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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. W1-11-1918

ORDER TO SEPARATE CASE AND
SET A TELEPHONIC STATUS
CONFERENCE

CONTESTED CASE NAMES: *In re Gerald and Judy Barney*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Contested Case is ordered separated from W1-11-1676. Telephonic status conference set on **January 24, 2019** to determine proceedings necessary to address potential water right for irrigation use.

NUMBER OF PAGES: 13

DATE OF FILING: December 28, 2018

This contested case involves a potential water right for an irrigation use in the southeast quarter of the northwest quarter of section 11 T17S R20E identified by the Arizona Department of Water Resources in Watershed File Report No. 112-17-BAD-029 (WFR). The WFR listed three wells and a diversion from the San Pedro River into the Pomerene Water Users Association Canal

1 as the sources of water. A copy of the WFR is attached as Attachment A. A copy of the map
2 prepared by the Arizona Department of Water Resources for the WFR is attached as Attachment
3 B. The land at issue is designated by a "(29)" on the map. By order dated March 13, 1995,
4 Gerald Barney and Judy Barney were dismissed from contested case W1-11-1676 with prejudice
5 as to any claim for surface water diverted by the Pomerene Water Users Association. Thus, at
6 issue in this contested case is a potential water right for an irrigation use to water with the three
7 wells as the source.
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9 Rex Barney filed Statement of Claimant 39-4305 asserting an annual right to 1,000 acre
10 feet of water for irrigation and four acre feet of water for stock watering over 250 acres that
11 includes the land identified in the WFR. The purpose of this case is to address the five objections
12 to the potential water right for an irrigation use to the extent that the current landowners intend to
13 pursue that right from any of the sources of the water listed. Copies of the objections can be
14 obtained from the Arizona Department of Water Resources or accessed on the webpage for the
15 General Stream Adjudication under the contested case number for this case:

16 <https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>
17

18 **Landowners**

19 According to information provided by the Cochise County Assessor's and Treasurer's
20 Office, the land included in the WFR consists of Tax Parcel nos. 12326009A, 12326011H and
21 12326011J which are owned by the David L. Bates Living Trust, Brett and Elizabeth Barney, and
22 Carl and Sandra Ewing, respectively. A copy of Cochise County Assessor's map is attached as
23 Attachment C. Based on the map prepared by the Arizona Department of Water Resources,
24 those wells are located in the subflow zone. The map showing the wells and the boundaries of
25 the subflow zone is attached as Attachment D. At this point the next step is to determine whether
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1 the landowners intend to pursue claims for potential water rights described in the WFR, and, if so,
2 to schedule appropriate procedures to adjudicate those claims.

3 Accordingly,

4 **IT IS ORDERED** separating this contested case from W1-11-1676.

5 **IT IS FURTHER ORDERED** that a telephonic status conference shall be held on
6 **January 24, 2019** at 2:30 p.m. to ascertain whether the landowners intend to pursue the potential
7 water right set forth in the WFR.
8

9 Instructions for telephonic participation:

10 Dial: 602-506-9695 (local)

11 1-855-506-9695 (toll free long distance)

12 Dial Collaboration (conference) Code 357264#

13 Failure to participate at the status conference or file a statement of claimant with the Arizona
14 Department of Water Resources may result in no adjudication of the potential water right
15 associated with the land described in the WFR.
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21 SUSAN WARD HARRIS
22 Special Master
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25 On December 28, 2018, the original of the foregoing was
26 delivered to the Clerk of the Maricopa County Superior
27 Court for filing and distributing a copy to the persons listed
28 as Attachment E.

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ATTACHMENT A

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LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
BARNEY, GERALD A.	112-17-BAD-029
& JUDY G.	

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 *WI-11-1918*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0027315		IRRIGATION	1935.60	11	170S	200E	1944	NW11	170S	200E
36-0027317		IRRIGATION	1613.00	11	170S	200E	1948	NW11	170S	200E
36-0027318		IRRIGATION	3226.00	11	170S	200E	1915	SE36	170S	200E
36-0027320		IRRIGATION	1774.30	11	170S	200E	1952	NW11	170S	200E
39-0004305		IRRIGATION	1000.00	02	170S	200E	1910	NENE36	170S	210E
		STOCK	4.00	11	170S	200E		SENE11	170S	210E
				SWNE11	170S	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
36-0027315	IRRIGATION	IRRIGATION	WO1	IROO1
36-0027317	IRRIGATION	IRRIGATION	WO2	IROO1
36-0027318	IRRIGATION	IRRIGATION	DO1	IROO1
36-0027320	IRRIGATION	IRRIGATION	WO3	IROO1
39-0004305	IRRIGATION	IRRIGATION	DO1,WO1,WO2	IROO1
	STOCK	INCIDENTAL	WO3	

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NWSENE36	170S	200E	POMERENE CANAL	SURFACE WATER: SAN PEDRO RIVER
WO1	SESENW11	170S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2
WO2	SESENW11	170S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2
WO3	SESENW11	170S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
IROO1	SENW11	170S	200E	DO1,WO1,WO2	SURFACE WATER	1935	NO	
				WO3	GROUNDWATER : ZONE 2			

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

- ** 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 (112-17BAD-28) IS USED IN THIS FILE
- ** WATER FROM WO2 FOUND IN FILE (112-17BAD-16) IS USED IN THIS FILE
- ** WATER FROM WO3 FOUND IN FILE (112-17BAD-16) IS USED IN THIS FILE

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
IROO1	39-0004305	36-0027315 36-0027317 36-0027318 36-0027320	1912	POMERENE W.U.A. INFO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	MAX. OBSERVED	2.8	PERM. PSTR	32%	9.9 AF/AC	27.7 AFA	
	REGIONAL	2.8	AVE. CROP	50%	5.4 AF/AC	15.1 AFA	
	MAX. POTENTIAL	2.8	ALFALFA	32%	10.4 AF/AC	29.1 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-W3 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.

USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.
 DOMESTIC WATER USE IS SUPPLIED BY THE POMERENE DOMESTIC WATER USERS ASSOCIATION.

SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #112-17-BAD-28.
 W2 & W3 - WELLS ARE SHARED WITH W.F.R. #112-17-BAD-16.

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, GERALD A.	112-17-BAD-029
& JUDY G.	

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W01	UNNAMED	SESENW11	170S	200E	IROO1	W1-11-1918 SHARED SHARED SHARED
W02	UNNAMED	SESENW11	170S	200E	IROO1	
W03	UNNAMED	SESENW11	170S	200E	IROO1	

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
IROO1	SENW11	170S	200E	1912	POMERENE W.U.A. INFO	15.1 AFA	2.8

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0004305	W01, W02, W03	IROO1

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO1 IS PARTIALLY SUPPLIED BY SURFACE WATER.

** WATER FROM W01 FOUND IN FILE (112-17BAD-28) IS USED IN THIS FILE.

** WATER FROM W02 FOUND IN FILE (112-17BAD-16) IS USED IN THIS FILE.

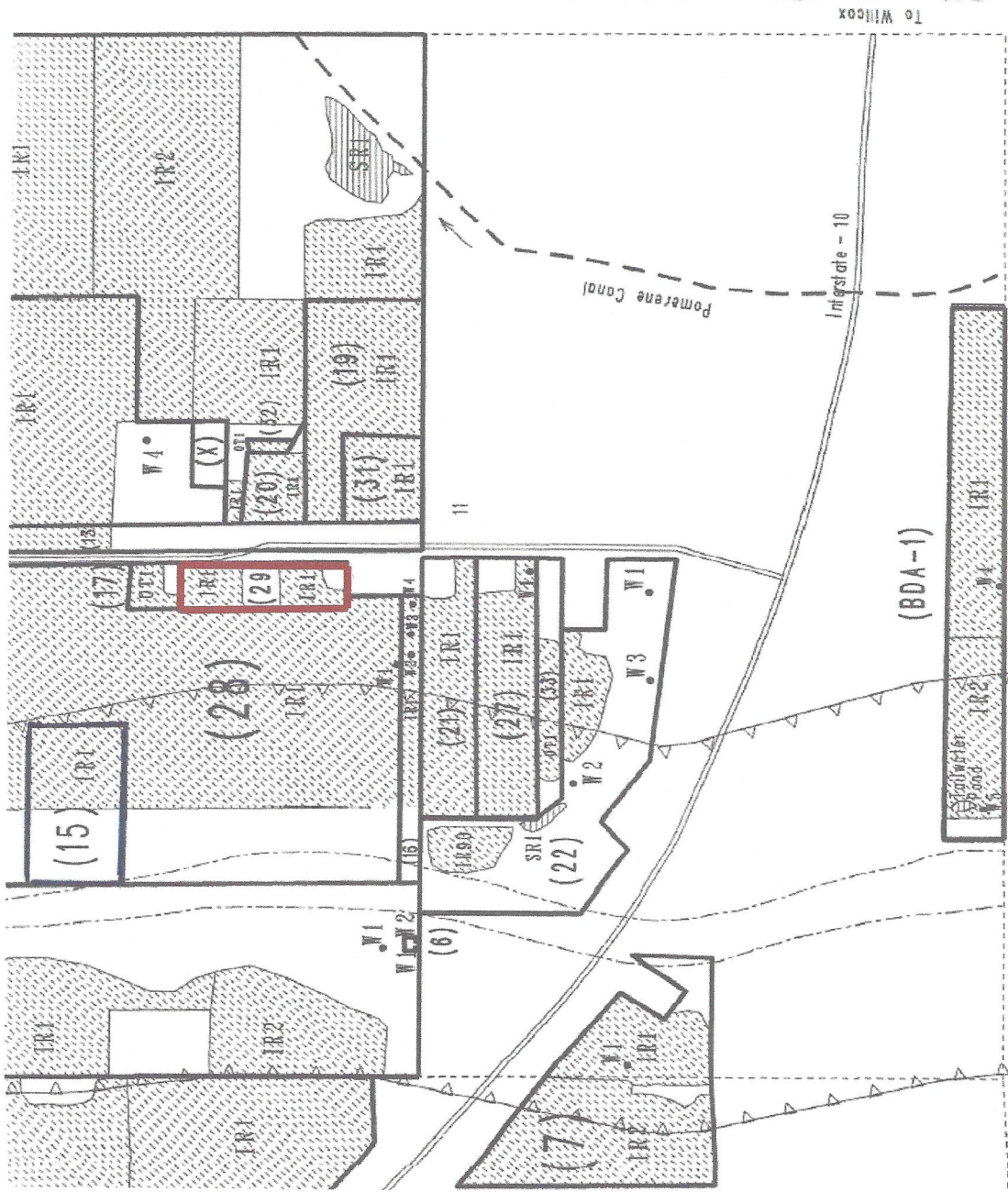
** WATER FROM W03 FOUND IN FILE (112-17BAD-16) IS USED IN THIS FILE.

W1-W3 - WELLS PROVIDE WATER FOR IRRIGATION USES.

IR1 - IRRIGATED PASTURE.

ATTACHMENT B

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[112-17-80A]
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ATTACHMENT C

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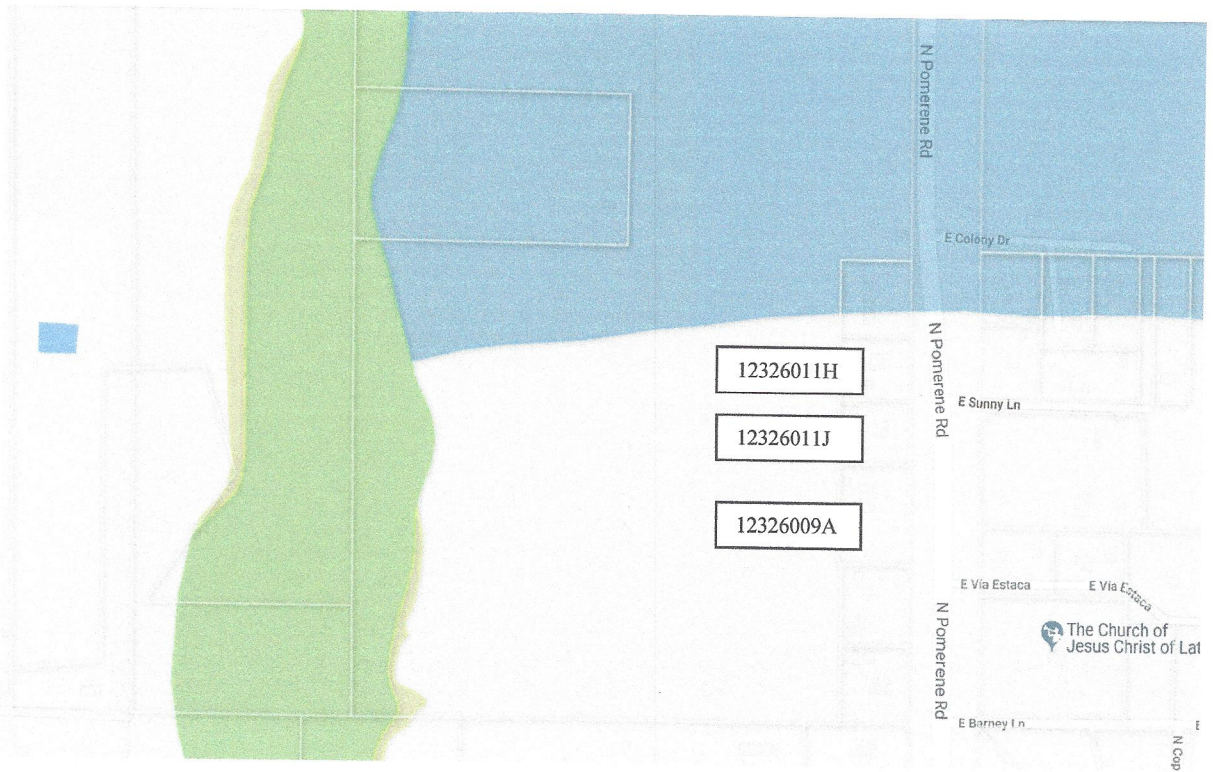
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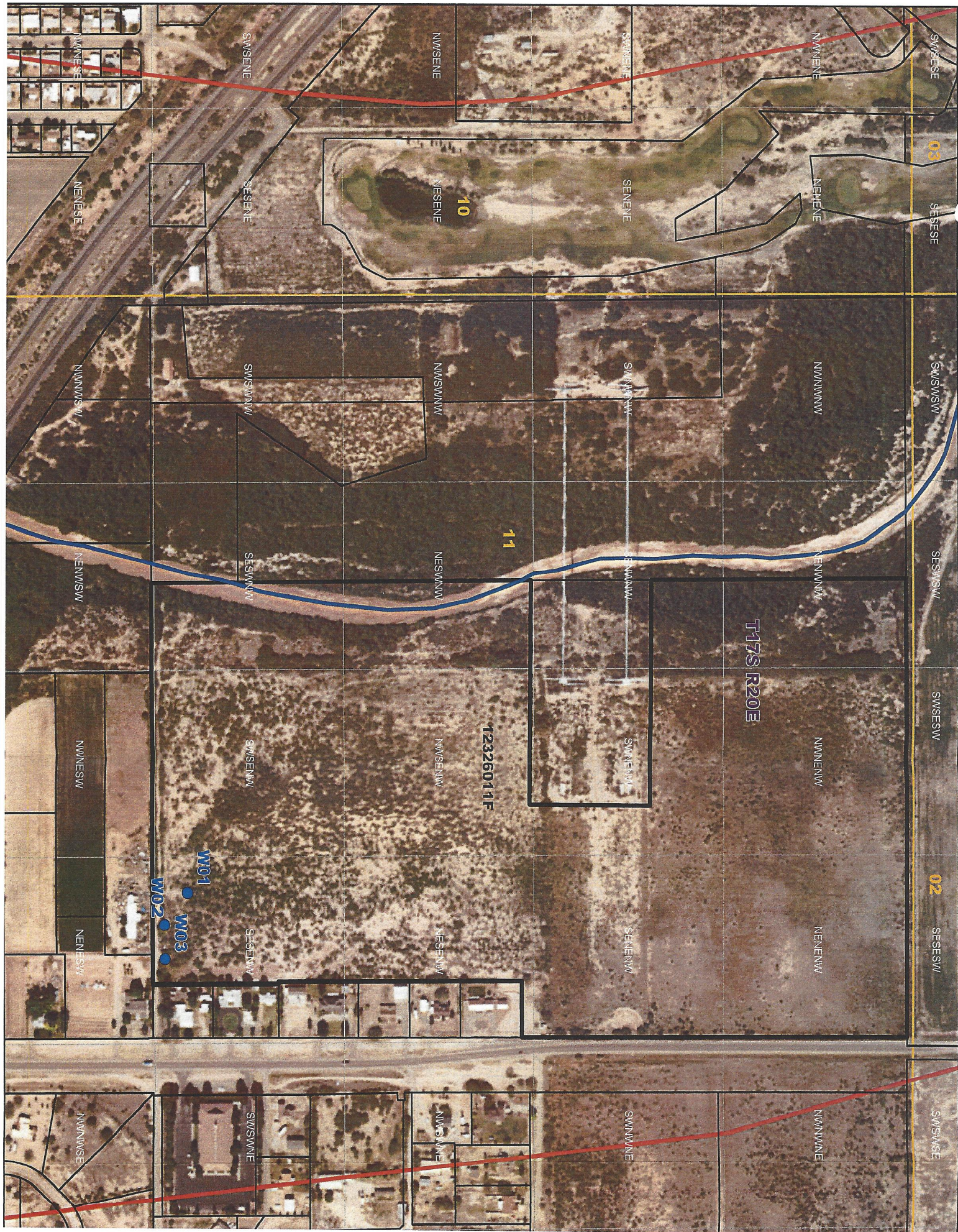
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ATTACHMENT D



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ATTACHMENT E

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