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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

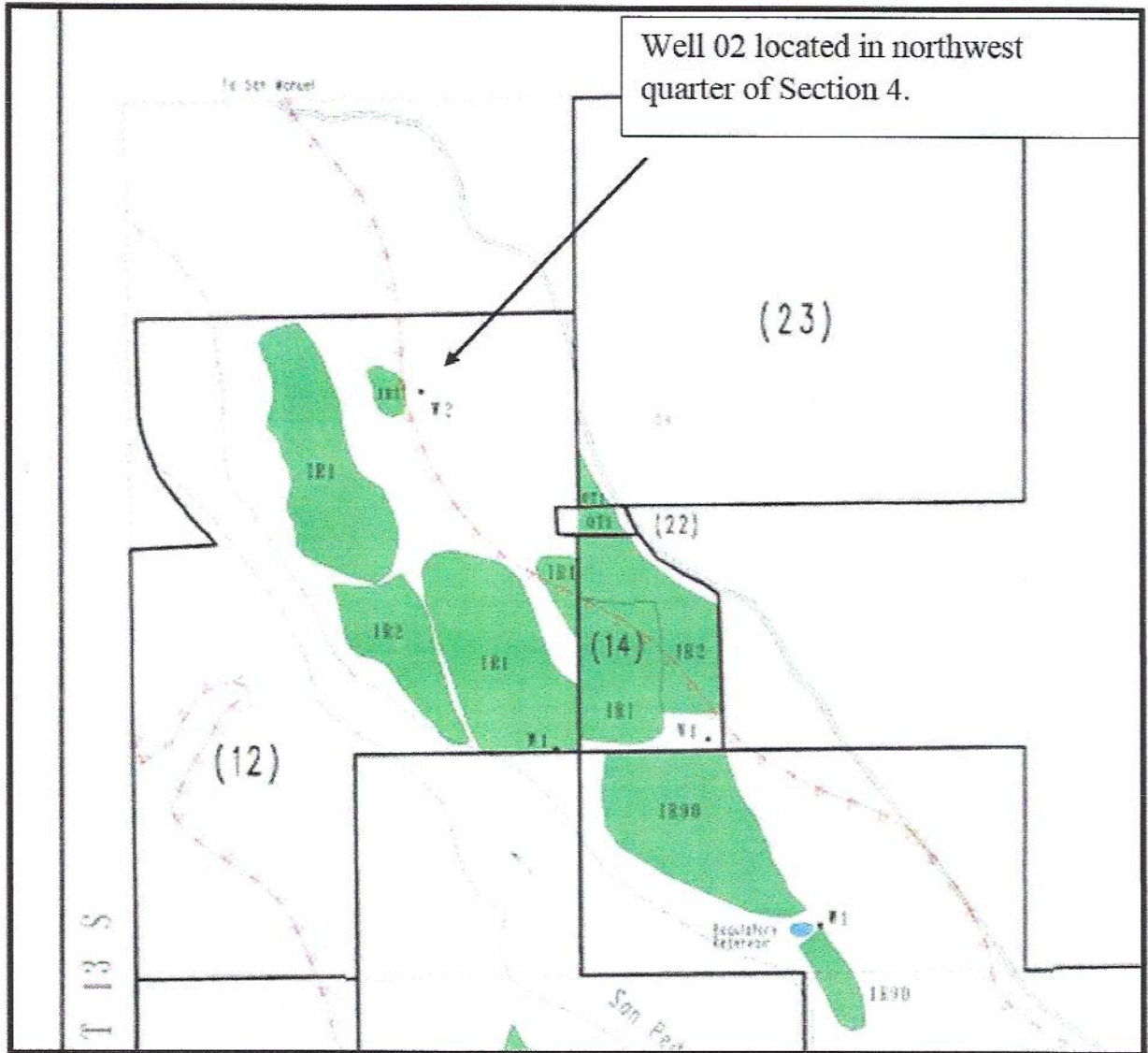
Contested Case No. W1-11-2709

**ORDER REGARDING
SOC 39-18138**

CONTESTED CASE NAME: *In re Jack K. Hughes, et al.*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: No further action will be taken with respect to Statement of Claimant 39-18138 in this contested case.
NUMBER OF PAGES: 4
DATE OF FILING: March 1, 2021

On January 21, 2021, the Arizona Department of Water Resources filed a Report about the two wells located within the boundaries of Watershed File Report (WFR) 113-12-DBC-012. As shown in *figure 1* below, Well 01 is located along the southern boundary of the land and

1 02 is located closer to the northern boundary of the property. In Watershed File Report 113-12-
2 DBC-012, ADWR identified Well 02 as the source of water for a domestic use. In its Report,
3 ADWR confirmed that Well 02 is located outside of the subflow zone and is located on Cochise
4 County Tax Parcel 209-31-0066 owned by Mary Norma Hughes. To date Mrs. Hughes has not
5 appeared at any of the proceedings in this case.
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25 **Figure 1.** Boundaries of Watershed File Report 113-12-DBC-012 in section 4 Township 13S Range
26 19E shown by the area labelled as "(12)"
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1 Anna Lands is also identified by the Cochise County Assessor as the owner of land
2 within the southeast quarter of the northwest quarter of section 4 that is included in the
3 boundaries of Watershed File Report 113-12-DBC-012. Ms. Lands filed Statement of
4 Claimant 39-18138 claiming water rights for domestic use and listed a well with registration
5 number 55-545407 as the source of water. The information maintained by the Arizona
6 Department of Water Resources for well registration 55-545407 is that the well is located in
7 the northwest quarter of section 4 T13S R19E.
8

9 The purpose of the current investigation undertaken by ADWR was to determine
10 whether the well claimed by Ms. Lands is the Well 02 referenced in the Watershed File
11 Report and whether the well is located within the subflow zone. In its Report, ADWR
12 determined that well 55-545407 is not Well 02. Well records indicate that well construction
13 was scheduled to begin in September 1994, which was after the publication of the San Pedro
14 HSR. Report at 1. Arizona Department of Water Resources also confirmed the construction
15 of the well as occurring after the filing of the San Pedro HSR filing by a telephonic interview.
16


17 *Id.*

18 Under the applicable Arizona statutes, Arizona Department of Water Resources must
19 investigate a claimed water right and prepare a report that is the subject to objections by
20 claimants before a claimed water right may be adjudicated. Thus, given that well 55-545407
21 is neither Well 02 nor a replacement for Well 02 and not the subject of Watershed File Report
22 113-12-DBC-012, no further action will be taken in this contested case with respect to the
23 claimed water rights asserted in Statement of Claimant 39-18138. To the extent that Ms.
24 Lands intends to claim a right to any appropriable water pumped from well 55-545407, that
25 claim will not be adjudicated in this case and will only be adjudicated after ADWR
26 investigates the claim and files a report.
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Accordingly,

IT IS ORDERED that no further action will be taken with respect to Statement of Claimant 39-18138 in this contested case.



Susan Ward Harris
Special Master

The original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court on March 1, 2021, for filing and distributing a copy to all persons listed on the Court-approved mailing list for this Contested Case.



Durina Farrall