

FILED  
10/08/2018  
CHRIS DEROSE, Clerk  
By [Signature]  
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. W1-11-1989

ORDER TO CONSOLIDATE

CONTESTED CASE NAME: *In re Tucson Pathology Assoc., P.C.*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Order to consolidated contested case no. W1-11-1989 with  
contested case no. W1-11-1675  
NUMBER OF PAGES: 10  
DATE OF FILING: October 8, 2018


This case involves potential water rights for irrigation uses and a small reservoir for use on NESE 23 T17S R20E and NWSW 24 T17S R20E. The purpose of this case is to resolve the four objections to Watershed File Report 112-17-BDA-014 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of Watershed File Report

1 112-17-BDA-014 ("WFR") is attached as Attachment A. The WFR listed the sources of water  
2 as wells and a diversion from the San Pedro River into the Pomerene Water Users Association  
3 Canal. A copy of the map prepared for the WFR is attached as Attachment B.

4 The WFR lists Statements of Claimant 39-3875, 39-3882, and 39-3885 ("SOCs") as the  
5 applicable adjudication filings. Max Kartchner filed the Statements of Claimant. The Arizona  
6 Department of Water Resources public records do not include assignments of the SOCs.  
7 According to the Cochise County Arizona Recorder's Office, a warranty deed was filed on  
8 December 22, 2010 to convey to Jacob H. Kartchner and Jennifer J. Kartchner portions of the  
9 SE 23 T17S R20E and SW 24 T17S R20E that included tax parcel 12418011B. A copy of the  
10 map prepared by the Cochise County Assessor for tax parcel 12418011B is attached as  
11 Attachment C.

12 This case was originally consolidated with and made a part of contested case *In re*  
13 *Pomerene Water Users*, contested case no. W1-11-1676. On August 31, 2018, the Pomerene  
14 Water Users Association filed a Notice of Termination stating that St. David Irrigation District  
15 has claimed the Pomerene diversion structure and the Pomerene canal. By Order dated  
16 October 5, 2018, this contested case was separated from the consolidated cases in *In re*  
17 *Pomerene Water Users*. The Notice stated that Jacob H. Kartchner and Jennifer J. Kartchner  
18 filed a petition to be annexed into the St. David Irrigation District which has been granted.  
19 Accordingly,

20  
21 **IT IS ORDERED** that this case is consolidated with *St. David Irrigation District*,  
22 contested case no. W1-11-1675.

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25 SUSAN WARD HARRIS  
26 Special Master  
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1 On October 8, 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 following  
4 persons set forth Attachment D that includes the  
5 Claimants, Objectors, and the landowner.  
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**ATTACHMENT A**

|                                 |                |
|---------------------------------|----------------|
| LAND OWNER                      | WATERSHED FILE |
| -----                           | REPORT NUMBER  |
| TUCSON PATHOLOGY ASSOC.<br>P.C. | 112-17-BDA-014 |

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

| FILING NUMBER | FILING STATUS | USES   | QUANTITY IN AFA | USE LOCATION SECTION | TWNP | RNGE | CLAIM DATE | DIVERSION LOCATION SECTION | TWNP | RNGE |
|---------------|---------------|--|-----------------|----------------------|------|------|------------|----------------------------|------|------|
| 36-0026559    |               | IRRIGATION<br>DOMESTIC<br>STOCK<br>REC/FISH/WLDF | 12.90           | SWSW24               | 170S | 200E | 1977       |                            |      |      |
| 36-0026560    |               | IRRIGATION                                       | 400.00          | SWSW24               | 170S | 200E | 1979       |                            |      |      |
| 36-0026566    |               | IRRIGATION<br>DOMESTIC<br>STOCK                  |                 | 33                   | 160S | 200E | 1800       | 25                         | 170S | 200E |
| 39-0003875    |               | IRRIGATION                                       | 300.00          | 23                   | 170S | 200E |            |                            |      |      |
| 39-0003882    |               | IRRIGATION<br>DOMESTIC<br>STOCK                  | 3.00            | 24                   | 170S | 200E | 1910       | NENE36                     | 170S | 200E |
| 39-0003885    |               | IRRIGATION                                       | 400.00          | NW24                 | 170S | 200E | 1901       | NESWSW24                   | 170S | 200E |
|               |               | IRRIGATION                                       |                 | SW24                 | 170S | 200E | 1901       | SESWSW24                   | 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 |
|---------------|---|----------------------------------|-----------------------|------------------------|
| 36-0026559    | IRRIGATION<br>DOMESTIC<br>STOCK<br>WILDLIFE | IRRIGATION<br>NONE<br>INCIDENTAL | WO2                   | IROO1                  |
| 36-0026560    | IRRIGATION                                  | INCIDENTAL                       | WO2, WO3              | IROO1                  |
| 36-0026566    | IRRIGATION<br>DOMESTIC<br>STOCK             | IRRIGATION<br>NONE<br>INCIDENTAL | DO1                   | IROO1, SROO1           |
| 39-0003875    | IRRIGATION                                  | IRRIGATION                       | DO1                   | IROO1                  |
| 39-0003882    | IRRIGATION<br>DOMESTIC<br>STOCK             | IRRIGATION<br>NONE<br>INCIDENTAL | WO2                   | IROO1, SROO1           |
| 39-0003885    | IRRIGATION                                  | IRRIGATION                       | WO3                   | IROO1                  |

D I V E R S I O N S

| DIV # | SECTION  | TWNP | RNGE | DIVERSION NAME | WATER SOURCE AND CLASSIFICATION                       |
|-------|----------|------|------|----------------|---|
| DO1   | NWSENE36 | 170S | 200E | POMERENE CANAL | SURFACE WATER: SAN PEDRO RIVER                        |
| WO1   | SESENW24 | 170S | 200E | UNNAMED        | SHARED<br>GROUNDWATER : ZONE 2                        |
| WO2   | NESWSW24 | 170S | 200E | UNNAMED        | SHARED<br>GROUNDWATER : ZONE 2                        |
| WO3   | SESWSW24 | 170S | 200E | UNNAMED        | SHARED<br>GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER |

U S E S

| PWR # | SECTION | TWNP | RNGE | SUPPLIED BY DIVERSIONS | WATER SOURCES                                | PHOTO DATE | SOURCE CHANGE | FACILITY NAME |
|-------|---------|------|------|------------------------|--|------------|---------------|---------------|
| IROO1 | NESE23  | 170S | 200E | DO1, WO1, WO2          | SURFACE WATER                                | 1983       | NO            |               |
|       | NWSW24  | 170S | 200E | WO3                    | GROUNDWATER : ZONE 1<br>GROUNDWATER : ZONE 2 |            |               |               |

|                                 |                |
|---------------------------------|----------------|
| LAND OWNER                      | WATERSHED FILE |
| -----                           | REPORT NUMBER  |
| TUCSON PATHOLOGY ASSOC.<br>P.C. | 112-17-BDA-014 |

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

| FILING NUMBER | FILING STATUS | USES  | QUANTITY IN AFA | USE LOCATION SECTION | TWNP | RNGE | CLAIM DATE | DIVERSION LOCATION SECTION | TWNP | RNGE |
|---------------|---------------|---|-----------------|----------------------|------|------|------------|----------------------------|------|------|
| 36-0026559    |               | IRRIGATION<br>DOMESTIC<br>STOCK<br>REC/FISH/WLDLF | 12.90           | SWSW24               | 170S | 200E | 1977       |                            |      |      |
| 36-0026560    |               | IRRIGATION  | 400.00          | SWSW24               | 170S | 200E | 1979       |                            |      |      |
| 36-0026566    |               | IRRIGATION<br>DOMESTIC<br>STOCK                   |                 | 33                   | 160S | 200E | 1800       | 25                         | 170S | 200E |
| 39-0003875    |               | IRRIGATION  | 300.00          | NW24                 | 170S | 200E | 1910       | NENE36                     | 170S | 200E |
| 39-0003882    |               | IRRIGATION<br>DOMESTIC<br>STOCK                   | 3.00            | NESWSW24             | 170S | 200E | 1901       | NESWSW24                   | 170S | 200E |
| 39-0003885    |               | IRRIGATION  | 400.00          | SW24                 | 170S | 200E | 1901       | SESWSW24                   | 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 |
|---------------|---|--|-----------------------|------------------------|
| 36-0026559    | IRRIGATION<br>DOMESTIC<br>STOCK<br>WILDLIFE | IRRIGATION<br>NONE<br>INCIDENTAL<br>INCIDENTAL | WO2                   | IROO1                  |
| 36-0026560    | IRRIGATION                                  | IRRIGATION                                     | WO2, WO3              | IROO1                  |
| 36-0026566    | IRRIGATION<br>DOMESTIC<br>STOCK             | IRRIGATION<br>NONE<br>INCIDENTAL               | DO1                   | IROO1, SROO1           |
| 39-0003875    | IRRIGATION                                  | IRRIGATION                                     | DO1                   | IROO1                  |
| 39-0003882    | IRRIGATION<br>DOMESTIC<br>STOCK             | IRRIGATION<br>NONE<br>INCIDENTAL               | WO2                   | IROO1, SROO1           |
| 39-0003885    | IRRIGATION                                  | IRRIGATION                                     | WO3                   | 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<br>SHARED              |
| WO1   | SESENW24         | 170S | 200E | UNNAMED        | GROUNDWATER : ZONE 2<br>SHARED                        |
| WO2   | NESWSW24         | 170S | 200E | UNNAMED        | GROUNDWATER : ZONE 2<br>SHARED                        |
| WO3   | SESWSW24         | 170S | 200E | UNNAMED        | GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER<br>SHARED |

U S E S

| PWR # | LOCATION SECTION | TWNP         | RNGE         | SUPPLIED BY DIVERSIONS | WATER SOURCES   | PHOTO SOURCE DATE | SOURCE CHANGE | FACILITY NAME |
|-------|------------------|--------------|--------------|------------------------|---|-------------------|---------------|---------------|
| IROO1 | NESE23<br>NWSW24 | 170S<br>170S | 200E<br>200E | DO1, WO1, WO2<br>WO3   | SURFACE WATER<br>GROUNDWATER : ZONE 1<br>GROUNDWATER : ZONE 2 | 1983              | NO            |               |

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**ATTACHMENT B**





# ATTACHMENT C

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