING. NO WATER USES FROM CLARK SPRING WERE FOUND.  
FILING 36-75716 - CLAIMS STOCKWATERING, MUNICIPAL, AND WILDLIFE WATER USES FROM ROCK SPRING. NO WATER USES FROM ROCK SPRING WERE FOUND.  
FILINGS 39-728 THROUGH 39-732 - ALSO CLAIM MUNICIPAL USES FROM WELLS W1-W3.

DIVERSIONS

P1 - UNUSED INSTREAM PUMP PROVIDES WATER FOR EMERGENCY MUNICIPAL BACK-UP USES.  
S1/DV1 - DIVERSION FROM MILLER SPRING PROVIDES WATER FOR MUNICIPAL WATER USES.  
S2/DV2 - DIVERSION FROM CARR SPRING PROVIDES WATER FOR MUNICIPAL WATER USES.  
S3 - UNUSED DIVERSION FROM ROCK SPRING.  
S4 - UNUSED DIVERSION FROM GARDINER SPRING.  
S5 - UNUSED DIVERSION FROM CLARK SPRING.  
W1 - WELL PROVIDES WATER FOR MUNICIPAL USES.  
W2 - W3 - WELLS ARE UNUSED.  
W4 - WELL PROVIDES WATER FOR EMERGENCY BACK-UP WITH THE HOLIDAY WATER COMPANY (REFER TO W.F.R. #111-21-31).

USES AND RESERVOIRS

DV1 & DV2 - DIVERSIONS FROM MILLER AND CARR SPRINGS, RESPECTIVELY, INTO THE TOMBSTONE AQUEDUCT. NO DIVERSION CAPACITY WAS DETERMINED FOR MILLER AND CARR SPRINGS. D.W.R. HAS ESTIMATED THE MAXIMUM THEORETICAL CAPACITY OF THE TOMBSTONE AQUEDUCT (7 INCH STEEL PIPELINE) TO BE 1.4 CFS. FOR MORE INFORMATION ON THE CITY OF TOMBSTONE MUNICIPAL WATER SYSTEM, SEE THE MAJOR USERS REPORTS IN VOLUME 1.  
MU1 - MUNICIPAL WATER USE: CITY OF TOMBSTONE.

SHARED USES AND DIVERSIONS

S1 & S3 - SPRINGS ARE SHARED WITH W.F.R. #111-23-7.  
S2 & S4 - SPRINGS ARE SHARED WITH W.F.R. #111-23-9.  
W1 & W4 - WELLS ARE SHARED WITH W.F.R. #111-21-31.



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# ATTACHMENT B

BRAD HOLM AND MONIQUE COADY  
PHOENIX CITY ATTORNEY'S OFFICE  
200 WEST WASHINGTON STREET,  
13TH FLOOR  
PHOENIX, AZ 85003-1611

CITY OF TOMBSTONE  
P. O. BOX 339  
TOMBSTONE, AZ 85638

CLERK OF THE SUPERIOR COURT  
MARICOPA COUNTY  
ATTN: WATER CASE  
601 WEST JACKSON STREET  
PHOENIX, AZ 85003

F. PATRICK BARRY, YOSEF NEGOSE  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL  
RESOURCES  
P. O. BOX 7611  
WASHINGTON, DC 20044-7611

GOLDWATER INSTITUTE  
500 EAST CORONADO ROAD  
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THE SPARKS LAW FIRM, P.C.  
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SALMON, LEWIS & WELDON PLC  
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MILLER  
ARIZONA DEPARTMENT OF WATER  
RESOURCES  
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GILA RIVER INDIAN COMMUNITY  
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J. TOMKUS  
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SPECIAL MASTER  
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PHOENIX, AZ 85003-2205

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CITY OF MESA  
CITY ATTORNEY'S OFFICE  
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