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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. W1-11-1913

ORDER TO SCHEDULE STATUS
CONFERENCE

CONTESTED CASE NAME: In re *Randall & Joyce Welker*.
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Status conference set for landowners and objectors for **January 10, 2019** at 2:00 p.m.
NUMBER OF PAGES: 17
DATE OF FILING: December 4, 2018

This case involves potential water rights for an irrigation use in Cochise County, Arizona on land located within the southwest quarter of the northeast quarter of section 11 T17S R20E. A copy of the map prepared by ADWR showing the area at issue, which is labelled as "(19)," is attached as Attachment A. In Watershed File Report 112-17-BAD-019 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991) the

1 Arizona Department of Water Resources (ADWR) identified a potential water right to irrigate a
2 total of 10.2 acres. A copy of the Watershed File Report 112-17-BAD-019 (“WFR”) is
3 attached as Attachment B. The WFR listed the sources of water as three wells and a diversion
4 from the San Pedro River into the Pomerene Water Users Association Canal.

5 The purpose of this case is to resolve the five objections to the potential water right to
6 the extent that the current landowners intend to pursue them.

7 8 **Background**

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

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19 By order dated July 26, 2017, the court directed the owners of land for which
20 Arizona Department of Water Resources had identified as places of use for water diverted
21 through the Pomerene Canal to file new or amended statements of claimant if they desired to
22 assert a claim for a right to divert water through the Pomerene Canal for irrigation use. The
23 original Statement of Claimant listed in the WFR is 39-4305 filed by Rex Barney. The
24 Arizona Department of Water Resources public records do not include any assignments of the
25 Statement of Claimant. A second status conference was set for October 18, 2017.

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

1 Pomerene Water Users Association to file a list by December 29, 2017 that identified those
2 landowners who were members by the Pomerene Water Users Association and whose
3 interests would be represented by the Pomerene Water Users Association in this adjudication
4 of water rights. The court also set a third status conference for September 6, 2018. On
5 December 21, 2017, the Pomerene Water Users Association timely filed a list of 26
6 landowners. Shannon and Jennifer Thomas and Jaron and Audrey Chapman were included in
7 the list of the represented landowners.
8

9 On August 31, 2018, Pomerene Water Users Association filed a Notice of
10 Termination stating that St. David Irrigation District has claimed the Pomerene diversion
11 structure and the Pomerene canal. At the third status conference, counsel for the Pomerene
12 Water Users Association provided a list of its members who joined the St. David Irrigation
13 District and those members who declined to join the St. David Irrigation District. Shannon
14 and Jennifer Thomas were listed as members who declined to join the St. David Irrigation
15 District. Jaron and Audrey Chapman were not included on either list and they did not appear
16 at the status conference.
17

18 By order dated October 5, 2018, the cases previously consolidated into a single case
19 known as *In re Pomerene Water Users Association* were separated into individual cases. As
20 a result, the potential water right analyzed in the WFR will be considered in this separate case
21 or will be consolidated with *In re St. David Irrigation*, contested case no. W1-11-1675 as
22 appropriate.
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1 **Landowners**

2 The first step to adjudicate the water right identified by the WFR is to identify the
3 current landowners involved in this case. Based on the WFR, the land involved may include all
4 or portion of the following tax parcels:

5

Landowner	Tax Parcel No.
Nathan & Terra Hatch	12325002G
Sean L. & Perla S. MCGoffin	12325002H
Federal Home Loan Mortgage Corporation	12325002J
Justin D. & Janice L. Herbert	12325002K
Michael D Wilson & Ginger Dobson	12325002L
Brandon Robert Caspar Georgeann Miller	12325002M
Gerard L & Demead D. Williams	12325002N
Mark A & Katrina M. Traver	12325002Q
Shannon E & Jennifer Rae Thomas	12325002T
Gordon Frank Hart	12325002U
Jaron & Audrey Chapman	12325002V

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22 Attached as Attachment C is map of the parcels from the Cochise County Assessor's
23 Office.

24 Three wells provide the sources of water for the potential irrigation water rights. Those
25 wells are located in the southeast quarter of the northwest quarter of section 11 T17S R20E.
26 The second step is to determine whether these wells are located within the subflow zone and
27 therefore subject to this court's jurisdiction. According to the map prepared by ADWR, the
28

1 three wells that are listed as the sources of water used for irrigation are located within the
2 subflow zone and are thus subject to the jurisdiction of this adjudication. A copy of the map
3 prepared by ADWR, which marks the eastern boundary of the subflow zone in a heavy red line,
4 is attached as Attachment D.

5 The third step is to schedule a status conference to determine whether the landowners
6 intend to pursue claims for the potential water right that ADWR determined is applicable to
7 their land. Failure to participate at the status conference or file a statement of claimant with
8 the Arizona Department of Water Resources may result in no adjudication of the potential
9 water right associated with the land described in the WFR. Accordingly,
10

11 **IT IS ORDERED** that a telephonic status conference shall be held on January 10, 2019
12 at 2:00 p.m.

13 Instructions for telephonic participation:

14 Dial: 602-506-9695 (local)

15 1-855-506-9695 (toll free long distance)

16 Dial Collaboration (conference) Code 357264#
17
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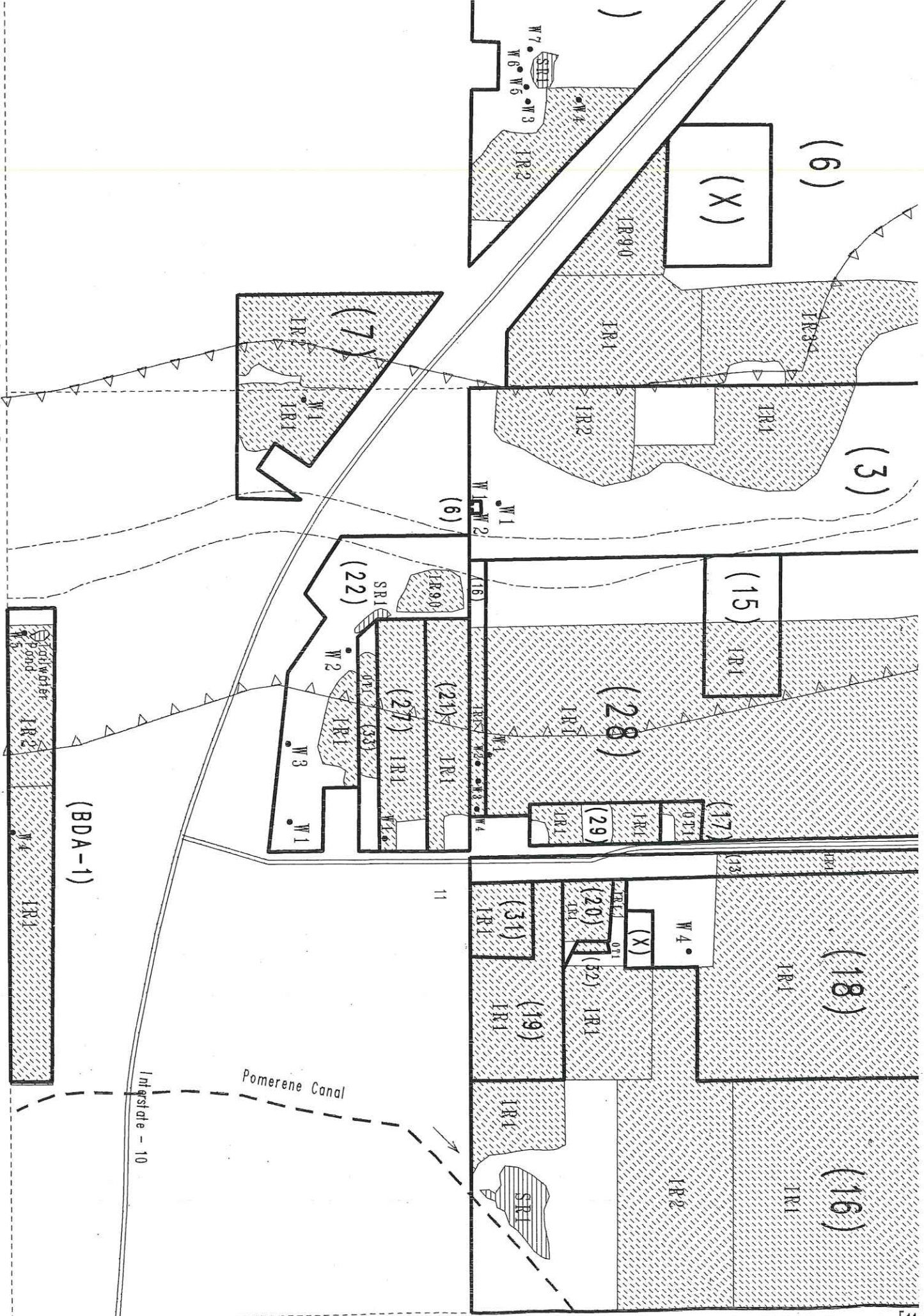
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21 
22 SUSAN WARD HARRIS
Special Master

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24 On December 4, 2018, the original of the foregoing was
25 delivered to the Clerk of the Maricopa County Superior
26 Court for filing and distributing a copy to the persons
listed as Attachment E

27 
28 Barbara Brown

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ATTACHMENT A



[112-17-BDA]
R 20 E

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ATTACHMENT B

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
WELKER, RANDALL & JOYCE	112-17-BAD-019

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-1913

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION			CLAIM DATE	DIVERSION LOCATION		
				SECTION	TWNP	RNGE		SECTION	TWNP	RNGE
36-0027315		IRRIGATION	1935.61	11	170S	200E	1944	NW11	170S	200E
36-0027317		IRRIGATION	1613.01	11	170S	200E	1948	NW11	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
36-0027315	IRRIGATION	IRRIGATION	WO1	IROO1
36-0027317	IRRIGATION	IRRIGATION	WO2	IROO1
36-0027320	IRRIGATION	IRRIGATION	WO3	IROO1
39-0004305	IRRIGATION	IRRIGATION	DO1,WO1,WO2	IROO1
	STOCK	INCIDENTAL	WO3	

DIVERSIONS

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	LOCATION	WATER SOURCE AND CLASSIFICATION
DO1	NWSENE36	170S	200E	POMERENE CANAL		SURFACE WATER: SAN PEDRO RIVER
WO1	SESENW11	170S	200E	UNNAMED		SHARED GROUNDWATER : ZONE 2
WO2	SESENW11	170S	200E	UNNAMED		SHARED GROUNDWATER : ZONE 2
WO3	SESENW11	170S	200E	UNNAMED		SHARED GROUNDWATER : ZONE 2

USES

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	LOCATION	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IROO1	SWNE11	170S	200E	DO1,WO1,WO2 WO3		SURFACE WATER 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

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IROO1	39-0004305	36-0027315 36-0027317 36-0027320	1912 POMERENE W.U.A. INFO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	MAX. OBSERVED	10.2	PERM. PSTR	45%	7.0 AF/AC	71.4 AFA	
	REGIONAL	10.2	AVE. CROP	50%	5.4 AF/AC	55.1 AFA	
	MAX. POTENTIAL	10.2	ALFALFA	45%	7.4 AF/AC	75.5 AFA	

E X P L A N A T I O N

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.

USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #112-17-BAD-28.
 W2 & W3 - WELLS ARE SHARED WITH W.F.R. #112-17-BAD-16.

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
WELKER, RANDALL & JOYCE	112-17-BAD-019

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	SESENW11	17OS	200E	IROO1	SHARED
WO2	UNNAMED	SESENW11	17OS	200E	IROO1	SHARED
WO3	UNNAMED	SESENW11	17OS	200E	IROO1	SHARED

W1-11-1913

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
IROO1	SWNE11	17OS	200E	1912	POMERENE W.U.A. INFO	55.1 AFA	10.2

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

EXPLANATION

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

** 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.

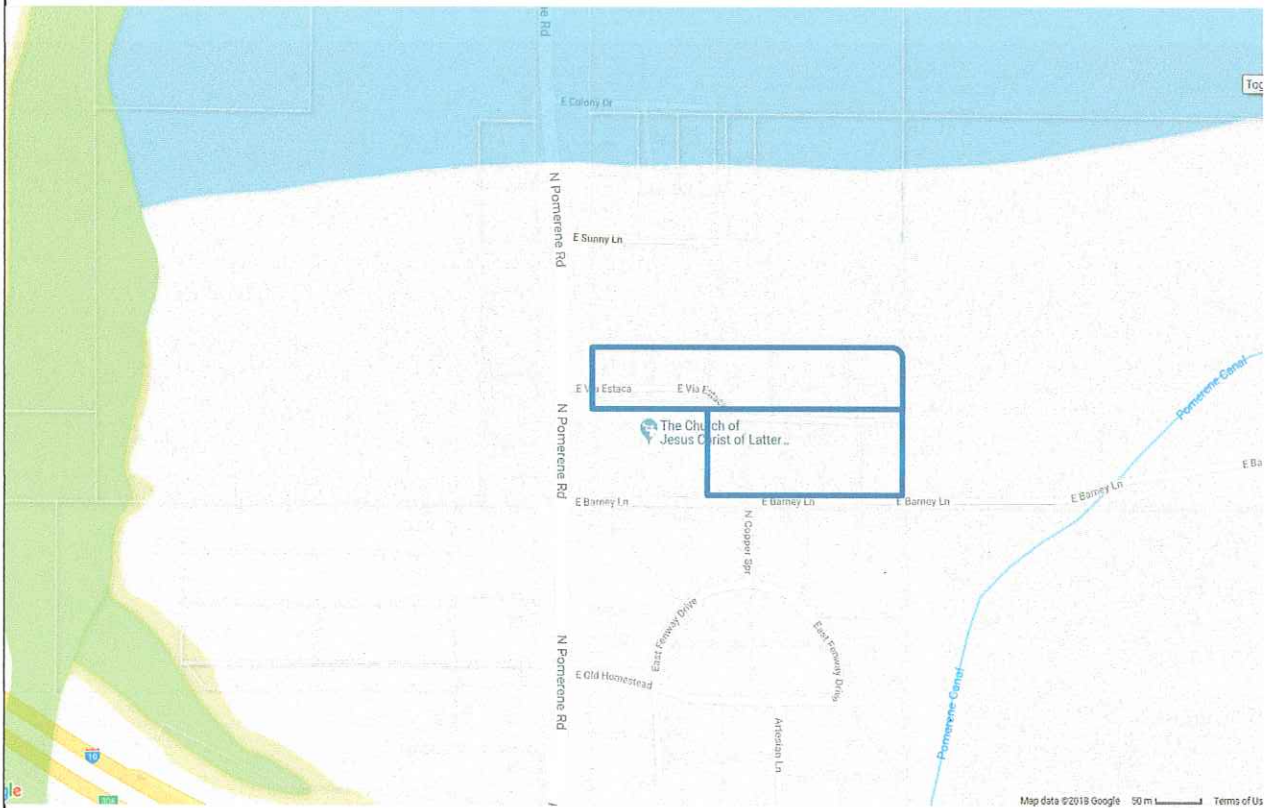
** WATER FROM WO3 FOUND IN FILE (112-17BAD-16) IS USED IN THIS FILE.

W1-W3 - WELLS PROVIDE WATER FOR IRRIGATION USES.

IR1 - IRRIGATED PASTURE.

ATTACHMENT C

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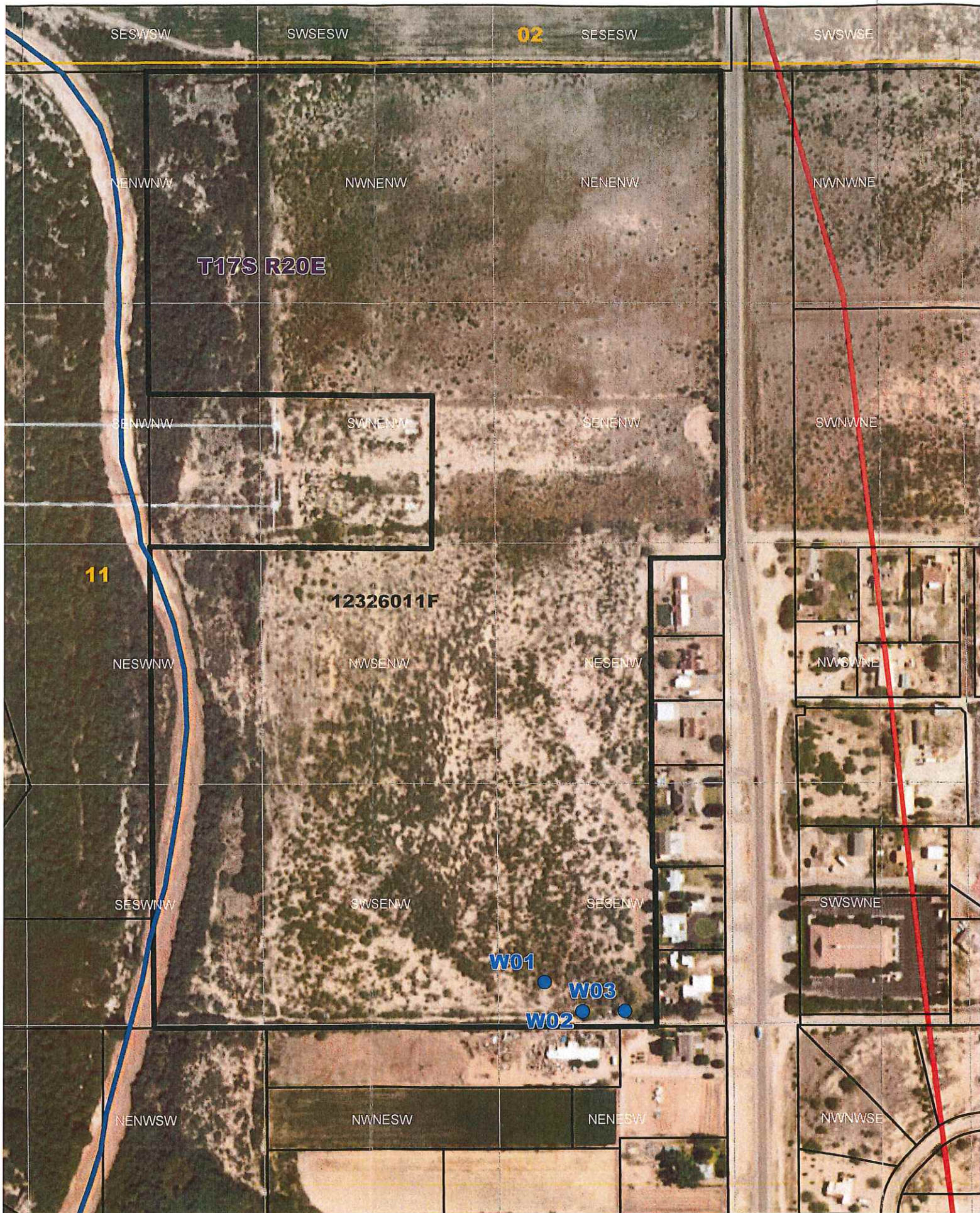
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ATTACHMENT E

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