

Dec 24th 2018

C. Palmer Deputy

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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. W1-11-1865

ORDER SETTING A TELEPHONIC
STATUS CONFERENCE

CONTESTED CASE NAMES: *In re Thomas and Leora Farnsworth*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Status conference set to determine proceedings necessary to address potential water rights for domestic and irrigation uses.
NUMBER OF PAGES: 15
DATE OF FILING: December 24, 2018

This contested case involves three potential water right for domestic and irrigation uses in the northwest quarter of section 34 T16S R20E identified by the Arizona Department of Water Resources in Watershed File Report No. 112-17-BAA-002 (WFR). The WFR listed two wells and a diversion from the San Pedro River into the Pomerene Water Users Association Canal as the sources of water. A copy of the WFR is attached as Attachment A. A copy of the map

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

3 Thomas Farnsworth filed Statements of Claimant 39-5474, 39-5475, and 39-5476 and
4 related Statements of Claim. A copy of the map attached to Statement of Claim 36-46568
5 showing the location of two wells is attached as Attachment C. The purpose of this case is to
6 address the five objections to the potential water rights for domestic and irrigation uses to the
7 extent that the current landowners intend to pursue those rights.
8

9 10 **Background**

11 Until October 5, 2018, this case was consolidated and a part of that 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 Pomerene
16 Water Users Association to act.
17

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

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

1 would be represented by the Pomerene Water Users Association in this adjudication of water
2 rights. The court also set a third status conference for September 6, 2018. On December 21,
3 2017, the Pomerene Water Users Association timely filed a list of 26 landowners.

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. Thomas and Leora Farnsworth were not included on either
8 list.
9

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

15 **Landowners**

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17 According to information provided by the Cochise County Assessor's and Treasurer's
18 Office, the land included in the WFR consists of Tax Parcel nos. 20840003 and 20840005 which
19 are owned by Thomas and Leora Farnsworth. A copy of Cochise County Assessor's map is
20 attached as Attachment D. A copy of the map prepared by ADWR that delineates the subflow
21 zone in the SWNW Sec. 34 T16S R20E is attached as Attachment E. At this point the next step
22 is to determine whether the landowners intend to pursue claims for potential water rights
23 described in the WFR, and, if so, to schedule appropriate procedures to adjudicate those claims.
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25 Accordingly,
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IT IS ORDERED that a telephonic status conference shall be held on **January 24, 2019** at 1:30 p.m. to ascertain whether the landowners intend to pursue the potential water rights set forth in the WFR.

Instructions for telephonic participation:

Dial: 602-506-9695 (local)

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

Dial Collaboration (conference) Code 357264#

Failure to participate at the status conference may result in no adjudication of the potential water right associated with the land described in the WFR.



SUSAN WARD HARRIS
Special Master

On December 24, 2018, 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 as Attachment F.

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
FARNSWORTH, THOMAS A.	112-17-BAA-002
& LEORA	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0046540		IRRIGATION STOCK	80.00	SWNW34	160S	200E	1945	SWNW34	160S	200E
		REC/FISH/WLDFL OTHER								
36-0046566		IRRIGATION STOCK		SWNW34	160S	200E	1910	NENE36	170S	200E
		REC/FISH/WLDFL OTHER								
36-0046568		IRRIGATION DOMESTIC STOCK	4.84	SWNW34	160S	200E	1922	SWNW34	160S	200E
39-0005474		DOMESTIC STOCK	5.00	SWNW34	160S	200E	1922	SWSWNW34	160S	200E
39-0005475		IRRIGATION	80.00		34	160S 200E	1945	SWSWNW34	160S	200E
39-0005476		IRRIGATION	50.00	SWNW34	160S	200E	1913	NENE36	170S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0046540	IRRIGATION STOCK POWER	IRRIGATION INCIDENTAL NONE	WO1	IROO1, IROO2
36-0046566	RECREATION IRRIGATION STOCK POWER	IRRIGATION INCIDENTAL NONE	DO1	IROO1, IROO2
36-0046568	RECREATION IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	WO2	DMOO1, IROO1
39-0005474	DOMESTIC STOCK	DOMESTIC INCIDENTAL	WO2	DMOO1
39-0005475	IRRIGATION	IRRIGATION	WO1	IROO1, IROO2
39-0005476	IRRIGATION	IRRIGATION	DO1	IROO1, IROO2

DIVERSIONS

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NWSENE36	170S	200E	POMERENE CANAL	SURFACE WATER: SAN PEDRO RIVER
WO1	SESWNW34	160S	200E	UNNAMED	SHARED
WO2	SESWNW34	160S	200E	UNNAMED	GROUNDWATER : ZONE 2
					GROUNDWATER : ZONE 2

USES

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SESWNW34	160S	200E	WO2	GROUNDWATER : ZONE 2			NO
IROO1	SWNW34	160S	200E	DO1, WO1, WO2	SURFACE WATER	1935		NO
					GROUNDWATER : ZONE 2			
IROO2	SWNW34	160S	200E	WO1	GROUNDWATER : ZONE 2	1955		NO

** DIVERSION D01 OPERATED BY THE POMERENE WATER USERS ASSOC.
 (FILE 112-17-89) SUPPLIES WATER TO PWRS IN THIS FILE.

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMO01	39-0005474	36-0046568		
IRO01	39-0005474 39-0005475 39-0005476	36-0046540 36-0046566 36-0046568	1912 POMERENE W.U.A. INFO	GROUNDWATER : ZONE 2 SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2
IRO02	39-0005475 39-0005476	36-0046540 36-0046566	1945 36-46540 & 39-5475	GROUNDWATER : ZONE 2

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMO01							
IRO01	MAX. OBSERVED REGIONAL	9.5	GRAIN CORN	45%	2.7 AF/AC	25.7 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT
	MAX. POTENTIAL	9.5	AVE. CROP	50%	5.4 AF/AC	51.3 AFA	
IRO02	MAX. OBSERVED REGIONAL	9.5	ALFALFA	45%	7.4 AF/AC	70.3 AFA	
	MAX. POTENTIAL	9.5	GRAIN CORN	45%	2.4 AF/AC	22.8 AFA	
	MAX. POTENTIAL	9.5	AVE. CROP	50%	5.4 AF/AC	51.3 AFA	
		9.5	ALFALFA	45%	7.4 AF/AC	70.3 AFA	

EXPLANATION

FILINGS AND DECREES
 FILINGS 36-46540 & 36-64566 - CLAIM IRRIGATION, STOCKWATERING, POWER, AND RECREATION WATER USES. NO POWER GENERATION USES WERE FOUND AT THE CLAIMED LOCATION.

DIVERSIONS
 D1 - DIVERSION FROM THE SAN PEDRO RIVER INTO THE POMERENE WATER USERS ASSOCIATION CANAL.
 W1 - WELL PROVIDES WATER FOR IRRIGATION USES.
 W2 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.

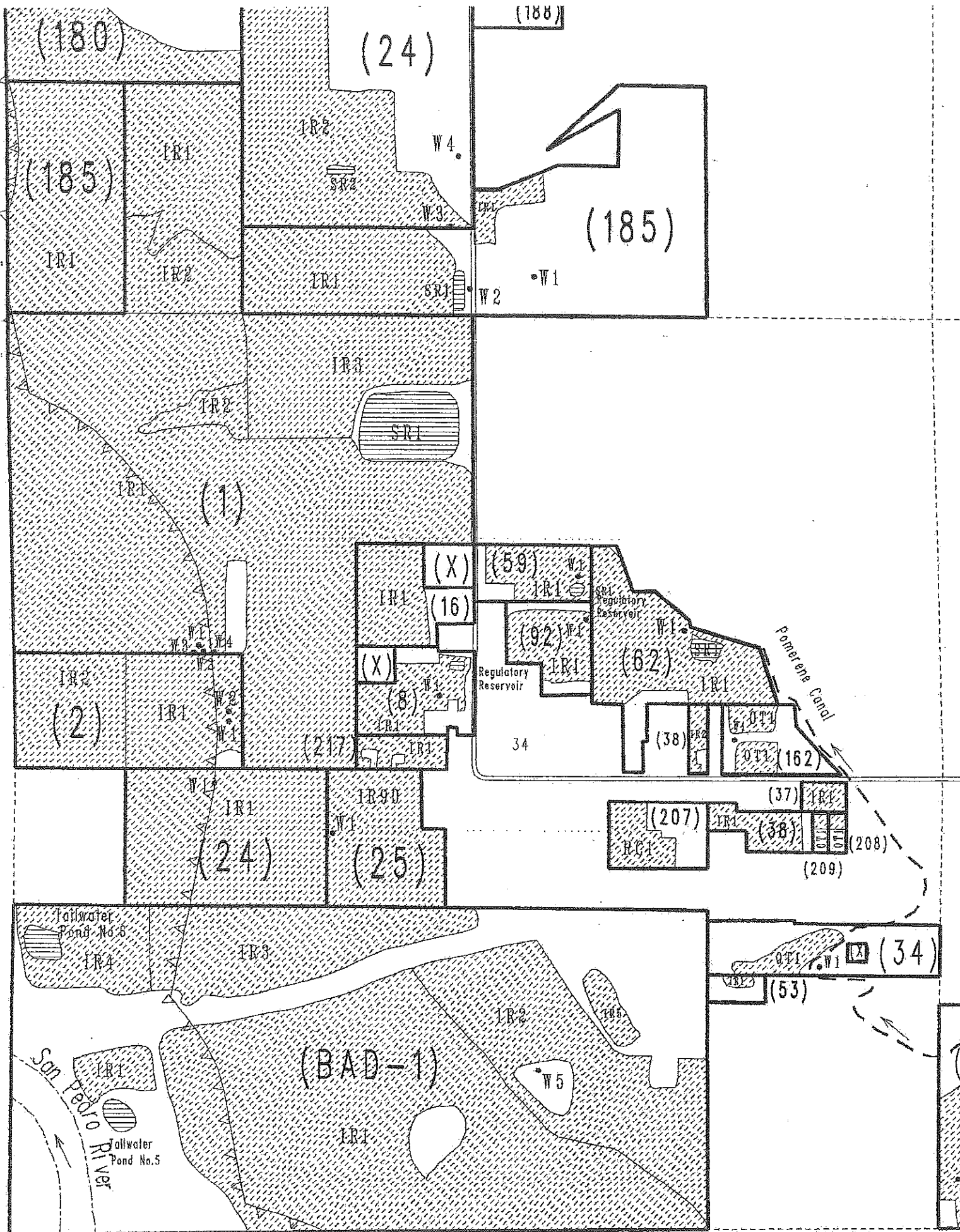
USES AND RESERVOIRS
 DM1 - DOMESTIC USE.
 IR1 & IR2 - IRRIGATED GRAIN CORN.

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.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS
 A COMMENT WAS RECEIVED FROM THE LAND OWNER STATING USE OF POMERENE CANAL WATER. AN ADDITIONAL WELL IS CLAIMED FOR FUTURE USES. CLAIMANT STATES THAT DOMESTIC WATER USE IS PARTIALLY SUPPLIED BY THE POMERENE DOMESTIC WATER USERS ASSOCIATION.

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ATTACHMENT B



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ATTACHMENT C

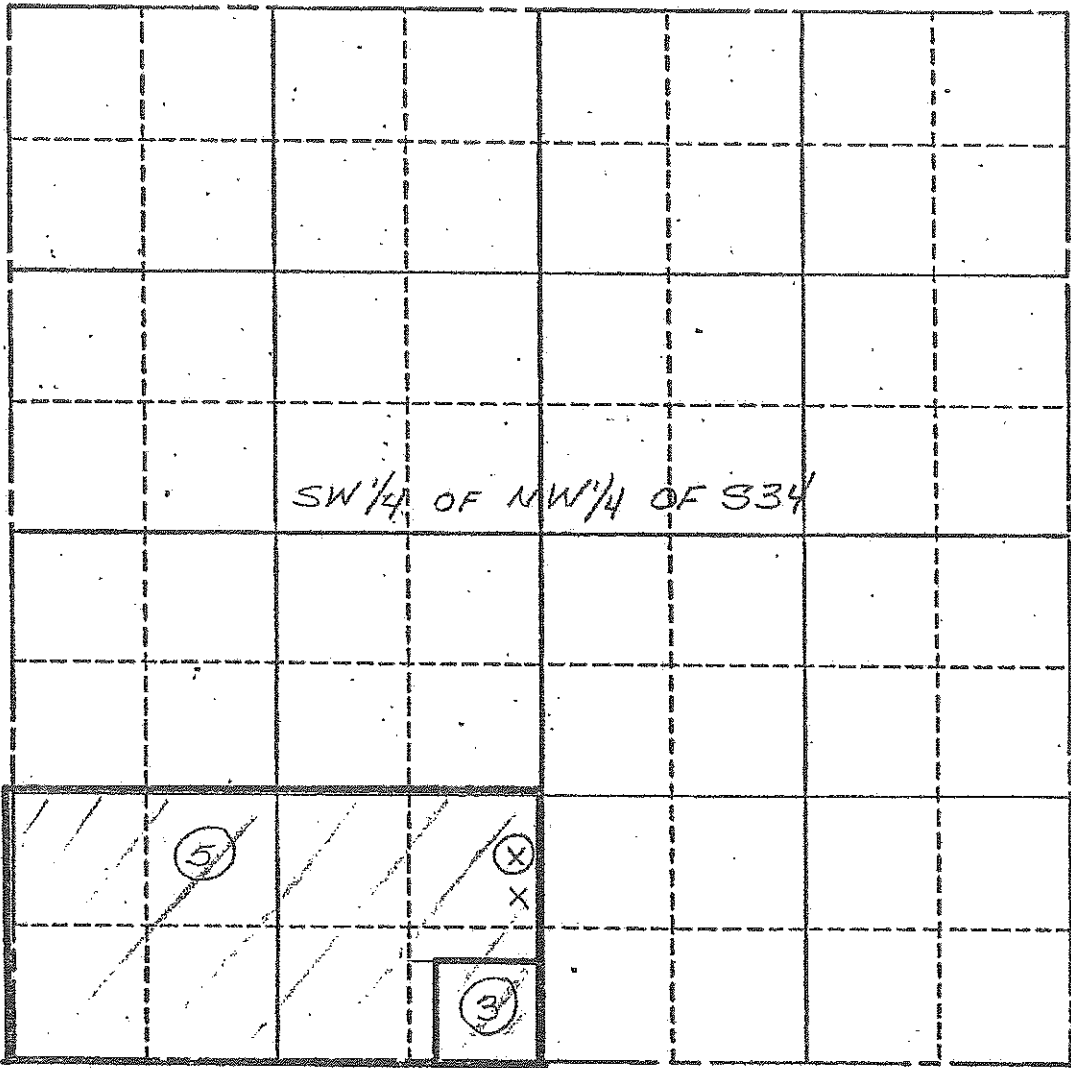
T. 16S R. 20E

SECTION 34

BOOK 208/40

DESCRIPTION: ③ IN S2 SE SW NW; BEG AT SE COR OF S2 SE SW NW N 207' W 311' S 207' E 311' TO BEG SEC 34-16-20 1.48AC

⑤ SW SW NW 10AC; N2 SE SW NW 5AC ALL IN SEC 34 16 20; & S2 SW NW EXC POL BY M & B; BEG AT SE COR OF S2 SE SW NW N 207' W 311' S 207' E 311' TO BEG SEC 34-16-20 18.52AC



SW 1/4 OF NW 1/4 OF 334

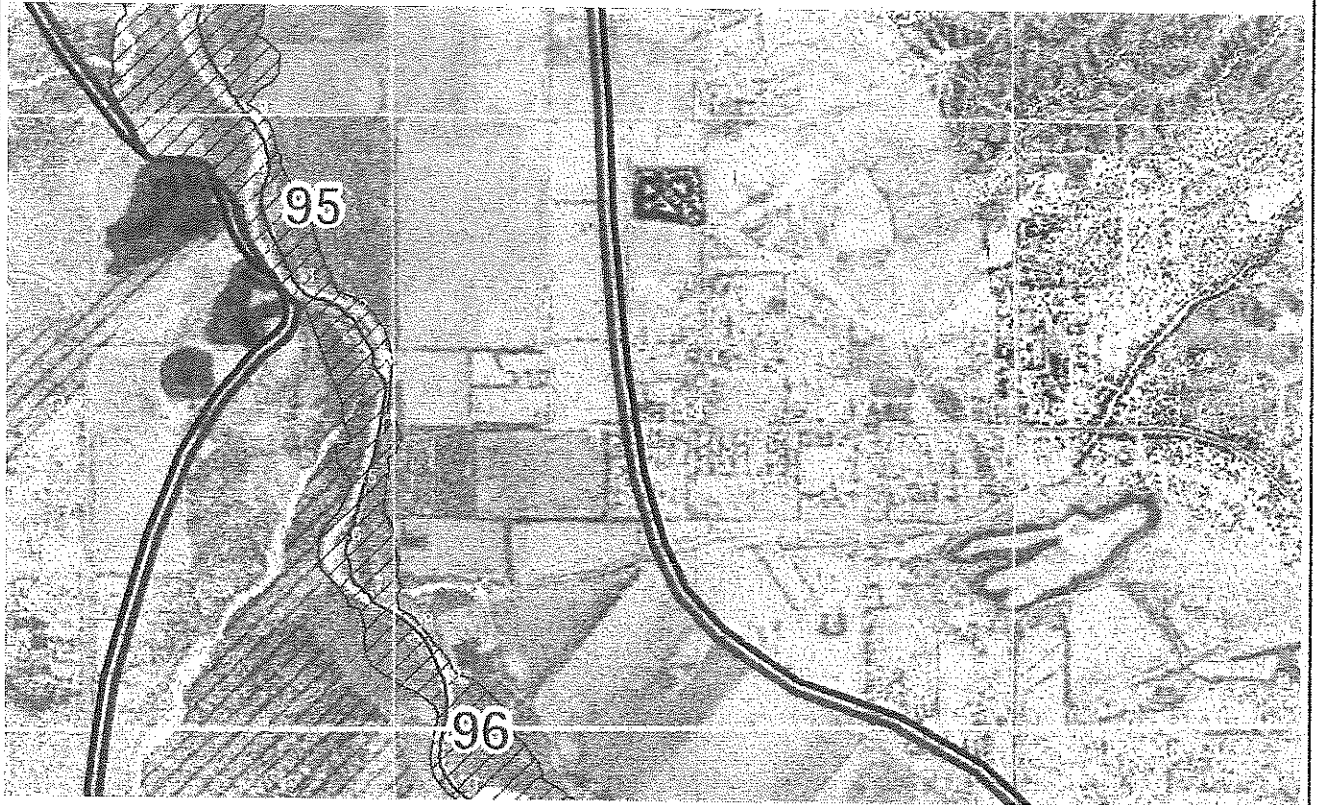
/// = boundary

X IRRIGATION WELL
⊗ ARTISAN WELL

36-46568

THOMAS A. FARNSWORTH
BOX 26, POMERENE, AZ 85627

ATTACHMENT E



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ATTACHMENT F

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Susan Ward Harris
Special Water Master
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