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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. W1-11-1909
ORDER TO SEPARATE CASE AND
SET STATUS CONFERENCE

CONTESTED CASE NAMES: *In re El Paso Natural Gas Company*
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 27, 2018

This contested case involves a potential water right for one irrigation use in the northeast
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-015 (WFR). The WFR listed the

1 sources of water as a diversion from the San Pedro River into the Pomerene Water Users
2 Association Canal and three wells. A copy of the WFRs is attached as Attachment A. A copy of
3 the map prepared by the Arizona Department of Water Resources for the WFR is attached as
4 Attachment B. The land at issue is designated by a "(15)". By order dated March 13, 1995, El
5 Paso Natural Gas Co. was dismissed from contested case W1-11-1676 with prejudice as to any
6 claim for surface water diverted by the Pomerene Water Users Association. Thus, at issue in this
7 contested case is a potential water right to water from three wells as the source for an irrigation
8 use.
9

10 Rex Barney filed the applicable adjudication filing which is Statement of Claimant 39-
11 4305. The records of the Arizona Department of Water Resources do not show that this
12 Statement of Claimant has been assigned to a successor landowner. The purpose of this case is to
13 resolve the five objections to the potential water right to the extent that the current landowner
14 intends to pursue it. Copies of the objections can be obtained from the Arizona Department of
15 Water Resources or accessed on the webpage for the General Stream Adjudication under the
16 contested case number for this case:
17

18 <https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>
19

20 **Landowner**

21 According to information provided by the Cochise County Assessor's Office and
22 Treasurer's Office, the land described in the WFR consists of tax parcel 123-25-005 which is
23 owned by Kinder Morgan, Sally J. Costley. A copy of the map prepared by Cochise County
24 Assessor's Office is attached as Attachment C. The wells listed in the WFR are identified as
25 wells that are also described in WFR 112-17-BAD-16. Based on the map prepared by the
26 Arizona Department of Water Resources, those wells are located in the subflow zone. The map
27 showing the wells and the boundaries of the subflow zone is attached as Attachment D. At this
28

1 point, a determination must be made whether the landowner intends to pursue a claim for the
2 potential water right described in the WFR, and, if so, to schedule appropriate procedures to
3 adjudicate those claims. 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 1:30 p.m. to ascertain whether the landowner intends 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

14 Failure to participate at the status conference will result in the dismissal of any claims for water
15 rights associated with the land owned by the landowner that is described in the WFR.
16

17
18 
19 SUSAN WARD HARRIS
20 Special Master
21
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23 On December 27, 2018, the original of the foregoing was
24 delivered to the Clerk of the Maricopa County Superior
25 Court for filing and distributing a copy to the persons listed
26 on Attachment E.
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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
EL PASO NATURAL GAS COMP.	112-17-BAD-015
ATTN: DAVID SIDDAL	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-1909

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
10-0222159.1100		IRRIGATION	1448.00	W234	160S	200E	1913			
36-0027315		IRRIGATION	1935.61	11	170S	200E	1944	11	170S	200E
36-0027317		IRRIGATION	1613.01	11	170S	200E	1948	NW11	170S	200E
36-0027318		IRRIGATION	6452.50	11	170S	200E	1915	SE36	170S	200E
36-0027320		IRRIGATION	1774.31	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	200E
				SWNE11	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
10-0222159.1100	IRRIGATION	IRRIGATION		IROO1
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	

DIVERSIONS

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 1 OF THE SAN PEDRO RIVER
WO2	SESENW11	170S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2
WO3	SESENW11	170S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IROO1	NENW11	170S	200E	DO1,WO1,WO2 WO3	SURFACE WATER GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1935	NO	

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 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

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
EL PASO NATURAL GAS COMP.	112-17-BAD-015
ATTN: DAVID SIDDAL	

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO2	UNNAMED	SESENW11	17OS	200E	IROO1	WI-11-1909 SHARED

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
IROO1	NENW11	17OS	200E	1912	POMERENE W.U.A. INFO	22.7 AFA	4.2

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0004305	WO2	IROO1

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO1 IS PARTIALLY SUPPLIED BY SURFACE WATER AND ZONE 1 GROUNDWATER.

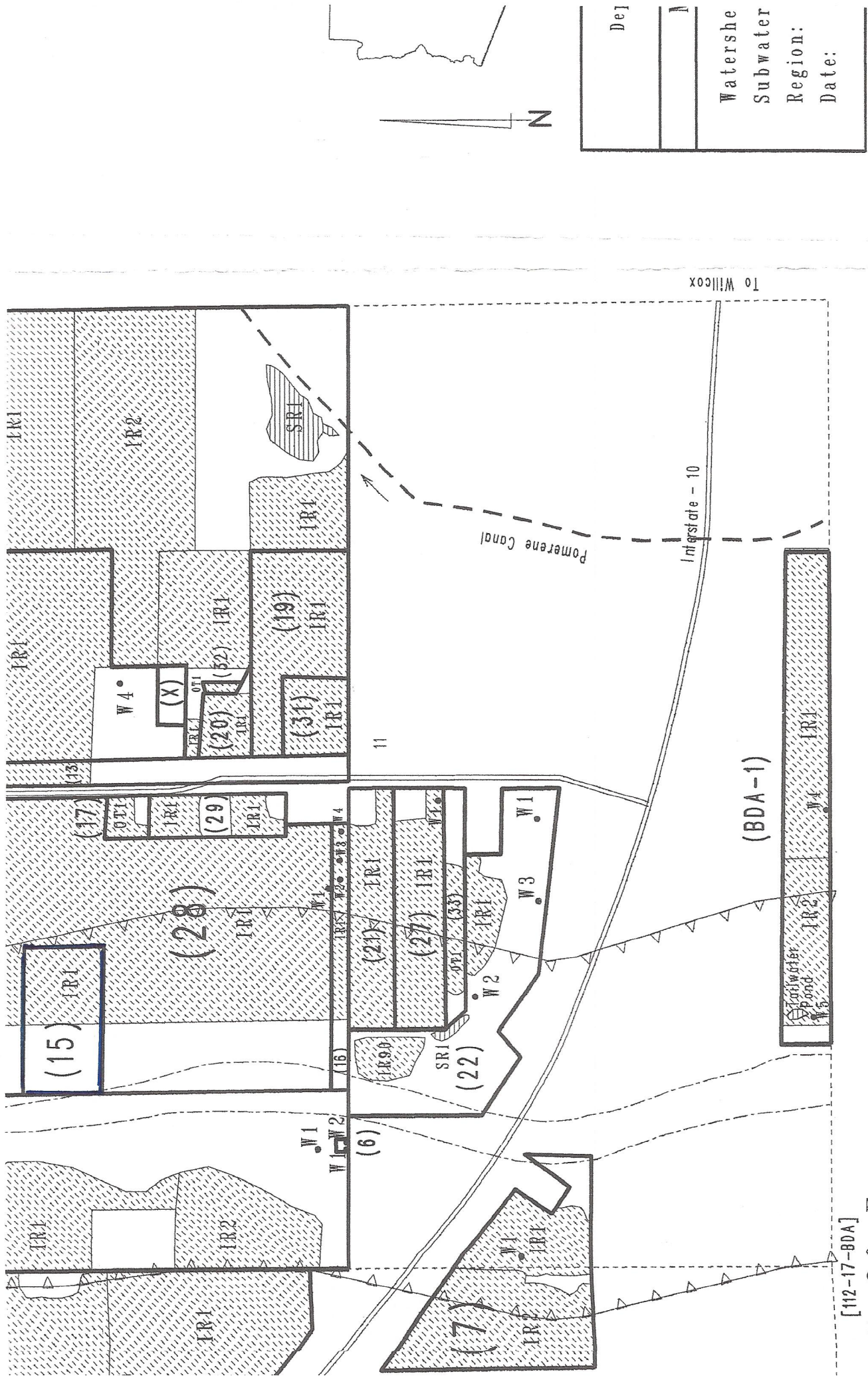
** WATER FROM WO2 FOUND IN FILE (112-17BAD-16) IS USED IN THIS FILE.

W2 - WELL PROVIDES WATER FOR IRRIGATION USES.

IR1 - IRRIGATED SMALL GRAINS.

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ATTACHMENT B



Del	
Watershe	
Subwater	
Region:	
Date:	

[112-17-BDA]
R 20 E

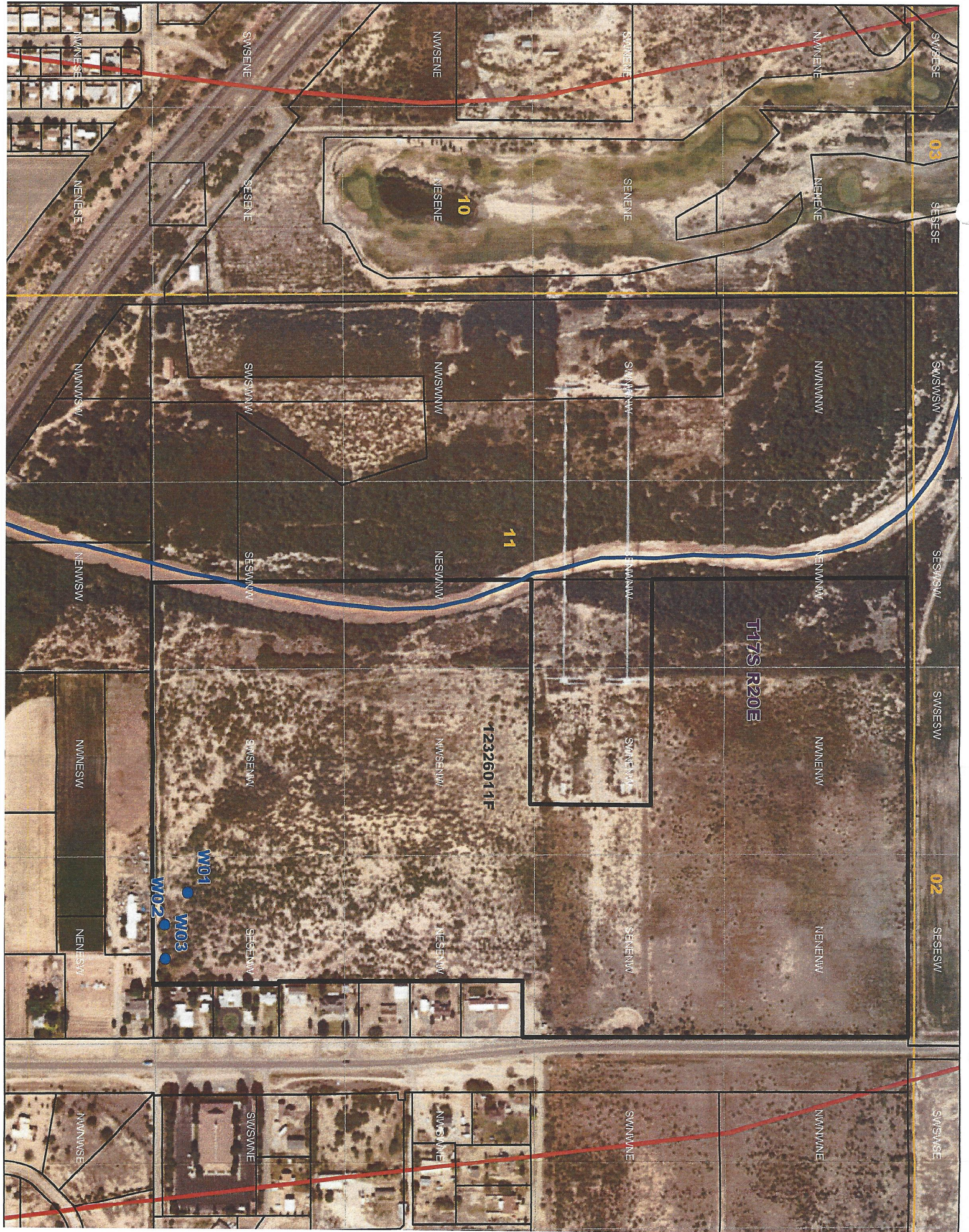
ATTACHMENT C

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ATTACHMENT D



ATTACHMENT E

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4 Joe P. Sparks and Laurel A. Herrmann
The Sparks Law Firm, P.C.
5 7503 First Street
6 Scottsdale, AZ 85251-4573

7 Kimberly R. Parks and Janet L. Miller
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8 P. O. Box 36020
9 Phoenix, AZ 85067

10 Kinder Morgan
Sally J Costley
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12 L. J. Caster, B.J. Heiserman, B. J. Pew
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18 Phoenix, AZ 85004-2202

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

22 Messers. Weldon, McGinnis, Heilman
23 Salmon, Lewis and Weldon PLC
2850 E. Camelback Road Ste 200
24 Phoenix , AZ 85016

25 R. Lee Leininger and Andrew Guarino
26 U.S. Department of Justice
999 18th Street, South Terrace, Suite 37
27 Denver, CO 80202

28

- 1 Rex Barney
- 2 Rt. 1
- 3 Box 615
- 4 Safford, AZ 85546

- 5 S. Montgomery, R.Interpreter, J. Tomkus
- 6 Montgomery & Interpreter, PLC
- 7 3301 E. Thunderbird Road
- 8 Phoenix, AZ 85032

- 9 Susan Ward Harris
- 10 Special Water Master
- 11 Superior Court of Arizona
- 12 Central Court Building, 3A
- 13 201 West Jefferson
- 14 Phoenix, Arizona 85003-2202

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