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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 for proposed water rights for stock watering and stockpond uses analyzed by Watershed File Report Nos. 113-09-001, 113-09-002, and 115-05-032 issued and deadline set to file suggested corrections.

NUMBER OF PAGES: 29

DATE OF FILING: November 20, 2020


This case involves *de minimis* claims for water rights analyzed by Watershed File Report Nos. 113-09-001, 113-09-002, and 115-05-032 included in the final hydrographic survey report for the San Pedro Watershed ("San Pedro HSR") filed on November 20, 1991. In 1994,

1 the Special Master issued a Memorandum Decision, Findings of Fact, and Conclusions of Law
2 for Group 1 Cases involving Stockwatering, Stockponds, and Domestic Uses, dated November
3 14, 1994, amended February 23, 1995, approved and modified September 27, 2002
4 (“Decision”). The Decision established the procedures for adjudicating *de minimis* water rights
5 for claims in the 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. 113-09-001, 113-09-002, and
14 115-05-032 that are attached as Appendix A.

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

17 **IT IS FURTHER ORDERED** that the landowner shall prepare and file Statement of
18 Claimant by **December 20, 2020**, for stockwatering claims associated with WFR Nos. 113-09-
19 001-SW004 and 113-09-001-SW005.

20
21 
22 Susan Ward Harris
23 Special Master

24 The original of the foregoing was delivered to the Clerk
25 of the Maricopa County Superior Court on November
26 20, 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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APPENDIX A

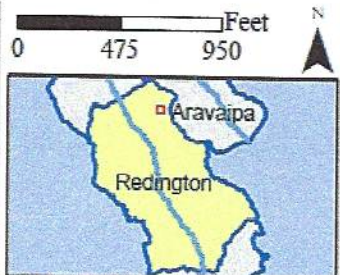
**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-001-SP001
2. Owner of Water Right:	Sombrero Butte Cattle, LLC
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-0004473 39-0007019
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	3R-0001148 38-0081038 38-0088632 Certificate of Water Right 2187
8. Beneficial Use:	Stock watering from a stock pond
9. Priority Date:	07/5/1935
10. Quantity:	Not to exceed (\leq) 4 acre feet annually with continuous fill
11. Place of Use:	NWSENE 26 T8S R18E
12. Point of Diversion:	NWSENE 26 T8S R18E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Sombrero Butte Reservoir
14. Facility	Sombrero Butte Reservoir aka Tank Behind the Butte

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In re Mercer Group of Cases
 Contested Case W1-11-2401
 Watershed File Report
 113-09-001
 Section 26 T8S R18E

 ADWR August 2020



Legend	
SP - Stockpond	Q
SW - Streamside use	QQQ
WFR Boundary	Private Land
Section	BLM


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

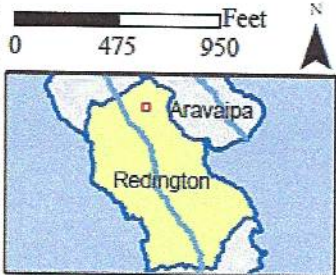
**Proposed Abstract of Water Right
San Pedro Watershed**








Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-001-SP002
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):	39-0013194
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	38-0094564
8. Beneficial Use:	Stock watering from a Stock Pond
9. Priority Date:	12/31/1970
10. Quantity:	Not to exceed (\leq) 4 acre feet annually with continuous fill
11. Place of Use:	NWNWNW 29 T8S R18E (See attached map)
12. Point of Diversion:	NWNWNW 29 T8S R18E
13. Source of Water:	Surface Water: San Pedro River
14. Facility	Mulberry Tank #2

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In re Mercer Group of Cases
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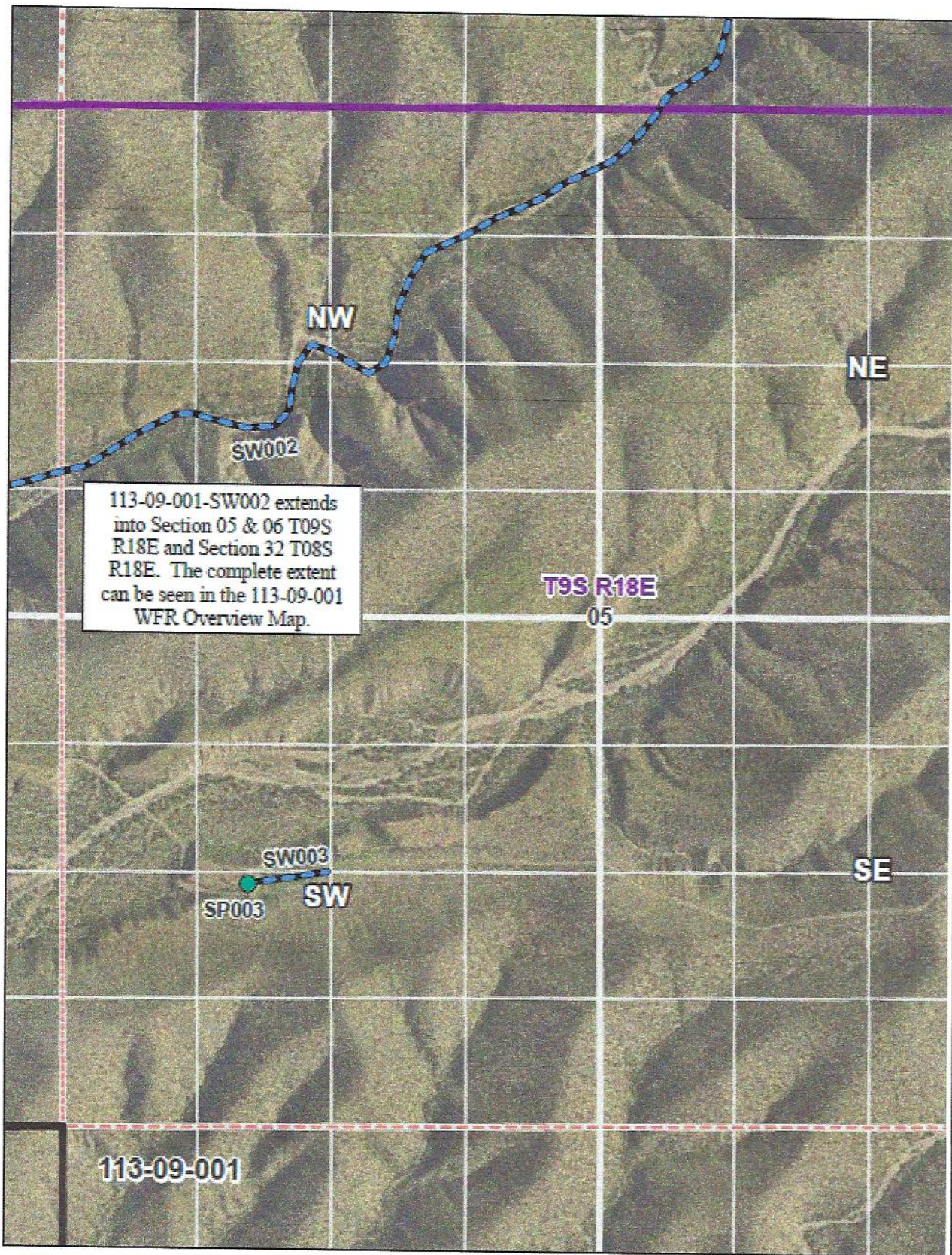
Legend	
	SP - Stockpond
	SW - Streamside use
	WFR Boundary
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	QQQ
	Private Land

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

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

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-001-SP003
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):	39-0011220
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	38-0023187
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:	NESWSW 05 T9S R18E (See attached map)
12. Point of Diversion:	NESWSW 05 T9S R18E
13. Source of Water:	Surface Water: San Pedro River
14. Facility:	Pipe Corral Tank

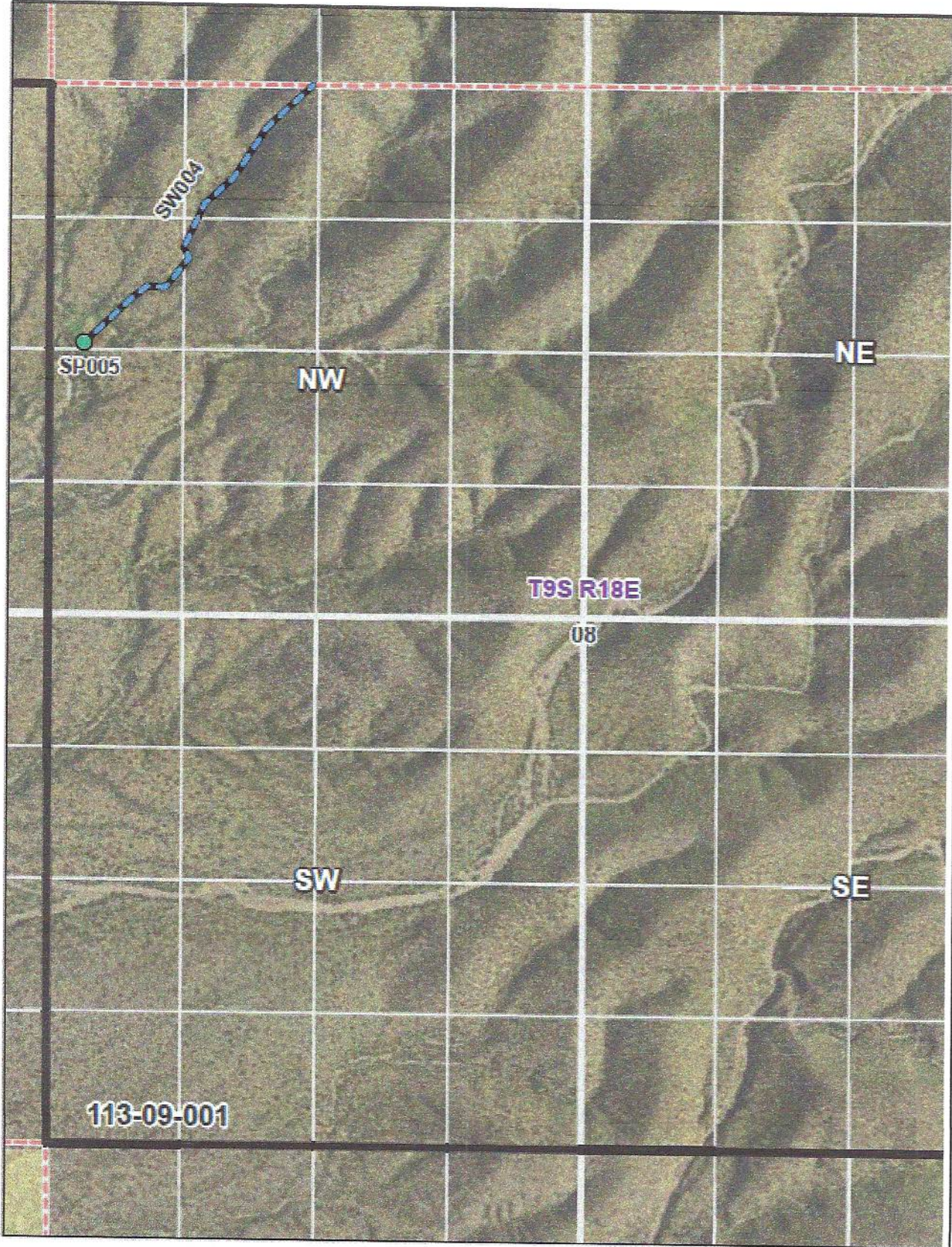
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**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-001-SP005
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):	39-0013906
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	3R-0001149 38-0094754 Certificate of Water Right 2188
8. Beneficial Use:	Stock watering from a stock pond
9. Priority Date:	12/31/1951
10. Quantity:	Not to exceed (\leq) 4 acre feet annually with continuous fill
11. Place of Use:	SWNWNW 08 T9S R18E (See attached map)
12. Point of Diversion:	SWNWNW 08 T9S R18E
13. Source of Water:	Surface Water: San Pedro River
14. Facility:	Williams Flat Tank aka Mercer Tank

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

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-001-SW001
2. Owner of Water Right:	Sombrero Butte Cattle, LLC
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-0004476
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	36-0081054
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1890
10. Quantity:	Reasonable Use
11. Place of Use:	NESWNE 35 T8S R18 flowing west to SWSWNW 35 T8S R18E See attached map for delineation of stream reach associated with this water right)
12. Point of Diversion:	NESWNE 35 T8S R18 SWSWNW 35 T8S R18E
13. Source of Water:	Clark Spring aka New Adobe Spring in SWSWNW 35 T8S R 18E and Old Adobe Spring in NESWNE 35 T08S R18E

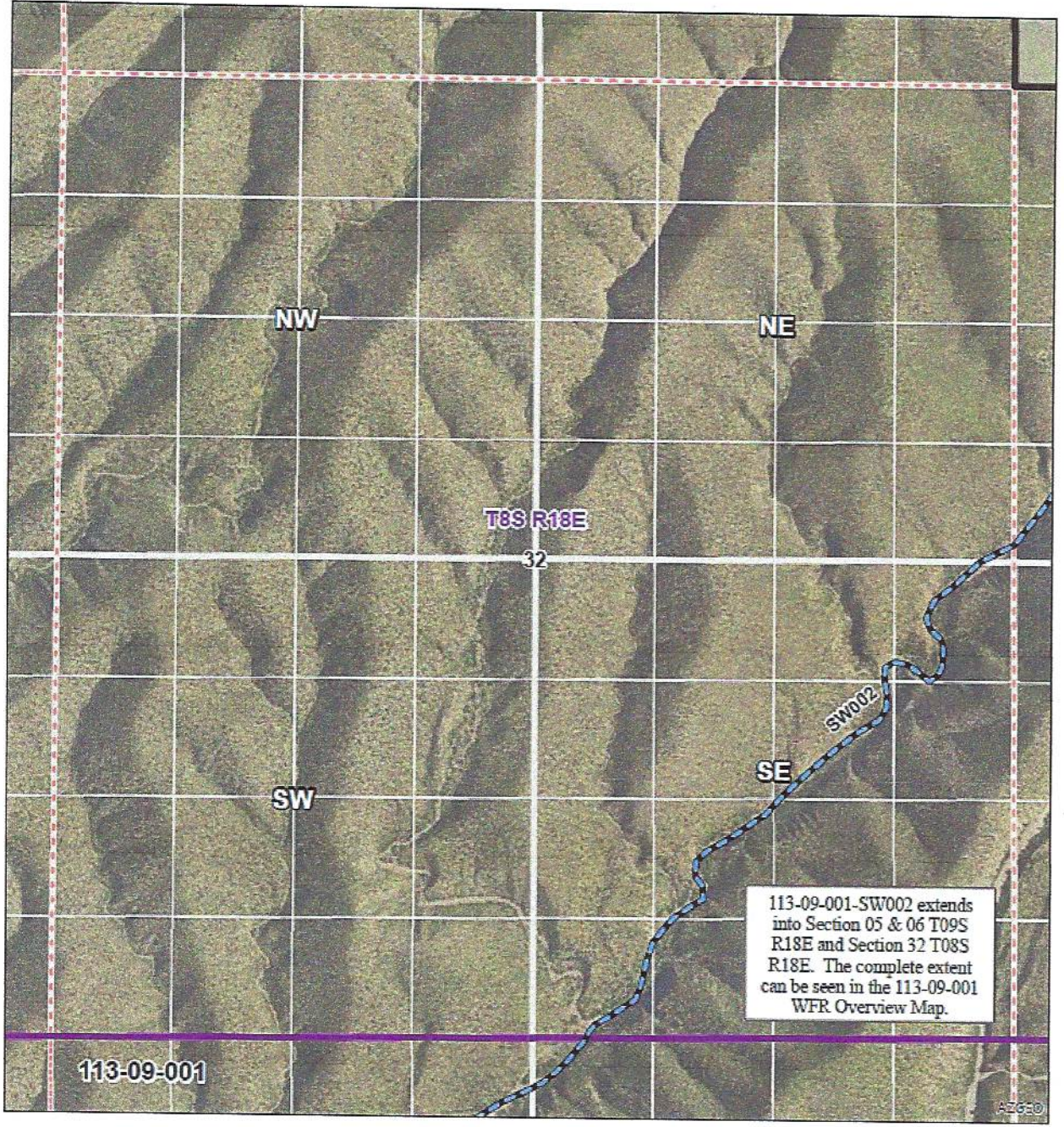
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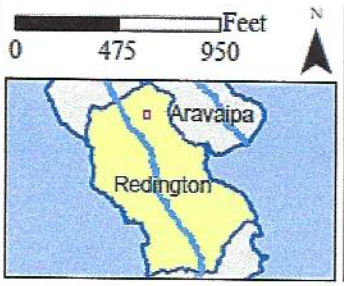
**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-001-SW002
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):	39-0011218 39-0013905
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	36-0100052 36-0100296
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NWNENW 33 T8S R18E (See attached map for delineation of stream reach associated with this water right) NWNE 5 T9S R18E NENW5 T9S R18E SENW5 T9S R18E SWNW5 T9S R18E SENE 6 T9S R18E SWNE 6 T9S R18E SWNW 6 T9S R18E
12. Point of Diversion:	NWNENW 33 T8S R18E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Scanlon Wash

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In re Mercer Group of Cases
 Contested Case W1-11-2401
 Watershed File Report
 113-09-001
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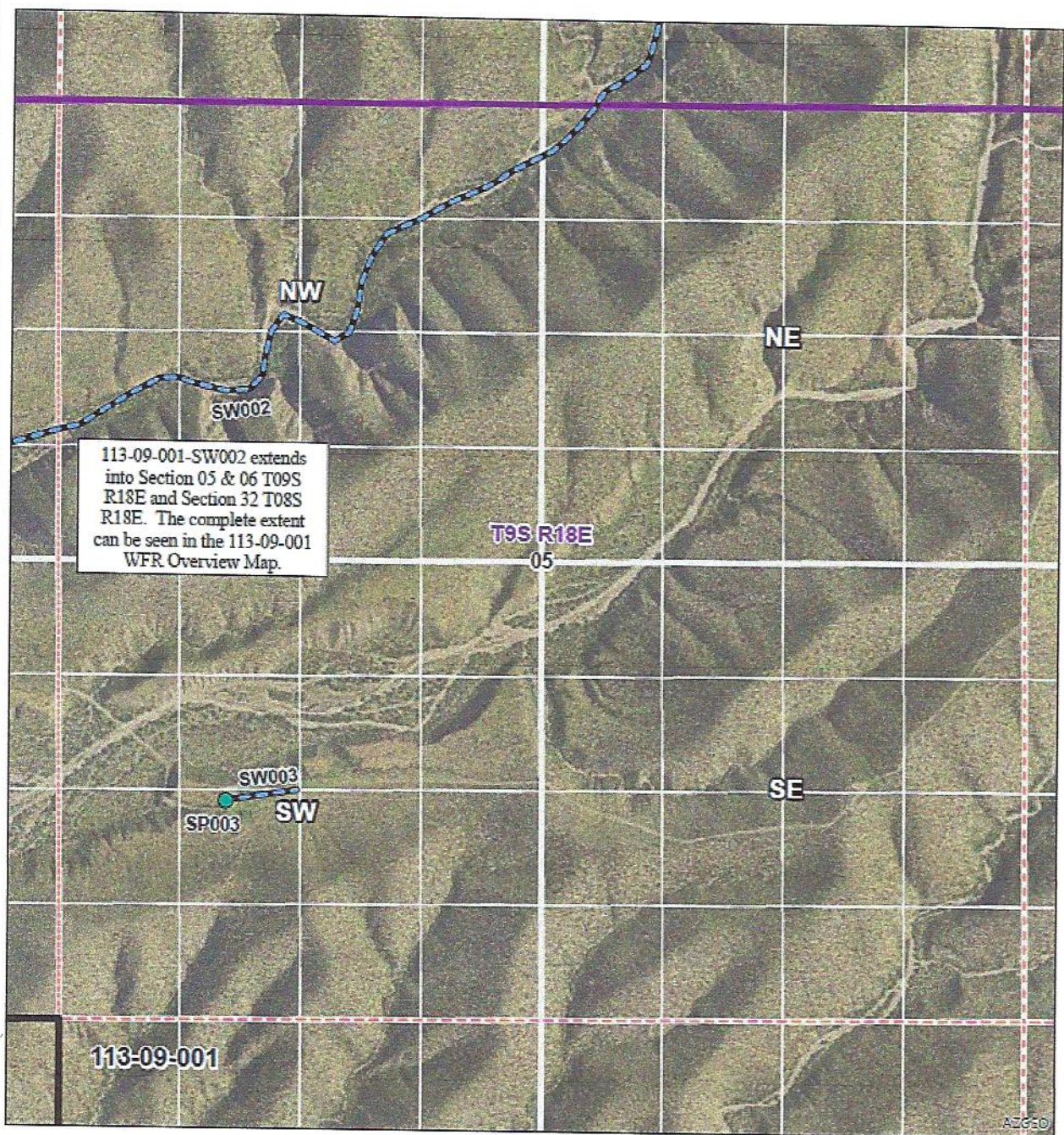
Legend	
SW - Streamside use	Q
WFR Boundary	QQQ
Township	Private Land
Section	

Data sources include: NAIP 2017.


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

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-001-SW003
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):	39-0011220
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	36-0100295
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NESWSW 05 T9S R18E (See attached map for delineation of stream reach associated with this water right)
12. Point of Diversion:	NESWSW 05 T9S R18E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Pipe Corral Wash

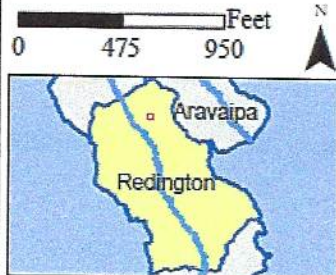
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In re Mercer Group of Cases
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 113-09-001
 Section 5 T09S R18E



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Legend	
SP - Stockpond	Section
SW - Streamside use	Q
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Township	

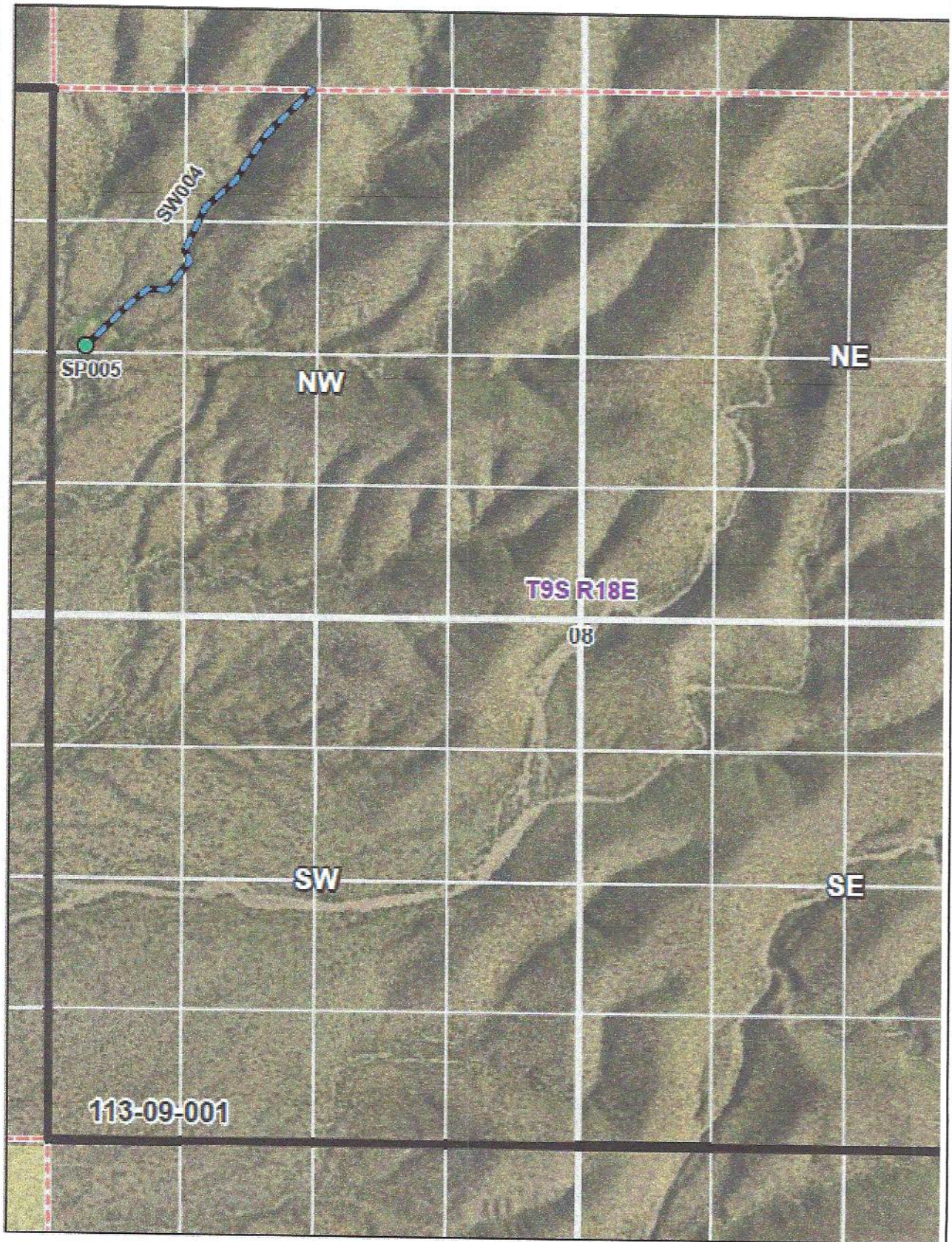
Data sources include: NAIP 2017.

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

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-001-SW004
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):	39-0013906
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	36-0100053
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NENWNW 08 T9S R18E (See attached map for delineation of stream reach associated with this water right)
12. Point of Diversion:	NENWNW 08 T9S R18E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Williams Flat Wash

Proposed Abstract of Water Right
San Pedro Watershed

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


Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-001-SW005
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):	39-0013194
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	36-0005443
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NWNENW 29 T8S R18E (See attached map for delineation of stream reach associated with this water right)
12. Point of Diversion:	NWNENW 29 T8S R18E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Steep Canyon Wash

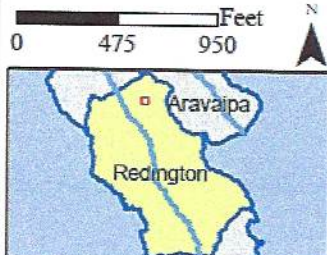
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Proposed Abstract of Water Right San Pedro Watershed

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In re Mercer Group of Cases
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Legend	
	SP - Stockpond
	SW - Streamside use
	WFR Boundary
	Section
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	Private Land

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


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

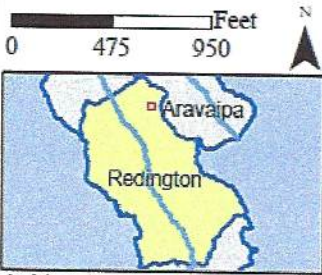
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-001-SW006
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-0007019
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	36-0005059
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NWSENE 26 T8S R18E (See attached map)
12. Point of Diversion:	NWSENE 26 T8S R18E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Sombrero Butte Wash

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Proposed Abstract of Water Right San Pedro Watershed



In re Mercer Group of Cases
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Legend	
	SP - Stockpond
	SW - Streamside use
	WFR Boundary
	Section
	Q
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	Private Land
	BLM

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

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

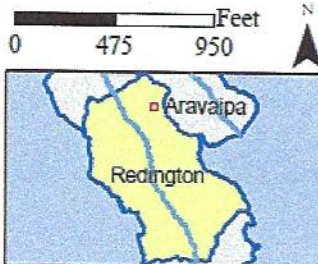
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-001-SW007
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-0007020
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	36-0005060
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NESENW 35 T8S R18E (See attached map for delineation of stream reach associated with this water right)
12. Point of Diversion:	NESENW 35 T8S R18E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Clark Canyon

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In re Mercer Group of Cases
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 ADWR August 2020



Legend	
SW - Spring	Section
SW - Streamside use	Q
WFR Boundary	QQ
Township	Private Land

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

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

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-09-002-SW001
2. Owner of Water Right:	Mercer Ranch Land Holdings LLC
3. Landowner:	Mercer Ranch Land Holdings LLC
4. Statement of Claimant No.(s):	39-0004483
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings LLC
6. Lessee or Permittee	n/a
7. Basis of Right:	36-0081042 3R-434 4A-1337
8. Beneficial Use:	Stock watering
9. Priority Date:	12/31/1895
10. Quantity:	Reasonable Use
11. Place of Use:	NESW 28 T8S R18E
12. Point of Diversion:	NESW 28 T8S R18E
13. Source of Water:	Unnamed Spring

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

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-032-SW001
2. Owner of Water Right:	
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-7013
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee:	Sombrero Cattle Butte, LLC
7. Basis of Right:	36-5053
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSWSW 31 07S R19E
12. Point of Diversion:	SWSWSW 31 07S R19E
13. Source of Water:	Over the Rim Spring

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