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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. W1-11-1910

CONTESTED CASE NAMES: *In re Leland K. and Paula F. Barney*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.  
DESCRIPTIVE SUMMARY: Arizona Department of Water Resources directed to map three wells in Section 11, T17S 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: 11  
DATE OF FILING: October 15, 2018

This contested case involves potential water rights for two irrigation uses and a small reservoir in the northeast and northwest quarters of section 11 and the northwest quarter of the section 12 T17S R20E identified by the Arizona Department of Water Resources in Watershed

1 File Report No. 112-17-BAD-016 (WFR). The WFR listed the sources of water as three wells  
2 and a diversion from the San Pedro River into the Pomerene Water Users Association Canal. A  
3 copy of the WFRs is attached as Attachment A. Rex Barney filed the applicable adjudication  
4 filing which is Statement of Claimant 39-4305. The records of the Arizona Department of Water  
5 Resources do not show that this Statement of Claimant has been assigned to a successor  
6 landowner. A copy of the map prepared by the Arizona Department of Water Resources for the  
7 WFR is attached as Attachment B. The purpose of this case is to resolve the six objections to  
8 those water rights to the extent that the current landowners intend to pursue 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. A copy of the court's order was mailed, among others, to the D. Stadtler  
16 2015 Trust, Robert Overson and Janet Overson. At the status conference, counsel for the  
17 Pomerene Water Users Association was given until October 2, 2017 to provide documentation  
18 concerning its continuing authority to act. No landowners appeared at the status conference.  
19

20       By order dated July 26, 2017, the court directed the landowners to file new or amended  
21 statements of claimant if they desired to assert a claim for a right to divert water through the  
22 Pomerene Canal for irrigation use. A second status conference was set for October 18, 2017.  
23 Copies of the order were sent to D Stadtler 2015 Trust, Dan J. and Nancy Stadtler, Robert  
24 Overson and Janet Overson and Riley Lake Holding LLC. No Statements of Claimant have been  
25 filed by D Stadtler 2015 Trust, Dan J. and Nancy Stadtler, Robert Overson and Janet Overson or  
26 Riley Lake Holding LLC.  
27  
28

1 At the status conference held on October 18, 2017, the newly elected board of the  
2 Pomerene Water Users Association appeared along with counsel. The court directed the  
3 Pomerene Water Users Association to file a list by December 29, 2017 that identified those  
4 landowners who are members by the Pomerene Water Users Association and whose interests will  
5 be represented by the Pomerene Water Users Association in the adjudication of water rights. The  
6 court also set a third status conference for September 6, 2018. Copies of the order were sent to D  
7 Stadtler 2015 Trust, Robert Overson and Janet Overson, and Riley Lake Holding LLC. On  
8 December 21, 2017, the Pomerene Water Users Association timely filed a list of 26 landowners  
9 that included Robert and Janet Overson and Riley Lake Holding LLC.  
10

11 On August 31, 2018, Pomerene Water Users Association filed a Notice of Termination.  
12 At the third status conference, counsel for the Pomerene Water Users Association provided a list  
13 of its members who joined the St. David Irrigation District and those members who declined to  
14 join the St. David Irrigation District. Riley Lake Holding LLC was listed as a member who  
15 elected to join the St. David Irrigation District. Robert and Janet Overson were listed as members  
16 who declined to join the St. David Irrigation District. Neither Daniel Stadtler nor D. Stadtler  
17 2015 Trust was included on either list. Mr. Stadtler has not been identified as a member of the  
18 Pomerene Water Users Association, filed a Statement of Claimant or appeared at any status  
19 conference in the case in either his individual or trustee capacity.  
20

21 By order dated October 5, 2018, the cases previously consolidated into a single case  
22 known as *In re Pomerene Water Users Association* were separated into individual cases. As a  
23 result, the potential water rights analyzed in the WFR will be considered in this separate case  
24 except to the extent that they will be joined with case established to adjudicate the water rights  
25 associated with the St. David Irrigation District.  
26  
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1 **Landowners**

2 The first step to adjudicate the water rights identified by the WFR is to identify the  
3 current landowners involved in this case. According to information provided by the Cochise  
4 County Assessor's Office, the land included in the WFR consists of five tax parcels owned as  
5 follows:

6	<b>Tax Parcel No.</b>	<b>Landowners</b>
7	12325007A	Robert and Janet Overson
8	12325007B	Lavon Womack, Rebecca Womack and Rodney and
9	12301006F	Sharon Xanthos as Trustees of the Rodney Dean Xanthos and Sharon Beverly Xanthos Revocable Living Trust, dated January 18, 2003 <sup>1</sup>
10		
11	12325007D	Daniel J. Stadtler, Trustee of the D. Stadtler 2015 Trust
12	12325007E	Daniel J and Nancy Stadtler

13 The second step is to determine whether the wells listed in the WFR are located in the  
14 subflow zone. Accordingly,

15 **IT IS ORDERED** that by **November 16, 2018**, the Arizona Department of Water  
16 Resources shall file a map that shows Wells 1, 2, and 3 identified in the WFR relative to the  
17 boundaries of the Subflow Zone.

18 The third step is to determine whether the Landowners intend to pursue claims for potential  
19 water rights described in the WFR, and, if so, to schedule appropriate procedures to adjudicate  
20 those claims.

21 **IT IS FURTHER ORDERED** that a telephonic status conference shall be held on  
22 **November 29, 2018** at 1:00 p.m. to ascertain whether the Landowners in this case intend to pursue  
23 any of the potential water rights set forth in the WFR.  
24

25 \_\_\_\_\_  
26 <sup>1</sup> Based on the Warranty Deed filed on October 10, 2018 (document no. 2018-18642), in the  
27 Cochise County Recorder's Office, Lavon Womack, Rebecca Womack and Rodney and Sharon  
28 Xanos as Trustees of the Xanthos Revocable Trust, dated January 18, 2003 are successors in  
interest to Riley Lake Holding, LLC.

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Instructions for telephonic participation:

Dial: 602-506-9695 (local)

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

Dial Collaboration (conference) Code 357264#

A Landowner who cannot be available to participate in the status conference and who desires to pursue a claim for a water right listed in the WFR shall file a statement of the Landowner's intent with the Clerk of the Superior Court, Maricopa County, Attn. Water Case No. W1-11-1910, 601 West Jackson Street, Phoenix, AZ 85003 by **November 26, 2018** and shall provide a copy of the statement to each person listed on Attachment C. Failure to participate at the status conference or file a statement of intent may result in the dismissal of any claims associated with the land owned by the Landowner that is described in the WFR.

  
SUSAN WARD HARRIS  
Special Master

On October 15, 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 C.

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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
BARNEY, LELAND K.	112-17-BAD-016
& PAULA F.	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W11-11-1910

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-0228373.1100		IRRIGATION DOMESTIC STOCK	905.00				1919	SENW11	17OS	200E
36-0027315		IRRIGATION	1935.61	11	17OS	200E	1944	NW11	17OS	200E
36-0027317		IRRIGATION	1613.01	11	17OS	200E	1948	NW11	17OS	200E
36-0027318		IRRIGATION	6452.50	11	17OS	200E	1915	SE36	17OS	200E
36-0027320		IRRIGATION	1774.31	11	17OS	200E	1952	NW11	17OS	200E
39-0004305		IRRIGATION STOCK	1000.00 4.00	02	17OS	200E	1910	NENE36	17OS	210E
				11	17OS	200E		SENE11	17OS	200E
				SWNE11	17OS	200E				

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-0228373.1100	IRRIGATION DOMESTIC STOCK	IRRIGATION NONE INCIDENTAL		IROO1
36-0027315	IRRIGATION	IRRIGATION	WO1	IROO1, IROO2
36-0027317	IRRIGATION	IRRIGATION	WO2	IROO1, IROO2
36-0027318	IRRIGATION	IRRIGATION	DO1	IROO1, IROO2
36-0027320	IRRIGATION	IRRIGATION	WO3	IROO1, IROO2
39-0004305	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1, WO1, WO2 WO3, WO4	IROO1, IROO2, SROO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NWSENE36	17OS	200E	POMERENE CANAL	SURFACE WATER: SAN PEDRO RIVER
WO1	SESENW11	17OS	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2
WO2	SESENW11	17OS	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2
WO3	SESENW11	17OS	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2
WO4	SESENW11	17OS	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2 UNUSED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IROO1	NE11	17OS	200E	DO1, WO1, WO2	SURFACE WATER	1935	NO	
	NW11	17OS	200E	WO3	GROUNDWATER : ZONE 2			
	NW12	17OS	200E					
IROO2	NENE11	17OS	200E	DO1, WO1, WO2	SURFACE WATER	1955	NO	
	NWNW12	17OS	200E	WO3	GROUNDWATER : ZONE 2			
	SENE11	17OS	200E					
	SWNE11	17OS	200E					

PWR #	SECTION	TWNP	RNGE	LOCATIONS	SUPPLIED BY	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SROO1	SWSENE11	170S	200E	DO1,WO1,WO2	SURFACE WATER GRNDWTR : ZONE 2	1935	UNNAMED	IRRIGATION STOCKWATERING

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 IS SHARED WITH THESE ADDITIONAL FILES:  
112-17-ABC-1, 112-17-BAD-9, 112-17BAD-12, 112-17BAD-13, 112-17BAD-14, 112-17BAD-15  
112-17BAD-17, 112-17BAD-18, 112-17BAD-19, 112-17BAD-31, 112-17BAD-28, 112-17BAD-29  
\*\* WATER FROM WO3 IS SHARED WITH THESE ADDITIONAL FILES:  
112-17-ABC-1, 112-17BAD-12, 112-17BAD-13, 112-17BAD-14, 112-17BAD-15, 112-17BAD-17  
112-17BAD-18, 112-17BAD-19, 112-17BAD-31, 112-17BAD-28, 112-17BAD-29

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IROO1	39-0004305	10-0228373.1100 36-0027315 36-0027317 36-0027318 36-0027320	1912	POMERENE W.U.A. INFO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2
IROO2	39-0004305	36-0027315 36-0027317 36-0027318 36-0027320	1944	FILING 36-27315	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2
SROO1	39-0004305	36-0027315 36-0027317 36-0027318	1935	1935 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	MAX. OBSERVED REGIONAL	64.4	MULTI.-DBL.	44%	4.3 AF/AC	276.9 AFA	
	MAX. POTENTIAL REGIONAL	64.4	AVE. CROP	50%	5.4 AF/AC	347.8 AFA	
	MAX. POTENTIAL REGIONAL	64.4	ALFALFA	44%	7.7 AF/AC	495.9 AFA	
IROO2	MAX. OBSERVED REGIONAL	39.5	MULTI.-DBL.	45%	4.3 AF/AC	169.9 AFA	
	MAX. POTENTIAL REGIONAL	39.5	AVE. CROP	50%	5.4 AF/AC	213.3 AFA	
	MAX. POTENTIAL REGIONAL	39.5	ALFALFA	45%	7.4 AF/AC	292.3 AFA	
SROO1	MAX. AREA/CAP	1.8				3.9 AF	

EXPLANATION

FILINGS AND DECREES  
FILING 10-0228373-11 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES FROM THE SAN PEDRO RIVER. NO DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

D1 - DIVERSION FROM THE SAN PEDRO RIVER INTO THE POMERENE WATER USERS ASSOCIATION CANAL.  
W1-W3 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.  
W4 - UNUSED WELL.

USES AND RESERVOIRS

IR1 & IR2 - IRRIGATED MULTIPLE-DOUBLE CROPS (SMALL GRAINS, SORGHUM, AND PASTURE).  
SR1 - SMALL RESERVOIR, SUPPLIED BY DIVERSION D1 AND WELLS W1 & W2, IS USED FOR IRRIGATION AND STOCKWATERING 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-BAD-28.  
W2 - WELL IS SHARED WITH W.F.R.'S #112-17-ABC-1, #112-17-BAD-9, #112-17-BAD-12 THROUGH #112-17-BAD-15, #112-17-BAD-17 THROUGH #112-17-BAD-19, #112-17-BAD-28, #112-17-BAD-29 & #112-17-BAD-31.  
W3 - WELL IS SHARED WITH W.F.R.'S #112-17-ABC-1, #112-17-BAD-12 THROUGH #112-17-BAD-15,



FILE 112-17-BAD-016 (CONTINUED)  
E X P L A N A T I O N (CONTINUED)

CONTINUATION OF PAGE: 20

#112-17-BAD-17 THROUGH #112-17-BAD-19, #112-17-BAD-28, #112-17-BAD-29 & #112-17-BAD-31.

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.

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
BARNEY, LELAND K. & PAULA F.	112-17-BAD-016

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	SESENW11	170S	200E	IROO1, IROO2, SROO1	SHARED
WO2	UNNAMED	SESENW11	170S	200E	IROO1, IROO2, SROO1	SHARED
WO3	UNNAMED	SESENW11	170S	200E	IROO1, IROO2	SHARED
WO4	UNNAMED	SESENW11	170S	200E		UNUSED

W1-11-1910

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE DATE	APPARENT BASIS FOR DATE	***	APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE					
IROO1	NE11	170S	200E	1912	POMERENE W.U.A. INFO		347.8 AFA	64.4
	NW11	170S	200E					
	NW12	170S	200E					
IROO2	NENE11	170S	200E	1944	FILING 36-27315		213.3 AFA	39.5
	NWNW12	170S	200E					
	SENE11	170S	200E					
	SWNE11	170S	200E					
SROO1	SWSENE11	170S	200E	1935	1935 AERIAL PHOTO		3.9 AF	

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
39-0004305	WO1, WO2, WO3 WO4	IROO1, IROO2, SROO1

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO1 IS PARTIALLY SUPPLIED BY SURFACE WATER.  
 THE APPARENT ANNUAL VOLUME REPORTED FOR IROO2 IS PARTIALLY SUPPLIED BY SURFACE WATER.  
 THE APPARENT ANNUAL VOLUME REPORTED FOR SROO1 IS PARTIALLY SUPPLIED BY SURFACE WATER.

\*\* WATER FROM WO1 FOUND IN FILE (112-17BAD-28) IS USED IN THIS FILE.

\*\* WATER FROM WO2 IS SHARED WITH THESE ADDITIONAL FILES:

- 112-17-ABC-1, 112-17-BAD-9, 112-17BAD-12, 112-17BAD-13, 112-17BAD-14, 112-17BAD-15
- 112-17BAD-17, 112-17BAD-18, 112-17BAD-19, 112-17BAD-31, 112-17BAD-28, 112-17BAD-29

\*\* WATER FROM WO3 IS SHARED WITH THESE ADDITIONAL FILES:

- 112-17-ABC-1, 112-17BAD-12, 112-17BAD-13, 112-17BAD-14, 112-17BAD-15, 112-17BAD-17
- 112-17BAD-18, 112-17BAD-19, 112-17BAD-31, 112-17BAD-28, 112-17BAD-29

W1-W3 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.

W4 - UNUSED WELL.

IR1 & IR2 - IRRIGATED MULTIPLE-DOUBLE CROPS (SMALL GRAINS, SORGHUM, AND PASTURE).

SR1 - SMALL RESERVOIR IS USED FOR IRRIGATION AND STOCKWATERING PURPOSES.

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**ATTACHMENT B**



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**ATTACHMENT C**

CLERK OF THE SUPERIOR COURT  
MARICOPA COUNTY  
ATTN: WATER CASE  
601 WEST JACKSON STREET  
PHOENIX, AZ 85003

D. A. BROWN, D. E. BROWN, J. A. BROWN  
BROWN & BROWN LAW OFFICES, P.C.  
P. O. BOX 1890  
ST. JOHNS, AZ 85936

D. STADTLER 2015 TRUST  
P. O. BOX 422  
GUSTINE, CA 95322

JOE P. SPARKS AND LAUREL A. HERRMANN  
THE SPARKS LAW FIRM, P.C.  
7503 FIRST STREET  
SCOTTSDALE, AZ 85251-4573

KIMBERLY R. PARKS AND JANET L. MILLER  
ARIZONA DEPARTMENT OF WATER RESOURCES  
P. O. BOX 36020  
PHOENIX, AZ 85067

L. J. CASTER, B.J. HEISERMAN, B. J. PEW  
FENNEMORE CRAIG, P.C.  
2394 EAST CAMELBACK ROAD STE 600  
PHOENIX, AZ 85016-3429

L. WILLIAM STAUDENMAIER  
SNELL & WILMER, L. L. P.  
400 E. VAN BUREN ST.  
SUITE 1900  
PHOENIX, AZ 85004-2202

LAVON WOMACK AND REBECCA WOMACK  
3222 S. PORTIA AVENUE  
TUCSON, AZ 85730

RODNEY AND SHARON XANOS AS TRUSTEES  
OF THE XANTHOS REVOCABLE TRUST, DATED JANUARY 18, 2003  
9855 EAST MARY DRIVE  
TUCSON, AZ 85730

LINUS EVERLING AND THOMAS L. MURPHY  
GILA RIVER INDIAN COMMUNITY  
OFFICE OF THE GENERAL COUNSEL  
P. O. BOX 97  
SACATON, AZ 85147

MESSERS. WELDON, MCGINNIS, HEILMAN  
SALMON, LEWIS AND WELDON PLC  
2850 E. CAMELBACK ROAD STE 200  
PHOENIX , AZ 85016

R. LEE LEININGER AND ANDREW GUARINO  
U.S. DEPARTMENT OF JUSTICE  
999 18TH STREET, SOUTH TERRACE, SUITE 37  
DENVER, CO 80202

RILEY LAKE LLC  
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PHILLIPS, WI 54555

ROBERT AND JANET OVERSON  
1271 EAST SUNNY LANE  
BENSON, AZ 85602

S. MONTGOMERY, R.INTERPRETER, J. TOMKUS  
MONTGOMERY & INTERPRETER, PLC  
3301 E. THUNDERBIRD ROAD  
PHOENIX, AZ 85032

SUSAN WARD HARRIS  
SPECIAL MASTER  
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PHOENIX, AZ 85003-2205