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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. W1-11-2325

ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Town of Mammoth*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-2325 initiated to adjudicate potential water rights for Town of Mammoth municipal use. Status conference set for **July 17, 2019 at 2:30 p.m.**

NUMBER OF PAGES: 11

DATE OF FILING: June 18, 2019

This Order initiates a contested case to consider the potential water right and resolve objections to Watershed File Report 113-04-003 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR lists five wells. Three wells are located in the southeast quarter of section 18 T8S R17E, one well is located in the southeast

1 quarter of section 19 T8S R17E, and one well is located in section 30 T8S R17E. A copy of  
2 the WFR is attached as Attachment A.

3  
4 **Claimants & Landowners**

5 The WFR did not identify any Statements of Claimant for the potential water right to  
6 use water for municipal use. In 1990, the Town of Mammoth filed Statements of Claimant  
7 39-14750 through 39-14755 claiming water for municipal use that is supplied by wells.  
8 According to Arizona Department of Water Resources, two of the wells are located on Pinal  
9 County tax parcels 306-13-017 and 306-13-033B. The Pinal County Assessor's Office  
10 identifies the current owners of those tax parcels as Julia Martinez and Jacqueline Sheridan.  
11  
12  
13

14 **IT IS ORDERED:**

15 1. Contested Case. This contested case shall be known as *In re Town of Mammoth*  
16 and it will adjudicate potential rights for municipal use identified in the Watershed File Report  
17 113-04-003 and objections that were filed to that watershed file report published in the Final  
18 San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be  
19 found under the case name and number on the following website:  
20 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
21 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

22 2. Litigants. The litigants in this contested case are the Town of Mammoth, the  
23 current landowners, all persons who filed objections to the listed watershed file reports who are  
24 included in Attachment B, and claimants who are allowed to intervene by order.

25 3. Court-Approved Mailing List.

26  
27 A. The initial Court-approved mailing list for this case is attached as  
28 Attachment B to this order. The list may be modified only by filing a motion

1 with the Special Master to amend the Court-approved mailing list. Litigants are  
2 responsible for using the current Court-approved mailing list.

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

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

9  
10 4. Courtesy Email List.

11 The Special Master's office will email courtesy copies of orders and minute  
12 entries entered in this case to persons listed on Attachment B. Requests for  
13 inclusions on the email list should be sent to Barbara Brown at  
14 [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

15  
16 5. Status Conference. An initial status conference shall be held to begin the  
17 adjudication of this case which will require information about:

18 (a) The location of the wells for which the Town of Mammoth claims water  
19 rights for municipal use;

20  
21 (b) The land on which wells are located to assure that the proper landowners  
22 have been noticed in this case;

23 (c) Whether and which wells used by the Town of Mammoth are located in the  
24 subflow zone; and,

25 (d) Whether time should be allowed for efforts to settle objections. If the  
26 objections cannot be settled, then a subsequent date will be set for a scheduling  
27  
28

1 conference to identify issues, file disclosure statements, conduct discovery, submit  
2 prehearing motions, and hold a trial.

3 No party shall conduct any discovery or file any motions prior to the Status Conference.

4 The Status Conference shall be held on **July 17, 2019**, at 2:30 p.m. before:

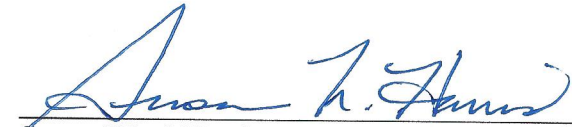
5 Special Master Susan Ward Harris  
6 Superior Court of Arizona  
7 201 West Jefferson Street  
8 Courtroom 301  
9 Phoenix, AZ 85003-2202

10 Instructions for telephonic appearance:

11 Dial: 602-506-9695 (local)

12 1-855-506-9695 (toll free long distance)

13 Dial Participant Pass Code 357264#

14  
15   
16 Susan Ward Harris  
17 Special Master

18 On June 18, 2019, the original of the foregoing was  
19 delivered to the Clerk of the Maricopa County Superior  
20 Court for filing and distributing a copy to all persons  
21 listed on the Court-approved mailing list for this  
22 contested case, a copy of which is attached hereto as  
23 Attachment B, and to all persons listed on the Court-  
24 approved mailing list for W-1, W-2, W-3, and W-4  
25 (Consolidated).  
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**ATTACHMENT A**



LAND OWNER  
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TOWN OF MAMMOTH MUN. WATR  
SUPPLY

WATERSHED FILE  
REPORT NUMBER  
-----  
113-04-003

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES **WI-11-2325**

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1114438.1200		IRRIGATION DOMESTIC STOCK MINING OTHER	144000.00	19	080S	170E	1913	18	060S	180E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1114438.1200	IRRIGATION DOMESTIC STOCK POWER MINING OTHER	NONE NONE NONE NONE NONE NONE		

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SWNWSE18	080S	170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO2	NWSWSE18	080S	170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO3	SWSWSE18	080S	170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO4	SWSESE19	080S	170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO5	SESWNE30	080S	170E	UNNAMED	GROUNDWATER : ZONE 2

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE FACILITY NAME
MU001	18	080S	170E	WO1,WO2,WO3	GROUNDWATER : ZONE 1		
	19	080S	170E	WO4,WO5	GROUNDWATER : ZONE 2		NO
	30	080S	170E				

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
MU001	NONE	NONE	1958 FIELD INVESTIGATION	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	NONE	10-1114438.1200		GROUNDWATER : ZONE 2

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
MU001							

FILINGS AND DECREES

FILING 10-1114438-12 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, POWER, MINING, AND OTHER WATER USES FROM A DIVERSION ON ARAVAIPA CREEK. NO DIVERSION WAS FOUND AT THE CLAIMED LOCATION, THEREFORE NO WATER USES COULD BE MATCHED TO THIS FILING.

DIVERSIONS

W1 & W4 - WELLS PROVIDE WATER FOR MUNICIPAL USES.  
W2, W3 & W5 - STANDBY WELLS FOR MUNICIPAL USES.

USES AND RESERVOIRS

MU1 - MUNICIPAL WATER USE: TOWN OF MAMMOTH MUNICIPAL WATER SUPPLY. FOR MORE INFORMATION ON THE TOWN OF MAMMOTH MUNICIPAL WATER SUPPLY, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
TOWN OF MAMMOTH MUN. WATR	113-04-003
SUPPLY	

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W05	UNNAMED	SESWNE30	080S	170E	MU001	WI-11-2325

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
MU001	18	080S	170E	1958	FIELD INVESTIGATION	147.0 AFA	
	19	080S	170E				
	30	080S	170E				

EXPLANATION  
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THE APPARENT ANNUAL VOLUME REPORTED FOR MU001 IS PARTIALLY SUPPLIED BY ZONE 1 GROUNDWATER.

W1 - WELL PROVIDES WATER FOR MUNICIPAL USES.

MU1 - MUNICIPAL WATER USE: TOWN OF MAMMOTH MUNICIPAL WATER SUPPLY. FOR MORE INFORMATION ON THE TOWN OF MAMMOTH MUNICIPAL WATER SUPPLY, SEE THE MAJOR USERS REPORTS IN VOLUME 1.



# ATTACHMENT B

1  
2  
3 Arizona Department of Water Resources

4 Kimberly Parks

Janet L. Miller

5 P. O. Box 36020

6 Phoenix, AZ 85067

7 ASARCO Incorporated

Lauren J. Caster

8 Fennemore Craig, P.C.

2394 East Camelback Road

9 Suite 600

10 Phoenix, AZ 85016-3429

11 BHP Copper, Inc

L. Wm. Staudenmaier and John D. Burnside

12 Snell & Wilmer, L. L. P.

400 E. Van Buren Street, Ste 1900

13 Phoenix, Az 85004-2202

14 Clerk of the Superior Court

15 Maricopa County

Attn: Water Case

16 601 West Jackson Street

17 Phoenix, AZ 85003

18 City of Mesa

Wilbert J. Taebel

19 City Attorney's Office

P. O. Box 1466

20 Mesa, AZ 85211

21 City of Phoenix

22 Charles L. Cahoy, Asst. City Attorney

200 West Washington 13<sup>th</sup> Floor

23 Phoenix, AZ 85003

24 Gila River Indian Community

25 Linus Everling and Thomas L. Murphy

Office of the General Counsel

26 P. O. Box 97

27 Sacaton, AZ 85147

28

1 Jacqueline Sheridan  
2 P. O. Box 31153  
3 Tucson, AZ 85751

4 Joe P. Sparks and Laurel A. Herrmann  
5 The Sparks Law Firm, P.C.  
6 7503 First Street  
7 Scottsdale, AZ 85251-4573

8 Julia A. Martinez  
9 P. O. Box 715  
10 Mammoth, AZ 85618

11 S. Montgomery, R. Interpreter, J. Tomkus  
12 Montgomery & Interpreter, Plc  
13 3301 E. Thunderbird Road  
14 Phoenix, AZ 85032

15 Salt River Valley Water Users Association and the Salt River Project Agricultural  
16 Improvement and Power District  
17 John B. Weldon, Jr. and Mark A. McGinnis  
18 Salmon, Lewis & Weldon PLC  
19 2850 E Camelback Rd, Ste. 200  
20 Phoenix, AZ 85016

21 Special Master Susan Ward Harris  
22 Superior Court of Arizona  
23 201 W. Jefferson Street  
24 Courtroom 301  
25 Phoenix, AZ 85003

26 Town of Mammoth  
27 P. O. Box 30  
28 Mammoth, AZ 85618

29 Town of Mammoth  
30 125 N. Clark Street  
31 P. O. Box 130  
32 Mammoth, AZ 85618

33 U. S. Department of Justice  
34 Patrick Barry and Yosef Negose  
35 U.S. Department of Justice  
36 Environment and Natural Resources  
37 P. O. Box 7611  
38 Washington, D.C. 20044-7611

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