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6 **ARIZONA GENERAL STREAM ADJUDICATION**
7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 IN RE THE GENERAL
10 ADJUDICATION OF ALL RIGHTS
11 TO USE WATER IN THE GILA
12 RIVER SYSTEM AND SOURCE

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. **W1-11-0054**

ORDER TO STAY CONTESTED CASE

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14 **CONTESTED CASE NAME:** *In re Carol J. Tomlinson*

15 **HSR INVOLVED:** San Pedro Hydrographic Survey.

16 **DESCRIPTIVE SUMMARY:** The order stays this contested case until the Cone of
17 Depression Test for the San Pedro River Watershed is complete.

18 **NUMBER OF PAGES:** 5

19 This case was initiated in February 2025 to resolve objections to Statements of
20 Claimant 39-1481, 39-1482, 39-12261, 39-12262, 39-12263, and 39-12264, claiming
21 water for domestic and stock watering uses dating to 1914. The Arizona Department of
22 Water Resources (“ADWR”) investigated the claimed water uses and issued Watershed
23 File Report (“WFR”) No. 111-19-039 in 1991 which proposed water rights from the
24 Babocomari River for domestic and stock watering uses. Due to the long delay between
25 the filing of the initial documents and the initiation of this case, the property has been
26 subdivided and ownership changed. Based upon information provided by the current
27 landowners during the initial status conference on March 20, 2025, there are no longer
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1 any stock ponds within the WFR investigation area, however there are six (6)
2 groundwater wells, four (4) of which were installed at the time of the WFR investigation.

3 During the March 20, 2025, initial conference, ADWR was ordered to provide the
4 parties with a map showing the locations of the six wells with respect to the San Pedro
5 River subflow zone. That map was timely filed on April 15, 2025. The WFR investigation
6 area, which includes five (5) parcels and the six (6) wells, is depicted by ADWR to be
7 approximately 3.5 miles west of the western subflow boundary.

8 Before the Court may evaluate a use supplied by a well, it must first determine
9 whether it has jurisdiction over the well. The Court has jurisdiction over those wells
10 pumping appropriable groundwater, which in most cases is “subflow,” and wells pumping
11 water subject to certain federal water rights.¹ A well pumps subflow when it extracts
12 groundwater that “is more closely associated with the stream than with the surrounding
13 alluvium.”² A well is presumed to be subject to the jurisdiction of the adjudication if it is
14 located within a “subflow zone” or if it has a current or prospective “depletive effect” on
15 certain streams.³

16 While a subflow zone has been mapped for most of the San Pedro River
17 Watershed, a test to determine the depletive effects of wells outside the subflow zone,
18 called the “Cone of Depression Test,” is still in development. At this time, it is unclear
19 how long that process will take to complete. As a result, because the wells in this case
20 are located outside the subflow zone, the Court stays this case until the Cone of
21 Depression Test is complete.

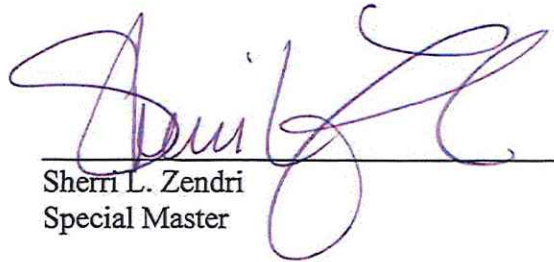
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24 ¹ Ariz. Rev. Stat. § 45-251(7).

25 ² In re General Adjudication of All Rights to Use Water in the Gila River System and Source, 175 Ariz. 382, 392
(1993).

26 ³ In re General Adjudication of All Rights to Use Water in the Gila River System and Source, 198 Ariz. 330, 343–
27 344 (2000); W1-103, *Order Re: Report of the Special Master on the Arizona Department of Water Resources’*
Subflow Technical Report, San Pedro River Watershed and Motion for Approval of Report at 36 (September 28,
28 2005).

1 **IT IS ORDERED** staying contested case W1-11-0054 until completion of the San
2 Pedro River Cone of Depression Test.

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5 Signed this 13 day of June 2025.

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Sherri L. Zendri
Special Master

13 On May 13, 2025, the original of
14 the foregoing was delivered to the Clerk of the
15 Maricopa County Superior Court for filing and
16 distributing a copy to all persons listed on the
17 Court-approved mailing list for this contested
18 case, a copy of which is attached.

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Emily Natale

Court Approved Mailing List
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Prepared by the Special Master
6/13/2025

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