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	W1-00-001234 (Consolidated) Contested Case No. **W1-11-002404** **ORDER REINITIATING CONTESTED CASE AND SETTING DEADLINES**

CONTESTED CASE NAMES: *In re Forest Service–Mercer*

HSR INVOLVED: San Pedro Hydrographic Survey.

DESCRIPTIVE SUMMARY: The Clerk of the Maricopa County Superior Court is directed to initiate W1-11-002404. The United States shall declare the claims that it intends to pursue no later than **December 21, 2026,** and file any supplementary documents no later than **February 22, 2027.** The Arizona Department of Water Resources shall file draft abstracts no later than **March 22, 2027.** Comments to the abstracts must be filed no later than **April 5, 2027.**

NUMBER OF PAGES: 9

General Explanation

This order lifts the stay[1] concerning contested case W1-11-002404, *In re Forest Service–Mercer*. This order also deconsolidates this contested case from W1-11-002583 and W1-11-000019.

In this case, Virgil Mercer, Charles Zimmerman, and the United States Forest Service ("USFS") filed statements of claimant ("SOCs"). The Arizona Department of

[1] Order Vacating Existing Deadlines and Status Conference, *In re Sands Group of Cases*, Case No. W1-11-19 (Apr. 26, 2017).

Water Resources ("ADWR") investigated the claims and prepared watershed file reports ("WFRs") 113-05-004, published in the San Pedro River Hydrographic Survey Report ("HSR"). A copy of the WFR is attached as Attachment A. A map illustrating the areas investigated in the WFRs is attached as Attachment B.

WFR 113-05-004 lists the USFS as the owner of the land investigated. It appears that the property investigated in the WFR is within the Copper Creek allotment within the Coronado National Forest. The public records of ADWR document assignments of SOCs from Virgil Mercer to the Mercer Trust in February 2012 and then to Redhawk Ranch Land Holdings LLC in October 2024. No additional SOCs appear to have been filed since the issuance of the HSR.

After ADWR issued the WFR, objections were filed to the findings made in the WFRs by USFS, the Gila River Indian Community, the San Carlos Apache Tribe, the Tonto Apache Tribe, and the Yavapai-Apache Nation.

IT IS ORDERED:

1. Case Initiation. This order initiates contested case W1-11-002404.

2. **Declaration.** USFS shall review all SOCs relevant to this contested case and declare to the Court by **December 21, 2026**, the claims that it intends to pursue in this contested case.

3. **Adjudication Filings.** The USFS shall confer with ADWR and file any supplementary adjudication filings, such as amendments or assignments, with ADWR by **February 22, 2027.**

4. Draft Abstracts. ADWR shall file draft abstracts for claims eligible for summary adjudication by **March 22, 2027.** The Parties shall file any comments on the draft abstracts by **April 5, 2027.**

5. Parties. The litigants in this contested case are the current landowner, lessees, and all parties who filed objections to the watershed file report. The objectors are USFS, Gila River Indian Community, San Carlos Apache Tribe, Yavapai-

Apache Nation, and Tonto Apache Tribe.

6. Objections. Copies of objections filed to this case can be found under the respective case names and numbers on the following website: http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp.

7. Court Approved Mailing List.

A. The initial Court Approved Mailing List for this case shall include all persons listed on Attachment C to this order. The list may be modified only by filing a motion with the Special Master. 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. The Clerk of the Court will send copies of all minute entries and orders issued in this case to the parties listed on the Court Approved Mailing List.

D. Claimants who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to emily.natale@jbazmc.maricopa.gov.

Signed this 19th day of October 2026.

Sherri L. Zendri
Special Water Master

On October 19, 2026, 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, and to all persons listed on the Court-approved mailing list for W1-00-001234.

Emily Natale

Emily Natale

ATTACHMENT A

Watershed File Report

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
FS - CORONADO	113-05-004	MERCER, JOYCE & VIRGIL	COPPER CREEK

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0024079		STOCK	.50				1880	NWNW19	080S	190E
		REC/FISH/WLDLF								
36-0081045		DOMESTIC	1.59	NENW24	080S	180E	1914	NENW19	080S	190E
		STOCK								
36-0081052		STOCK	2.24				1895	NWSW08	080S	190E
36-0081053		STOCK	.84				1895	SENW19	080S	190E
39-0004471		STOCK	2.24	NWSW08	080S	190E	1895	NWSW08	080S	190E
39-0004477		STOCK	.84	SENW19	080S	190E	1895	SENW19	080S	190E
39-0004482		DOMESTIC	.64	NENW24	080S	180E	1914	NENW19	080S	190E
		STOCK	.95							
39-0008216		STOCK	.33	NWNW19	080S	190E	1880	NWNW19	080S	190E
		REC/FISH/WLDLF	.14							
4A-0001229	CERTIF.	DOMESTIC	2.80	NWNW23	080S	180E	1931	NENW19	080S	190E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0024079	STOCK	SPRING		SW002
	WILDLIFE	SPRING		
36-0081045	DOMESTIC	NONE	S01	
	STOCK	NONE		
36-0081052	STOCK	SPRING		SW001
36-0081053	STOCK	SPRING		SW003
39-0004471	STOCK	SPRING		SW001
39-0004477	STOCK	SPRING		SW003
39-0004482	DOMESTIC	NONE	S01	
	STOCK	NONE		
39-0008216	STOCK	SPRING		SW002
	WILDLIFE	SPRING		
4A-0001229	DOMESTIC	NONE	S01	

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
S01	NWNENW19	080S	190E	NORTON SPRING	SURFACE WATER: SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
SW001	NENWSW08	080S	190E		SURFACE WATER		NO	PIPELINE SPRING
SW002	NENWNW19	080S	190E		SURFACE WATER		NO	THREEWAY SPRING
SW003	SWSENW19	080S	190E		SURFACE WATER		NO	BRAHMA SPRING

SHARED USES AND DIVERSIONS

** WATER FROM S01 IS SHARED WITH THESE ADDITIONAL FILES:
113-05-5

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE	BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SW001	39-0004471	36-0081052	1895	FILING 36-81052	SURFACE WATER: SAN PEDRO RIVER
SW002	39-0008216	36-0024079	1880	FILING 36-24079	SURFACE WATER: SAN PEDRO RIVER
SW003	39-0004477	36-0081053	1895	FILING 36-81053	SURFACE WATER: SAN PEDRO RIVER
NONE	39-0004482	36-0081045			
		4A-0001229			

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
SW001							SEE VOLUME 1 - GENERAL ASSESSMENT
SW002							SEE VOLUME 1 - GENERAL ASSESSMENT
SW003							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES
FILINGS 36-81045 & 39-4482 - CLAIM DOMESTIC AND STOCKWATERING USES. NO DOMESTIC OR STOCKWATERING USES WERE FOUND AT THE CLAIMED LOCATION.
FILING 4A-1229 - CLAIMS A DOMESTIC WATER USE. NO DOMESTIC WATER USE WAS FOUND AT THE CLAIMED LOCATION.

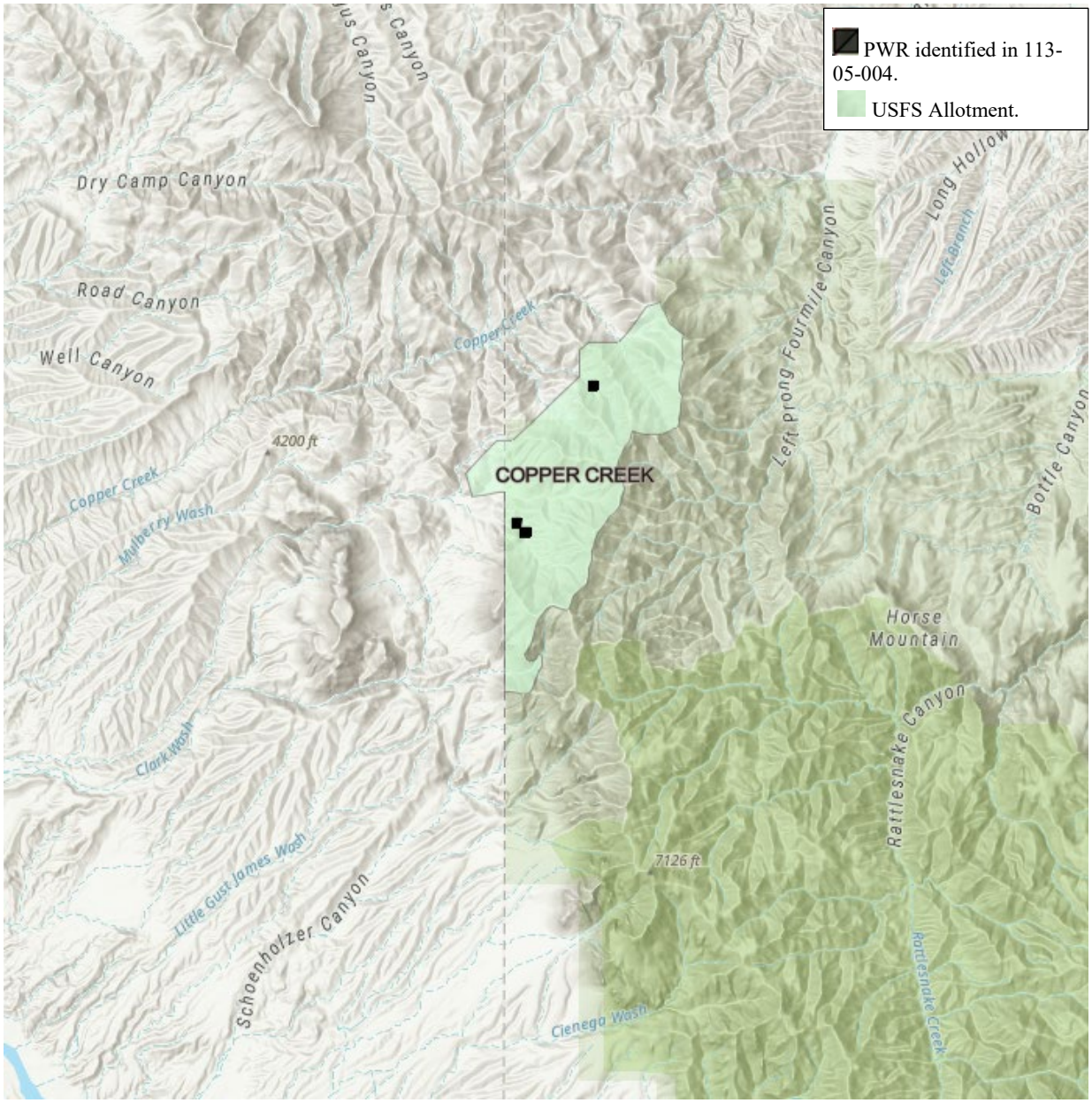
DIVERSIONS
S1 - DIVERSION FROM NORTON SPRING PROVIDES WATER FOR DOMESTIC AND STOCKWATERING USES.

USES AND RESERVOIRS
SW1 - STOCKWATERING USE FROM PIPELINE SPRING.
SW2 - STOCKWATERING AND WILDLIFE USES FROM THREEWAY SPRING.
SW3 - STOCKWATERING USE FROM BRAHMA SPRING.

SHARED USES AND DIVERSIONS
S1 - SPRING IS SHARED WITH W.F.R. #113-05-5.

ATTACHMENT B

Map Illustrating Area Investigated in WFR



ATTACHMENT C

Initial Court-Approved Mailing List

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