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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. W1-11-2127

ORDER TO FILE STIPULATED
ABSTRACTS OR STATUS REPORT

CONTESTED CASE NAME: *In re Jimmie and Gwendolyn Mayberry*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Stipulated abstracts or status report due **October 18, 2022**.
NUMBER OF PAGES: 12
DATE OF FILING: August 31, 2022

This contested case had been consolidated with *In re St. David Irrigation District*, contested case W1-11-1675. It was severed by Order dated August 30, 2022, in accordance with Case Management Order dated July 21, 2022, governing the second phase of that consolidated case. The purpose of this proceeding is to adjudicate all of the claimed water rights and resolve all of the objections filed in contested case W1-11-2127.

1 This case will adjudicate the claims for water rights and resolve objections to Watershed
2 File Report and Zone 2 Well Report 112-17-DBB-21 (collectively “Report”) published in the
3 Final San Pedro River Watershed Hydrographic Survey Report (1991). Jim and Gwen
4 Mayberry filed Statement of Claimant 39-4012, Roland and Verna Mayberry filed
5 Statement of Claimant 39-4026, and Jimmie Mayberry filed Statement of Claimant
6 39-13760. The Report identified potential water rights for domestic and irrigation uses for
7 land located in Section 6 Township 18S Range 21E. The identified sources of water for the
8 identified uses are surface water from the San Pedro River and two wells operated by the St.
9 David Irrigation District. A copy of the Report is attached as Attachment A. A copy of the
10 map prepared for the Report is attached as Attachment B.
11

12 St. David Irrigation District filed Statements of Claimant 39-6593 and 39-6594 that
13 include land located in Section 6 Township 18S Range 21E in its description of “Place of Use.”
14 Arizona Department of Water Resources prepared Watershed File Report 112-17-088 that
15 discussed the results of its investigation of the water uses on the land shown on Attachment B.
16

17 The St. David Irrigation District has identified the land included in the investigation of
18 water uses included in the Report as the Cochise County tax parcels shown in Table 1. A copy
19 of the map prepared by Arizona Department of Water Resources that shows the tax parcels
20 included in the boundaries of the Report is attached as Attachment C. The landowners for each
21 parcel identified from the public records of the Cochise County Assessor’s Office area also
22 shown in Table 1.
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Landowner	Tax Parcel No.
Mayberry Revocable Trust	121-15-047
Mayberry Revocable Trust	121-15-048
J Young Mayberry	121-15-049A
Jimmie Young Mayberry	121-15-049B
Carter & Faye R Mayberry Living Trust	121-15-050A
Cochise County Investments LLC	121-15-151A

Table 1

The public records maintained by the Arizona Department of Water Resources do not contain assignments of any of the Statement of Claimant. The public records maintained by the Arizona Department of Water Resources do not contain Statements of Claimant filed by either the trustees of the Carter and Faye Mayberry Living Trust or Cochise County Investments LLC.

IT IS ORDERED:

1. Contested Case. This contested case will address the Statements of Claimant identified above and the objections that were filed to Watershed File Report and Zone 2 Well Report 112-17-DBB-21 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991) and Watershed File Report 112-17-088. Copies of objections can be found under the case name and number on the following website: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

2. Litigants. The litigants in this contested case are the Claimants, St. David Irrigation District, the current landowners, all persons who filed objections to the Watershed File Report and Zone 2 Well Report 112-17-DBB-21 all persons who filed objections to Watershed File Report 112-17-088, and claimants allowed to intervene by order.

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3. Court-Approved Mailing List.

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

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

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

4. Stipulation or Status Report. Stipulated abstracts or, if no agreement can be reached among the parties, a status report shall be filed by the St. David Irrigation District by **October 18, 2022.**

SUSAN WARD HARRIS
Special Master

On August 31, 2022, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached hereto as Attachment D.

Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
MAYBERRY, E. JIMMIE	112-17-DBB-021
& GWENDOLYN Y.	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-2127

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION			CLAIM DATE	DIVERSION LOCATION		
				SECTION	TWNP	RNGE		SECTION	TWNP	RNGE
39-0004012		IRRIGATION	214.00	NENENW06	180S	210E	1898	NWNWNE06	180S	210E
		DOMESTIC	1.00	NWNWNE06	180S	210E				
		STOCK	1.00							
39-0004026		IRRIGATION	80.00	NWNWNE06	180S	210E	1881	NESW04	190S	210E
		DOMESTIC	2.00					NWNWNE06	180S	210E
		STOCK	2.00							
39-0013760		IRRIGATION	161.30		06	180S 210E		NENENW06	180S	210E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS	
39-0004012	IRRIGATION DOMESTIC STOCK	IRRIGATION CATALOGUED WELL INCIDENTAL	W01	DMOO1, IROO1	
39-0004026	IRRIGATION DOMESTIC STOCK	IRRIGATION CATALOGUED WELL INCIDENTAL	D01, W02, W03 W99	DMOO1, IROO1	
39-0013760	IRRIGATION DOMESTIC	NONE NONE			

DIVERSIONS

DIV #	LOCATION			DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
	SECTION	TWNP	RNGE		
DO1	NENWSW04	190S	210E	ST. DAVID I.D. DITCH	SURFACE WATER: SAN PEDRO RIVER SHARED
W01	NWNWNE06	180S	210E	UNNAMED	GROUNDWATER : ZONE 2
W02	NENENW06	180S	210E	UNNAMED	GROUNDWATER : CATALOGUED
W03	NENENW06	180S	210E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W99	NWSW28	180S	210E	ST. DAVID I.D. WELLS	GROUNDWATER : ZONE 2 SHARED

USES

PWR #	LOCATION			SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE		
	SECTION	TWNP	RNGE			DATE	CHANGE	FACILITY NAME
DMOO1	NENENW06	180S	210E	W02	GROUNDWATER : CATALOGUED			NO
IROO1	NENW06	180S	210E	DO1, W01, W03	SURFACE WATER	1935		NO
	NWNE06	180S	210E	W99	GROUNDWATER : ZONE 1			
	SENW06	180S	210E		GROUNDWATER : ZONE 2			

SHARED USES AND DIVERSIONS

- ** DIVERSION DO1 OPERATED BY THE ST DAVID IRRIGATION DISTRICT (FILE 112-17-88) SUPPLIES WATER TO PWRS IN THIS FILE.
- ** WATER FROM W01 IS SHARED WITH THESE ADDITIONAL FILES:
112-17DBB-37
- ** WATER FROM W03 IS SHARED WITH THESE ADDITIONAL FILES:
112-17DBB-37
- ** DIVERSION W99 OPERATED BY THE ST DAVID IRRIGATION DISTRICT (FILE 112-17-88) SUPPLIES WATER TO PWRS IN THIS FILE.

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0004012 39-0004026	NONE		GROUNDWATER : CATALOGUED
IROO1	39-0004012 39-0004026	NONE	1881 ST. DAVID I.D. INFO.	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2
NONE	39-0013760	NONE		

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED	10.7	MULTI.CROPS	45%	7.4 AF/AC	79.2 AFA	
	REGIONAL	10.7	AVE. CROP	50%	5.4 AF/AC	57.8 AFA	
	MAX. POTENTIAL	10.7	ALFALFA	45%	7.4 AF/AC	79.2 AFA	

E X P L A N A T I O N

DIVERSIONS

D1 - DIVERSION FROM THE SAN PEDRO RIVER INTO THE ST. DAVID IRRIGATION DISTRICT DITCH.
W1 & W3 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.
W2 - A CATALOGUED WELL PROVIDES WATER FOR DOMESTIC AND STOCKWATERING USES.
W99 - WELLS W1 & W2, WHICH ARE OWNED AND OPERATED BY THE ST. DAVID IRRIGATION DISTRICT (SDID), ARE USED TO SUPPLEMENT SURFACE WATER DIVERTED FROM THE SAN PEDRO RIVER BY SDID DIVERSION D1 FOR IRRIGATION USES WITHIN THE DISTRICT.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
IR1 - IRRIGATED MULTIPLE CROPS (PASTURE AND ORCHARD).
A TAILWATER RESERVOIR PROVIDES WATER FOR STOCKWATERING DURING PERIODS OF IRRIGATION.

SHARED USES AND DIVERSIONS

W1 & W3 - WELLS ARE SHARED WITH W.F.R. #112-17-DBB-37.

FILINGS AND DECREES

FILINGS MADE BY THE ST. DAVID IRRIGATION DISTRICT ALSO APPLY TO IRRIGATION USES (IR1) ON THIS PROPERTY. FOR MORE INFORMATION ON THE ST. DAVID IRRIGATION DISTRICT, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
MAYBERRY, E. JIMMIE	112-17-DBB-021
& GWENDOLYN Y.	

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	NWNWNE06	180S	210E	IROO1	WI-11-2127 SHARED
W99	ST. DAVID I.D. WELLS	NWSW28	180S	210E	IROO1	

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
IROO1	NENW06	180S	210E	1881	ST. DAVID I.D. INFO.	57.8 AFA	10.7
	NWNE06	180S	210E				
	SENW06	180S	210E				

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0004012	WO1	IROO1
39-0004026	W99	IROO1

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO1 IS PARTIALLY SUPPLIED BY SURFACE WATER AND ZONE 1 GROUNDWATER.

** WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:

112-17DBB-37

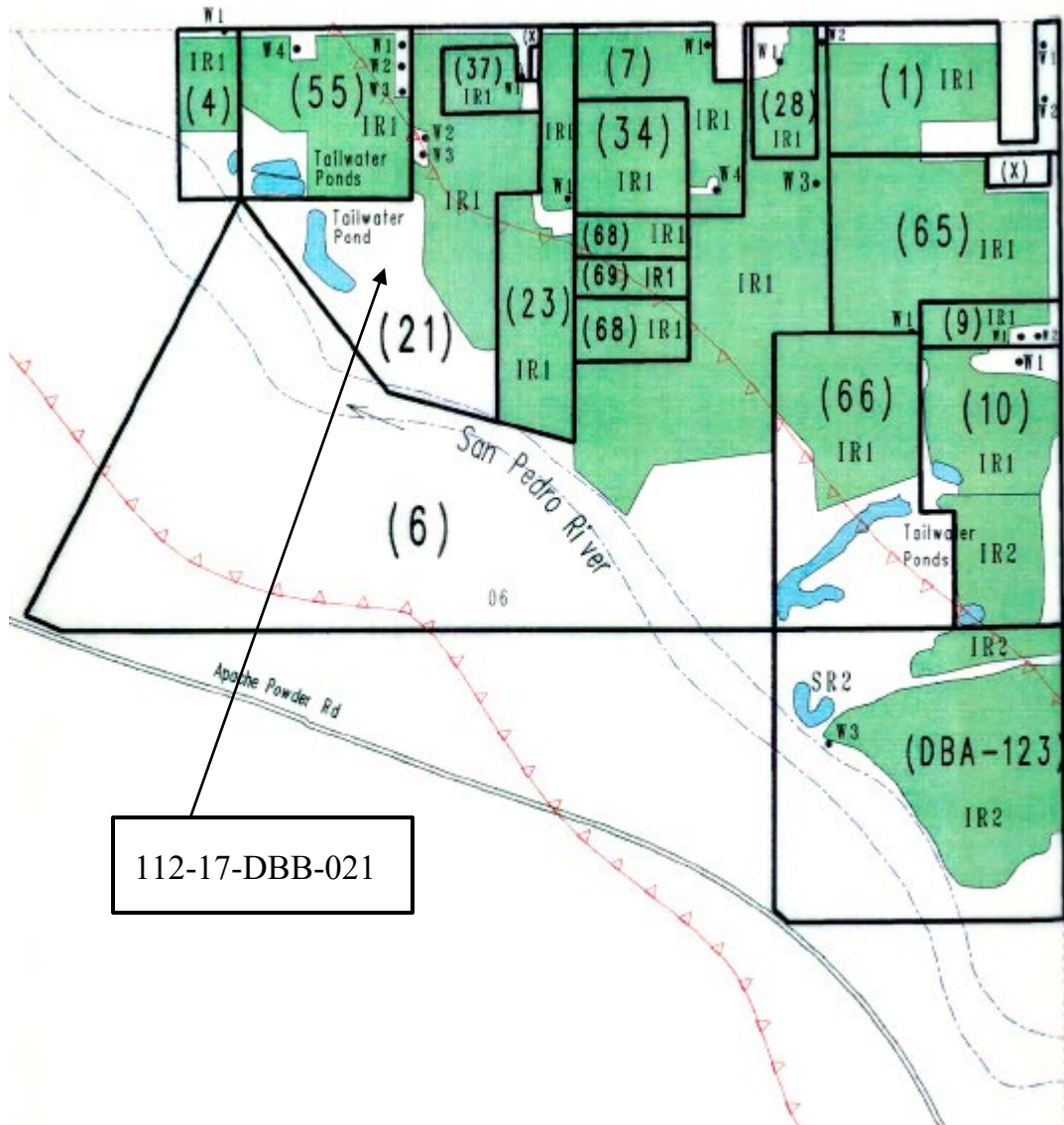
** WATER FROM W99 FOUND IN FILE (112-17-88) IS USED IN THIS FILE.

W1 & W3 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.

W99 - WELLS W1 & W2, WHICH ARE OWNED AND OPERATED BY THE ST. DAVID IRRIGATION DISTRICT (SDID), ARE USED TO SUPPLEMENT SURAFCE WATER DIVERTED FROM THE SAN PEDRO RIVER BY SDID DIVERSION D1 FOR IRRIGATION USES WITHIN THE DISTRICT.

IR1 - IRRIGATED MULTIPLE CROPS (PASTURE AND ORCHARD).

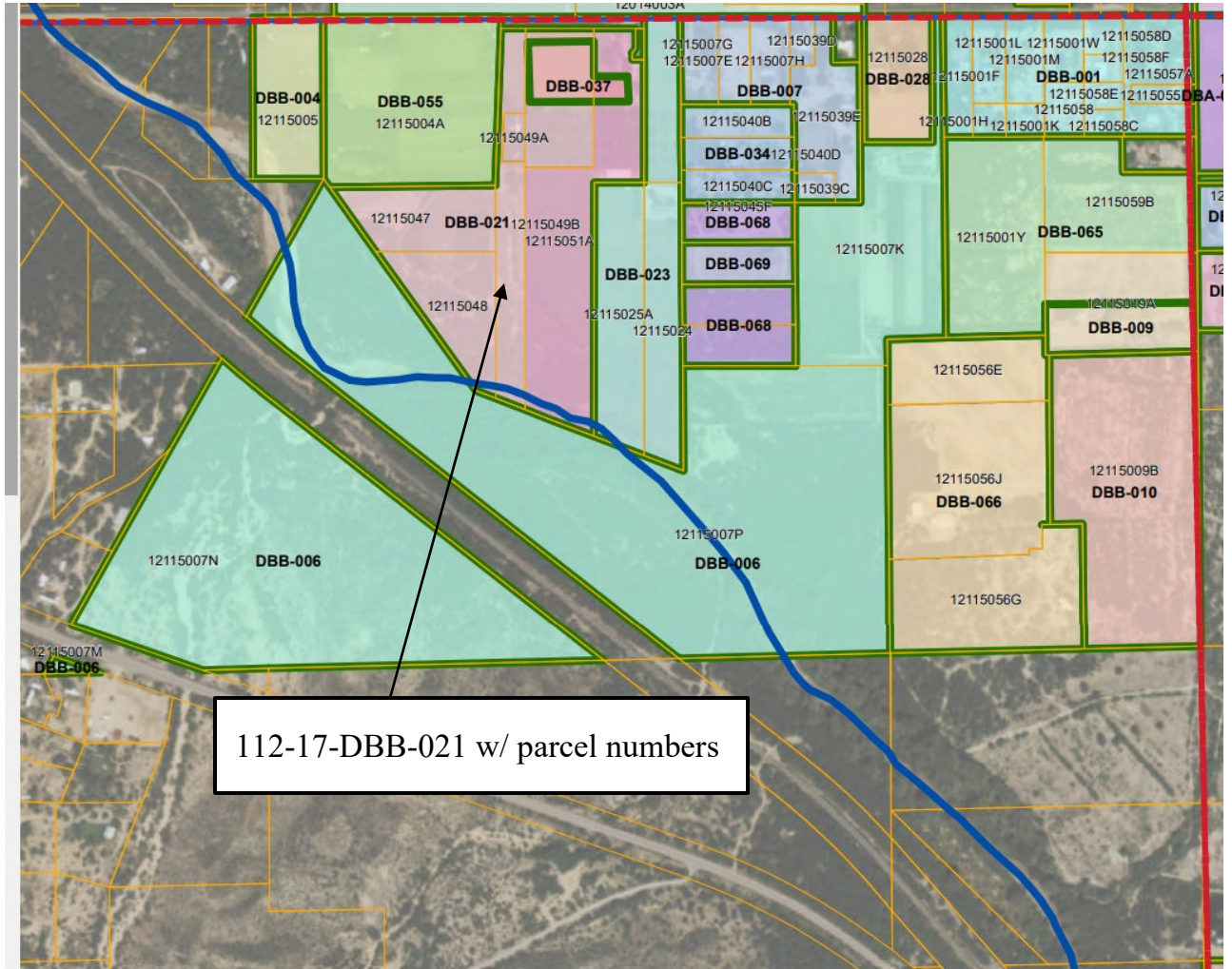
ATTACHMENT B



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ATTACHMENT C

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Improvement and Power District
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