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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. W1-11-0513

ORDER STAYING CASE

CONTESTED CASE NAME: *In re Maralyn J. Parker*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case stayed pending development and approval of test prepared by Arizona Department of Water Resources to determine jurisdiction of court to adjudicate claimed right to appropriable water
NUMBER OF PAGES: 2
DATE OF FILING: October 22, 2021

On May 24, 1979 Maralyn Parker and Eva Wearne filed statements of claimant asserting rights to appropriable water for irrigation, domestic, stockpond and stock watering uses. The Arizona Department of Water Resources (“ADWR”) investigated those claims and prepared Watershed File Report No. 111-22-015 that found no water use on land in the northwest quarter of the northwest quarter of Section 9 T22S R18E. Ms. Parker appeared at a Status Conference

1 on September 2, 2021 and stated that she has a well on the land and intended to pursue a claim
2 for an appropriable water right.

3 On September 20, 2021, the Arizona Department of Water Resources filed a map
4 showing the relative location of the well on the property owned by Ms. Parker and the boundary
5 of the subflow zone. According to the map, the well is approximately 7.5 miles outside the
6 boundary of the subflow zone. Based on this information, any water pumped from the well is
7 presumptively groundwater and not appropriable water. An appropriable water right cannot
8 attach to percolating groundwater under state law. Instead, the laws governing groundwater
9 apply to the use of the water pumped from the well.

10 The Arizona Department of Water Resources is currently working on the development of
11 a test that will determine whether a cone of depression formed by the well extends or will extend
12 to such an extent that it depletes the subflow zone. Until such time as the test is completed and
13 approved, no further action will be taken in this case to adjudicate the claimed water right.
14

15 **IT IS ORDERED** that this case is stayed and no further action will be taken in this case
16 until the Arizona Department of Water Resources completes its development of a test that is
17 approved by the Court to determine whether the cone of depression developed by a well depletes
18 the subflow zone.
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23 SUSAN WARD HARRIS
24 Special Master

25 On October 22, 2021, the original of the foregoing was
26 delivered to the Clerk of the Maricopa County Superior
27 Court for filing and distributing a copy to all persons
28 listed on the Court-approved mailing list for this contested
case