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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 Nos. W1-11-1884

CONTESTED CASE NAMES: *In re Eldon J. & Shirley Barney*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Arizona Department of Water Resources directed to map one well in the northwest quarter of section 2 T17S R20 and three wells in the northeast quarter of section 3 T17S R20. Status conference set to determine proceedings necessary to address potential water rights for irrigation use.

NUMBER OF PAGES: 13

DATE OF FILING: October 24, 2018

This contested case involves a potential water right for irrigation uses in the southwest quarter of section 35 T16S R20E identified by the Arizona Department of Water Resources in Watershed File Report No. 112-17-BAA-206 (WFR). The WFR listed four wells and a diversion from the San Pedro River into the Pomerene Water Users Association Canal as the sources of

1 water. A copy of the WFR is attached as Attachment A. A copy of the map prepared by the
2 Arizona Department of Water Resources for the WFR is attached as Attachment B.

3 Eldon J. Barney filed Statements of Claimant 39-5938, 39-12574, and 39-12575. The
4 records of the Arizona Department of Water Resources do not show that any of the Statements of
5 Claimant have been assigned to a successor landowner. The purpose of this case is to address the
6 six objections to the potential water right for the irrigation use to the extent that the current
7 landowner intends to pursue that right from any of the sources of the water listed.
8

9 **Background**

10 Until October 5, 2018, this case was consolidated and a part of that group of cases
11 known as *In re Pomerene Water Users Association*, contested case no. W1-11-1676. In that
12 case, the court scheduled a status conference for June 28, 2017 in part to identify the proper
13 parties. At the status conference, counsel for the Pomerene Water Users Association was given
14 until October 2, 2017 to provide documentation concerning the continuing authority of Pomerene
15 Water Users Association to act.
16

17 By order dated July 26, 2017, the court directed the owners of land for which Arizona
18 Department of Water Resources had identified as places of use for water diverted through the
19 Pomerene Canal to file new or amended statements of claimant if they desired to assert a claim
20 for a right to divert water through the Pomerene Canal for irrigation use. A second status
21 conference was set for October 18, 2017.
22

23 At the status conference held on October 18, 2017, the newly elected board of the
24 Pomerene Water Users Association appeared along with its counsel. The court directed the
25 Pomerene Water Users Association to file a list by December 29, 2017 that identified those
26 landowners who were members by the Pomerene Water Users Association and whose interests
27 would be represented by the Pomerene Water Users Association in this adjudication of water
28

1 rights. The court also set a third status conference for September 6, 2018. On December 21,
2 2017, the Pomerene Water Users Association timely filed a list of 26 landowners which included
3 Paul Brick and Shirley Barney.

4 On August 31, 2018, Pomerene Water Users Association filed a Notice of Termination.
5 At the third status conference, counsel for the Pomerene Water Users Association provided a list
6 of its members who joined the St. David Irrigation District and those members who declined to
7 join the St. David Irrigation District. The Pomerene Water Users Association also provided new
8 contact information that stated that Eldon and Shirley Barney were the former owners of land
9 included in WFR 112-17-BAA-206 and that the land had been transferred to Jay Barney and Flint
10 Barney.
11 Barney.

12 By order dated October 5, 2018, the cases previously consolidated into a single case
13 known as *In re Pomerene Water Users Association* were separated into individual cases. As a
14 result, the potential water right analyzed in the WFR will be considered in this separate case or
15 consolidated with the contested case for the St. David Irrigation District, if appropriate.
16

17 **Landowners**

18 The first step to adjudicate the water rights identified by the WFR is to identify the current
19 landowners involved in this case. According to information provided by the Cochise County
20 Assessor's and Treasurer's Office, the land included in the WFR consists of Tax Parcel no.
21 20847058. A copy of Cochise County Assessor's map is attached as Attachment C.
22

23 The second step is to determine whether the wells listed in the WFR are located in the
24 subflow zone. The third step is to determine whether the landowners intend to pursue claims for
25 potential water rights described in the WFR, and, if so, to schedule appropriate procedures to
26 adjudicate those claims. Accordingly,
27
28

1 **IT IS ORDERED** that by **November 30, 2018**, the Arizona Department of Water
2 Resources shall file a map that shows Wells 1, 2, 3, and 4 identified in the WFR relative to the
3 boundaries of the subflow zone.


4 **IT IS FURTHER ORDERED** that a telephonic status conference shall be held on
5 **December 13, 2018** at 2:00 p.m. to ascertain whether the landowner intends to pursue the potential
6 water right set forth in the WFR.
7

8 Instructions for telephonic participation:
9 Dial: 602-506-9695 (local)
10 1-855-506-9695 (toll free long distance)
11 Dial Collaboration (conference) Code 357264#

12 Failure to participate at the status conference or file a statement of claimant with the Arizona
13 Department of Water Resources may result in no adjudication of the potential water right
14 associated with the land described in the WFR.
15
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17
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19 SUSAN WARD HARRIS
20 Special Master
21

22 On October 24, 2018, the original of the foregoing was
23 delivered to the Clerk of the Maricopa County Superior
24 Court for filing and distributing a copy to the persons listed
25 as Attachment D.

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27 Barbara Brown
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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
BARNEY, ELDON J.	112-17-BAA-206
& SHIRLEY	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES **WI-11-1884**

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
39-0005938		IRRIGATION STOCK	3000.00 7.50	34	160S	200E	1910	NENE36	170S	210E
				02	170S	200E		SESENW02	160S	200E
39-0012574		IRRIGATION STOCK		03	170S	200E	1912	SWNE03	160S	200E
39-0012575		IRRIGATION STOCK		34	160S	200E	1912	SENE03	160S	200E
				03	160S	200E		SWNE03	160S	200E
				03	160S	200E		SENE03	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
39-0005938	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1,WO4	IROO1
39-0012574	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1,WO1,WO2	IROO1
39-0012575	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1,WO1,WO2	IROO1

DIVERSIONS

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NWSENE36	170S	200E	POMERENE CANAL	SURFACE WATER: SAN PEDRO RIVER SHARED
WO1	SENWNE03	170S	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
WO2	SENE03	170S	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
WO3	NESENE03	170S	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
WO4	SWSNW02	170S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IROO1	SWSW35	160S	200E	DO1,WO1,WO2 WO3,WO4	SURFACE WATER GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1935	NO	

SHARED USES AND DIVERSIONS

- ** DIVERSION DO1 OPERATED BY THE POMERENE WATER USERS ASSOC. (FILE 112-17-89) SUPPLIES WATER TO PWRS IN THIS FILE.
- ** WATER FROM WO1 FOUND IN FILE (112-17-BAD-1) IS USED IN THIS FILE
- ** WATER FROM WO2 FOUND IN FILE (112-17-BAD-1) IS USED IN THIS FILE
- ** WATER FROM WO3 FOUND IN FILE (112-17-BAD-1) IS USED IN THIS FILE
- ** WATER FROM WO4 FOUND IN FILE (112-17-BAD-10) IS USED IN THIS FILE

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IROO1	39-0005938 39-0012574 39-0012575	NONE	1912 POMERENE W.U.A. INFO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2

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
IROO1	MAX. OBSERVED	.6	PERM. PSTR	32%	9.9 AF/AC	5.9 AFA	
	REGIONAL	.6	AVE. CROP	50%	5.4 AF/AC	3.2 AFA	
	MAX. POTENTIAL	.6	ALFALFA	32%	10.4 AF/AC	6.2 AFA	

E X P L A N A T I O N

DIVERSIONS

D1 - DIVERSION FROM THE SAN PEDRO RIVER INTO THE POMERENE WATER USERS ASSOCIATION CANAL.
 W1-W4 - WELLS PROVIDE WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W1-W3 - WELLS ARE SHARED WITH W.F.R. #112-17-BAD-1.
 W4 - WELL IS SHARED WITH W.F.R. #112-17-BAD-10.

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
BARNEY, ELDON J.	112-17-BAA-206
& SHIRLEY	

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	SENWNEO3	17OS	20OE	IROO1	SHARED
WO2	UNNAMED	SENEO3	17OS	20OE	IROO1	SHARED
WO3	UNNAMED	NESENEO3	17OS	20OE	IROO1	SHARED

W1-11-1884

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***	APPAR. ANNUAL	ACRES
	SECTION	TWNP	RNGE			
IROO1	SWSW35	16OS	20OE	1912	POMERENE W.U.A. INFO	3.2 AFA
						.6

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO:	APPLIES TO:
	WELLS	WATER USES
39-0005938		IROO1
39-0012574	WO1, WO2	IROO1
39-0012575	WO1, WO2	IROO1

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO1 IS PARTIALLY SUPPLIED BY SURFACE WATER AND ZONE 1 GROUNDWATER.

** WATER FROM WO1 FOUND IN FILE (112-17-BAD-1) IS USED IN THIS FILE.

** WATER FROM WO2 FOUND IN FILE (112-17-BAD-1) IS USED IN THIS FILE.

** WATER FROM WO3 FOUND IN FILE (112-17-BAD-1) IS USED IN THIS FILE.

W1-W3 - WELLS PROVIDES WATER FOR IRRIGATION USES.

IR1 - IRRIGATED PASTURE.

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ATTACHMENT B

T 16 S
[112-17-BAB]



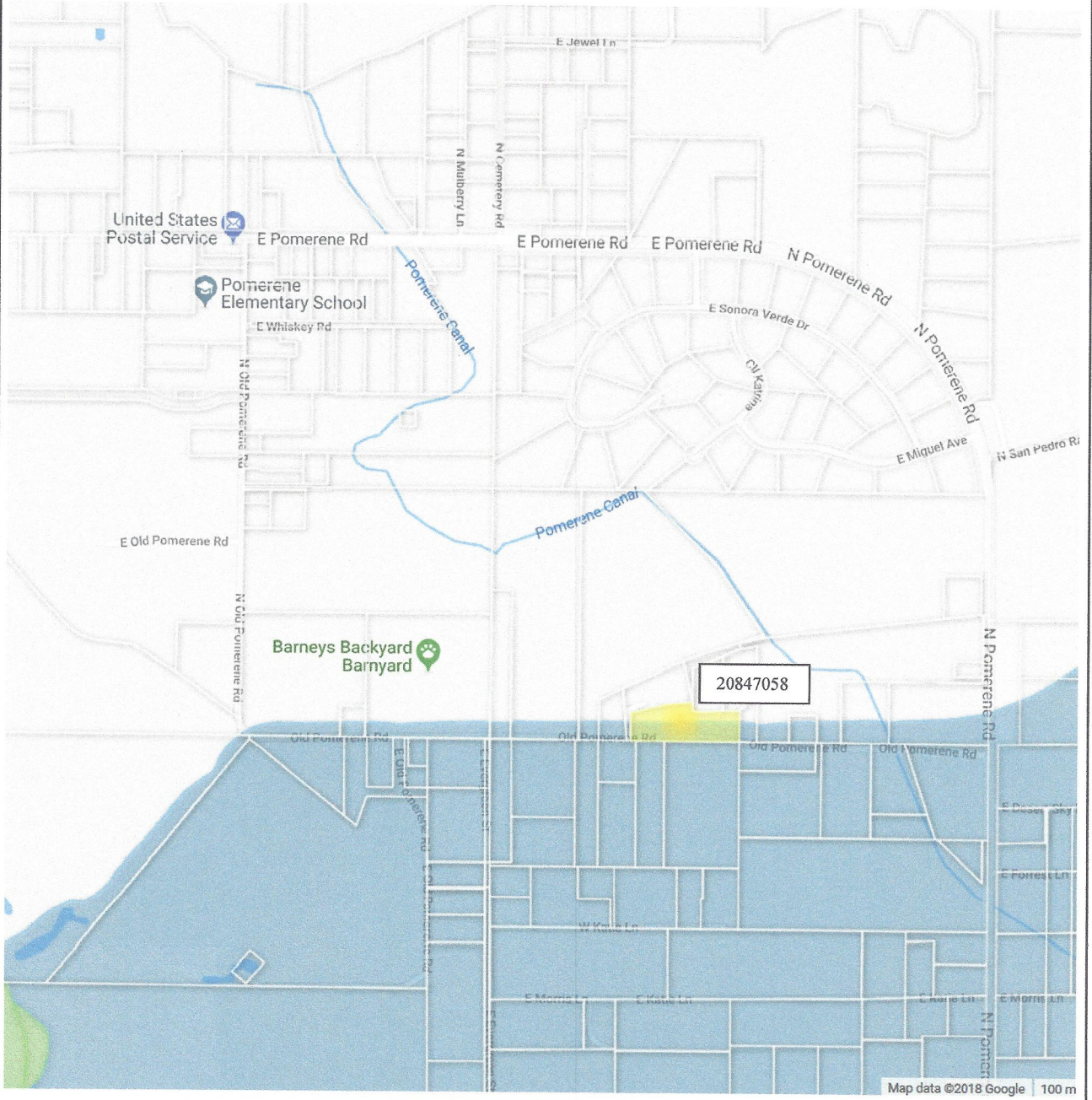
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[112-17-BAD]

R 20 E

ATTACHMENT C

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ATTACHMENT D

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