

FILED
Nov 16th 2018
CHRIS DEROSE, Clerk
By
Deputy

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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. W1-11-1915

ORDER TO ADWR TO PREPARE MAP
AND SET STATUS CONFERENCE

CONTESTED CASE NAME: *In re Thurber and Louise Larson*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Order to ADWR to prepare a map and report and telephonic status conference set for landowners and objectors for March 7, 2019.

NUMBER OF PAGES: 12

DATE OF FILING: November 15, 2018

This case involves proposed water rights for an irrigation use in the NESW 11 T17S R20E identified in Watershed File Report 112-17-BAD-021 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the Watershed File Report 112-17-BAD-021 ("WFR") is attached as Attachment A. The WFR listed the sources of water as a well and a diversion from the San Pedro River into the Pomerene Water Users Association

1 12327001R. According to the Cochise County Treasurer's Office the respective owners of
2 those parties are Beverly and Thomas Wing, Gail and Renita Larson, Philip Earl Larson,
3 Robert and Sherrie Bernal, Beverly and Thomas Wing, and Marie and Nolan Larson. Attached
4 as Attachment B is map of the parcels from the Cochise County Assessor's Office.

5 The first step in this process will be to identify the land and the landowners for whom
6 ADWR has determined potential water rights. Once ADWR has completed that step, the next
7 step will be to a schedule a status conference to appropriately consolidate those proposed water
8 right claims for Gail and Renita Larson and Beverly and Thomas Wing with *In re St. David*
9 *Irrigation District* and to determine whether the remaining landowners intend to pursue claims
10 for any potential water right that ADWR may determine are applicable to their land. Failure to
11 participate at the status conference or file a statement of claimant with the Arizona Department
12 of Water Resources may result in no adjudication of the potential water rights associated with
13 the land described in the WFR. Accordingly,
14
15

16
17 **IT IS ORDERED** that by **February 15, 2019**, the Arizona Department of Water
18 Resources shall file a map and report that:

- 19
20 1. Identifies the tax parcels included in the WFR for which it found a proposed
21 irrigation water right; and,
22 2. Locates the well referenced in the WFR relative to the boundaries of the
23 subflow zone.
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1 interests would be represented by the Pomerene Water Users Association in this adjudication
2 of water rights. The court also set a third status conference for September 6, 2018. A copy of
3 the order was sent to Robert and Sherrie Bernal, Gail and Renita Larson, Marie and Nolan
4 Larson, Philip Earl Larson, and Beverly and Thomas Wing. On December 21, 2017, the
5 Pomerene Water Users Association timely filed a list of 26 landowners. Gail and Renita
6 Larson, Philip Earl Larson, and Beverly and Thomas Wing were included in the list of the
7 represented landowners.
8

9 On August 31, 2018, Pomerene Water Users Association filed a Notice of
10 Termination. At the third status conference, counsel for the Pomerene Water Users
11 Association provided a list of its members who joined the St. David Irrigation District and
12 those members who declined to join the St. David Irrigation District. Gail and Renita Larson
13 and Beverly and Thomas Wing were listed as members who joined the St. David Irrigation
14 District. Robert and Sherrie Bernal, Marie and Nolan Larson, and Philip Earl Larson were not
15 included on either list and they did not appear at the status conference.
16

17 By order dated October 5, 2018, the cases previously consolidated into a single case
18 known as *In re Pomerene Water Users Association* were separated into individual cases. As
19 a result, the potential water rights analyzed in the WFR will be considered in this separate
20 case or will be consolidated with *In re St. David Irrigation*, contested case no. W1-11-1675
21 as appropriate.
22
23

24 **Landowners**

25 The first step to adjudicate the water rights identified by the WFR is to identify the
26 current landowners involved in this case. Based on the WFR, the land involved may include
27 the following tax parcels: 12327001K, 12327001M, 12327001N, 12327001P, 12327001Q and
28

1 Canal. The WFR lists Statements of Claimant 39-6619 and 39-6620 as the applicable
2 adjudication filings. Thurber E. Larson filed the Statements of Claimant. The Arizona
3 Department of Water Resources public records do not include any assignments of the
4 Statements of Claimant. The purpose of this case is to resolve the five objections to the
5 proposed water right listed in the WFR to the extent that the current landowners intend to
6 pursue it.

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. In that
11 case, the court scheduled a status conference for June 28, 2017 in part to identify the proper
12 parties. At the status conference, counsel for the Pomerene Water Users Association was
13 given until October 2, 2017 to provide documentation concerning the continuing authority of
14 Pomerene Water Users Association to act. No landowners appeared at the status conference.
15

16 By order dated July 26, 2017, the court directed the owners of land for which
17 Arizona Department of Water Resources had identified as places of use for water diverted
18 through the Pomerene Canal to file new or amended statements of claimant if they desired to
19 assert a claim for a right to divert water through the Pomerene Canal for irrigation use. A
20 second status conference was set for October 18, 2017. The public records of Arizona
21 Department of Water Resources do not contain a statement of claimant filed by any of the
22 above-named individuals.
23

24 At the status conference held on October 18, 2017, the newly elected board of the
25 Pomerene Water Users Association appeared along with its counsel. The court directed the
26 Pomerene Water Users Association to file a list by December 29, 2017 that identified those
27 landowners who were members by the Pomerene Water Users Association and whose
28

1 **IT IS FURTHER ORDERED** that a telephonic status conference shall be held on
2 **March 7, 2019** at 1:00 p.m.

3 Instructions for telephonic participation:

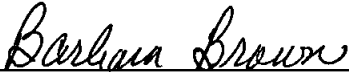
4 Dial: 602-506-9695 (local)

5 1-855-506-9695 (toll free long distance)

6 Dial Collaboration (conference) Code 357264#
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12 SUSAN WARD HARRIS
13 Special Master
14
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16 On November 15, 2018, the original of the foregoing
17 was delivered to the Clerk of the Maricopa County
18 Superior Court for filing and distributing a copy to the
19 persons listed as Attachment C.


20 Barbara Brown
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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
LARSON, THURBER E. & LOUISE F.	112-17-BAD-021

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-1915

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
39-0006619	QUE.RECD	IRRIGATION DOMESTIC	56.46	11	170S	200E	1904	11	170S	200E
39-0006620	QUE.RECD	IRRIGATION	161.30	NESW11	170S	200E	1904	36	170S	200E
								NESW11	170S	200E

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0006619	IRRIGATION DOMESTIC	IRRIGATION MUNICIPAL	DO1, WO1	IROO1
39-0006620	IRRIGATION	IRRIGATION	WO1	IROO1

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NWSENE36	170S	200E	POMERENE CANAL	SURFACE WATER: SAN PEDRO RIVER SHARED
WO1	NENESW11	170S	200E	UNNAMED	GROUNDWATER : ZONE 2

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
IROO1	NESW11	170S	200E	DO1, WO1	SURFACE WATER GROUNDWATER : ZONE 2	1935	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 ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IROO1	39-0006619 39-0006620	NONE	1912 POMERENE W.U.A. INFO	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
IROO1	MAX. OBSERVED REGIONAL	14.2	PERM. PSTR	45%	7.0 AF/AC	99.4 AFA	
	MAX. POTENTIAL	14.2	AVE. CROP	50%	5.4 AF/AC	76.7 AFA	
		14.2	ALFALFA	45%	7.4 AF/AC	105.1 AFA	

FILINGS AND DECREES

FILINGS 39-6619 & 39-6620 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH PROVIDED ADDITIONAL INFORMATION ON CLAIMED WATER USES, USE AND DIVERSION LOCATIONS

DIVERSIONS

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

USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.
DOMESTIC WATER USE IS SUPPLIED BY THE POMERENE DOMESTIC WATER USERS ASSOCIATION.

SHARED USES AND DIVERSIONS

D1 - DIVERSION IS SHARED WITH W.F.R #112-17-89.

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.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT FROM THE 1987 PRELIMINARY H.S.R. WAS RECEIVED FROM THE LAND OWNER WHICH STATED THAT DOMESTIC WATER USE IS SERVED BY THE POMERENE DOMESTIC WATER USERS ASSOCIATION AND THAT AN ADDITIONAL WELL (CLAIMED ON FILING 39-6620) IS PRESENTLY NOT IN USE.
A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH GAVE ADDITIONAL INFORMATION ON WELLS AND WATER USES ON THE PROPERTY.

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
LARSON, THURBER E. & LOUISE F.	112-17-BAD-021

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	NENESW11	17OS	20OE	IROO1	W1-11-1915

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
IROO1	NESW11	17OS	20OE	1912	POMERENE W.U.A. INFO	36.7 AFA	14.2

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0006619	WO1	IROO1
39-0006620	WO1	IROO1

EXPLANATION

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

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

IR1 - IRRIGATED PASTURE.

ATTACHMENT C

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

9 BEVERLY AND THOMAS WING
10 113 S 600 E
11 TAYLOR, AZ 85939

12 GAIL AND RENITA LARSON
13 243 NO. POMERENE RD.
14 BENSON, AZ 85602

15 JOE P. SPARKS AND LAUREL A. HERRMANN
16 THE SPARKS LAW FIRM, P.C.
17 7503 FIRST STREET
18 SCOTTSDALE, AZ 85251-4573

19 JACOB AND JENNIFER KARTCHNER
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22 KIMBERLY R. PARKS AND JANET L. MILLER
23 ARIZONA DEPARTMENT OF WATER RESOURCES
24 P. O. BOX 36020
25 PHOENIX, AZ 85067

26 L. J. CASTER, B.J. HEISERMAN, B. J. PEW
27 FENNEMORE CRAIG, P.C.
28 2394 EAST CAMELBACK ROAD STE 600
PHOENIX, AZ 85016-3429

L. WILLIAM STAUDENMAIER
and JOHN BURNSIDE
SNELL & WILMER, L. L. P.
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SUITE 1900
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2 GILA RIVER INDIAN COMMUNITY
3 OFFICE OF THE GENERAL COUNSEL
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5 SACATON, AZ 85147
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7 MARIE AND NOLAN LARSON
8 P.O. BOX 1112
9 POMERENE, AZ 85625
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11 MAX J. KARTCHNER ET AL., TRUSTEE
12 347 S MILLER LANE
13 ST DAVID, AZ 85630
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15 MESSERS. WELDON, MCGINNIS, HEILMAN
16 SALMON, LEWIS AND WELDON PLC
17 2850 E. CAMELBACK ROAD STE 200
18 PHOENIX, AZ 85016
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20 PHILIP EARL LARSON
21 241 NO. POMERENE ROAD
22 BENSON, AZ 85602
23
24 R. LEE LEININGER AND ANDREW GUARINO
25 U.S. DEPARTMENT OF JUSTICE
26 999 18TH STREET, SOUTH TERRACE, SUITE 37
27 DENVER, CO 80202
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29 ROBERT AND SHERRIE BERNAL
30 287 NO. POMERENE ROAD
31 BENSON, AZ 85602
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33 S. MONTGOMERY, R.INTERPRETER, J. TOMKUS
34 MONTGOMERY & INTERPRETER, PLC
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