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

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CONTESTED CASE NAME: In re Mercer Group of Cases

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master issues abstracts for proposed water rights for stock watering and a stockpond analyzed by Watershed File Report No. 113-05-001 and sets a deadline to file suggested corrections.

NUMBER OF PAGES: 33

DATE OF FILING: November 16, 2020

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

a Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994, amended February 23, 1995, approved and modified September 27, 2002 ("Decision"). The Decision established the procedures for adjudicating *de minimis* water rights for claims in the San Pedro watershed.

After the proposed water right abstracts have been prepared, "the litigants will be provided an opportunity to suggest the correction of mistakes in the proposed abstracts." Decision, p. 47. This proceeding is not a forum in which to relitigate the Decision, which was the subject of years of briefing and has now been affirmed for 18 years. Once the clerical corrections have been completed, the abstracts will be included in a catalog of proposed water rights where they will be subject to very limited set of objections and, ultimately in a final decree. As required by the Decision, proposed water right abstracts have been prepared for the de minimis water rights analyzed by Watershed File Report no. 113-05-001 that are attached as Appendix A.

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

IT IS FURTHER ORDERED that Sombrero Butte Cattle, LLC shall prepare and file a Statement of Claimant by December 18, 2020, for a stockwatering claim for Hondetter Spring that is consistent with Certificate 4A-757.

Susan Ward Harris Special Master

The original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court on November 16, 2020, for filing and distributing a copy to all persons listed on the Court approved mailing list for this Contested Case.

Durina Farralt

APPENDIX A

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SP001
2. Owner of Water Right:	Sombrero Butte Cattle L.L.C.
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0004474 39-0007018
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC Arizona State Land Department
6. Lessee or Permittee:	Sombrero Butte Cattle LLC
7. Basis of Right:	38-0081037 38-0088651
8. Beneficial Use:	Stock watering from a stock pond
9. Priority Date:	04/15/1948
10. Quantity:	Not to exceed (≤) 4 acre feet annually with continuous fill
11. Place of Use:	SWSWNE 20 T8S R18E
12. Point of Diversion:	SWSWNE 20 T8S R18E
13. Source of Water:	San Pedro River
14. Facility	Mulberry Tank



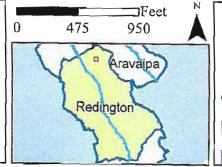
In re Mercer Group of Cases

Contested Case W1-11-2401 Watershed File Report 113-05-001

Section 20 T08S R18E



ADWR August 2020



Legend

SW - Spring

Section

SP - Stockpond

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SW - Streamside use

QQQ

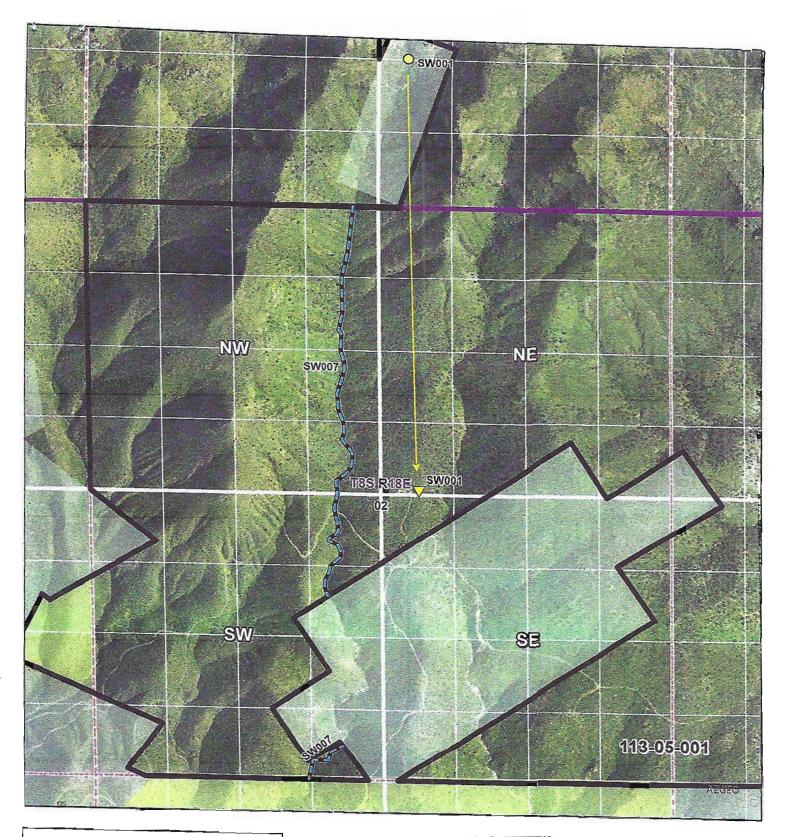
WFR Boundary

Private Land

Township

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

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW001
2. Owner of Water Right:	Sombrero Butte Cattle L.L.C.
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0004469 39-0007012
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC Arizona State Land Department
6. Lessee or Permitee:	Sombrero Butte Cattle LLC
7. Basis of Right:	36-0005052 36-0081050
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1870
10. Quantity:	Reasonable Use
	SWNWSE 35 07S R18E (spring) SWSWNE 2 T8S R18E (water tank) (see attached map for delineation of stream
11. Place of Use:	reach associated with water right)
12. Point of Diversion:	SWNWSE 35 07S R18E
13. Source of Water:	Bluebird Spring

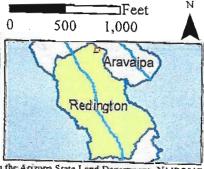




Contested Case W1-11-2401 Watershed File Report 113-05-001

Section 2 TOSS R18E





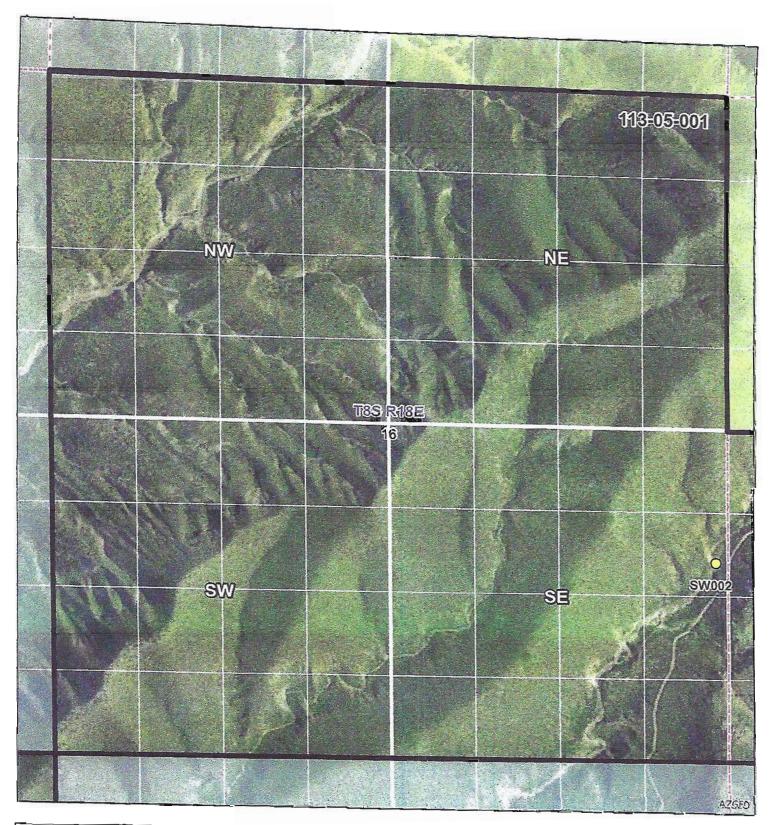
Legend SW - Spring . Section ▼ SW-POU Q SW - Streamside use QQQ WFR Boundary Private Land

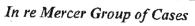
Township

BLM

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

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW002
2. Owner of Water Right:	Sombrero Butte Cattle L.L.C.
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0004465 39-0007017
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC Arizona State Land Department
6. Lessee or Permitee:	Sombrero Butte Cattle LLC
7. Basis of Right:	36-0005057 36-0081048 4A-0003177
8. Beneficial Use:	Certificate of Water Right #2189 Stock watering and wildlife
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	NESESE 16 T8S R18E (see attached map for delineation of stream reach associated with water right)
12. Point of Diversion:	SENESE 16 T8S R18E
13. Source of Water:	Mulberry Spring aka Marc Pasture



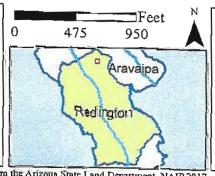


Contested Case W1-11-2401 Watershed File Report 113-05-001

Section 16 T08S R18E



ADWR August 2020



Legend

O SW - Spring

Q

WFR Boundary

QQQ

Section

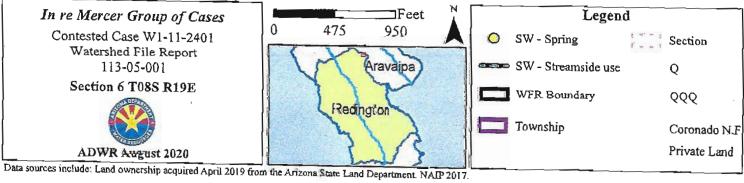
Private Land

BLM

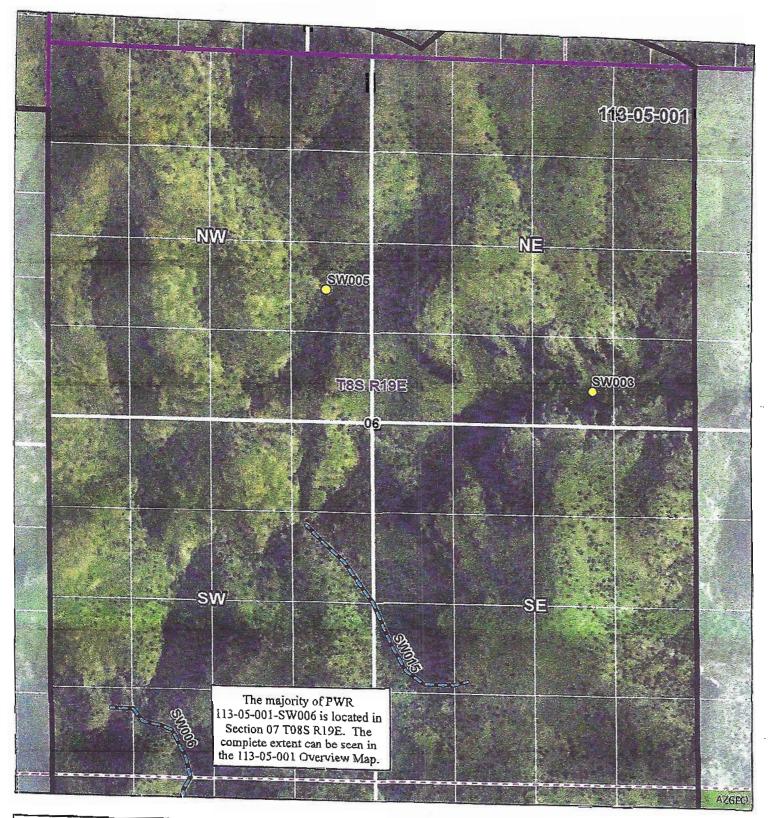
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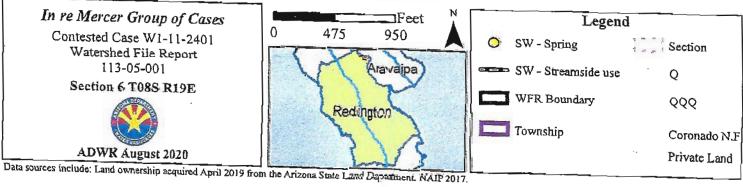
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW003
2. Owner of Water Right:	Sombrero Butte Cattle L.L.C.
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0004466 39-0007022
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC Arizona State Land Department
6. Lessee or Permitee:	Sombrero Butte Cattle LLC
	36-0005061 36-0081044
7. Basis of Right:	4A-0001965
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
	SENE 06 T8S R19E
11. Place of Use:	(see attached map for delineation of stream reach associated with water right)
12. Point of Diversion:	SENE 06 T8S R19E
13. Source of Water:	Copper Creek Spring



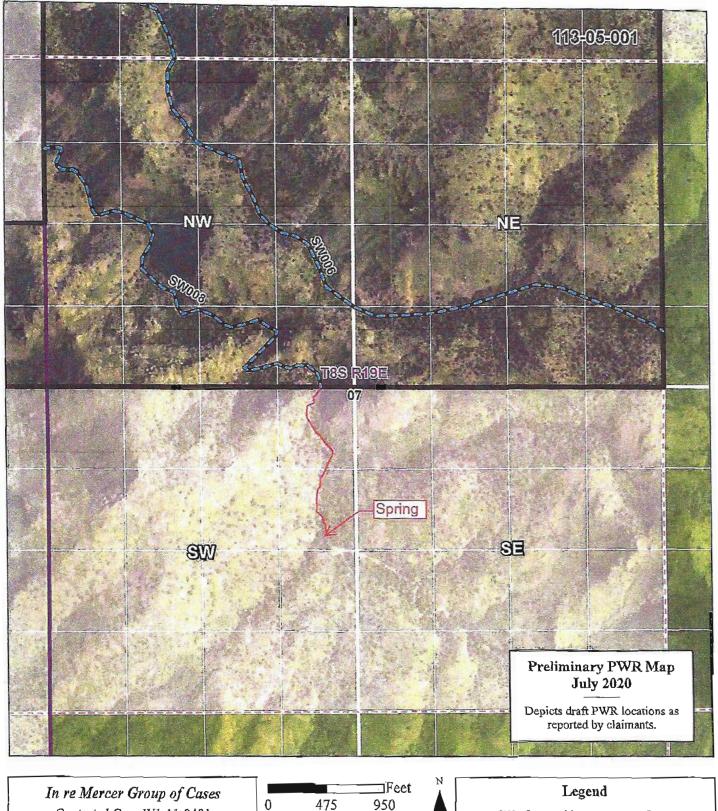


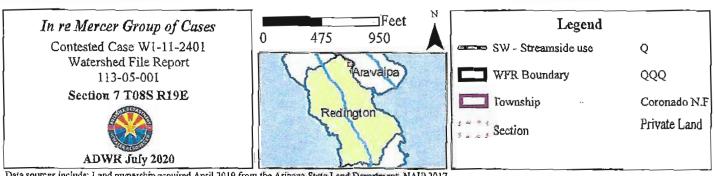
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW005
2. Owner of Water Right:	Sombrero Butte Cattle L.L.C.
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0004472 39-0007024
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC Arizona State Land Department
6. Lessee or Permitee:	Sombrero Butte Cattle LLC
7. Basis of Right:	36-0005062 36-0081046 4A-0001595
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	NESENW 06 T8S R19E (see attached map for delineation of stream reach associated with water right)
12. Point of Diversion:	NESENW 06 T8S R19E
13. Source of Water:	Cottonwood Spring/Seep/Canyon





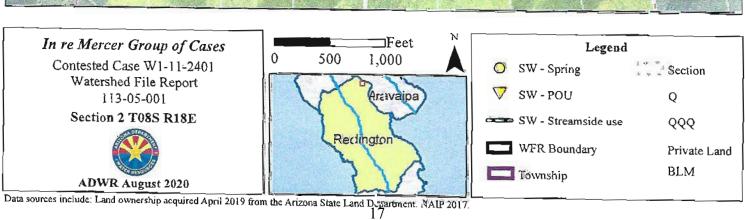
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW006
2. Owner of Water Right:	State of Arizona - Arizona State Land Department
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0007026
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permitee:	Sombrero Butte Cattle LLC
7. Basis of Right:	36-0005064
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
	SESENE 07 T8S R19E
	(see attached map for delineation of stream reach
	associated with water right)
	SENE 07 T8S R19E SWNE 07 T8S R19E
	SENW 07 T8S R19E
	NENW 07 T8S R19E
11. Place of Use:	NWNW 07 T8S R19E
	SWSW 06 T8S R19E
12. Point of Diversion:	SESENE 07 T8S R19E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Pipeline Canyon



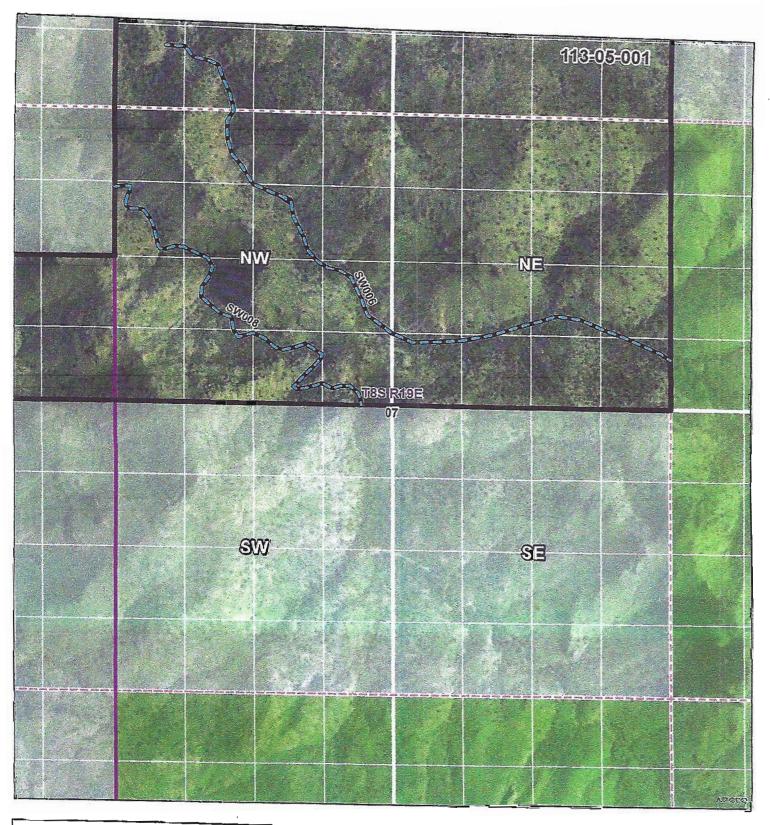


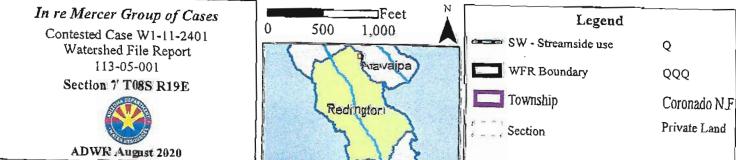
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW007
2. Owner of Water Right:	State of Arizona - Arizona State Land Department
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0007016
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permitee:	Sombrero Butte Cattle LLC
7. Basis of Right:	36-0005056
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
	NENENW 02 T8S R18E
	(see attached map for delineation of stream reach
	associated with water rights)
	NENW 02 T8S R18E
11. Place of Use:	SENW 02 T8S R18E NESW 02 T8S R18E
14. Flace of Use:	SESW 02 T8S R18E
12. Point of Diversion:	NENENW 02 T8S R18E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Bluebird Canyon



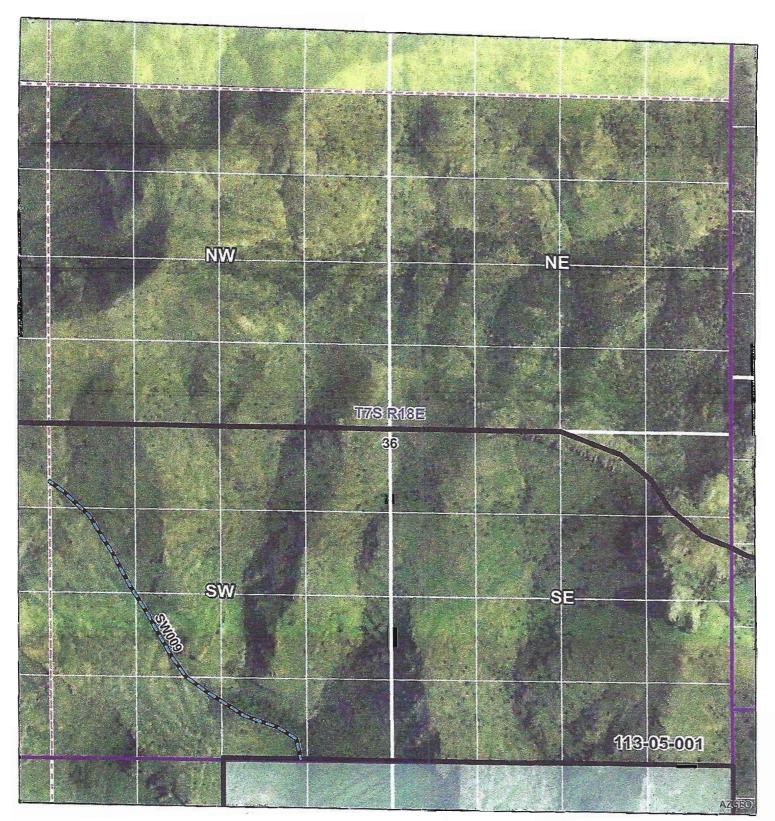


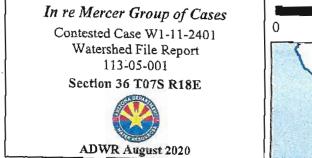
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW008
2. Owner of Water Right:	Sombrero Butte Cattle L.L.C.
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0004475 39-0007027
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC Arizona State Land Department
6. Lessee or Permitee:	Sombrero Butte Cattle LLC
7. Basis of Right:	36-0005065
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	SESENW 07 T8S R19E (see attached map for delineation of stream reach associated with water right)
12. Point of Diversion:	SESESW 07 T8S R19E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Macias Canyon

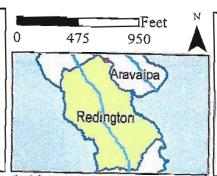


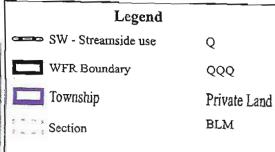


Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW009
2. Owner of Water Right:	State of Arizona - Arizona State Land Department
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0013168
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permitee:	Sombrero Butte Cattle LLC
7. Basis of Right:	36-0005417
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
	NWNWSW 36 T7S R19E
11. Place of Use:	(See attached map for delineation of stream reach associated with water right)
12. Point of Diversion:	NWNWSW 36 T7S R19E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Trident Basin Draw

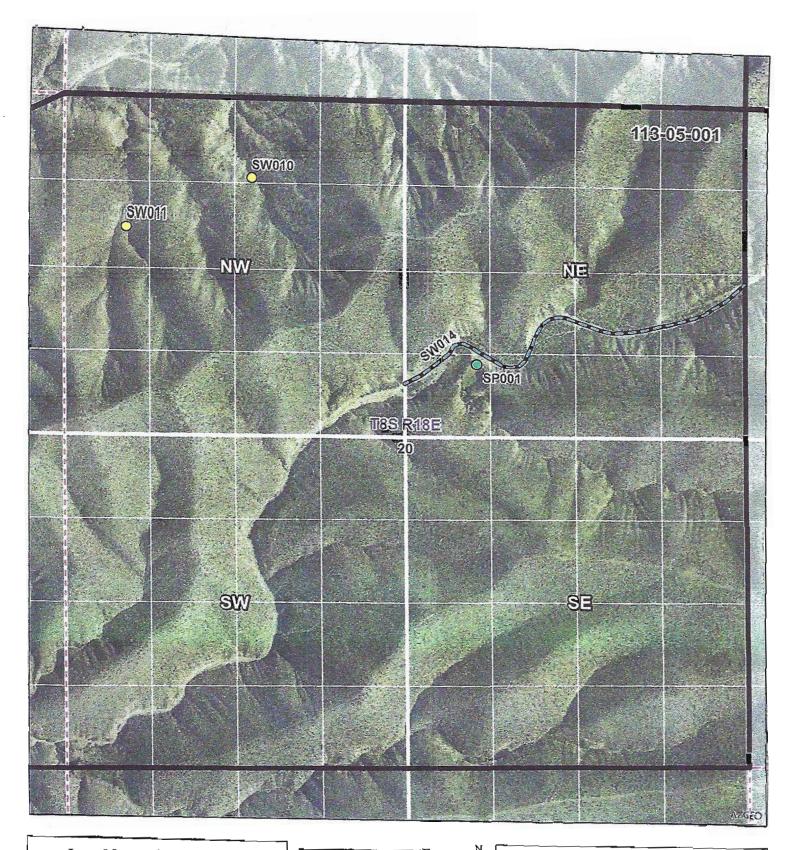


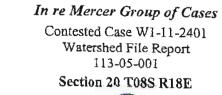




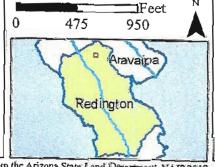


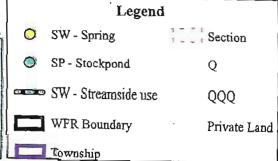
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW010
2. Owner of Water Right:	State of Arizona - Arizona State Land Department
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0013192
5. Statement of Claimant Name(s): 6. Lessee or Permitee:	Arizona State Land Department Sombrero Butte Cattle LLC
7. Basis of Right:	Somotero Butte Cattle LLC
8. Beneficial Use:	36-0005441 Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
	NWNENW 20 T8S R18E
11. Place of Use:	(See attached amp for delineation of stream reach associated with water right)
12. Point of Diversion:	NWNENW 20 T8S R18E
13. Source of Water:	Upper Corral Spring







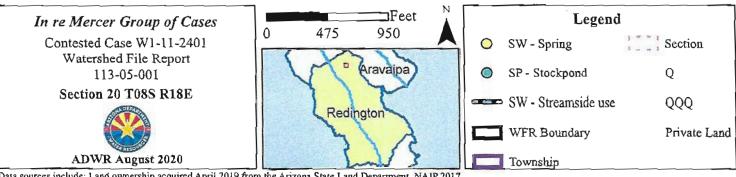




Data sources include: Land ownership acquired April 2019 from the Arizona State Land (Department, NATP 2017, 23

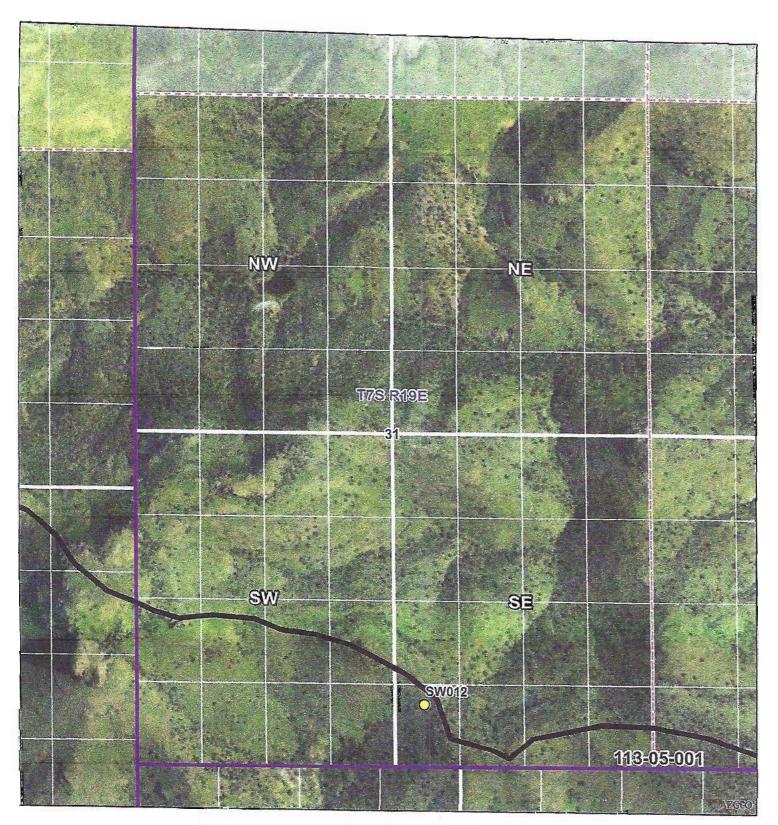
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW011
2. Owner of Water Right:	State of Arizona - Arizona State Land Department
3. Landowner:	State of Arizona - Arizona State Land Department
4. Statement of Claimant No.(s):	39-0013193
5. Statement of Claimant Name(s):6. Lessee or Permitee:	Arizona State Land Department Sombrero Butte Cattle LLC
7. Basis of Right:	36-0005442
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWNWNW 20 T8S R18E (see attached map for delineation of stream reach associated with water right)
12. Point of Diversion:	SWNWNW 20 T8S R18E
13. Source of Water:	Corral Seep Spring





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

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW012
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):	39-0007014
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC Arizona State Land Department
6. Lessee or Permitee:	Sombrero Butte Cattle LLC
7. Basis of Right:	36-0005054
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
	SWSWSE 31 07S R19E
11. Place of Use:	(See attached map for delineation of stream reach associated with water right)
12. Point of Diversion:	SWSWSE 31 07S R19E
13. Source of Water:	Rim Spring



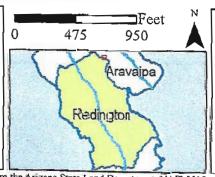
In re Mercer Group of Cases

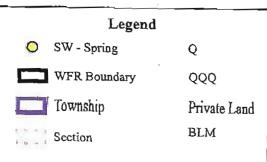
Contested Case W1-11-2401 Watershed File Report 113-05-001

Section 31 T07S R19E

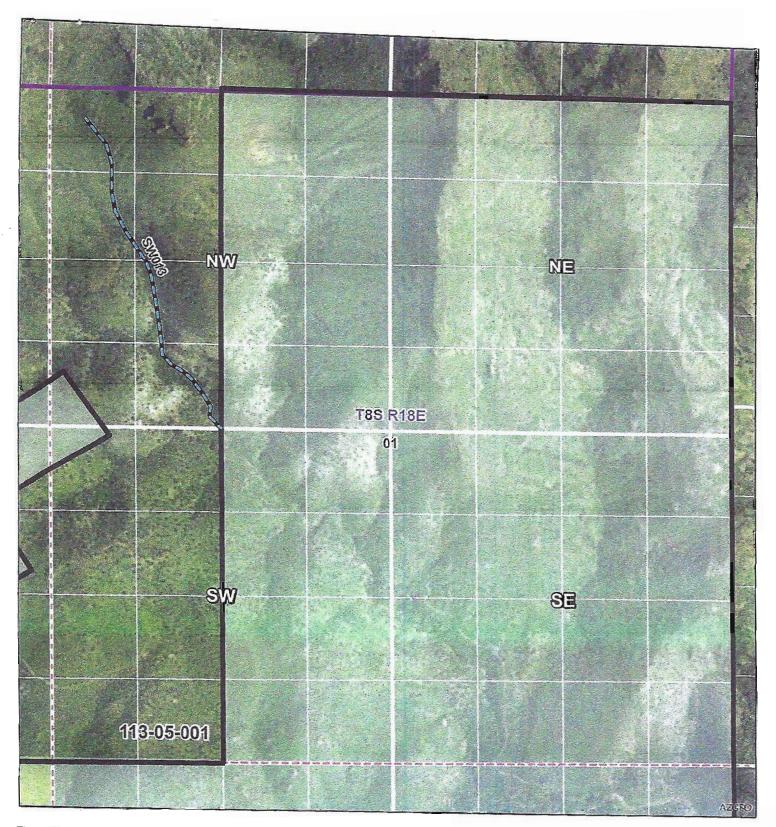


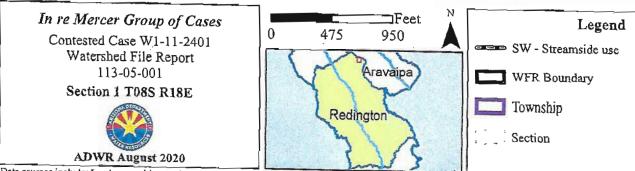






Attribute	Proposed Abstract of Water Right
14. Proposed Water Right No.:	113-05-001-SW013
15. Owner of Water Right:	State of Arizona - Arizona State Land Department
16. Landowner:	State of Arizona - Arizona State Land Department
17. Statement of Claimant No.(s):	39-0007015
18. Statement of Claimant Name(s):	Arizona State Land Department
19. Lessee or Permitee:	Sombrero Butte Cattle LLC
20. Basis of Right:	36-0005055
21. Beneficial Use:	Stock watering and wildlife
22. Priority Date:	12/31/1884
23. Quantity:	Reasonable Use
	NWNWNW 01 T8S R18E
24. Place of Use:	(See attached map for delineation of stream reach associated with water right)
25. Point of Diversion:	NWNWNW 01 T8S R18E
26. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Limestone Canyon





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

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Private Land

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW014
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):	39-0007018
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permitee:	Sombrero Butte Cattle LLC
7. Basis of Right:	36-0005058
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
	NESENE 20 T8S R18E (see attached map for delineation of stream reach
11. Place of Use:	associated with water right)
12. Point of Diversion:	NESENE 20 T8S R18E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses from Mulberry Wash



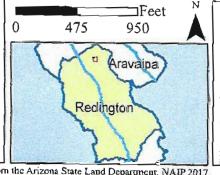
In re Mercer Group of Cases

Contested Case W1-11-2401 Watershed File Report 113-05-001

Section 20 T08S R18E



ADWR August 2020



Legend SW - Spring Section SP - Stockpond Q SW - Streamside use QQQ

WFR Boundary

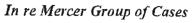
Private Land

Township

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

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	113-05-001-SW015
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):	39-0007025
5. Statement of Claimant Name(s):	Mercer Ranch Land Holdings, LLC Arizona State Land Department
6. Lessee or Permitee:	Sombrero Butte Cattle LLC
7. Basis of Right:	36-0005063
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
	NESWSE 06 T8S R19E (see attached map for delineation of stream reach
11. Place of Use:	associated with water right)
12. Point of Diversion:	NESWSE 06 T8S R19E
13. Source of Water:	Surface Water: San Pedro River, stockwatering and wildlife uses for Halfway Canyon



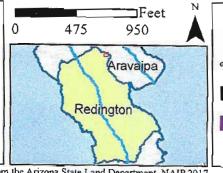


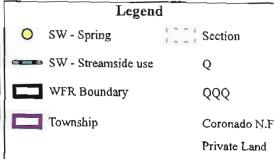
Contested Case W1-11-2401 Watershed File Report 113-05-001

Section 6 T08S R19E









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