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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

CIVIL NO. W1-11-1676
(Consolidated)

ORDER SETTING STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Pomerene Water Users Association.*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Order setting a status conference on June 28, 2017.
NUMBER OF PAGES: 7.
DATE OF FILING: April 25, 2017

This case concerns the objections to water rights claimed for the water diverted and distributed by the Pomerene Water Users Association. The Special Master initiated this case on February 1, 1994, and it proceeded toward trial scheduled for May 2, 1995. By order filed April

1 24, 1995, the trial date was vacated because of developments that affected the general adjudication.
2 Due to the length of time that has lapsed since the claims for water rights in this case were last
3 considered, the first step toward the completion of the adjudication of these claims is the
4 determination of the appropriate parties. The appropriate parties are the Pomerene Water Users
5 Association and those person who use the water diverted and distributed by the Pomerene Water
6 Users Association.
7

8 In 1991, Arizona Department of Water Resources (ADWR) issued the San Pedro River
9 Watershed Hydrographic Survey Report consisting of a number of watershed file reports (WFRs)
10 that analyzed water uses in the San Pedro River watershed. When this case was initiated, ADWR
11 identified the WFRs that included land served by water diverted and distributed by the Pomerene
12 Water Users Association. Minute Entry, filed March 24, 1994. All of the land identified is
13 located in the Benson Subwatershed. The landowners and lessees of the land referenced in the
14 identified WFRs were notified of this proceeding. *Id.* In addition, the individuals and entities who
15 filed statements of claimant included in the WFRs as well as Objectors to the WFRs were named
16 as litigants. *Id.* During the subsequent 14 months after the initiation of this case, certain
17 landowners and lessees were dismissed based upon findings that their land did not receive water
18 diverted and distributed by the Pomerene Water Users Association. Additional parties were added
19 to the case based on various interests shown.
20
21

22 The preliminary list of the appropriate parties to this case includes:

- 23 1) all of the persons listed on the April 1995 mailing list;
- 24 2) the original landowners and lessees who were not dismissed; and,
- 25 3) persons who may be successors-in-interest to the original landowners.

26 The persons who may be successors-in-interest were determined by an examination of Cochise
27 County property tax records and documents filed with the Cochise County Recorder. In addition,
28

1 ADWR's public files were reviewed to locate assignments of statements of claimant to subsequent
2 landowners. The preliminary list is attached as Attachment A. The preliminary list is not a
3 finding that any person named has either a real property interest or a valid claim for water.
4 Similarly, the absence of a name from this list is not a finding that a person does not have a real
5 property or water interest. Instead, the preliminary list has been created for the limited purpose of
6 providing notice of the continuation of this proceeding. Rights to water will be adjudicated during
7 the course of the contested case.
8

9 The preliminary list will be amended as additional information is obtained and as persons
10 move to be added or dismissed from the case. It is expected that the Pomerene Water Users
11 Association will be an important source of current information. As this case involves the
12 diversion and distribution of water by the Pomerene Water Users Association, it is assumed that
13 the Pomerene Water Users Association will have a current list of those landowners and possibly
14 lessees who use water delivered from its canal. Accordingly,
15

16
17 **IT IS ORDERED** that the Pomerene Water Users Association will file by June 16, 2017, the
18 names and addresses of those landowners and lessees that it has reason to believe are using water
19 diverted and distributed by the Pomerene Water Users Association.
20

21 **IT IS FURTHER ORDERED** setting a status conference to determine: the appropriate
22 litigants; whether the past practice of the Pomerene Water Users Association's representation of a
23 number of water users may be adopted to reduce the copying expense of all of the parties; and, the
24 procedures appropriate to adjudicate the water claims for water diverted and distributed by the
25 Pomerene Water Users Association. The status conference shall be held on June 28, 2017, at
26 10:30 a.m. in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West
27 Jefferson Street, Phoenix, AZ 85003-2202.
28

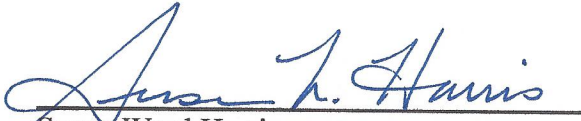
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Instructions for telephonic participation:

Dial: 602-506-9695 (local)

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

Dial Participant Pass Code 357264#


Susan Ward Harris
Special Master

On April 25, 2017, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court approved mailing list for Contested Case No. W1-11-1676.

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ATTACHMENT A

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