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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

Contested Case No. W1-11-1509

ORDER TO INITIATE CASE AND
CONSOLIDATE

CONTESTED CASE NAME: *In re Mark and Marion Kartchner (Trustees)*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Order to initiate contested case no. W1-11-1509 and consolidate it with *In re St. David Irrigation District*, contested case no. W1-11-1675.
NUMBER OF PAGES: 9
DATE OF FILING: April 3, 2019

This case involves a claim for a water right for domestic and irrigation uses in sections 21 and 28 T16S R20E. Mark and Marion Kartchner (Trustees) filed Statements of Claimant 39-6672, 39-6673, 39-6674, 39-6685, 39-6687, 39-6688, 39-12000, 39-12002, 39-13541, 39-13546, 39-

1 13547, 39-13550, and 39-13551 for the claimed water use. The Arizona Department of Water
2 Resources public records do not include assignment of the Statements of Claimant.

3 The Arizona Department of Water Resources investigated the claims and submitted its
4 results in Watershed File Report 112-14-DDD-002 (“WFR”) published in the Final San Pedro
5 River Watershed Hydrographic Survey Report (1991). The WFR listed the sources of water as six
6 wells. A copy of the Watershed File Report 112-14-DDD-002 is attached as Attachment A. The
7 purpose of this case is to resolve the three objections made to the WFR. The objectors are included
8 in Attachment B.

9 According to the Cochise County Assessor, the property included in the WFR consists of
10 tax parcel nos. 208-59-012C and 208-61-007A. It lists Pomerene River Estates LLC as the current
11 owner of the property. On August 31, 2018, the Pomerene Water Users Association filed a Notice
12 of Termination stating that St. David Irrigation District has claimed the Pomerene diversion
13 structure and the Pomerene canal. At that time, the Pomerene Water Users Association notified
14 the Court of those persons and entities who had petitioned to be annexed into the St. David
15 Irrigation District. Pomerene River Estates LLC was included on the list of individuals and entities
16 filed with the Court. Accordingly,

17 **IT IS ORDERED:**

18
19 1. Contested Case, Consolidation, Designation and Docket Number. This Order
20 initiates contested case no. W1-11-1509. The contested case is consolidated with *In St. David*
21 *Irrigation District*, Contested Case No. W1-11-1675.

22 2. Litigants. The litigants in this contested case are the claimant, landowner, all
23 persons who filed objections to the listed watershed file reports who are listed on Attachment B,
24 and claimants who are allowed to intervene by order.

25 3. Court-Approved Mailing List. The initial Court-approved mailing list for this case
26 shall include all persons listed on Attachment B to this order. This mailing list shall be merged
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with the mailing list for St. David except that the St. David Irrigation District shall be substituted for the landowner. Litigants are responsible for using the current Court-approved mailing list.



SUSAN WARD HARRIS
Special Master

On April 3, 2019, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to the persons listed on Attachment B that includes the Claimants and Objectors.

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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER
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KARTCHNER, MARK M. & MARION B. (TRUSTEES)	112-14-DDD-002

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *W1-11-1509*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE SECTION	LOCATION TWP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWP	RNGE
36-0026137		IRRIGATION DOMESTIC STOCK		SWSW21	160S	200E	1979	SWSW21	160S	200E
36-0026138		REC/FISH/WLDF IRRIGATION DOMESTIC STOCK		SESE21 NWNE28 NE28	160S	200E		NWNW21	160S	200E
36-0026139		REC/FISH/WLDF IRRIGATION DOMESTIC STOCK		SESE21 NWNE28 NE28	160S	200E	1979	NWNW21	160S	200E
36-0026140		REC/FISH/WLDF IRRIGATION DOMESTIC STOCK		NENW28 NWNE28	160S	200E		NENW28	160S	200E
36-0026142		REC/FISH/WLDF IRRIGATION DOMESTIC STOCK		NE28	160S	200E		SWNE28	160S	200E
39-0006673		REC/FISH/WLDF IRRIGATION DOMESTIC STOCK	320.00 .77 .46	SWSW21	160S	200E	1897	NESWSW21	160S	200E
39-0006674		REC/FISH/WLDF IRRIGATION DOMESTIC STOCK	4.00 750.00 4.00 .77	SESE21 NE28 NWNE28	160S	200E	1885	NENENW28	160S	200E
39-0006675		REC/FISH/WLDF DOMESTIC STOCK	2.00 .77 .15	SESWNE28	160S	200E	1890	SESWNE28	160S	200E
39-0006685		IRRIGATION DOMESTIC STOCK	350.00 1.53 .15	SESE21 NWNE28 NE28	160S	200E	1892	NENENW21	160S	200E
39-0006687		REC/FISH/WLDF IRRIGATION DOMESTIC STOCK	4.00 650.00 1.53 .15	SESE21 NWNE28 NE28	160S	200E	1892	NWNE28	160S	200E
39-0006688		REC/FISH/WLDF IRRIGATION DOMESTIC STOCK	4.00 1000.00 2.76 .61	SESE21 NE28 NWNE28	160S	200E	1885	NWNE28	160S	200E
39-0012000	QUE. RECD	REC/FISH/WLDF IRRIGATION	2.00 600.00	NENW21 SWSW21 NENE28	160S	200E	1981	NWNE28	160S	200E
39-0012002		IRRIGATION	100.00	SWSW21	160S	200E	1984	SESWSW21	160S	200E
39-0013541		IRRIGATION	277.00	SWSW21 SESE21 W2E221	160S	200E	1981	NESWSW21	160S	200E
39-0013546		IRRIGATION STOCK	6.40 6.40	SWSW21	160S	200E	1981	NESWSW21	160S	200E
39-0013547		REC/FISH/WLDF IRRIGATION		E2SESE21	160S	200E	1981	NESWSW21	160S	200E
39-0013550		IRRIGATION	100.00	SWSW21 SESE21 W2E221	160S	200E	1981	NESENW21	160S	200E
39-0013551		IRRIGATION	300.00	SWSW21 SESE21 W2E221	160S	200E	1981	NESENW21	160S	200E

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0026137	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	NONE NONE NONE NONE NONE	W03	
36-0026138	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL INCIDENTAL	W02	DM001, IRO01
36-0026139	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL INCIDENTAL	W01	DM001, IRO01
36-0026140	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL INCIDENTAL	W04	DM001, IRO01
36-0026142	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL INCIDENTAL	W07	DM001, IRO01
39-0006673	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	NONE NONE NONE NONE NONE	W03	
39-0006674	IRRIGATION DOMESTIC STOCK WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL	W04	DM001, IRO01
39-0006675	DOMESTIC STOCK	DOMESTIC INCIDENTAL	W07	DM001
39-0006685	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL INCIDENTAL	W02	DM001, IRO01
39-0006687	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL INCIDENTAL	W01	DM001, IRO01
39-0006688	IRRIGATION DOMESTIC STOCK WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL	W05	DM001, IRO01
39-0012000	IRRIGATION	IRRIGATION	W06	IRO01
39-0012002	IRRIGATION	NONE	W08	
39-0013541	IRRIGATION	IRRIGATION	W03, W08	IRO02
39-0013546	IRRIGATION	IRRIGATION	W03, W08	IRO02
39-0013547	IRRIGATION	IRRIGATION	W03, W08	IRO02
39-0013550	IRRIGATION	IRRIGATION	W01	IRO01, SRO01
39-0013551	IRRIGATION	IRRIGATION	W02	IRO01, SRO02

D I V E R S I O N S

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	NWNENW21	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W02	NENENW21	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W03	NESWSW21	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED
W04	NWNENW28	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W05	NWNENW28	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W06	NWNENW28	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W07	SWSENE28	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W08	NESWSW21	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED

PWR #	LOCATION			SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
	SECTION	TWNP	RNGE					
DMOO1	SESENE28	160S	200E	WO1,WO2,WO4 WO5,WO6,WO7	GROUNDWATER : ZONE 1		NO	
IROO1	21	160S	200E	WO1,WO2,WO4	GROUNDWATER : ZONE 1	1983	NO	
IROO2	28	160S	200E	WO5,WO6,WO7				
	SWSW21	160S	200E		SURFACE WATER	1990	NO	

R E S E R V O I R S

PWR #	LOCATION			SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
	SECTION	TWNP	RNGE					
SROO1	NWNENE21	160S	200E	WO1,WO2	SURFACE WATER GRNDWTR : ZONE 1	1990	NORTH POMERENE	IRRIGATION STOCKWATERING

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS	FOR DATE	
DMOO1	39-0006674 39-0006675 39-0006685 39-0006687 39-0006688 39-0012000 39-0013550 39-0013551	36-0026138 36-0026139 36-0026140 36-0026142			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0006674 39-0006675 39-0006685 39-0006687 39-0006688 39-0012000 39-0013550 39-0013551	36-0026138 36-0026139 36-0026140 36-0026142	1983	1983 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO2	39-0013541 39-0013546 39-0013547	NONE	1990	1990 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER
SROO1	39-0006685 39-0006687 39-0013550 39-0013551	36-0026138 36-0026139	1990	1990 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	39-0006673 39-0012002	36-0026137			

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION		CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
	TYPE	ACRES					
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT DEFICIT IRRIGATION
IROO1	MAX. OBSERVED	214.6	MULTI.CROPS	65%	3.8 AF/AC	815.5 AFA	
	REGIONAL	264.6	AVE. CROP	50%	5.4 AF/AC	1428.8 AFA	
	MAX. POTENTIAL	264.6	ALFALFA	65%	5.1 AF/AC	1349.5 AFA	
IROO2	MAX. OBSERVED	15.5	PERM. PSTR	38%	8.3 AF/AC	128.7 AFA	
	REGIONAL	15.5	AVE. CROP	50%	5.4 AF/AC	83.7 AFA	
	MAX. POTENTIAL	15.5	ALFALFA	38%	8.8 AF/AC	136.4 AFA	
SROO1	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-6673 - CLAIMS IRRIGATION, STOCKWATERING, RECREATION, DOMESTIC, AND WILDLIFE WATER USES. NO USES WERE FOUND AT THE CLAIMED LOCATIONS.
 FILING 39-12000 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.
 FILING 39-12002 - CLAIMS AN IRRIGATION USE. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W1-W8 - WELLS PROVIDE WATER FOR IRRIGATION, DOMESTIC, STOCKWATERING, RECREATION, AND WILDLIFE USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

IR1 - IRRIGATED MULTIPLE CROPS (PASTURE AND ALFALFA).

IR2 - IRRIGATED PASTURE.

SR1 - SMALL RESERVOIR, SUPPLIED BY W1 & W2, IS USED FOR IRRIGATION AND STOCKWATERING PURPOSES.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED WHICH PROVIDES ADDITIONAL INFORMATION ON IRRIGATION USES.

ATTACHMENT B

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