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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. W1-11-1754

ORDER TO SET STATUS CONFERENCE

CONTESTED CASE NAME: *In re George G. and Lois B. Housley*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Status Conference set for **January 20, 2022 at 1:30 p.m.** to determine whether the land owners intend to assert rights to appropriative water with a priority date prior to 1991.
NUMBER OF PAGES: 20
DATE OF FILING: November 19, 2021

This case involves potential water rights for domestic irrigation use and a small reservoir use in the southwest quarter of section 13 T17S R20E. The purpose of this case is to resolve the objections to Watershed File Report and Zone 2 Well Report 112-17-ACB-003 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the Watershed

1 File Report and Zone 2 Well Report 112-17-ACB-003 (“Reports”) is attached as Attachment A.
2 A copy of the map prepared by Arizona Department of Water Resources that identifies the land
3 investigated for the Reports is attached as Attachment B and the land involved is labelled as
4 “(3)”. The Reports listed the sources of water as a well and a diversion from the San Pedro River
5 into the Pomerene Water Users Association Canal. The Reports do not list any Statements of
6 Claimant or any other filings with Arizona Department of Water Resources to obtain rights to
7 appropriable water. The purpose of this case is to resolve the objections to the potential water
8 rights to the extent that the current landowners intend to pursue them.

9
10 **Background**

11 Until October 5, 2018, this case was consolidated with and a part of the 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
16 Pomerene Water Users Association to act. No landowners appeared at the status conference.

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 second status
22 conference was set for October 18, 2017. A copy of the order was sent to Patagonia Property
23 Development, LLC, Gary and Virginia Riggs, Sipe Revocable Trust, Jeffrey and Diana
24 Townsend, and Susan and Stanley Warnock.

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 its 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 were members of the Pomerene Water Users Association and whose interests
3 would be represented by the Pomerene Water Users Association in this adjudication of water
4 rights. The court also set a third status conference for September 6, 2018. On December 21,
5 2017, the Pomerene Water Users Association timely filed a list of 26 landowners. Patagonia
6 Property Development, LLC, Gary and Virginia Riggs, Sipe Revocable Trust, Jeffrey and Diana
7 Townsend, and Susan and Stanley Warnock were not included in the list of the represented
8 landowners.
9

10 On August 31, 2018, Pomerene Water Users Association filed a Notice of
11 Termination. At the third status conference, counsel for the Pomerene Water Users Association
12 provided a list of its members who joined the St. David Irrigation District and those members
13 who declined to join the St. David Irrigation District. Patagonia Property Development, LLC,
14 Gary and Virginia Riggs, Sipe Revocable Trust, Jeffrey and Diana Townsend, and Susan and
15 Stanley Warnock were not included on either list and they did not appear at the status
16 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 a
20 result, the potential water rights analyzed in the Reports will be considered in this separate case.
21

22 **Landowners**

23 The first step to adjudicate the water rights identified by the Reports is to identify the
24 current landowners involved in this case. Based on the Reports, the land involved may include
25 the following tax parcels: 12333009C, 12333009G, 12333009J, 12333009K, 12333009N,
26 12333009U, 12333009V, 12333009W, 12333009X, 12333009Y, 12333009Z,
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1 12333013A, 12333013C, 1233301D, and 12333013E. According to the Cochise County
 2 Treasurer's Office the current owners of these tax parcels are as follows:

Tax Parcel No	Landowner.
12333009C	David Ralph Jr & Konda Pinegar
12333009G	David Dubar Jr
12333009J	Mario F Rocha
12333009K	Mario F Rocha
12333009N	Sylvia Marie Maresca
12333009W	Gary W & Virginia M Riggs
12333009U	Robert K. Wilson
12333009V	Jeffrey W & Traci L Rhodes
12333009X	Larry D. And Carol Sipe as Trustees of the Sipe Revocable Trust
12333009Y	Jeremy B & Morgan L Coleman
12333009Z	Wm Douglas & Rebekah A Clark
12333013A	Logan Gernet
12333013C	Thomas E & Sheila M Stovall
12333013D	Logan Gernet
12333013E	Timothy R & Laura Birnbaum Living Trust

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

25 On October 23, 2003, Larry D. Sipe and Carol J. Sipe as trustees of the Sipe Trust filed
 26 Statement of Claimant for domestic use of water on land in Section 3 T13 S Range 20E, tax
 27 parcel 124-30-023. Neither the legal description nor the tax parcel number refer to land that is
 28 located within the boundaries of the land investigated in the Reports. On January 7, 2015,

1 William and Rebekah Clark filed Statement of Claimant 39-17810 for groundwater to water trees
2 and vegetation. No other land owner named above has filed a Statement of Claimant for a right
3 to appropriable water. Accordingly,

4 **IT IS ORDERED:**

5
6 1. Contested Case. This contested case will adjudicate any claims for water rights
7 investigated by and objections to Watershed File Report and Zone 2 Well Report 112-17-ACB-
8 003 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). No
9 claims for water use that began after 1991 shall be adjudicated in this case. Copies of the
10 objections can be found under the case name and number on the following website:
11 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
12 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

13 2. Court-Approved Mailing List.

14 A. The initial Court-approved mailing list for this case shall include all
15 persons listed on Attachment D to this order. The list may be modified
16 only by filing a motion with the Special Master to amend the Court-
17 approved mailing list. Litigants are responsible for using the current
18 Court-approved mailing list.

19 B. A copy of any pleading filed with the Clerk of the Maricopa County
20 Superior Court in this case shall be served upon each person listed on the
21 Court-approved mailing list.

22 C. Claimants wishing to be added or removed from the mailing list shall file
23 a motion with the Special Master. Parties allowed to intervene will be
24 automatically added to the Court-approved mailing list.

25 D. The Clerk of the Court will send copies of all minute entries and orders
26 issued in this case to the parties listed on the Court-approved mailing list.
27
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1 Upon request, the Clerk of the Court will provide copies by email. Parties
2 may request emailed copies of minute entries and orders by completing
3 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
4 CASE DOCUMENTS, which is attached as Attachment E.

5
6 4. Status Conference.

7 A. An initial status conference shall be held to determine whether the land
8 owners listed above intend to pursue claims for rights to appropriable
9 water. If so, the parties seeking water rights shall be prepared at the Status
10 Conference to provide information about efforts undertaken to assign or
11 file a Statement of Claimant.

12
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14 B. If the current landowners intend to pursue rights to appropriable water
15 for use on the land, the parties will be expected to advise whether they
16 are interested in pursuing discussions to resolve the objections to the
17 WFR and the amount of time that the parties believe will be necessary to
18 complete those discussions.

19
20
21 C. If the objections cannot be settled, then a subsequent date will be set for
22 a scheduling conference to identify issues, file disclosure statements,
23 conduct discovery, submit prehearing motions, and hold a trial. No party
24 shall conduct any discovery or file any motions prior to the Status
25 Conference.

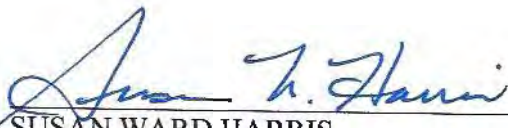
26
27 The Status Conference shall be held on **January 20, 2022 at 1:30 p.m.** The Status
28 Conference shall be held using the Court Connect program. Instructions for Court Connect are

1 attached as Attachment F. If you receive this Order by email, click on the red box "Join Court
2 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this
3 Order by email, log into the Court Connect program on the internet by typing
4 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
5 telephonically using the telephone number and access code included in the instructions for Court
6 Connect. If you are unable to access Court Connect, you may also attend telephonically using
7 the following instructions:

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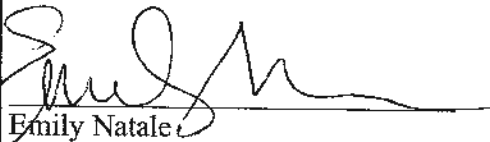
Instructions for telephonic appearance:
Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#

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SUSAN WARD HARRIS
Special Master

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On November 19, 2021, 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.


Emily Natale

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ATTACHMENT A

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
HOUSLEY, GEORGE G.	112-17-ACB-003
& LOIS B.	

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W01	UNNAMED	SENWSW13	17OS	200E	DM001, IRO01, SRO01	W1-11-1754

WATER USE NUMBERS	WATER USE LOCATION	*** APPARENT FIRST USE ***	APPAR. ANNUAL	ACRES
-----	SECTION TWNP RNGE	DATE BASIS FOR DATE	VOLUME USED	IRRIGATED
-----	-----	-----	-----	-----
DM001	SENWSW13 17OS 200E			
IRO01	NWSW13 17OS 200E	1912	POMERENE W.U.A. INFO	21.6 AFA
SRO01	SENWSW13 17OS 200E	1935	1935 AERIAL PHOTO	LTE 15.0 AF

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IRO01 IS PARTIALLY SUPPLIED BY SURFACE WATER.

THE APPARENT ANNUAL VOLUME REPORTED FOR SRO01 IS PARTIALLY SUPPLIED BY SURFACE WATER.

W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

DM1 - DOMESTIC USE.

IR1 - DEFICIT IRRIGATION OF PASTURE.

SR1 - SMALL RESERVDIR IS USED FOR IRRIGATION PURPOSES.

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
HOUSLEY, GEORGE G. & LOIS B.	112-17-ACB-003

D I V E R S I O N S

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NWSENE36	17OS	20OE	POMERENE CANAL	SURFACE WATER: SAN PEDRO RIVER
W01	SENWSW13	17OS	20OE	UNNAMED	SHARED GROUNDWATER : ZONE 2

W1-11-1754

U S E S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE	FACILITY NAME
DM001	SENWSW13	17OS	20OE	W01	GROUNDWATER : ZONE 2		NO	
IROO1	NWSW13	17OS	20OE	DO1, W01	SURFACE WATER GROUNDWATER : ZONE 2	1935	NO	

R E S E R V O I R S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SROO1	SENWSW13	17OS	20OE	DO1, W01	SURFACE WATER GRNDWTR : ZONE 2	1935	UNNAMED	IRRIGATION

S H A R E D U S E S A N D D I V E R S I O N S

** DIVERSION DO1 OPERATED BY THE POMERENE WATER USERS ASSOC.
(FILE 112-17-89) SUPPLIES WATER TO PWRs IN THIS FILE.

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
DM001	NONE	NONE		GROUNDWATER : ZONE 2
IROO1	NONE	NONE	1912 POMERENE W.U.A. INFO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2
SROO1	NONE	NONE	1935 1935 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT DEFICIT IRRIGATION
IROO1	MAX. DBSERVED	4.0	PERM. PSTR	63%	3.2 AF/AC	12.8 AFA	
	REGIONAL	4.0	AVE. CROP	50%	5.4 AF/AC	21.6 AFA	
	MAX. POTENTIAL	4.0	ALFALFA	63%	5.3 AF/AC	21.2 AFA	
SROO1	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

E X P L A N A T I O N

DIVERSIONS

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

USES AND RESERVDIRS

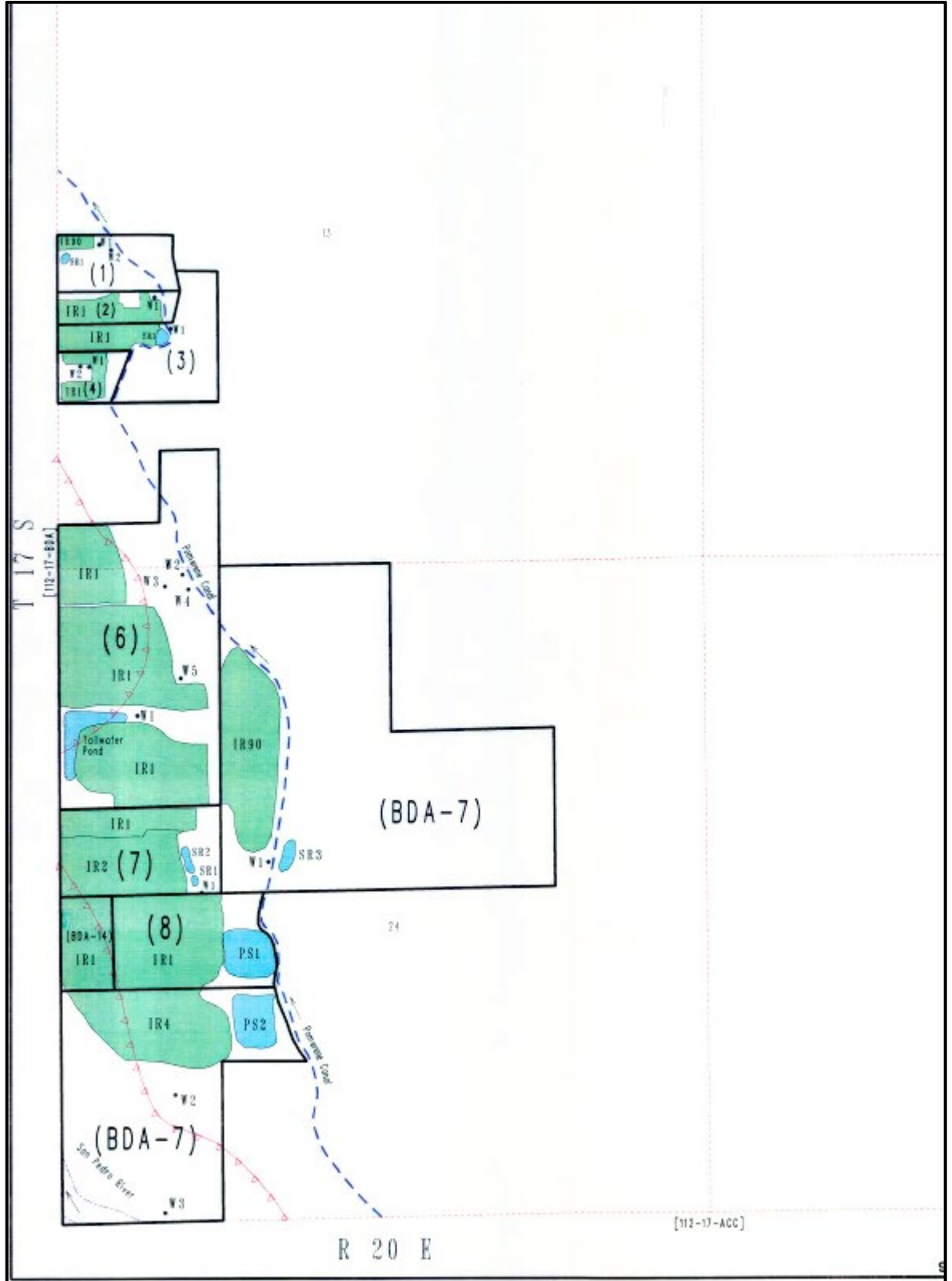
DM1 - DOMESTIC USE.
IR1 - IRRIGATED PASTURE.
SR1 - SMALL RESERVOIR, SUPPLIED BY DIVERSION D1 AND WELL W1, IS USED FOR IRRIGATION PURPOSES.

PWR SUMMARY

FILINGS MADE BY THE POMERENE WATER USERS ASSOCIATION APPLY TO WATER USES (IR1 & SR1) ON THIS PROPERTY. FOR MORE INFORMATION ON THE POMERENE WATER USERS ASSOCIATION, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

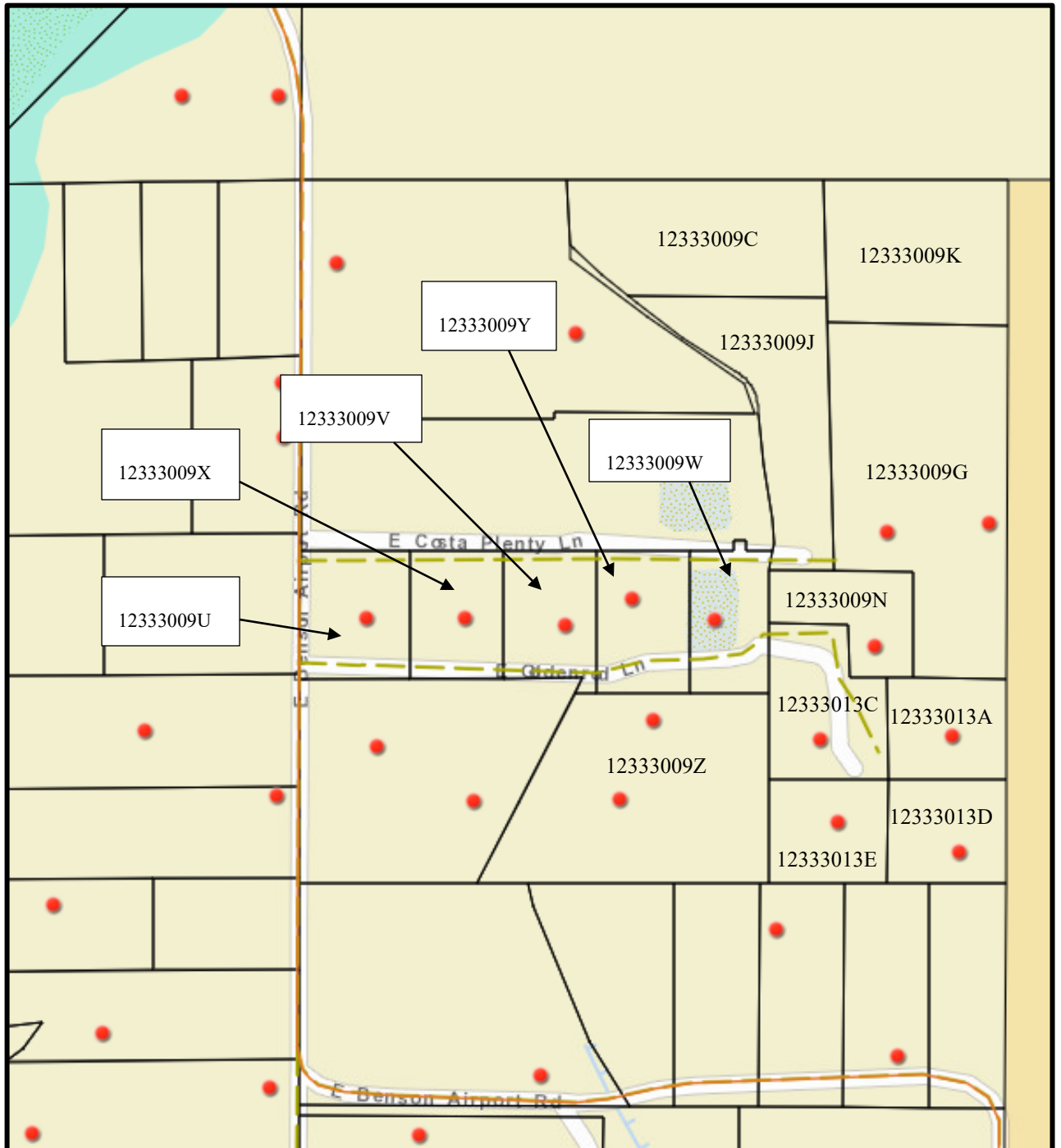
ATTACHMENT B

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ATTACHMENT D

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Arizona Department of Water Resources
Kimberly Parks
Janet L. Miller
P. O. Box 36020
Phoenix, AZ 85067

City of Phoenix
Charles L. Cahoy
200 W. Washington 13th Flr.
Phoenix, AZ 85003

David Dubar Jr.
1611 E Costa Plenty Ln
Benson, AZ 85602

Sylvia Marie Maresca
1612 E Goldenrod Ln
Benson, AZ 85602

David Ralph Jr & Konda Pinegar
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Tucson, AZ 85711

Gary W & Virginia M Riggs
1600 E Goldenrod Ln
Benson, AZ 85602

Gila River Indian Community
Linus Everling and Thomas L. Murphy
Office of the General Counsel
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Sacaton, AZ 85147

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1556 E Goldenrod Ln
Benson, AZ 85602

Jeremy B & Morgan L Coleman
1576 E Goldenrod Ln
Benson, AZ 85602

BHP Copper, Inc.
John D. Burnside
Snell & Wilmer, L.L.P.
400 E. Van Buren Street, Ste 1900
Phoenix AZ 85004

Salt River Project
John B. Weldon, Jr., Mark A. McGinnis,
and Michael Foy
Salmon, Lewis & Weldon PLC
2850 E Camelback Rd.
Suite 200
Phoenix, AZ 85016

ASARCO Incorporated
Lauren J. Caster, Bradley Pew
Fennemore Craig, P.C.
2394 East Camelback Road
Suite 600
Phoenix, AZ 85016-3429

Logan B Gernet
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Scottsdale, AZ 85252

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Saint David, AZ 85630

Mario F Rocha
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Saint David, AZ 85630

Robert K Wilson II
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Benson, AZ 85602

San Carlos Apache Tribe
Joe P. Sparks and Laurel A. Herrmann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

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Sipe Rev Trust
PO Box 89
Benson, AZ 85602

Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

Sylvia Marie Maresca
1612 E Goldenrod Ln
Benson, AZ 85602

Timothy R & Laura Birnbaum Living Trust
1627 E Goldenrod Ln
Benson, AZ 85602

Thomas E & Sheila M Stovall
1621 E Goldenrod Ln
Benson, AZ 85602

William Douglas & Rebekah A Clark
1611 E Goldenrod Ln
Benson, AZ 85602
Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

Tonto Apache Tribe
Richard Palmer, Jr., Jeremiah Weiner
and Lauren Mulhern
Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

Yavapai-Apache Nation
S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
3301 E. Thunderbird Road
Phoenix, AZ 85032

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ATTACHMENT E

**CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA**

Jeff Fine
Clerk

**MARICOPA COUNTY
Customer Service Center
601 West Jackson
Phoenix, AZ 85003**

602 372-4115
Water Case Clerk

CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS

In an effort to provide more timely and cost effective distribution of copies of filed Water Case documents, the Clerk of the Superior Court would like implement electronic distribution via email. To do so, we require your consent to receive copies of documents electronically at an email address provided to our office.

This consent is voluntary and can be rescinded if you so choose. If you no longer wish to receive Water Case documents from the Clerk of Superior Court electronically, please send written notification to the Clerk of the Superior Court Water Case Specialist at the email address below requesting that all future records be sent in paper form.

Please note that if you consent to receive documents via email, you must notify the Clerk's Office of any change to your email address to avoid delay in receiving future filings. In the event there is no valid email address on file with the Clerk of the Superior Court Water Case Specialist, documents will be mailed to the address provided.

If you wish to consent to receive future documents via email, please either fill out the information below and mail to our office or provide the below information to Mayra.Antelo@Maricopa.Gov.

Preferred email address:

Alternate email address:

Physical address:

Phone number:

Firm Name:

Name [Printed]:

Signature:

Date:

Thank you,

Mayra Antelo
Clerk of the Superior Court
Water Case Specialist
(602) 372-5375 options 7,1,3,4

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ATTACHMENT F



Court Connect Hearing Notice for In re George G. & Lois B. Housley

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re George G. & Lois B. Housley Contested Case No. W1-11-1754

Start Date/Time: January 20, 2022 at 1:30 p.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

