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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 (Salt)  
W-2 (Verde)  
W-3 (Upper Gila)  
W-4 (San Pedro)  
(Consolidated)

Contested Case No. **W1-11-2401**

**ORDER SETTING DATE FOR  
SUGGESTED CORRECTIONS  
OF PROPOSED ABSTRACTS  
OF WATER RIGHTS**

**CONTESTED CASE NAME:** *In re Mercer Group of Cases*  
**HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report.  
**DESCRIPTIVE SUMMARY:** Abstracts issued for proposed water rights for stock watering, stockpond, and domestic uses analyzed by Watershed File Report Nos. 113-05-005 and 113-08-050. Deadline set to file suggested corrections.  
**NUMBER OF PAGES:** 17  
**DATE OF FILING:** November 18, 2020


This case involves *de minimis* claims for water rights analyzed by Watershed File Report Nos. 113-05-005 and 113-08-050 included in the final hydrographic survey report for the San Pedro Watershed ("San Pedro HSR") filed on November 20, 1991. In 1994, the Special

1 Master issued a Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1  
2 Cases involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994,  
3 amended February 23, 1995, approved and modified September 27, 2002 ("Decision"). The  
4 Decision established the procedures for adjudicating *de minimis* water rights for claims in the  
5 San Pedro watershed.

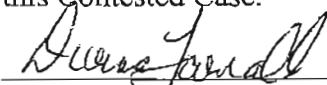
6 After the proposed water right abstracts have been prepared, "the litigants will be  
7 provided an opportunity to suggest the correction of mistakes in the proposed abstracts."  
8 Decision, p. 47. This proceeding is not a forum in which to relitigate the Decision, which was  
9 the subject of years of briefing and has now been affirmed for 18 years. Once the clerical  
10 corrections have been completed, the abstracts will be included in a catalog of proposed water  
11 rights where they will be subject to very limited set of objections and, ultimately in a final  
12 decree. As required by the Decision, proposed water right abstracts have been prepared for the  
13 *de minimis* water rights analyzed by Watershed File Report Nos. 113-05-005 and 113-08-050  
14 that are attached as Appendix A.

15 **IT IS ORDERED** that the landowner shall prepare and file Statement of Claimant by  
16 **December 21, 2020**, for stockwatering claims associated with WFR Nos. 113-05-005-SW004  
17 and 113-05-005-SW005. If the landowner does not desire summary adjudication of 113-05-  
18 005-DM001, it shall either file a stipulated abstract or status report by December 21, 2020.

19 **IT IS FURTHER ORDERED** that any suggested corrections to the proposed abstracts  
20 shall be filed on or before **January 25, 2021**.

21   
22 \_\_\_\_\_  
23 Susan Ward Harris  
24 Special Master

24 The original of the foregoing was delivered to the Clerk  
25 of the Maricopa County Superior Court on November  
26 18, 2020, for filing and distributing a copy to all  
27 persons listed on the Court approved mailing list for  
28 this Contested Case.

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Durina Farrall

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# APPENDIX A

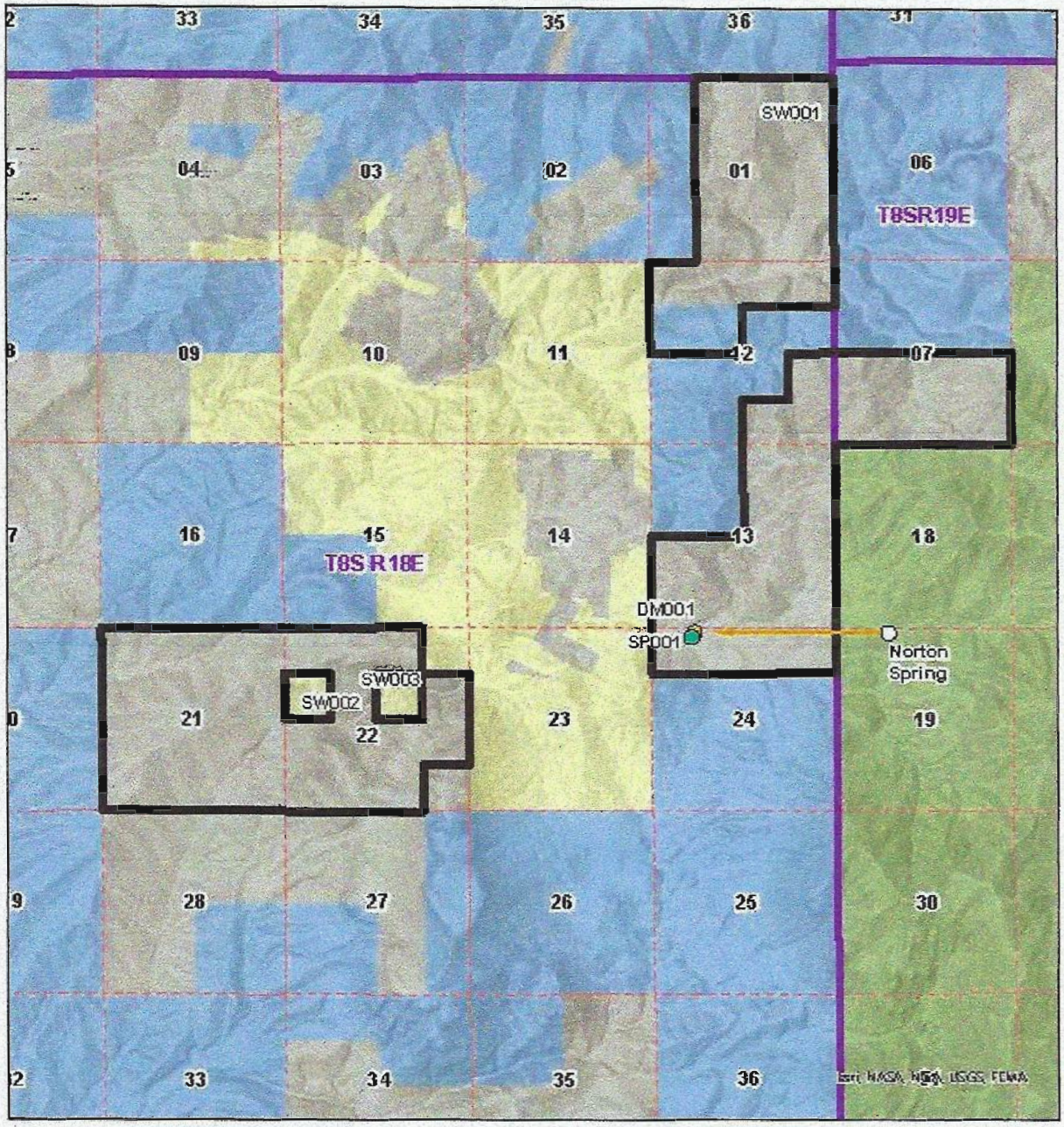
**Proposed Abstract of Water Right  
San Pedro Watershed**

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Attribute	Proposed Abstract of Water Right
<b>1. Proposed Water Right No.:</b>	113-05-005-SP001
<b>2. Owner of Water Right:</b>	Mercer Ranch Land Holdings, LLC
<b>3. Landowner:</b>	Mercer Ranch Land Holdings, LLC
<b>4. Statement of Claimant No.(s):</b>	39-0004479
<b>5. Statement of Claimant Name(s):</b>	Mercer Ranch Land Holdings, LLC
<b>6. Lessee or Permittee:</b>	N/A
<b>7. Basis of Right:</b>	38-0081039
<b>8. Beneficial Use:</b>	Stockwatering from a stock pond
<b>9. Priority Date:</b>	04/30/1938
<b>10. Quantity:</b>	Not to exceed ( $\leq$ ) 4 acre feet annually with continuous fill
<b>11. Place of Use:</b>	NENWNW 24 T8S R18E (See attached map)
<b>12. Point of Diversion:</b>	NENWNW 24 T8S R18E
<b>13. Source of Water:</b>	Surface Water: San Pedro River
<b>14. Facility:</b>	Section 24 Tank aka Dirt Tank Behind House



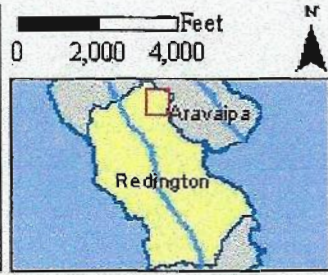
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*In re Mercer Group of Cases*  
 Contested Case WI-11-2401  
 Watershed File Report  
 113-05-005  
**T8SR18E and T8SR19E**



ADWR August 2020



Legend	
	Spring
	DM - Domestic POU
	SP - Stockpond
	WFR Boundary
	Township
	Section
	Coronado N.F.
	Private Land
	State Trust Land
	BLM

Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department.

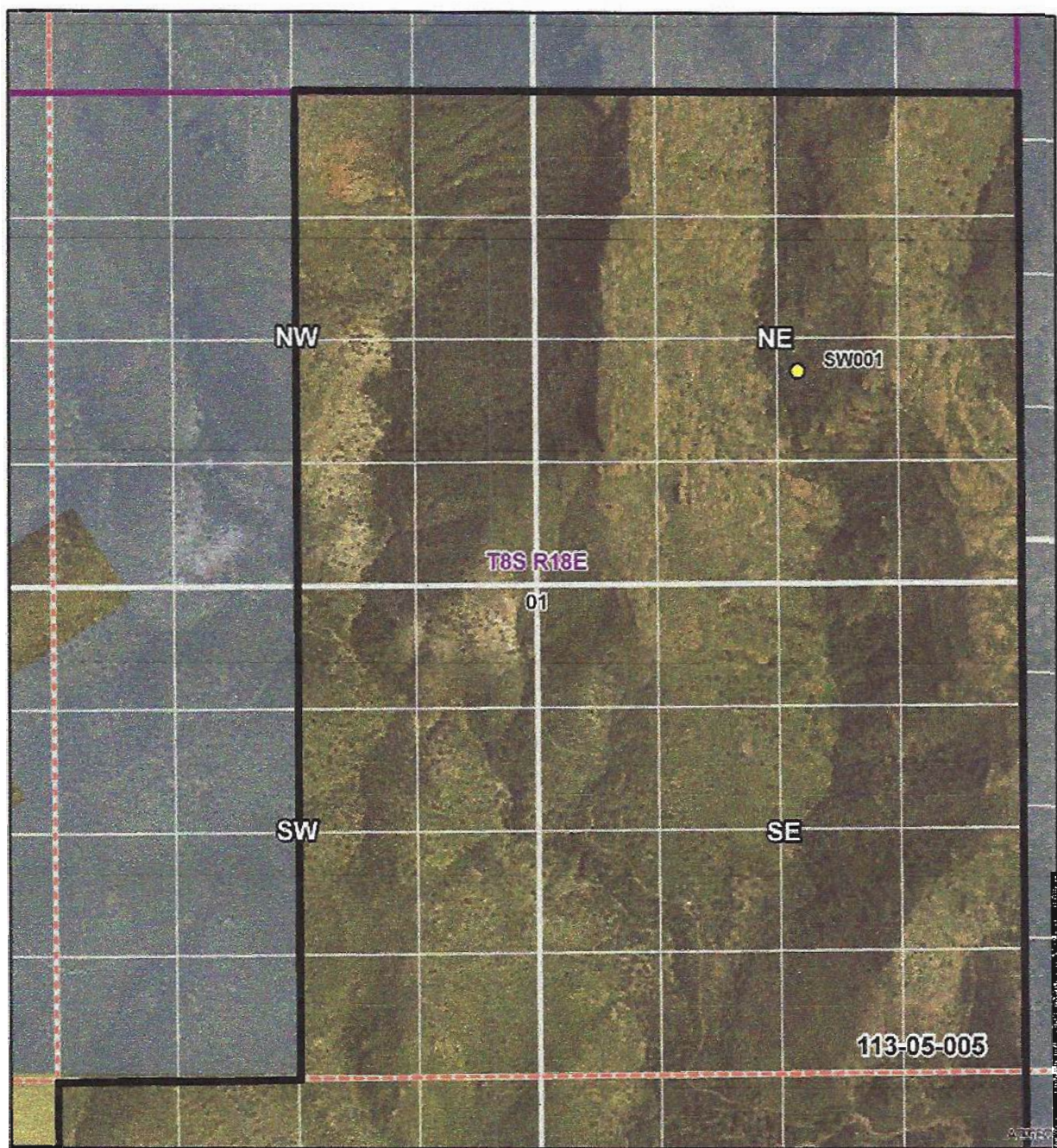
**Proposed Abstract of Water Right  
San Pedro Watershed**




























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<b>Attribute</b>	<b>Proposed Abstract of Water Right</b>
1. <b>Proposed Water Right No.:</b>	113-05-005-SW001
2. <b>Owner of Water Right:</b>	Mercer Ranch Land Holdings, LLC
3. <b>Landowner:</b>	Mercer Ranch Land Holdings, LLC
4. <b>Statement of Claimant No.(s):</b>	39-0004481
5. <b>Statement of Claimant Name(s):</b>	39-0004481
6. <b>Lessee or Permittee:</b>	N/A
7. <b>Basis of Right:</b>	36-0081049
8. <b>Beneficial Use:</b>	Stock watering and wildlife
9. <b>Priority Date:</b>	12/31/1904
10. <b>Quantity:</b>	Reasonable Use
11. <b>Place of Use:</b>	NWSENE 01 T8S R18E (See attached map)
12. <b>Point of Diversion:</b>	NWSENE 01 T8S R18E
13. <b>Source of Water:</b>	Monte Bonito Spring



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<p><i>In re Mercer Group of Cases</i>          Contested Case W1-11-2401          Watershed File Report          113-05-005          Section 1 T08S R18E            ADWR August 2020</p>	<p>0 475 950 Feet</p>  	<p><b>Legend</b></p> <table border="0"> <tr> <td></td> <td>SW - Spring</td> <td></td> <td>Q</td> </tr> <tr> <td></td> <td>WFR Boundary</td> <td></td> <td>QQQ</td> </tr> <tr> <td></td> <td>Township</td> <td></td> <td>State Trust Land</td> </tr> <tr> <td></td> <td>Section</td> <td></td> <td>BLM</td> </tr> </table>		SW - Spring		Q		WFR Boundary		QQQ		Township		State Trust Land		Section		BLM
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	WFR Boundary		QQQ															
	Township		State Trust Land															
	Section		BLM															

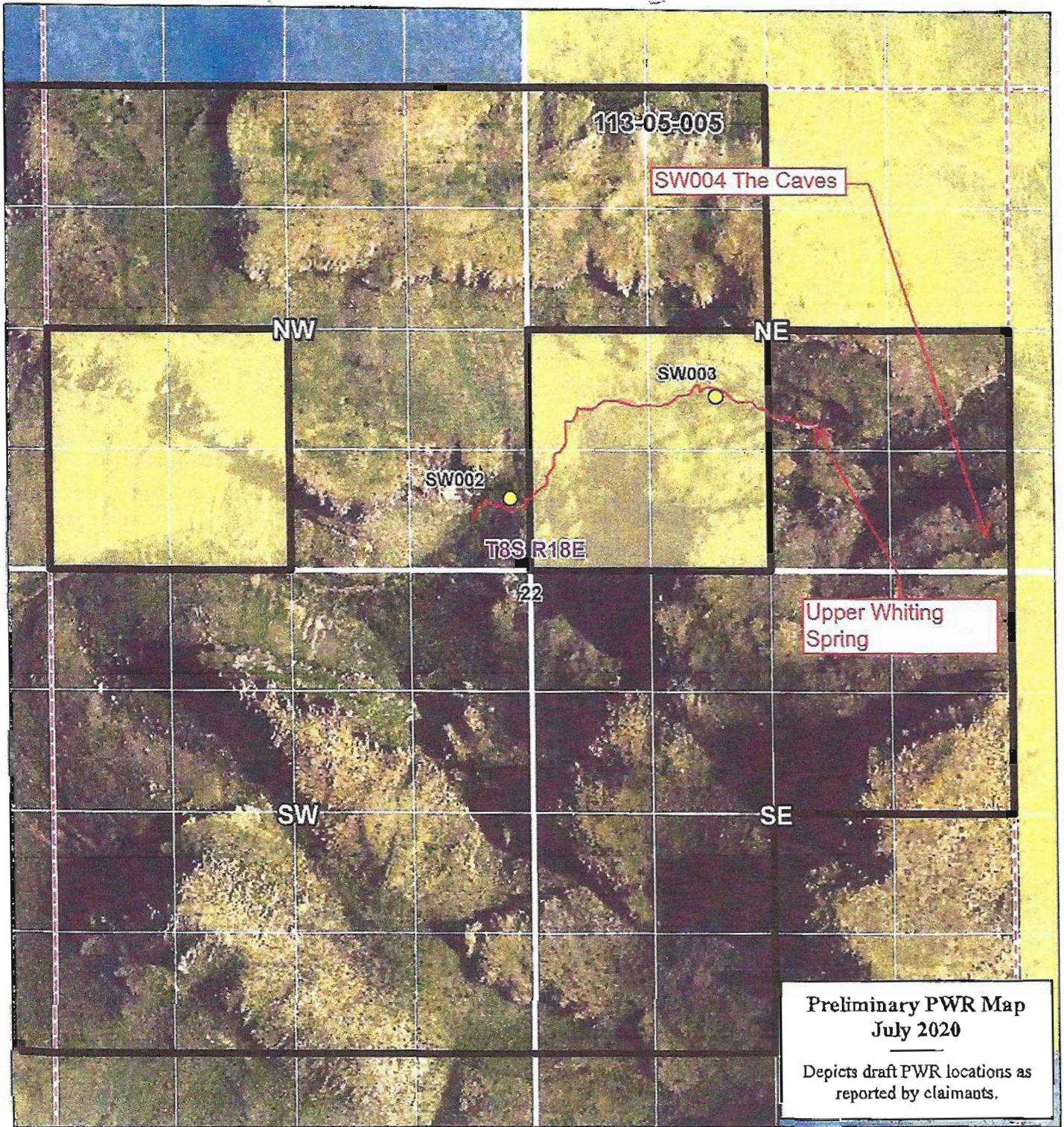
Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department, NAIP 2017.

**Proposed Abstract of Water Right  
San Pedro Watershed**

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Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-005-SW002
2. Owner of Water Right:	Mercer Ranch Land Holdings, LLC
3. Landowner:	Mercer Ranch Land Holdings, LLC
4. Statement of Claimant No.(s):	39-0004485
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC
6. Lessee or Permittee:	N/A
7. Basis of Right:	36-0081041
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1909
10. Quantity:	Reasonable Use
11. Place of Use:	SESENW 22 T8S R18E (See attached map)
12. Point of Diversion:	SESENW 22 T8S R18E
13. Source of Water:	Lower Whiting Spring





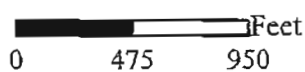
**In re Mercer Group of Cases**

Contested Case W1-11-2401  
Watershed File Report  
113-05-005

Section 22 T08S R18E



ADWR July 2020



**Legend**

- SW - Spring Q
- WFR Boundary QQQ
- Section State Trust Land
- BLM

Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department, NAIP 2017.

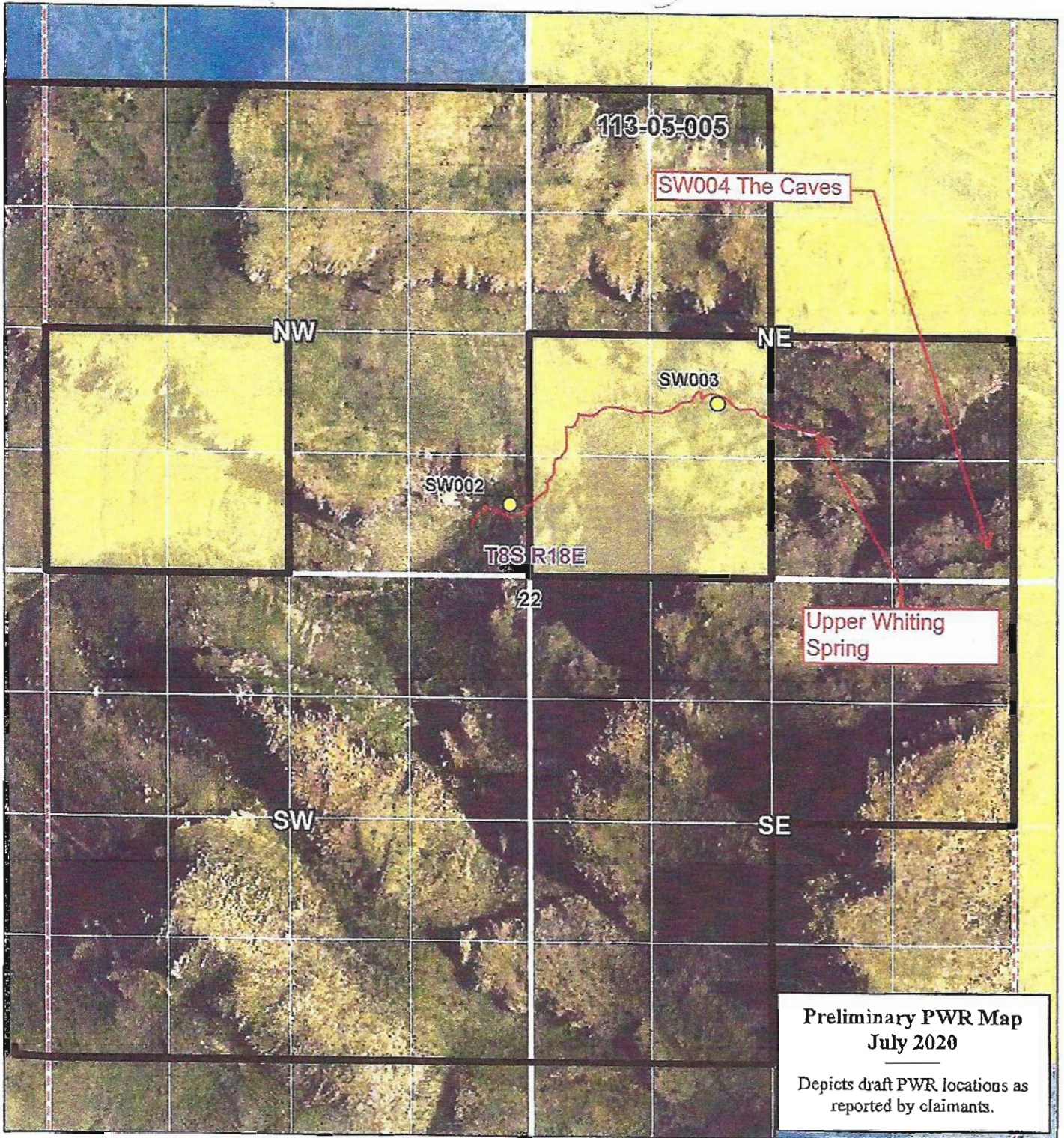


**Proposed Abstract of Water Right  
San Pedro Watershed**

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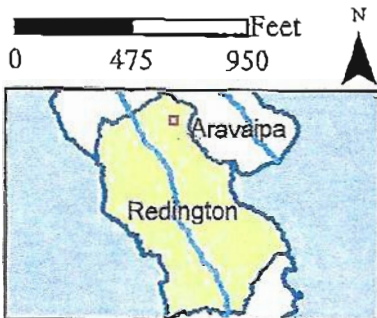
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-005-SW003
2. Owner of Water Right:	Mercer Ranch Land Holdings, LLC
3. Landowner:	Mercer Ranch Land Holdings, LLC
4. Statement of Claimant No.(s):	39-0004486
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC
6. Lessee or Permittee:	n/a
7. Basis of Right:	36-0081043
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1909
10. Quantity:	Reasonable Use
11. Place of Use:	NWSENE 22 T8S R18E (see attached map)
12. Point of Diversion:	NWSENE 22 T8S R18E
13. Source of Water:	Upper Whiting Spring aka Whiting Spring II








**Preliminary PWR Map  
July 2020**  
Depicts draft PWR locations as reported by claimants.

*In re Mercer Group of Cases*  
Contested Case WI-11-2401  
Watershed File Report  
113-05-005  
Section 22 T8S R18E  
  
ADWR July 2020



Legend	
	SW - Spring
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Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department. NAIP 2017.




**Proposed Abstract of Water Right  
San Pedro Watershed**

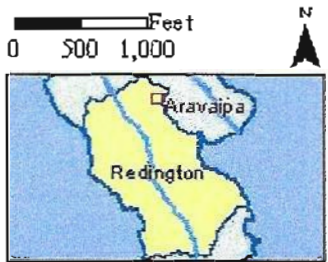
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Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-005-DM001
2. Owner of Water Right:	Mercer Ranch Land Holdings, LLC
3. Landowner:	Mercer Ranch Land Holdings, LLC
4. Statement of Claimant No.(s):	39-0004482
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC
6. Lessee or Permittee:	n/a
7. Basis of Right:	36-0081045 4A-0001229 Certificate of Water Right #464
8. Beneficial Use:	Domestic use
9. Priority Date:	12/31/1914
10. Quantity:	One acre foot per year
11. Place of Use:	NWNENW 24 T8S R18E
12. Point of Diversion:	NENWNW 24 T8S R18E NENW 19 T8S R18E
13. Source of Water:	Norton Spring Scanlon Wash

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*In re Mercer Group of Cases*  
 Contested Case W1-11-2401  
 Watershed File Report  
 113-05-005  
**Section 24 T08S R18E**  
  
 ADWR August 2020



Legend	
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	DM - Domestic POU
	SP - Stockpond
	WFR Boundary
	Township
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Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department, NAIP 2017.

**Proposed Abstract of Water Right  
San Pedro Watershed**


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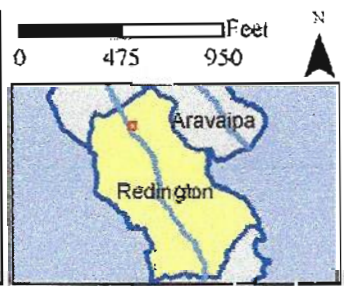
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-08-050-SP001
2. Owner of Water Right:	State of Arizona - Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-0013904
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	38-0094519
8. Beneficial Use:	Stock watering from a stock Pond
9. Priority Date:	12/31/1968
10. Quantity:	Not to exceed ( $\leq$ ) 4 acre feet annually with continuous fill
11. Place of Use:	NWSESW 03 T9S R17E (See attached map)
12. Point of Diversion:	NWSESW 03 T9S R17E
13. Source of Water:	Road Wash tributary to San Pedro River
14. Name of Facility:	Road Dam



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*In re Mercer Group of Cases*  
 Contested Case W1-11-2401  
 Watershed File Report  
 113-08-050  
 Section 3 T09S R17E  
  
 ADWR August 2020



Legend	
	SP - Stockpond
	SW - Streamside use
	Subflow zone
	WFR Boundary
	Township
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	Private Land

Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department (NALP 2017).



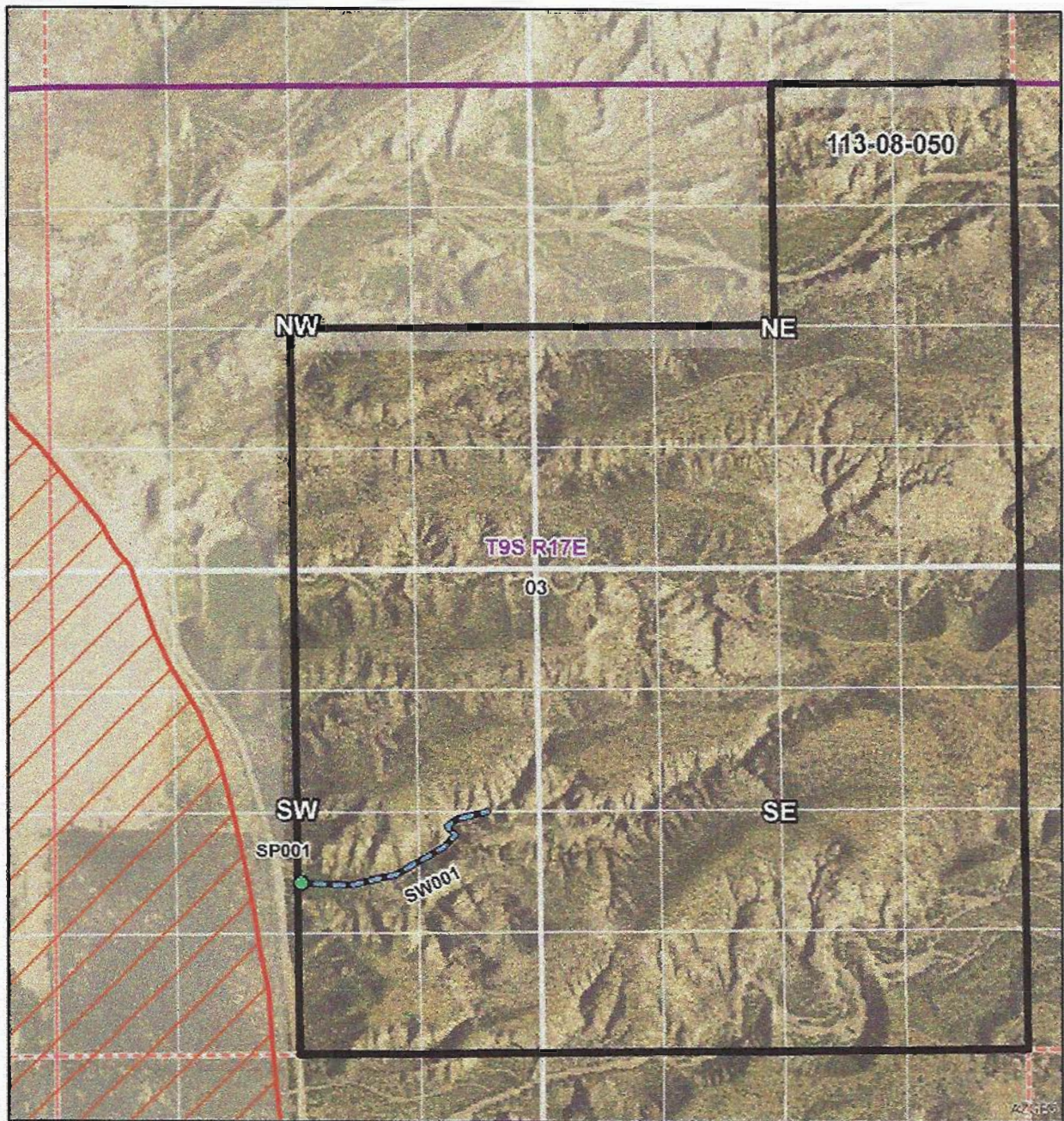
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San Pedro Watershed**


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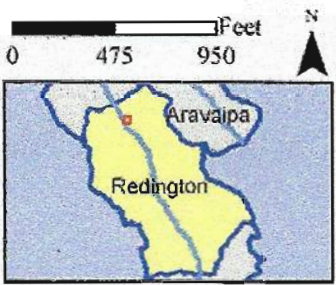
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-08-050-SW001
2. Owner of Water Right:	State of Arizona - Arizona State Land Department
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0013904
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	36-0100051
8. Beneficial Use:	Reasonable Use
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SESW 03 T9S R17E (See attached map)
12. Point of Diversion:	SESW 03 T9S R17E
13. Source of Water:	Road Wash



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**In re Mercer Group of Cases**  
 Contested Case W1-11-2401  
 Watershed File Report  
 113-08-050  
 Section 3 T09S R17E  
  
 ADWR August 2020



Legend	
	SP - Stockpond
	SW - Streamside use
	Subflow zone
	WFR Boundary
	Township
	Section
	Q
	QQQ
	Private Land

Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department, NADP 2017.