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9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**
12

13 IN RE THE GENERAL ADJUDICATION
14 OF ALL RIGHTS TO USE WATER IN
15 THE GILA RIVER SYSTEM AND
16 SOURCE

17 W-1 (Salt)
18 W-2 (Verde)
19 W-3 (Upper Gila)
20 W-4 (San Pedro)
21 (Consolidated)

22 Contested Case No. W1-11-2401

23 **ARIZONA DEPARTMENT OF WATER**
24 **RESOURCES' NOTICE OF FILING**
25 **REPORT**

26 Special Master Susan Ward Harris

CONTESTED CASE NAME: *In re Mercer Group of Cases*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources ("ADWR") provides notice of filing its report as requested in the Court's Order dated February 23, 2021.

NUMBER OF PAGES: Two and two-page attachment

DATE OF FILING: March 09, 2021

1 Pursuant to the Court's Order dated February 23, 2021, ADWR hereby provides
2 notice of filing its report in response to comments by the claimant for the potential water
3 rights listed in WFRs 113-05-001 and 113-09-001. ADWR's report is attached to the
4 original of this Notice being filed with the Clerk (Attachment A) and is being posted to
5 ADWR's web site at: <https://new.azwater.gov/adjudications>.

6 **DATED** this 9th day of March 2021.

7 ARIZONA DEPARTMENT OF WATER
8 RESOURCES

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Kimberly R. Parks, Deputy Counsel

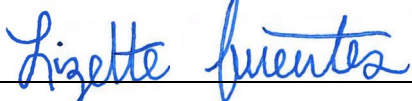
11 **ORIGINAL** of the foregoing notice and attachment
12 sent by first-class mail on March 09, 2021, to:

13 Clerk of the Maricopa Superior Court
14 Attn: Water Case
15 601 W. Jackson Street
16 Phoenix, Arizona 85003

17 **COPIES** of the foregoing notice and attachment
18 sent by first-class mail on March 09, 2021, to:

19 Special Master Susan Ward Harris
20 Maricopa County Superior Court
21 Central Court Building
22 201 West Jefferson Street, Suite 3A
23 Phoenix, AZ 85003-2205

24 **COPIES** of the foregoing notice and attachment
25 sent by first-class mail on March 09, 2021 to all
26 parties on the court-approved mailing list for
Contested Case No. W1-11-2401.



ATTACHMENT A

ARIZONA DEPARTMENT OF WATER RESOURCES' REPORT

In re Mercer Group of Cases
Contested Case No. W1-11-2401

March 2021

1.0 INTRODUCTION

On February 23, 2021, the Court requested that the Arizona Department of Water Resources (ADWR) file a report about water uses listed in Watershed File Reports (WFR) Nos. 113-05-001 and 113-09-001. This report addresses comments received from the claimants on January 25, 2021 concerning their objections to maps presented in ADWR's Supplemental Report filed August 31, 2020.

2.0 ADWR RESPONSES TO CLAIMANT OBJECTIONS

Watershed File Report 113-05-001

SP001

Claimant Objection: In the Joint Report, Mercer Claimants noted that the source of supply for this stockpond actually comes in part from the south. An annotated map was provided showing the water flow from SE ¼ of Section 20 into the tank. This is not shown on the map attached to the ADWR Supplemental Report or the Court's Abstract Map.

ADWR Response: ADWR does not show the water course for a stockpond unless it is directly related to a stockwatering potential water right (PWR). SW014 is the streamside use related to SP001, but there were no comments received about the mapping for SW014. The court has approved the abstract and map for SW014.

SW002

Claimant Objection: The Court's abstract, Attribute 13, shows the source of water as "Marc" Pasture when it should be "Mare" Pasture. Also, the Court Map shows the location of the spring, but does not show the downstream water course leading into SP001 as noted above.

ADWR Response: The filings for SW002 only claim water use from the spring. The water course for springs is not shown on Hydrographic Survey Report (HSR) maps or current ADWR maps. The water course would be described as a streamside use if there were filings claiming the reach. SW002 does not appear to be related to SP001 based on the annotated water course provided for the stockpond. ADWR's Supplemental Report acknowledged "Mare Pasture" as an alternative name for SW002.



SW008

Claimant Objection: For the Mercer claim for Macias Canyon, Mercer Claimants noted in the Joint Report that the spring feeding the downstream reach is located in the SENESW ¼ of Section 7, and provided an annotated map showing the spring and stream reach. That spring and stream reach are not shown on the map attached to the ADWR Supplemental Report of the Court's Abstract Map.

ADWR Response: The spring and stream reach proposed by the claimants are outside the WFR, so they are not included in the map provided by ADWR. The ADWR map reflects stream reaches within the boundary of the WFR.

Watershed File Report 113-09-001

SP001

Claimant Objection: In the Joint Report, Mercer Claimants noted that a source of supply for the stockpond "Tank Behind the Butte" was water draining north to south from the butte and provided an annotated map showing the drainage to the tank. This drainage is not shown on the map attached to the ADWR Supplemental Report of the Court's Abstract Map.

ADWR Response: ADWR does not show the water course for a stockpond unless it is directly related to a stockwatering PWR. SW006 is the streamside use related to SP001. ADWR adjusted the mapping in the Supplemental Report for SW006 based on the claimant comments, the HSR, and locations listed in the filings. The court has approved the abstract and map for SW006.

SW001

Claimant Objection: In the Joint Report, Mercer Claimants noted that there are two springs associated with the old Clark homestead and submitted an annotated map showing the "Old Clark Spring" in the NESWNE ¼ of Section 35. Mercer Claimants recognize that this location is outside the boundary of WFR 113-09-001 and is on private land owned by Mercer Ranch Land Holdings, LLC. Nevertheless, this spring and stream reach are tributary to SW001, which claim is correctly attributed to Mercer Claimants. This spring and tributary wash are not shown on the map attached to the ADWR Supplemental Report or the Court's Abstract Map.

ADWR Response: The spring and stream reach proposed by the claimants are outside the WFR, so they are not included in the map provided by ADWR. The ADWR map reflects stream reaches within the boundary of the WFR. Per the 1991 HSR methodology, springs must have both an SOC and a previous filing in order to be assigned a PWR. There is no SOC filed for Old Adobe Spring and ADWR did not assign it a PWR. The water course would be described as a streamside use if there were filings claiming the reach.

