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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. W1-11-1887

ORDER TO SET STATUS CONFERENCE

CONTESTED CASE NAME: *In re Russell and Norma Jean Sherman*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.  
DESCRIPTIVE SUMMARY: Status Conference set for **January 20, 2022 at 2:20 p.m.** to determine whether the landowners, Bridger and Janelle Blaschke, intend to assert rights to appropriative water with a priority date prior to 1991.  
NUMBER OF PAGES: 16  
DATE OF FILING: November 29, 2021

This case involves potential water rights for irrigation associated with a domestic use in the northeast quarter of the southeast quarter of Section 34 Township 16S Range 20E. The purpose of this case is to resolve the objections to Watershed File Report 112-17-BAA-209 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy

1 of the Watershed File Report 112-17-BAA-209 (“WFR”) is attached as Attachment A. A copy  
2 of the map prepared by Arizona Department of Water Resources that identifies the land  
3 investigated for the WFR is attached as Attachment B and the land involved is labelled on the  
4 map as “(209)” with a red arrow pointing to it. The WFR lists the source of water as a diversion  
5 from the San Pedro River into the Pomerene Water Users Association Canal. The WFR does not  
6 list any Statements of Claimant or any other filings with Arizona Department of Water Resources  
7 to obtain rights to appropriable water. The purpose of this case is to resolve the objections to the  
8 potential water 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 owners of land for which Arizona Department of  
19 Water Resources had identified as places of use for water diverted through the Pomerene Canal  
20 were directed to file new or amended statements of claimant if they desired to assert a claim for  
21 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 Bridger and Janelle  
23 Blaschke. The public records of Arizona Department of Water Resources do not include a  
24 Statement of Claimant filed by Bridger and Janelle Blaschke.

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. Bridger and  
6 Janelle Blaschke were included in the list of the represented landowners.

7  
8 On August 31, 2018, Pomerene Water Users Association filed a Notice of  
9 Termination. At the third status conference, counsel for the Pomerene Water Users Association  
10 provided a list of its members who joined the St. David Irrigation District. Bidger and Janelle  
11 Blaschke were not included on the list and did not appear at the status conference.

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

## 16 **Landowners**

17 The first step to adjudicate the water rights identified by the WFR is to identify the current  
18 landowners involved in this case. Based on the WFR, the land involved includes the following  
19 tax parcel: 20843029. According to the Cochise County Assessor's Office the current owners of  
20 this tax parcel are Bridger and Janelle Blaschke. Attached as Attachment C is a map showing  
21 tax parcel 20843029 from the Cochise County Assessor's Office.  
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## 24 **IT IS ORDERED:**

25 1. Contested Case. This contested case will adjudicate any claims for water rights  
26 investigated by and objections to Watershed File Report 112-17-BAA-209 published in the Final  
27 San Pedro River Watershed Hydrographic Survey Report (1991). No claims for water use that  
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1 began after 1991 shall be adjudicated in this case. Copies of the objections can be found under  
2 the case name and number on the following website:  
3 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
4 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

5  
6 2. Court-Approved Mailing List.

- 7 A. The initial Court-approved mailing list for this case shall include all  
8 persons listed on Attachment D to this order. The list may be modified  
9 only by filing a motion with the Special Master to amend the Court-  
10 approved mailing list. Litigants are responsible for using the current  
11 Court-approved mailing list.
- 12 B. A copy of any pleading filed with the Clerk of the Maricopa County  
13 Superior Court in this case shall be served upon each person listed on the  
14 Court-approved mailing list.
- 15 C. Claimants wishing to be added or removed from the mailing list shall file  
16 a motion with the Special Master. Parties allowed to intervene will be  
17 automatically added to the Court-approved mailing list.
- 18 D. The Clerk of the Court will send copies of all minute entries and orders  
19 issued in this case to the parties listed on the Court-approved mailing list.  
20 Upon request, the Clerk of the Court will provide copies by email. Parties  
21 may request emailed copies of minute entries and orders by completing  
22 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER  
23 CASE DOCUMENTS, which is attached as Attachment E.  
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1           4.     Status Conference.

2           A.     An initial status conference shall be held to determine whether Bridger  
3                     and Janelle Blaschke intend to pursue claims for rights to appropriable  
4                     water. If Bridger and Janelle Blaschke do not appear, this case shall be  
5                     dismissed. If Bridger and Janelle Blaschke appear to seek water rights,  
6                     they shall be prepared at the Status Conference to provide information  
7                     about efforts undertaken to file a Statement of Claimant.

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10          B.     If Bridger and Janelle Blaschke intend to pursue rights to appropriable  
11                     water for use on the land, the parties will be expected to advise whether  
12                     they are interested in pursuing discussions to resolve the objections to the  
13                     WFR and the amount of time that the parties believe will be necessary to  
14                     complete those discussions.

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

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23           The Status Conference shall be held on **January 20, 2022 at 2:20 p.m.** The Status  
24           Conference shall be held using the Court Connect program. Instructions for Court Connect are  
25           attached as Attachment F. If you receive this Order by email, click on the red box “Join Court  
26           Connect Hearing” on the attached instructions to make an appearance. If you do not receive this  
27           Order by email, log into the Court Connect program on the internet by typing  
28

1 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend  
2 telephonically using the telephone number and access code included in the instructions for Court  
3 Connect. If you are unable to access Court Connect, you may also attend telephonically using  
4 the following instructions:

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6 Instructions for telephonic appearance:  
7 Dial: 602-506-9695 (local)  
8 1-855-506-9695 (toll free long distance)  
9 Dial Participant Pass Code 357264#

10  
11   
12 SUSAN WARD HARRIS  
13 Special Master

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16 On November 29, 2021, the original of the foregoing was  
17 delivered to the Clerk of the Maricopa County Superior  
18 Court for filing and distributing a copy to the persons  
19 listed as Attachment D.

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21 Emily Natale

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# **ATTACHMENT A**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
SHERMAN, RUSSELL L. & NORMA JEAN	112-17-BAA-209

D I V E R S I O N S

DIV #	LOCATION			DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
	SECTION	TWNP	RNGE		
DO1	NWSENE36	17OS	200E	POMERENE CANAL	SURFACE WATER: SAN PEDRO RIVER SHARED

*WI-11-1887*

U S E S

PWR #	LOCATION			SUPPLIED BY		PHOTO SOURCE	
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES	DATE	CHANGE FACILITY NAME
OTO01	NESE34	16OS	200E	DO1	SURFACE WATER	1972	NO

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	APPLICABLE	*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS	
	ADJ FILINGS	PRE FILINGS	DATE	DATE	DATE	CHANGE
OTO01	NONE	NONE	1972	1972	AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER

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

PWR #	QUANTIFICATION		CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
	TYPE	ACRES					
OTO01	REGIONAL	.2	AVE. CROP	50%	5.4 AF/AC	1.1 AFA	

E X P L A N A T I O N

D I V E R S I O N S

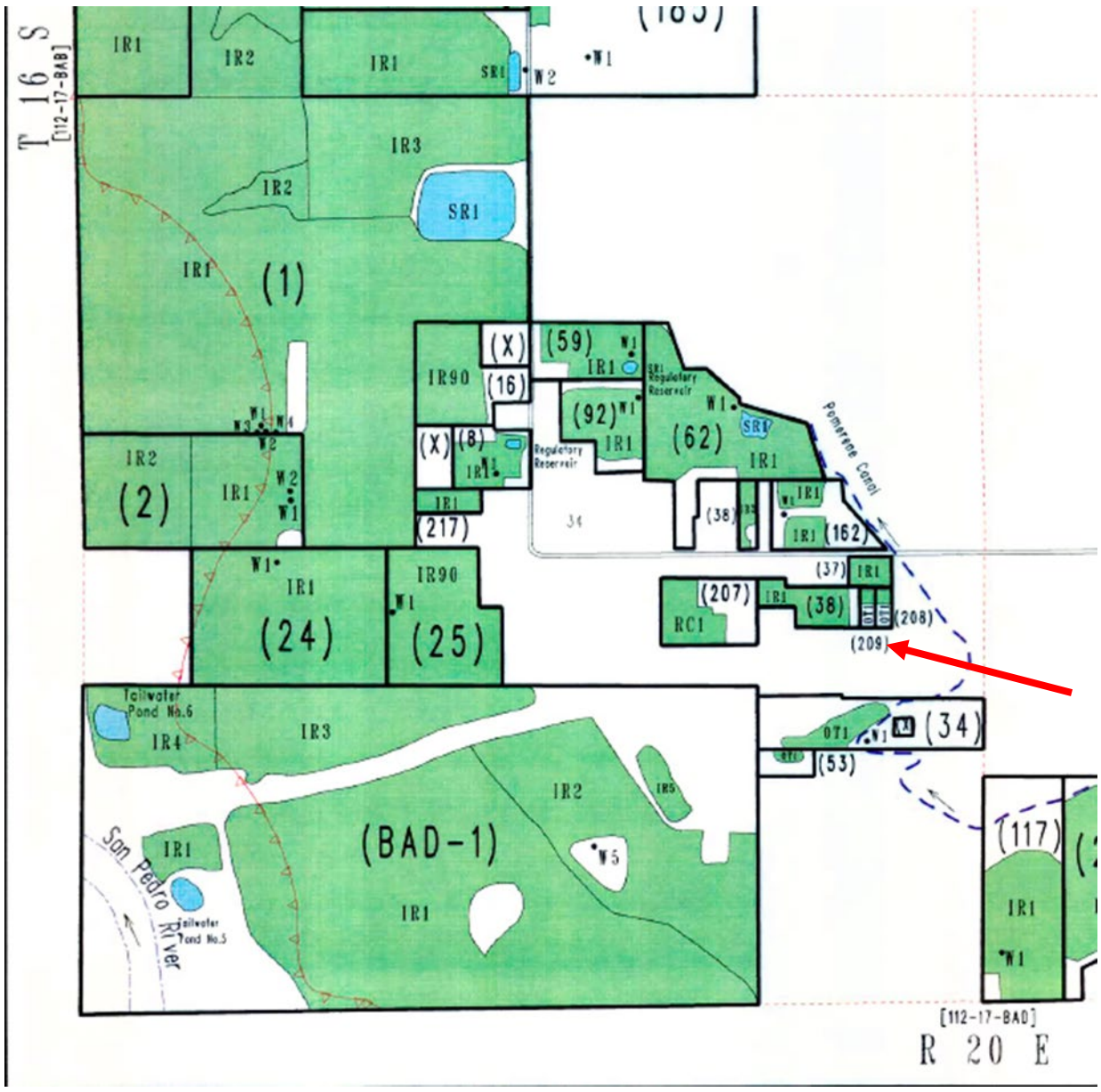
D1 - DIVERSION FROM THE SAN PEDRO RIVER INTO THE POMERENE WATER USERS ASSOCIATION CANAL.

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

OT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.  
DOMESTIC WATER USE IS SUPPLIED BY THE POMERENE DOMESTIC WATER USERS ASSOCIATION.



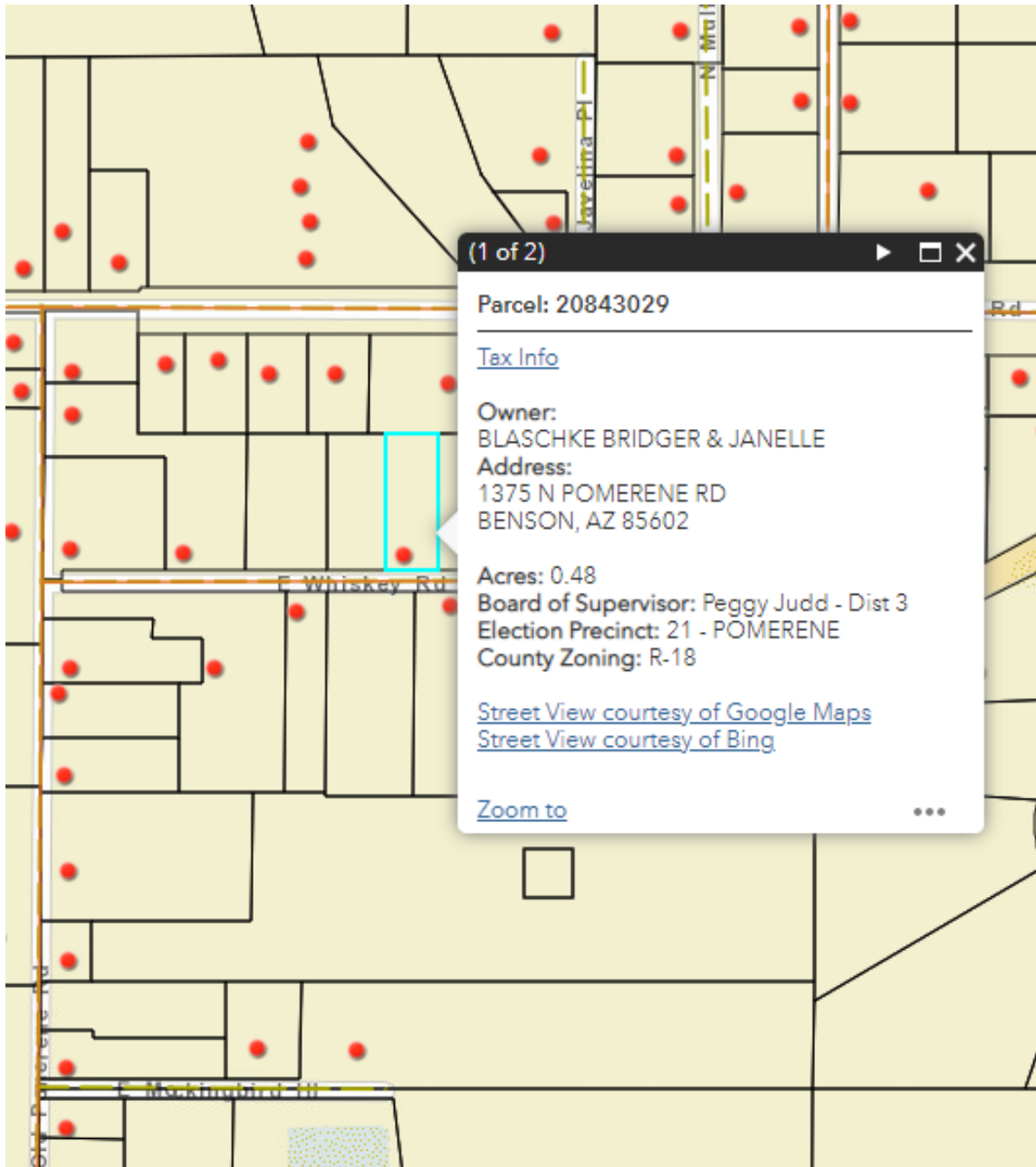
# ATTACHMENT B



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# ATTACHMENT C



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

Bridger and Janelle Blaschke  
1375 N. Pomerene Rd.  
Benson, AZ 85602

Bridger and Janelle Blaschke  
772 E. Whiskey Rd.  
Benson, AZ 85602

Clerk of the Superior Court  
Maricopa County  
Attn: Water Case  
601 West Jackson Street  
Phoenix, AZ 85003

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

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

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

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

United States  
F. Patrick Barry  
U.S. Department of Justice  
P. O. Box 7611  
Washington, DC 20044-7611

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](mailto:Mayra.Antelo@Maricopa.Gov).

Preferred email address:

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Alternate email address:

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Physical address:

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Phone number:

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Firm Name:

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Name [Printed]:

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Signature:

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Date:

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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 Russell & Norma Jean Sherman

*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 Russell & Norma Jean Sherman Contested Case No. W1-11-1887**

**Start Date/Time: January 20, 2022 at 2:20 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](#)

