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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. W1-11-1871

ORDER TO SET STATUS CONFERENCE

CONTESTED CASE NAME: *In re Lee L. Klones*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Status Conference set for **January 20, 2022 at 2:00 p.m.** to determine whether the landowners, Thomas and Sharon Harding, intend to assert rights to appropriative water with a priority date prior to 1991.
NUMBER OF PAGES: 16
DATE OF FILING: November 29, 2021

This case involves potential water rights for irrigation associated with a domestic use in the northeast quarter of the southeast quarter of Section 34 Township 16S Range 20E. The purpose of this case is to resolve the objections to Watershed File Report 112-17-BAA-037 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy

1 of the Watershed File Report 112-17-BAA-037 (“WFR”) is attached as Attachment A. A copy
2 of the map prepared by Arizona Department of Water Resources that identifies the land
3 investigated for the WFR is attached as Attachment B and the land involved is labelled on the
4 map as “(37)” with a red arrow pointing to it. The WFR lists the source of water as a diversion
5 from the San Pedro River into the Pomerene Water Users Association Canal. The WFR does not
6 list any Statements of Claimant or any other filings with Arizona Department of Water Resources
7 to obtain rights to appropriable water. The purpose of this case is to resolve the objections to the
8 potential water rights to the extent that the current landowners intend to pursue them.

9
10 **Background**

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

17
18 By order dated July 26, 2017, the court directed the owners of the land for which
19 Arizona Department of Water Resources had identified as places of use for water diverted
20 through the Pomerene Canal to file new or amended statements of claimant if they desired to
21 assert a claim for a right to divert water through the Pomerene Canal for irrigation use. A second
22 status conference was set for October 18, 2017. A copy of the order was sent to Thomas and
23 Sharon Harding.
24

25 At the status conference held on October 18, 2017, the newly elected board of the
26 Pomerene Water Users Association appeared along with its counsel. The court directed the
27 Pomerene Water Users Association to file a list by December 29, 2017 that identified those
28

1 landowners who were members of the Pomerene Water Users Association and whose interests
2 would be represented by the Pomerene Water Users Association in this adjudication of water
3 rights. The court also set a third status conference for September 6, 2018. On December 21,
4 2017, the Pomerene Water Users Association timely filed a list of 26 landowners. Thomas and
5 Sharon Harding were not included in the list of the represented landowners.

6
7 On August 31, 2018, Pomerene Water Users Association filed a Notice of
8 Termination. At the third status conference, counsel for the Pomerene Water Users Association
9 provided a list of its members who joined the St. David Irrigation District. Thomas and Sharon
10 Harding were not included on the list and they did not appear at the status conference.

11 By order dated October 5, 2018, the cases previously consolidated into a single case
12 known as *In re Pomerene Water Users Association* were separated into individual cases. As a
13 result, the potential water rights analyzed in the WFR will be considered in this separate case.
14

15 16 **Landowners**

17 The first step to adjudicate the water rights identified by the WFR is to identify the current
18 landowners involved in this case. Based on the WFR, the land involved includes the following
19 tax parcel: 20843010. According to the Cochise County Assessor's Office the current owners of
20 this tax parcel are Thomas and Sharon Harding. Attached as Attachment C is a map showing tax
21 parcel 20843010 from the Cochise County Assessor's Office.
22

23 On April 25, 1994, the Pomerene Water Users Association filed Statement of Claimant
24 39-14898 for irrigation use with a priority date of September 10, 1879 that included land in
25 Section 34 Township 16S Range 20E. The WFR in this contested case include land in Section
26 34 Township 16S Range 20E. Thomas and Sharon Harding have not filed a Statement of
27 Claimant for a right to appropriable water. Accordingly,
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IT IS ORDERED:

1. Contested Case. This contested case will adjudicate any claims for water rights investigated by and objections to Watershed File Report 112-17-BAA-037 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). No claims for water use that began after 1991 shall be adjudicated in this case. Copies of the objections can be found under the case name and number on the following website:
<http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

2. Court-Approved Mailing List.

- A. The initial Court-approved mailing list for this case shall include all persons listed on Attachment D to this order. The list may be modified only by filing a motion with the Special Master to amend the Court-approved mailing list. Litigants are responsible for using the current Court-approved mailing list.
- B. A copy of any pleading filed with the Clerk of the Maricopa County Superior Court in this case shall be served upon each person listed on the Court-approved mailing list.
- C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the Court-approved mailing list.
- D. The Clerk of the Court will send copies of all minute entries and orders issued in this case to the parties listed on the Court-approved mailing list. Upon request, the Clerk of the Court will provide copies by email. Parties may request emailed copies of minute entries and orders by completing

1 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
2 CASE DOCUMENTS, which is attached as Attachment E.

3 4. Status Conference.

4 A. An initial status conference shall be held to determine whether Thomas
5 and Sharon Harding intend to pursue claims for rights to appropriable
6 water. If Thomas and Sharon Harding do not appear at the Status
7 Conference, this case shall be dismissed. If Thomas and Sharon Harding
8 appear and seek water rights they shall be prepared at the Status
9 Conference to provide information about efforts undertaken to file a
10 Statement of Claimant.

11 B. If Thomas and Sharon Harding intend to pursue rights to appropriable
12 water for use on the land, they will be expected to advise whether they
13 are interested in pursuing discussions to resolve the objections to the
14 WFR and the amount of time that the parties believe will be necessary to
15 complete those discussions.

16 C. If the objections cannot be settled, then a subsequent date will be set for
17 a scheduling conference to identify issues, file disclosure statements,
18 conduct discovery, submit prehearing motions, and hold a trial. No party
19 shall conduct any discovery or file any motions prior to the Status
20 Conference.
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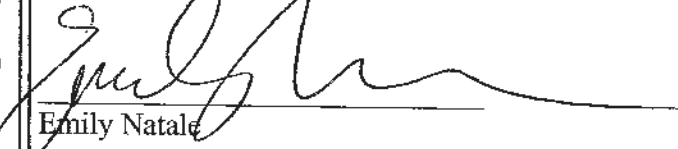
25 The Status Conference shall be held on **January 20, 2022 at 2:00 p.m.** The Status
26 Conference shall be held using the Court Connect program. Instructions for Court Connect are
27 attached as Attachment F. If you receive this Order by email, click on the red box “Join Court
28 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this

1 Order by email, log into the Court Connect program on the internet by typing
2 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
3 telephonically using the telephone number and access code included in the instructions for Court
4 Connect. If you are unable to access Court Connect, you may also attend telephonically using
5 the following instructions:

6
7 Instructions for telephonic appearance:
8 Dial: 602-506-9695 (local)
9 1-855-506-9695 (toll free long distance)
10 Dial Participant Pass Code 357264#

11
12 
13 _____
14 SUSAN WARD HARRIS
15 Special Master

16
17 On November 29, 2021, the original of the foregoing was
18 delivered to the Clerk of the Maricopa County Superior
19 Court for filing and distributing a copy to the persons
20 listed as Attachment D.

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23 Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
KLONES, LEE L.	112-17-BAA-037

D I V E R S I O N S

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NWSENE36	17OS	20OE	POMERENE CANAL	SURFACE WATER: SAN PEDRO RIVER SHARED

W1-11-1871

U S E S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE	FACILITY NAME
OTOO1	NESE34	16OS	20OE	DO1	SURFACE WATER	1935	NO	

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.

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
OTOO1	NONE	NONE	1912 POMERENE W.U.A. INFO	SURFACE WATER: SAN PEORO RIVER

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
OTOO1	REGIONAL	1.0	AVE. CROP	50%	5.4 AF/AC	5.4 AFA	

E X P L A N A T I O N

DIVERSIONS

01 - DIVERSION FROM THE SAN PEORO RIVER INTO THE POMERENE WATER USERS ASSOCIATION CANAL.

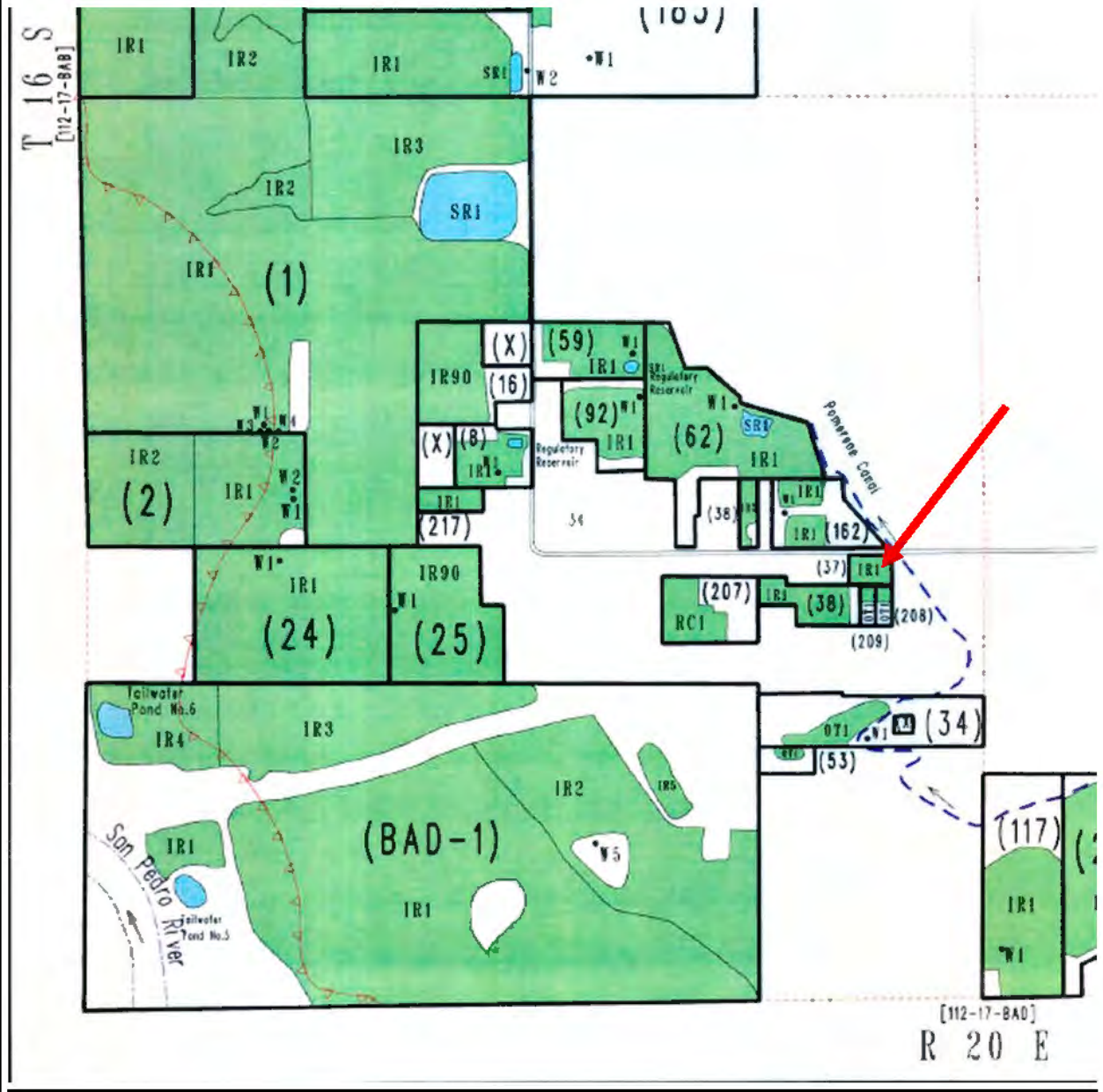
USES AND RESERVOIRS

OT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.

PWR SUMMARY

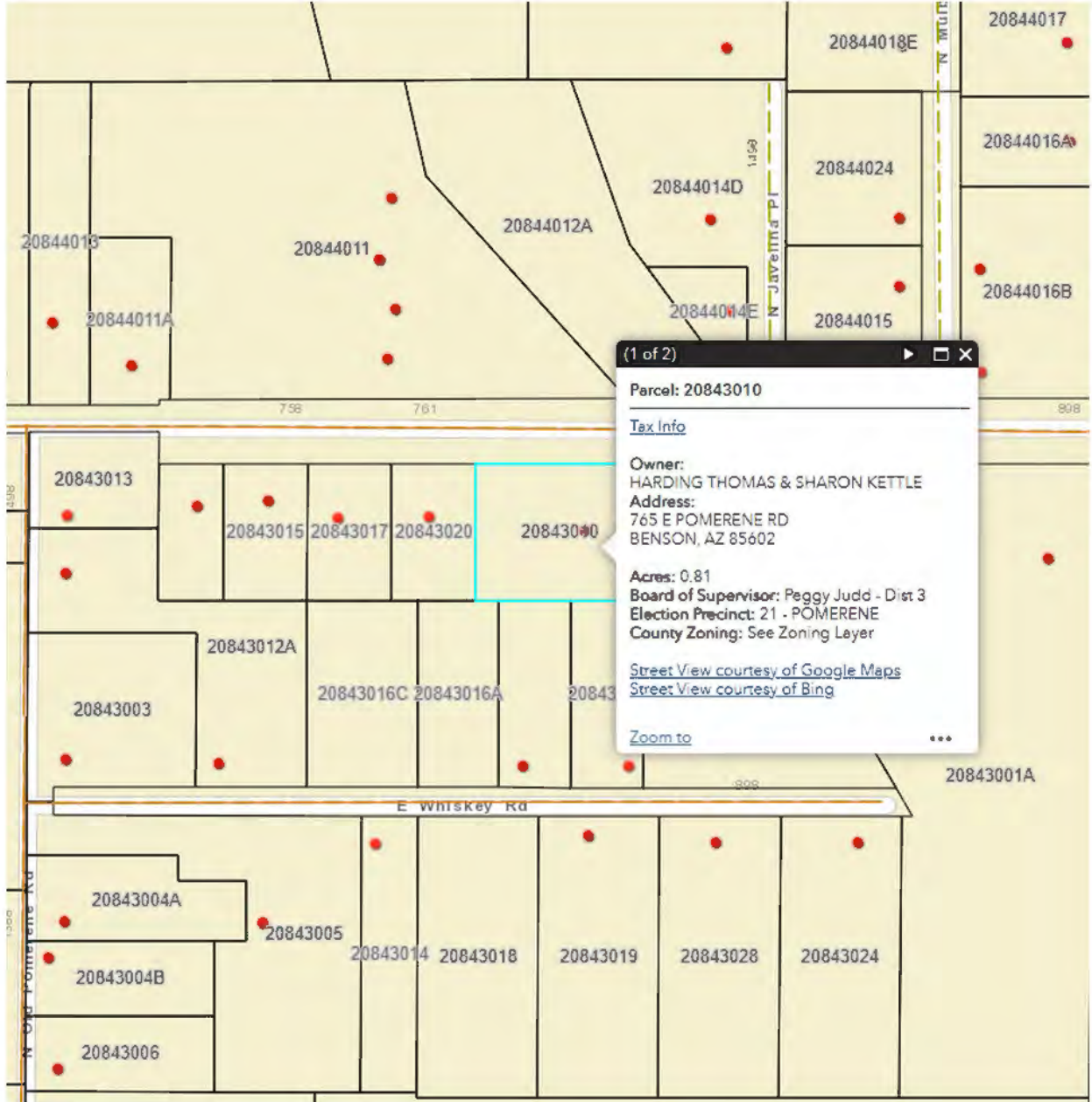
FILINGS MADE BY THE POMERENE WATER USERS ASSOCIATION APPLY TO IRRIGATION USES (OT1) ON THIS PROPERTY. FOR MORE INFORMATION ON THE POMERENE WATER USERS ASSOCIATION, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

ATTACHMENT B



ATTACHMENT C

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ATTACHMENT D

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Arizona Department of Water Resources
Kimberly Parks
Janet L. Miller
P. O. Box 36020
Phoenix, AZ 85067

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

Gila River Indian Community
Linus Everling and Thomas L. Murphy
Office of the General Counsel
P. O. Box 97
Sacaton, AZ 85147

Salt River Project
John B. Weldon, Jr., Mark A. McGinnis,
and Michael Foy
Salmon, Lewis & Weldon PLC
2850 E Camelback Rd.
Suite 200
Phoenix, AZ 85016

San Carlos Apache Tribe
Joe P. Sparks and Laurel A. Herrmann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

United States
F. Patrick Barry
U.S. Department of Justice
P. O. Box 7611
Washington, DC 20044-7611

Thomas and Sharon Harding
765 E. Pomerene Rd.
Benson, AZ 85602

Tonto Apache Tribe
Richard Palmer, Jr., Jeremiah Weiner
and Lauren Mulhern
Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

Yavapai-Apache Nation
S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
3301 E. Thunderbird Road
Phoenix, AZ 85032

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ATTACHMENT E

**CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA**

Jeff Fine
Clerk

**MARICOPA COUNTY
Customer Service Center
601 West Jackson
Phoenix, AZ 85003**

602 372-4115
Water Case Clerk

CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS

In an effort to provide more timely and cost effective distribution of copies of filed Water Case documents, the Clerk of the Superior Court would like implement electronic distribution via email. To do so, we require your consent to receive copies of documents electronically at an email address provided to our office.

This consent is voluntary and can be rescinded if you so choose. If you no longer wish to receive Water Case documents from the Clerk of Superior Court electronically, please send written notification to the Clerk of the Superior Court Water Case Specialist at the email address below requesting that all future records be sent in paper form.

Please note that if you consent to receive documents via email, you must notify the Clerk's Office of any change to your email address to avoid delay in receiving future filings. In the event there is no valid email address on file with the Clerk of the Superior Court Water Case Specialist, documents will be mailed to the address provided.

If you wish to consent to receive future documents via email, please either fill out the information below and mail to our office or provide the below information to Mayra.Antelo@Maricopa.Gov.

Preferred email address:

Alternate email address:

Physical address:

Phone number:

Firm Name:

Name [Printed]:

Signature:

Date:

Thank you,

Mayra Antelo
Clerk of the Superior Court
Water Case Specialist
(602) 372-5375 options 7,1,3,4

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ATTACHMENT F



Court Connect Hearing Notice for In re Lee L. Klones

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re Lee L. Klones Contested Case No. W1-11-1871

Start Date/Time: January 20, 2022 at 2:00 p.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

