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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. W1-11-1875

CONTESTED CASE NAMES: *In re Franklin T. & Vernalee East*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Arizona Department of Water Resources directed to map one well in Section 34 T16S R20 with respect to the subflow zone. Status conference set to determine proceedings necessary to address potential water rights for irrigation and small reservoir uses.
NUMBER OF PAGES: 15
DATE OF FILING: October 30, 2018

This contested case involves potential water rights for an irrigation and small reservoir use in the northeast quarter of section 34 T16S R20E identified by the Arizona Department of Water Resources in Watershed File Report No. 112-17-BAA-062 (WFR). The WFR listed the

1 sources of water as one well and a diversion from the San Pedro River into the Pomerene Water
2 Users Association Canal. A copy of the WFR is attached as Attachment A. Franklin T. East filed
3 the applicable adjudication filing, which is Statement of Claimant 39-4085. The records of the
4 Arizona Department of Water Resources do not show that this Statement of Claimant has been
5 assigned to a successor landowner. A copy of the map prepared by the Arizona Department of
6 Water Resources for the WFR is attached as Attachment B. The purpose of this case is to resolve
7 the five objections to those water rights to the extent that the current landowners intend to pursue
8 them.
9

10 11 **Background**

12 Until October 5, 2018, this case was consolidated and a part of that group of cases
13 known as *In re Pomerene Water Users Association*, contested case no. W1-11-1676. In that
14 case, the court scheduled a status conference for June 28, 2017 in part to identify the proper
15 parties in the case. At the status conference, counsel for the Pomerene Water Users Association
16 was given until October 2, 2017 to provide documentation concerning its continuing authority to
17 act. No landowners appeared at the status conference.
18

19 By order dated July 26, 2017, the court directed the landowners to file new or amended
20 statements of claimant if they desired to assert a claim for a right to divert water through the
21 Pomerene Canal for irrigation use. A second status conference was set for October 18, 2017.
22 Copies of the order were sent, among others, to: Brendan Tammetta, Jason Carrol and Terrance
23 and Phyllis Harrold. No Statements of Claimant have been filed by Brendan Tammetta, Jason
24 Carrol or Terrance and Phyllis Harrold.
25

26 At the status conference held on October 18, 2017, the newly elected board of the
27 Pomerene Water Users Association appeared along with counsel. The court directed the
28

1 Pomerene Water Users Association to file a list by December 29, 2017 that identified those
2 landowners who are members by the Pomerene Water Users Association and whose interests will
3 be represented by the Pomerene Water Users Association in the adjudication of water rights. The
4 court also set a third status conference for September 6, 2018. Copies of the order were sent to
5 the landowners listed above. On December 21, 2017, the Pomerene Water Users Association
6 timely filed a list of 26 landowners that included Brendan Tammetta, Jason Carrol and Terrance
7 and Phyllis Harrold.
8

9 On August 31, 2018, Pomerene Water Users Association filed a Notice of Termination.
10 At the third status conference, counsel for the Pomerene Water Users Association provided a list
11 of its members who joined the St. David Irrigation District and those members who declined to
12 join the St. David Irrigation District. Brendan Tammetta, Jason Carrol and Terrance and Phyllis
13 Harrold were listed as members who declined to join the St. David Irrigation District.
14

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

18 **Landowners**

19 The first step is to identify the current landowners involved in this case. According to
20 information provided by the Cochise County Assessor's Office, the land included in the WFR
21 consists of the following tax parcels which the Cochise County Treasurer's Office lists as owned
22 by the following individuals:
23

Tax Parcel No.	Landowner
20844007B	Carroll, Jason W & April D
20844007C	Tammetta, River & Brendan
20844007D	Harrold, Terrance Patrick & Phyllis Marie

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28 See Attachment C.

1 The second step is to determine whether the well listed in the WFR is located in the
2 subflow zone. The third step is to determine whether the Landowners intend to pursue claims for
3 potential water rights described in the WFR, and, if so, to schedule appropriate procedures to
4 adjudicate those claims.

5
6 **IT IS ORDERED** that by **December 3, 2018**, the Arizona Department of Water Resources
7 shall file a map that shows Well 1 identified in Watershed File Report 112-17-BAA-062 relative to
8 the boundary of the Subflow Zone.

9 **IT IS FURTHER ORDERED** that a telephonic status conference shall be held on
10 December 19, 2018 at 10:30 a.m. to ascertain whether the Landowners in this case intend to pursue
11 any of the potential water rights set forth in the WFR.

12 Instructions for telephonic participation:

13 Dial: 602-506-9695 (local)

14 1-855-506-9695 (toll free long distance)

15 Dial Collaboration (conference) Code 357264#
16

17
18 A Landowner who cannot be available to participate in the status conference and who desires to
19 pursue a claim for a water right listed in the WFR shall file a statement of the landowner's intent
20 with the Clerk of the Superior Court, Maricopa County, Attn. Water Case No. W1-11, 1875 601
21 West Jackson Street, Phoenix, AZ 85003 by December 14, 2018 and shall provide a copy of the
22 statement to each person listed on Attachment D. Failure to participate at the status conference or
23 file a statement of intent may result in the dismissal of any claims associated with the land owned
24 by the Landowner that is described in the WFR.
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SUSAN WARD HARRIS
Special Master

On October 30, 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 included on Attachment D.

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
EAST, FRANKLIN T.	112-17-BAA-062
& VERNALEE	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1 -11-1875

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION			CLAIM DATE	DIVERSION LOCATION		
				SECTION	TWNP	RNGE		SECTION	TWNP	RNGE
39-0004085	QUE.RECD	IRRIGATION DOMESTIC		NE34	160S	200E	1950	NE34	160S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS	
39-0004085	IRRIGATION DOMESTIC	IRRIGATION MUNICIPAL	WO1	IROO1	

DIVERSIONS

DIV #	LOCATION			DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
	SECTION	TWNP	RNGE		
DO1	NWSENE36	170S	200E	POMERENE CANAL	SURFACE WATER: SAN PEDRO RIVER SHARED
WO1	NESWNE34	160S	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED

USES

PWR #	LOCATION			SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE		
	SECTION	TWNP	RNGE			DATE	CHANGE	FACILITY NAME
IROO1	SENE34	160S	200E	DO1,WO1	SURFACE WATER GROUNDWATER : ZONE 2	1935	NO	
	SWNE34	160S	200E					

RESERVOIRS

PWR #	LOCATION			SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO		STORAGE PURPOSE
	SECTION	TWNP	RNGE			DATE	RESERVOIR NAME	
SROO1	NESWNE34	160S	200E	DO1,WO1	SURFACE WATER GRNDWTR : ZONE 2	1955	UNNAMED	IRRIGATION

SHARED USES AND DIVERSIONS

** DIVERSION DO1 OPERATED BY THE POMERENE WATER USERS ASSOC.
(FILE 112-17-89) SUPPLIES WATER TO PWRS IN THIS FILE.
** WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:
112-17BAA-38

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS FOR	DATE	
IROO1	39-0004085	NONE	1912	POMERENE W.U.A. INFO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2
SROO1	39-0004085	NONE	1955	1955 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	MAX. OBSERVED	11.3	PERM. PSTR	32%	9.9 AF/AC	111.9 AFA	
	REGIONAL	11.3	AVE. CROP	50%	5.4 AF/AC	61.0 AFA	
	MAX. POTENTIAL	11.3	ALFALFA	32%	10.4 AF/AC	117.5 AFA	
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 39-4085 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED INFORMATION ABOUT WATER USES AND THE DIVERSION LOCATION.

DIVERSIONS

D1 - DIVERSION FROM SAN PEDRO RIVER INTO THE POMERENE WATER USERS ASSOCIATION CANAL.
 W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.
 SR1 - SMALL RESERVOIR, SUPPLIED BY DIVERSION D1 AND WELL W1, IS USED FOR IRRIGATION PURPOSES. 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-BAA-38.

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 RS USERS REPORTS IN VOLUME 1.

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
EAST, FRANKLIN T.	112-17-BAA-062
& VERNALEE	

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W01	UNNAMED	NESWNE34	16OS	200E	IROO1, SROO1	WI-11-1875 SHARED

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***	APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE			
IROO1	SENE34	16OS	200E	1912	POMERENE W.U.A. INFO	61.0 AFA
SROO1	SWNE34	16OS	200E	1955	1955 AERIAL PHOTO	LTE 15.0 AF

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
39-0004085	W01	IROO1

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO1 IS PARTIALLY SUPPLIED BY SURFACE WATER.
 THE APPARENT ANNUAL VOLUME REPORTED FOR SROO1 IS PARTIALLY SUPPLIED BY SURFACE WATER.

** WATER FROM W01 IS SHARED WITH THESE ADDITIONAL FILES:

112-17BAA-38

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

IR1 - IRRIGATED PASTURE.

SR1 - SMALL RESERVOIR IS USED FOR IRRIGATION PURPOSES.

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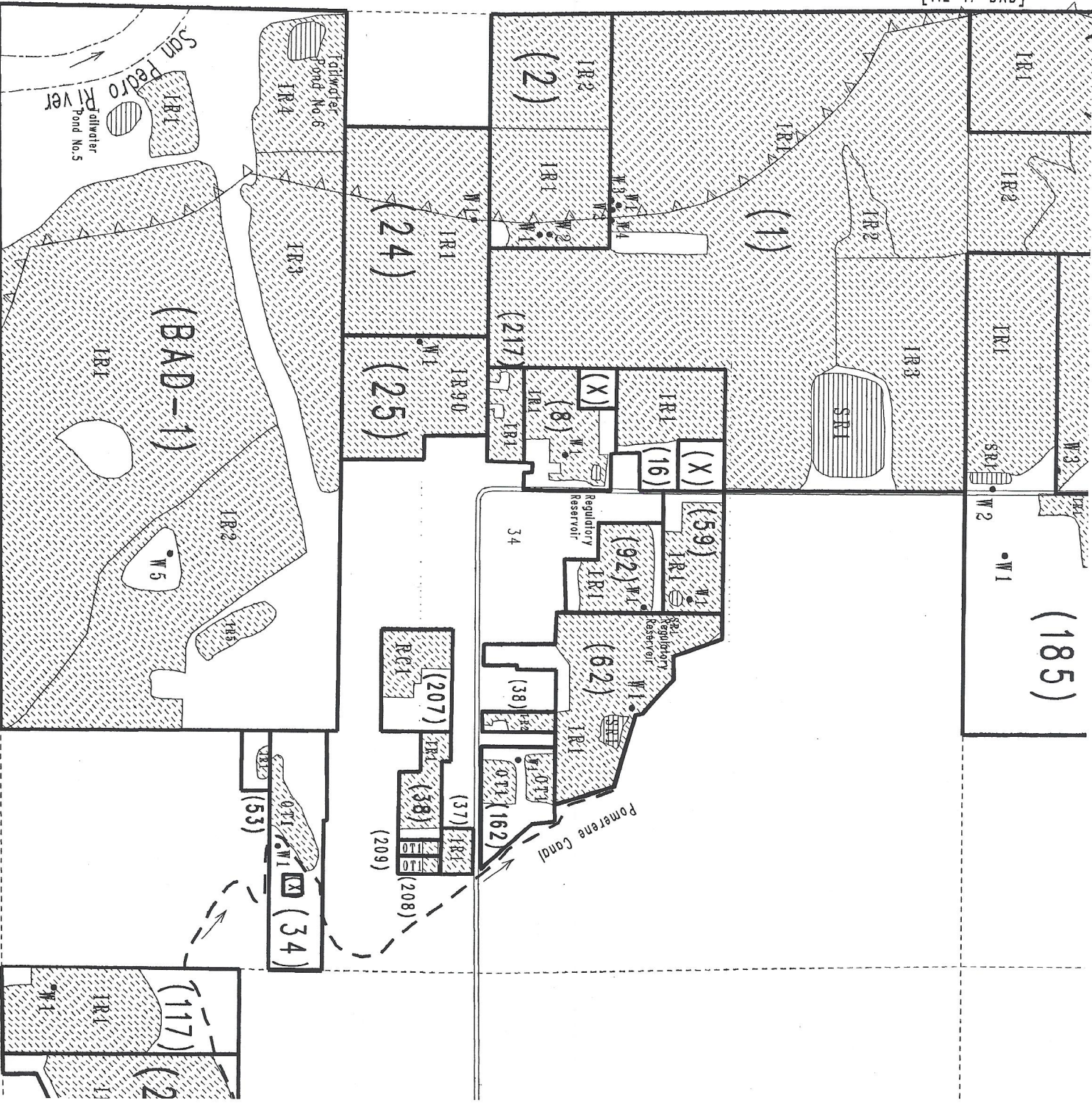
ATTACHMENT B

T 16 S
[112-17-BAB]



R 20 E
[112-17-BAD]

T 16 S
[112-17-BAB]



R 20 E
[112-17-BAD]

ATTACHMENT D

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Brendan and River Tammetta
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