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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. W1-11-1912

CONTESTED CASE NAMES: *In re Chester L. Brown*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Arizona Department of Water Resources directed to map three wells in the northwest quarter of section 11 T17S R20 and one well in the northeast quarter of section 11 T17S R20 with respect to the subflow zone. Status conference set to determine proceedings necessary to address potential water rights for irrigation uses.
NUMBER OF PAGES: 12.
DATE OF FILING: October 17, 2018

This contested case involves potential water rights for one irrigation use and one domestic use in the northeast quarter of section 11 T17S R20E identified by the Arizona Department of Water Resources in Watershed File Report No. 112-17-BAD-018 (WFR). The

1 WFR listed the sources of water as four wells and a diversion from the San Pedro River into the
2 Pomerene Water Users Association Canal. A copy of the WFR is attached as Attachment A. Rex
3 Barney filed one applicable adjudication filing which is Statement of Claimant 39-4305 and
4 Chester L. Brown filed Statement of Claimant 39-5659. The records of the Arizona Department
5 of Water Resources do not show that either Statement of Claimant has been assigned to a
6 successor landowner. A copy of the map prepared by the Arizona Department of Water
7 Resources for the WFR is attached as Attachment B. The purpose of this case is to resolve the
8 five objections to the potential water rights to the extent that the current landowner intends to
9 pursue them.
10

11 **Background**

12 Until October 5, 2018, this case was consolidated and a part of that group of cases
13 known as *In re Pomerene Water Users Association*, contested case no. W1-11-1676. In that
14 case, the court scheduled a status conference for June 28, 2017 in part to identify the proper
15 parties. A copy of the court's order was mailed, among others, to the D. Stadtler 2015 Trust. At
16 the status conference, counsel for the Pomerene Water Users Association was given until October
17 2, 2017 to provide documentation concerning the continuing authority of Pomerene Water Users
18 Association to act. No landowners appeared at the status conference.
19

20 By order dated July 26, 2017, the court directed the owners of land for which Arizona
21 Department of Water Resources had identified as places of use for water diverted through the
22 Pomerene Canal to file new or amended statements of claimant if they desired to assert a claim
23 for a right to divert water through the Pomerene Canal for irrigation use. A second status
24 conference was set for October 18, 2017. A copy of the order was sent to the D. Stadtler 2015
25 Trust. The public records of Arizona Department of Water Resources do not contain a statement
26 of claimant filed by the D. Stadtler 2015 Trust or Daniel J. Stadtler.
27
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1 At the status conference held on October 18, 2017, the newly elected board of the
2 Pomerene Water Users Association appeared along with its counsel. The court directed the
3 Pomerene Water Users Association to file a list by December 29, 2017 that identified those
4 landowners who were members by the Pomerene Water Users Association and whose interests
5 would be represented by the Pomerene Water Users Association in this adjudication of water
6 rights. The court also set a third status conference for September 6, 2018. A copy of the order
7 was sent to the D. Stadtler 2015 Trust. On December 21, 2017, the Pomerene Water Users
8 Association timely filed a list of 26 landowners. Neither the D. Stadtler 2015 Trust nor Daniel J.
9 Stadtler appeared on the list.
10

11 On August 31, 2018, Pomerene Water Users Association filed a Notice of Termination.
12 At the third status conference, counsel for the Pomerene Water Users Association provided a list
13 of its members who joined the St. David Irrigation District and those members who declined to
14 join the St. David Irrigation District. Daniel J. Stadtler was not included on either list and he
15 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 a
19 result, the potential water rights analyzed in the WFR will be considered in this separate case.
20

21 **Landowner**
22

23 The first step to adjudicate the water rights identified by the WFR is to identify the current
24 landowners involved in this case. According to information provided by the Cochise County
25 Assessor's Office, the land included in the WFR consists of tax parcels 12325001H and 12325001J
26 owned by Daniel J. Stadtler, Trustee of the D. Stadtler 2015 Trust.
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1 The second step is to determine whether the wells listed in the WFR are located in the
2 subflow zone. The third step is to determine whether the landowner intends to pursue claims for
3 potential water rights described in the WFR, and, if so, to schedule appropriate procedures to
4 adjudicate those claims. Accordingly,

5 **IT IS ORDERED** that by **November 16, 2018**, the Arizona Department of Water
6 Resources shall file a map that shows Wells 1, 2, 3, and 4 identified in the WFR relative to the
7 boundaries of the subflow zone.

8 **IT IS FURTHER ORDERED** that a telephonic status conference shall be held on
9 **November 29, 2018** at 1:00 p.m. to ascertain whether the landowner intends to pursue any of the
10 potential water rights set forth in the WFR.

11 Instructions for telephonic participation:

12 Dial: 602-506-9695 (local)

13 1-855-506-9695 (toll free long distance)

14 Dial Collaboration (conference) Code 357264#

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17 Failure to participate at the status conference or file a statement of claimant with the Arizona
18 Department of Water Resources may result in no adjudication of the potential water rights
19 associated with the land described in the WFR.
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24 SUSAN WARD HARRIS
25 Special Master
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1 On October 17, 2018, the original of the foregoing was
2 delivered to the Clerk of the Maricopa County Superior
3 Court for filing and distributing a copy to the persons listed
4 as Attachment C.

5 Barbara Brown
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ATTACHMENT A

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LAND OWNER

 BROWN, CHESTER L., ET AL.

WATERSHED FILE
 REPORT NUMBER

 112-17-BAD-018

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *WI-11-1912*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0025597		IRRIGATION STOCK	8.27	SWNE11	170S	200E	1908	SWNWSW11	170S	200E
36-0027315		DOMESTIC 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 STOCK	1000.00	02	170S	200E	1910	NENE36	170S	210E
			4.00	11	170S	200E		SENE11	170S	200E
39-0005659	QUE.RECD	IRRIGATION	10.00	SWNE11	170S	200E				
				NWNW11	170S	200E	1908	NENE36	170S	210E
				SWNW11	170S	200E		SWNWSW11	170S	200E
				NENE36	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
36-0025597	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	WO4	DMOO1, IROO1
36-0027315	IRRIGATION	IRRIGATION	WO1	IROO1, IROO3
36-0027317	IRRIGATION	IRRIGATION	WO2	IROO1, IROO3
36-0027320	IRRIGATION	IRRIGATION	WO3	IROO1, IROO3
39-0004305	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1, WO1, WO2	IROO1
39-0005659	IRRIGATION	IRRIGATION	WO3	
			DO1, WO4	IROO1

DIVERSIONS

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	LOCATION	WATER SOURCE AND CLASSIFICATION
DO1	NWSENE36	170S	200E	POMERENE CANAL		SURFACE WATER: SAN PEDRO RIVER
WO1	SESENE11	170S	200E	UNNAMED		SHARED GROUNDWATER : ZONE 2
WO2	SESENE11	170S	200E	UNNAMED		SHARED GROUNDWATER : ZONE 2
WO3	SESENE11	170S	200E	UNNAMED		SHARED GROUNDWATER : ZONE 2
WO4	NWSWNE11	170S	200E	UNNAMED		SHARED GROUNDWATER : ZONE 2

USES

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	LOCATION	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NWSWNE11	170S	200E	WO4		GROUNDWATER : ZONE 2		NO	
IROO1	NWNE11	170S	200E	DO1, WO1, WO2		SURFACE WATER	1935	NO	
	SWNE11	170S	200E	WO3, WO4		GROUNDWATER : ZONE 2			

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
- ** WATER FROM WO4 IS SHARED WITH THESE ADDITIONAL FILES:
 112-17BAD-20

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0005659	36-0025597		GROUNDWATER : ZONE 2
IROO1	39-0004305	36-0025597	1912 POMERENE W.U.A. INFO	SURFACE WATER: SAN PEDRO RIVER
	39-0005659	36-0027315		GROUNDWATER : ZONE 2
		36-0027317		
		36-0027320		

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
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED	35.4	MULTI.-DBL.	45%	4.3 AF/AC	152.2 AFA	
	REGIONAL	35.4	AVE. CROP	50%	5.4 AF/AC	191.2 AFA	
	MAX. POTENTIAL	35.4	ALFALFA	45%	7.4 AF/AC	262.0 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.
- W4 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.

USES AND RESERVOIRS

- DM1 - DOMESTIC USE.
- IR1 - IRRIGATED MULTIPLE-DOUBLE CROPS (SORGHUM AND SMALL GRAINS).

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.
- W4 - WELL IS SHARED WITH W.F.R. #112-17-BAD-20.

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 WAS RECEIVED FROM THE LAND OWNER WHICH VERIFIED LAND OWNERSHIP AND WATER USES.

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
BROWN, CHESTER L., ET AL.	112-17-BAD-018

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	SESENW11	170S	200E	IROO1	SHARED
WO2	UNNAMED	SESENW11	170S	200E	IROO1	SHARED
WO3	UNNAMED	SESENW11	170S	200E	IROO1	SHARED
WO4	UNNAMED	NWSWNE11	170S	200E	DMOO1, IROO1	SHARED

WI-11-1912

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
DMOO1	NWSWNE11	170S	200E				
IROO1	NWNE11	170S	200E	1912	POMERENE W.U.A. INFO	191.2 AFA	35.4
	SWNE11	170S	200E				

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0004305	WO1, WO2, WO3	IROO1
39-0005659	WO4	DMOO1, 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.

** WATER FROM WO4 IS SHARED WITH THESE ADDITIONAL FILES:

112-17BAD-20

W1-W3 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.

W4 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.

DM1 - DOMESTIC USE.

IR1 - IRRIGATED MULTIPLE-DOUBLE CROPS (SMALL GRAINS AND SORGHUM).

ATTACHMENT B

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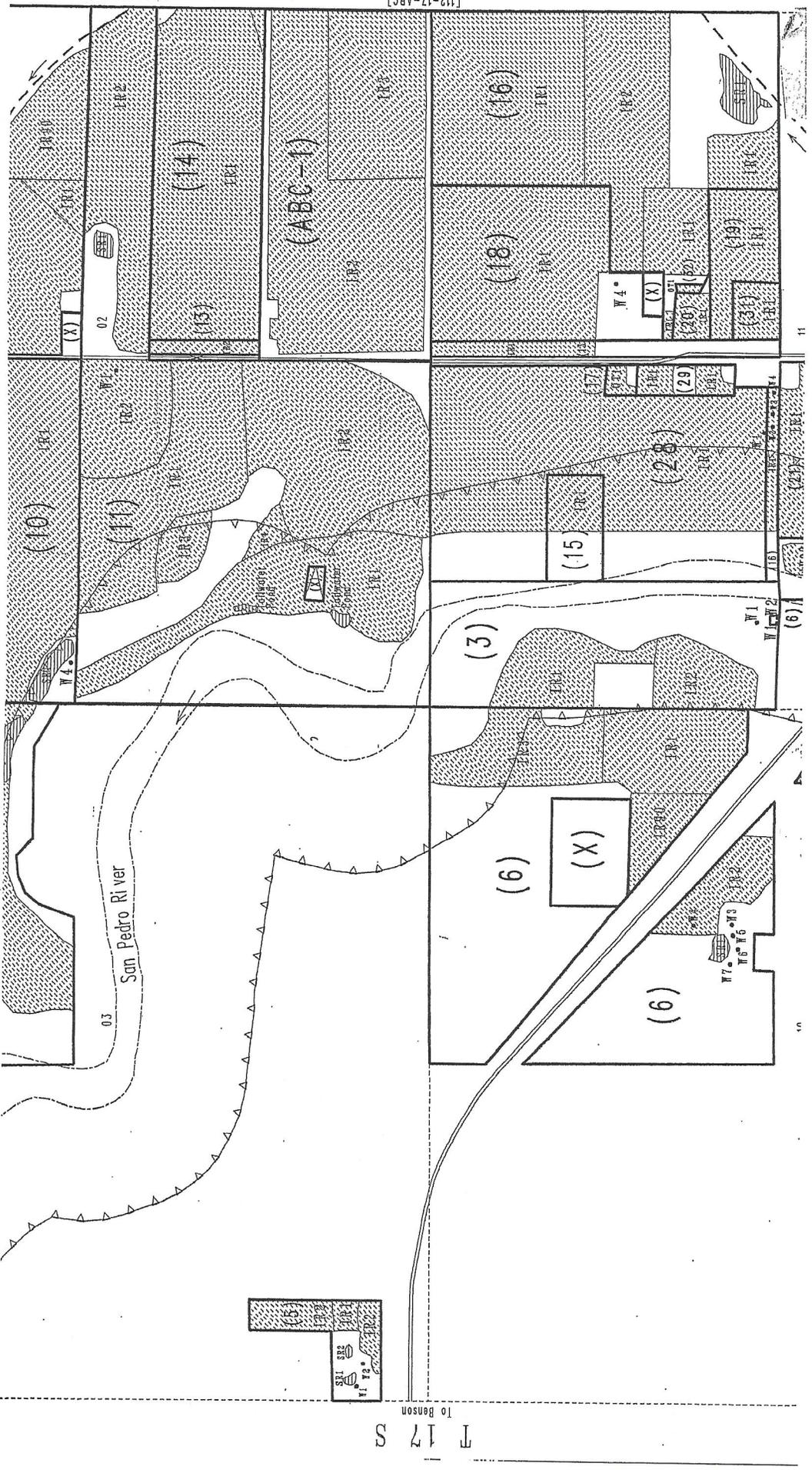
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[112-17-ABC]



T 17 S
To Benson

ATTACHMENT C

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4
5 D. Stadtler 2015 Trust
6 P. O. Box 422
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9 The Sparks Law Firm, P.C.
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11 Scottsdale, Az 85251-4573

12 Kimberly R. Parks and Janet L. Miller
13 Arizona Department of Water Resources
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15 Phoenix, Az 85067

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