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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

W-1 (Salt)  
W-2 (Verde)  
W-3 (Upper Gila)  
W-4 (San Pedro)  
Consolidated  
  
Contested Case No. W1-11-1881  
  
ORDER TO INITIATE CASE AND  
CONSOLIDATE

CONTESTED CASE NAME: *In re Acel and Nila East*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Order to initiate contested case no. W1-11-1881 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 contested case involves potential water rights for irrigation and small reservoir uses in the southwest and southeast quarters of section 27 T16S R20E.

1           Acel East filed Statement of Claimant 39-2195 and Wallace East filed Statement of  
2 Claimant 39-6139 for claimed water uses. The Arizona Department of Water Resources  
3 investigated the claims and submitted its results in Watershed File Report 112-17-BAA-185  
4 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).  
5 A copy of the Watershed File Report 112-17-BAA-185 is attached as Attachment A. The purpose  
6 of this case is to resolve the objections made to the WFR. The objectors are included in  
7 Attachment B.

8           The Arizona Department of Water Resources public records do not include assignments of  
9 the Statements of Claimant. According to the Cochise County Assessor, the property described in  
10 the WFR includes tax parcel nos. 208-37-007, 208-37-009, and 208-37-012D. It lists Earl East as  
11 the current owner of the property.

12           The WFR states that filings made by the Pomerene Water Users Association apply to the  
13 irrigation use on the property. On August 31, 2018, the Pomerene Water Users Association filed a  
14 Notice of Termination stating that St. David Irrigation District has claimed the Pomerene diversion  
15 structure and the Pomerene canal. At that time, the Pomerene Water Users Association notified  
16 the Court of those persons and entities who had petitioned to be annexed into the St. David  
17 Irrigation District. Earl East was included on the list of individuals and entities filed with the  
18 Court. Accordingly,

19 **IT IS ORDERED:**

20           1.     Contested Case, Consolidation, Designation and Docket Number. This order  
21 initiates contested case no. W1-11-1881. This contested case is consolidated with *In St. David*  
22 *Irrigation District*, Contested Case No. W1-11-1675.

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

26           3.     Court-Approved Mailing List. The initial Court-approved mailing list for this case  
27 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
EAST, ACEL W. & NILA	112-17-BAA-185

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *W1-11-1881*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0027899		IRRIGATION	1000.00		27	160S 200E				
39-0002195		IRRIGATION	616.00				1945	SWSE27	160S	200E
39-0006139		IRRIGATION	5.00	SESESW27	160S	200E	1919	SESESW27	160S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0027899	IRRIGATION	IRRIGATION	WO1	IROO1
39-0002195	IRRIGATION	IRRIGATION	WO1	IROO1
39-0006139	IRRIGATION	NONE	WO2	

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SWSWSE27	160S	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
WO2	SESESW27	160S	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
IROO1	SESW27	160S	200E	WO1	GROUNDWATER : ZONE 2	1935	YES	
	SWSE27	160S	200E					
	SWSW27	160S	200E					

RESERVOIRS

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SROO1	SESESW27	160S	200E	WO2	GRNDWTR : ZONE 2	1955	UNNAMED	RECREATION

SHARED USES AND DIVERSIONS

\*\* WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:

112-17BAA180, 112-17BAA205

\*\* WATER FROM WO2 IS SHARED WITH THESE ADDITIONAL FILES:

112-17BAA-24

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IROO1	39-0002195	36-0027899	1912 POMERENE W.U.A. INFO	GROUNDWATER : ZONE 2
SROO1	39-0006139	NONE	1955 1955 AERIAL PHOTO	GROUNDWATER : ZONE 2

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	MAX. OBSERVED	35.4	FALL GRAINS	45%	1.4 AF/AC	49.6 AFA	
	REGIONAL	35.4	AVE. CROP	50%	5.4 AF/AC	191.2 AFA	
	MAX. POTENTIAL	35.4	ALFALFA	45%	7.4 AF/AC	262.0 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 39-6139 - CLAIMS AN IRRIGATION WATER USE. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

- W1 - WELL PROVIDES WATER FOR IRRIGATION USES.
- W2 - WELL PROVIDES WATER FOR RECREATIONAL USES.

USES AND RESERVOIRS

- IR1 - IRRIGATED SMALL GRAINS.
- SR1 - SMALL RESERVOIR, SUPPLIED BY WELL W2, IS USED FOR RECREATION PURPOSES.
- DOMESTIC WATER USE IS SUPPLIED BY THE POMERENE DOMESTIC WATER USERS ASSOCIATION.

SHARED USES AND DIVERSIONS

- W1 - WELL IS SHARED WITH W.F.R.'S #112-17-BAA-180 & #112-17-BAA-205.
- W2 - WELL IS SHARED WITH W.F.R. #112-17-BAA-24.

PWR SUMMARY

FILINGS MADE BY THE POMERENE WATER USERS ASSOCIATION ALSO APPLY TO IRRIGATION USES (IR1) ON THIS PROPERTY. FOR MORE INFORMATION ON THE POMERENE WATER USERS ASSOCIATION, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
EAST, ACEL W. & NILA	112-17-BAA-185

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	SWSWSE27	16OS	20OE	IROO1	W1-11-1881 SHARED
WO2	UNNAMED	SESESW27	16OS	20OE	SROO1	

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
IROO1	SESW27	16OS	20OE	1912	POMERENE W.U.A. INFO	191.2 AFA	35.4
	SWSE27	16OS	20OE				
	SWSW27	16OS	20OE				
SROO1	SESESW27	16OS	20OE	1955	1955 AERIAL PHOTO	LTE 15.0 AF	

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
39-0002195	WO1	IROO1
39-0006139	WO2	

EXPLANATION

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

W2 - WELL PROVIDES WATER FOR RECREATION USES.

IR1 - IRRIGATED SMALL GRAINS.

SR1 - SMALL RESERVOIR IS USED FOR RECREATION PURPOSES.

\*\* WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:

112-17BAA180, 112-17BAA205

\*\* WATER FROM WO2 IS SHARED WITH THESE ADDITIONAL FILES:

112-17BAA-24

# ATTACHMENT B

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