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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. W1-11-1916
ORDER TO INITIATE CASE AND
CONSOLIDATE

CONTESTED CASE NAME: *In re Alvah and Barbara Fenn*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Order to initiate contested case no. W1-11-1916 and consolidate it with *In re St. David Irrigation District*, contested case no. W1-11-1675.
NUMBER OF PAGES: 7
DATE OF FILING: April 1, 2019

This case involves potential water rights for domestic and irrigation uses in the southwest quarter of section 11 T17S R20E. Alvah Fenn filed Statements of Claimant 39-6664 and 39-6666 (“SOCs”) for the water uses. Alvah Fenn assigned the SOCs on April 8, 1991 to Michael and Jenifer O’Callaghan. The Arizona Department of Water Resources public records show a form of

1 assignments of the SOC's from Michael and Jenifer O'Callaghan in favor of Mark and Carrie Fenn
2 filed on June 3, 2009.

3 The Arizona Department of Water Resources investigated the claims and submitted its
4 results in Watershed File Report 112-17-BAD-022 ("WFR") published in the Final San Pedro
5 River Watershed Hydrographic Survey Report (1991). According to the Cochise County Arizona
6 Recorder's Office, the property encompassed in the WFR includes tax parcel nos. 123-27-003C
7 and 123-27-003F. It names Mark and Carrie Fenn as the current owners of the property. The WFR
8 listed the sources of water as wells and noted that filings made by the Pomerene Water Users
9 Association applied to irrigation uses on the land included in the WFR. A copy of the Watershed
10 File Report 112-17-BAD-022 is attached as Attachment A. The purpose of this case is to resolve
11 the five objections made to the WFR. The objectors are included in Attachment B.

12 On August 31, 2018, the Pomerene Water Users Association filed a Notice of Termination
13 stating that St. David Irrigation District has claimed the Pomerene diversion structure and the
14 Pomerene canal. At that time, the Pomerene Water Users Association notified the court of those
15 persons and entities who had petitioned to be annexed into the St. David Irrigation District. Mark
16 and Carrie Fenn were included on the list of individuals and entities filed with the court.
17 Accordingly,

18 **IT IS ORDERED:**

19
20 1. Contested Case, Consolidation, Designation and Docket Number. This contested
21 case initiates case no. W1-11-1916. The 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 claimant and land owner, Mark
24 and Carrie Fenn, all persons who filed objections to the listed watershed file reports who are listed
25 on Attachment B, 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 1, 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
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FENN, ALVAH F.	112-17-BAD-022
& BARBARA H.	

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

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE SECTION	LOCATION TWP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWP	RNGE
39-0006664	QUE.RECD	IRRIGATION STOCK OTHER	2.00	SWNESW11	17OS	200E	1947	SWNESW11	17OS	200E
39-0006666	QUE.RECD	DOMESTIC	2.00	SWNESW11	17OS	200E	1980	SWNESW11	17OS	200E

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0006664	IRRIGATION STOCK OTHER	IRRIGATION INCIDENTAL INCIDENTAL	WO2	IROO1, IRO90, SROO1
39-0006666	DOMESTIC	DOMESTIC	WO1	DMOO1

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SENEW11	17OS	200E	UNNAMED	GROUNDWATER : CATALOGUED
WO2	SWNESW11	17OS	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
WO3	SENEW11	17OS	200E	UNNAMED	GROUNDWATER : CATALOGUED

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SENEW11	17OS	200E	WO1, WO3	GROUNDWATER : CATALOGUED		NO	
IROO1	NESW11	17OS	200E	WO2	GROUNDWATER : ZONE 1	1935	YES	
IRO90	NWSW11	17OS	200E	WO2	GROUNDWATER : ZONE 1	1976	NO	

R E S E R V O I R S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SROO1	NENWSW11	17OS	200E	WO2	GRNDWTR : ZONE 1	1935	UNNAMED	STOCKWATERING FIRE PROTECT.

S H A R E D U S E S A N D D I V E R S I O N S

** WATER FROM WO2 IS SHARED WITH THESE ADDITIONAL FILES:
112-17BAD-33

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
DMOO1	39-0006666	NONE		GROUNDWATER : CATALOGUED
IROO1	39-0006664	NONE	1912	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO90	39-0006664	NONE	1976 1976	AERIAL PHOTO GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
SROO1	39-0006664	NONE	1935 1935	AERIAL PHOTO GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED	2.4	PERM. PSTR	32%	9.9 AF/AC	23.8 AFA	
	REGIONAL	2.4	AVE. CROP	50%	5.4 AF/AC	13.0 AFA	
	MAX. POTENTIAL	2.4	ALFALFA	32%	10.4 AF/AC	25.0 AFA	
IRO90	REGIONAL	1.7	NO CROP				DISCONTINUED IRRG.
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 39-6664 - CLAIMS IRRIGATION, STOCKWATERING, AND OTHER WATER USES. THE CLAIMED "OTHER" WATER USE IS FOR FIRE PROTECTION.

FILINGS 39-6664 & 39-6666 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH SUPPLIED NEW INFORMATION ON USE LOCATIONS.

DIVERSIONS

W1 & W3 - CATALOGUED WELLS PROVIDE WATER FOR DOMESTIC AND STOCKWATERING USES.

W2 - WELL PROVIDES WATER FOR IRRIGATION, STOCKWATERING, AND FIRE PROTECTION USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

IR1 - IRRIGATED PASTURE.

IR90 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON A PORTION OF THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

SR1 - SMALL RESERVOIR, SUPPLIED BY WELL W2, IS USED FOR STOCKWATERING AND FIRE PROTECTION PURPOSES.

SHARED USES AND DIVERSIONS

W2 - WELL IS SHARED WITH W.F.R. #112-17-BAD-33.

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.

ATTACHMENT B

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