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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

ORDER DISMISSING ROBERT AND
JANET OVERSON;
ORDER TO FILE AMENDED
STATEMENTS OF CLAIMANT; AND
ORDER TO SET STATUS CONFERENCE

CONTESTED CASE NAMES: *In re Leland K. and Paula F. Barney*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Amended statements of claimant to be filed by **May 1, 2019** and
status conference set for **May 9, 2019**.
NUMBER OF PAGES: 3
DATE OF FILING: March 15, 2019

This case will resolve the objections filed to the potential water rights identified in
Watershed File Report No. 112-17-BAD-016 (WFR). As stated in the Order dated October 15,
2018, according to the Cochise County Assessors' Office the land on which these water rights
would be exercised is owned by the following individuals and trusts:

Tax Parcel No.	Landowners
12325007A	Robert and Janet Overson,
12325007B	Lavon Womack, Rebecca Womack and Rodney and
12301006F	Sharon Xanos as Trustees of the Xanthos Revocable Trust, dated January 18, 2003
12325007D	Daniel J. Stadtler, Trustee of the D. Stadtler 2015 Trust
12325007E	Stadtler, Daniel J and Nancy

A status conference was held in this case on November 29, 2018 to determine whether the landowners who were the successors in interest to the original claimant, Rex Barney, intended to pursue claims for water rights. Robert and Janet Overson did not appear at the status hearing nor did a representative on their behalf. At the request of counsel, the claims associated with the land owned by Lavon Womack, Rebecca Womack and Rodney and Sharon Xanos as Trustees of the Xanthos Revocable Trust, dated January 18, 2003, were consolidated with the claims to be considered in *In re St. David Irrigation District*, contested case no. W1-11-1675. Finally, at the request of the representative of Daniel J. Stadtler and the D. Stadtler 2015 Trust, ADWR was ordered to schedule and hold a meeting with the landowners and the objectors.

On February 27, 2019, the Arizona Department of Water Resources (ADWR) filed a Meeting Report stating that its staff and counsel had met with counsel for David Stadtler and the trustee of the D. Stadtler 2015 Trust, along with several of the parties who filed objections to the WFR. Robert and Janet Overson did not attend the meeting nor did a representative on their behalf.

The WFR lists potential water rights for irrigation and small reservoir uses supplied by four wells and a diversion from the San Pedro River into the Pomerene Water Users Association Canal. The Pomerene Water Users Association has terminated. A number of former members have joined the St. David Irrigation District and a portion of the lands serviced has been annexed by the St. David Irrigation District, but in this case only Lavon Womack, Rebecca Womack and

1 Rodney and Sharon Xanos as Trustees of the Xanthos Revocable Trust, dated January 18, 2003
2 have made that election. Thus, the only sources of water for the potential water rights identified
3 in the WFR for the remaining landowners are three wells. Those wells are located within the
4 subflow zone as mapped by ADWR.

5 According to the Meeting Report, counsel for Daniel J. Stadtler and the D. Stadtler 2015
6 Trust informed the parties that Statement of Claimant 39-4305 will be amended to replace the
7 sources of water for the land owned by with wells located outside the subflow zone.
8

9 **IT IS ORDERED** that due to the non-appearance of Robert and Janet Overson at the
10 status conference scheduled to determine whether landowners desired to pursue claims for water
11 rights or at the meeting scheduled by ADWR to address the objections filed to those water rights,
12 Robert and Janet Overson are dismissed from this case along with claims for water right for use
13 on tax parcel 12325007A.
14

15 **IT IS FURTHER ORDERED** that Robert and Janet Overson will be removed from the
16 court-approved mailing list for this contested case.

17 **IT IS FURTHER ORDERED** that by May 1, 2019, the Daniel J. Stadtler and the D.
18 Stadtler 2015 Trust shall file an amended Statement of Claimant for claims for water rights on their
19 land included in the WFR. The landowners shall designate with respect to sources of water that are
20 wells whether those wells are located within the subflow zone.
21

22 **IT IS FURTHER ORDERED** that a status conference shall be held on **May 9, 2019** at
23 1:00 p.m. in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West
24 Jefferson Street, Phoenix, AZ 85003-2202 to consider the amended Statements of Claimant.
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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#


SUSAN WARD HARRIS
Special Master

On March 15, 2019, 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 on the court-approved mailing list.