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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. W1-11-1981  
ORDER TO INITIATE CASE AND  
CONSOLIDATE

CONTESTED CASE NAME: *In re Charles Fenn, Jr.*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Order to initiate contested case no. W1-11-1981 and consolidate it with *In re St. David Irrigation District*, contested case no. W1-11-1675.  
NUMBER OF PAGES: 6  
DATE OF FILING: April 1, 2019

This case involves a claim for a water right for an irrigation use in the northwest quarter of section 14 T17S R20E. Pearl Fenn filed Statement of Claimant 39-2587 for the claimed water use. The Arizona Department of Water Resources public records do not include an assignment of the Statement of Claimant.

1           The Arizona Department of Water Resources investigated the claim and submitted its  
2 results in Watershed File Report 112-17-BDA-002 (“WFR”) published in the Final San Pedro  
3 River Watershed Hydrographic Survey Report (1991). According to the Cochise County Arizona  
4 Recorder’s Office, the property encompassed in the WFR includes tax parcel no. 123-35-001. It  
5 lists Ogilvie Cattle Company LLC as the current owner of the property. The WFR listed the  
6 sources of water as a well. A copy of the Watershed File Report 112-17-BDA-002 is attached as  
7 Attachment A. The purpose of this case is to resolve the three objections made to the WFR. The  
8 objectors are included in Attachment B.

9           On August 31, 2018, the Pomerene Water Users Association filed a Notice of Termination  
10 stating that St. David Irrigation District has claimed the Pomerene diversion structure and the  
11 Pomerene canal. At that time, the Pomerene Water Users Association notified the court of those  
12 persons and entities who had petitioned to be annexed into the St. David Irrigation District.  
13 Ogilvie Cattle Company LLC was included on the list of individuals and entities filed with the  
14 court. Accordingly,

15 **IT IS ORDERED:**

16  
17           1.     Contested Case, Consolidation, Designation and Docket Number. This contested  
18 case initiates case no. W1-11-1981. The contested case is consolidated with *In St. David*  
19 *Irrigation District*, Contested Case No. W1-11-1675.

20           2.     Litigants. The litigants in this contested case are the claimant, landowner, all  
21 persons who filed objections to the listed watershed file reports who are listed on Attachment B,  
22 and claimants who are allowed to intervene by order.

23           3.     Court-Approved Mailing List. The initial Court-approved mailing list for this case  
24 shall include all persons listed on Attachment B to this order. This mailing list shall be merged  
25 with the mailing list for St. David except that the St. David Irrigation District shall be substituted  
26 for the landowner. Litigants are responsible for using the current Court-approved mailing list.  
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SUSAN WARD HARRIS  
Special Master

On April 1, 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 Attachment B that includes the Claimants and Objectors.

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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
FENN, JR., CHARLES	112-17-BDA-002
% ARAMCO DHAHRAN	

APPLICABLE FILINGS AND DECREES

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
36-0014375		IRRIGATION STOCK	1291.87	SESE14	17OS	200E	1891	SESE14	17OS	200E
39-0002587		IRRIGATION STOCK	250.00	SESE14	17OS	200E	1891	SESE14	17OS	200E
								NWSENW14	17OS	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0014375	IRRIGATION STOCK	DISCONTINUED INCIDENTAL	WO1	IRO90
39-0002587	IRRIGATION STOCK	DISCONTINUED INCIDENTAL	WO1	IRO90

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NESENW14	17OS	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IRO90	NENW14	17OS	200E	WO1	GROUNDWATER : ZONE 1	1955	NO	
	SENW14	17OS	200E					

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
IRO90	39-0002587	36-0014375	1955 1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IRO90	REGIONAL	31.8	NO CROP				DISCONTINUED IRRG.

EXPLANATION

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.

USES AND RESERVOIRS

IR90 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

# ATTACHMENT B

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Messers. Weldon, McGinnis, Heilman  
Salmon, Lewis and Weldon PLC  
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