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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.

23
24 
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.	112-17-BDA-014
P.C.	

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
36-0026559		IRRIGATION DOMESTIC STOCK	12.90	SWSW24	170S	200E	1977			
36-0026560		REC/FISH/WLDF								
36-0026566		IRRIGATION DOMESTIC STOCK	400.00	SWSW24	170S	200E	1979			
39-0003875		IRRIGATION DOMESTIC STOCK		33	160S	200E	1800	25	170S	200E
39-0003882		IRRIGATION DOMESTIC STOCK	300.00	24	170S	200E				
39-0003885		IRRIGATION DOMESTIC STOCK	3.00	NW24	170S	200E	1910	NENE36	170S	200E
		IRRIGATION		SW24	170S	200E				
		IRRIGATION	.34	NESWSW24	170S	200E	1901	NESWSW24	170S	200E
		IRRIGATION	400.00	SW24	170S	200E	1901	SESWSW24	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
36-0026559	IRRIGATION DOMESTIC STOCK	IRRIGATION NONE	WO2	IROO1
36-0026560	WILDLIFE	INCIDENTAL		
36-0026566	IRRIGATION IRRIGATION DOMESTIC STOCK	IRRIGATION IRRIGATION NONE	WO2, WO3 DO1	IROO1 IROO1, SROO1
39-0003875	IRRIGATION	INCIDENTAL		
39-0003882	IRRIGATION DOMESTIC STOCK	IRRIGATION IRRIGATION NONE	DO1 WO2	IROO1 IROO1, SROO1
39-0003885	IRRIGATION	INCIDENTAL IRRIGATION	WO3	IROO1

DIVERSIONS

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 GROUNDWATER : ZONE 2
WO2	NESWSW24	170S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2
WO3	SESWSW24	170S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

USES

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 GROUNDWATER : ZONE 2			

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
TUCSON PATHOLOGY ASSOC. 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 SECTION	LOCATION TWNP	RNGE
36-0026559		IRRIGATION DOMESTIC STOCK	12.90	SWSW24	17OS	200E	1977			
36-0026560		REC/FISH/WLDLF IRRIGATION	400.00	SWSW24	17OS	200E	1979			
36-0026566		IRRIGATION DOMESTIC STOCK		33	16OS	200E	1800	25	17OS	200E
39-0003875		IRRIGATION	300.00	NW24	17OS	200E	1910	NENE36	17OS	200E
39-0003882		IRRIGATION DOMESTIC STOCK	3.00	NESWSW24	17OS	200E	1901	NESWSW24	17OS	200E
39-0003885		IRRIGATION	400.00	SW24	17OS	200E	1901	SESWSW24	17OS	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 DOMESTIC STOCK WILDLIFE	IRRIGATION NONE INCIDENTAL INCIDENTAL	W02	IROO1
36-0026560	IRRIGATION	IRRIGATION	W02, W03	IROO1
36-0026566	IRRIGATION DOMESTIC STOCK	IRRIGATION NONE INCIDENTAL	DO1	IROO1, SROO1
39-0003875	IRRIGATION	IRRIGATION	DO1	IROO1
39-0003882	IRRIGATION DOMESTIC STOCK	IRRIGATION NONE INCIDENTAL	W02	IROO1, SROO1
39-0003885	IRRIGATION	IRRIGATION	W03	IROO1

D I V E R S I O N S

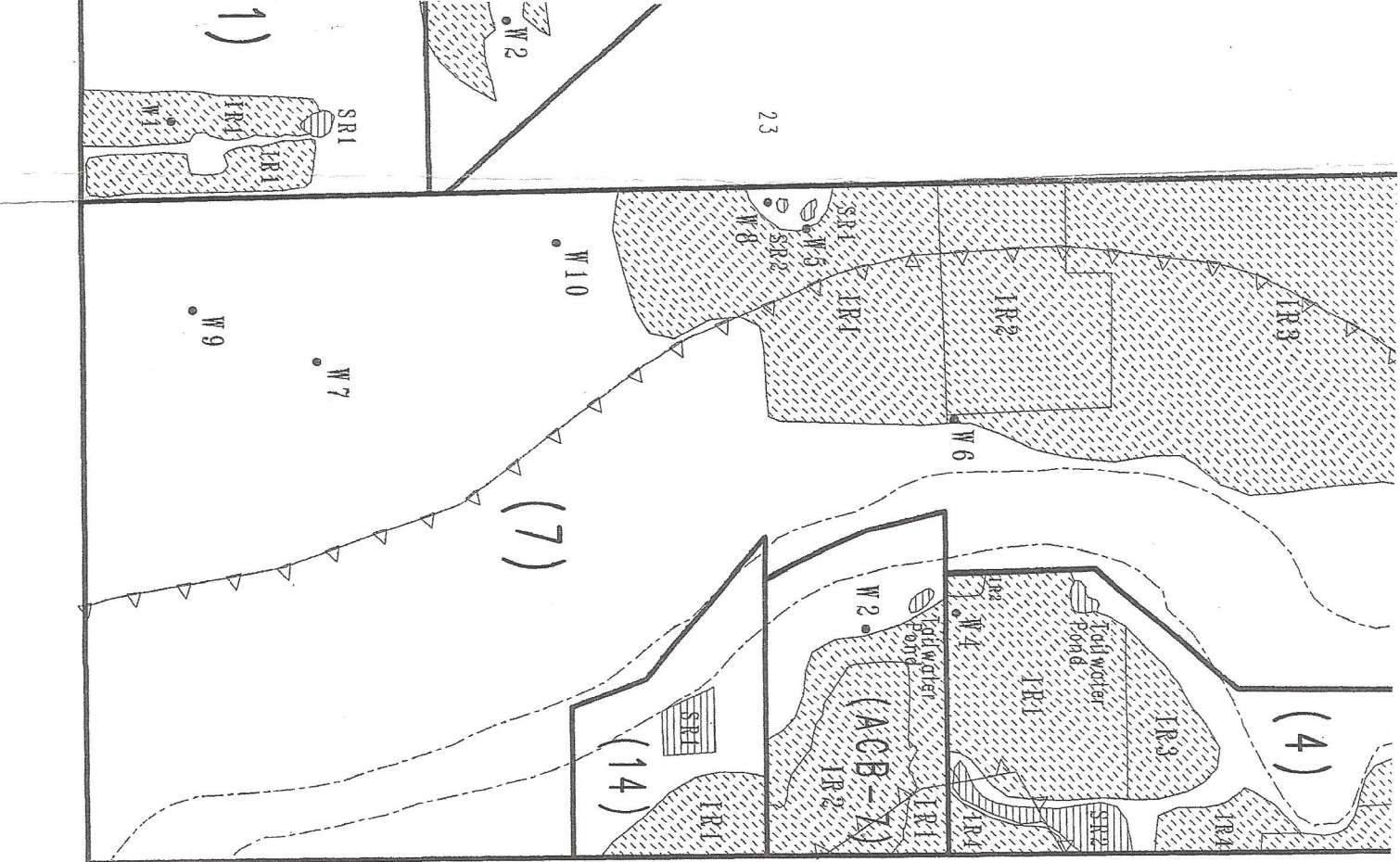
DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NWSENE36	17OS	200E	POMERENE CANAL	SURFACE WATER: SAN PEDRO RIVER SHARED
W01	SESENW24	17OS	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
W02	NESWSW24	17OS	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
W03	SESWSW24	17OS	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
IROO1	NESE23 NWSW24	17OS 17OS	200E 200E	DO1, W01, W02 W03	SURFACE WATER GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1983	NO	

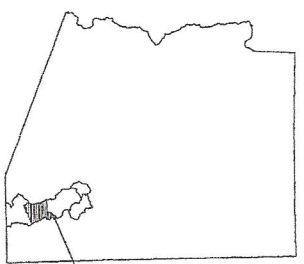
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ATTACHMENT B

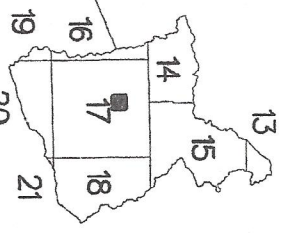


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1)



Scale: 1:7920
0 330 660 990 1320 Ft



State of Arizona
Department of Water Resources
ADJUDICATIONS DIVISION

MAP OF WATER USES

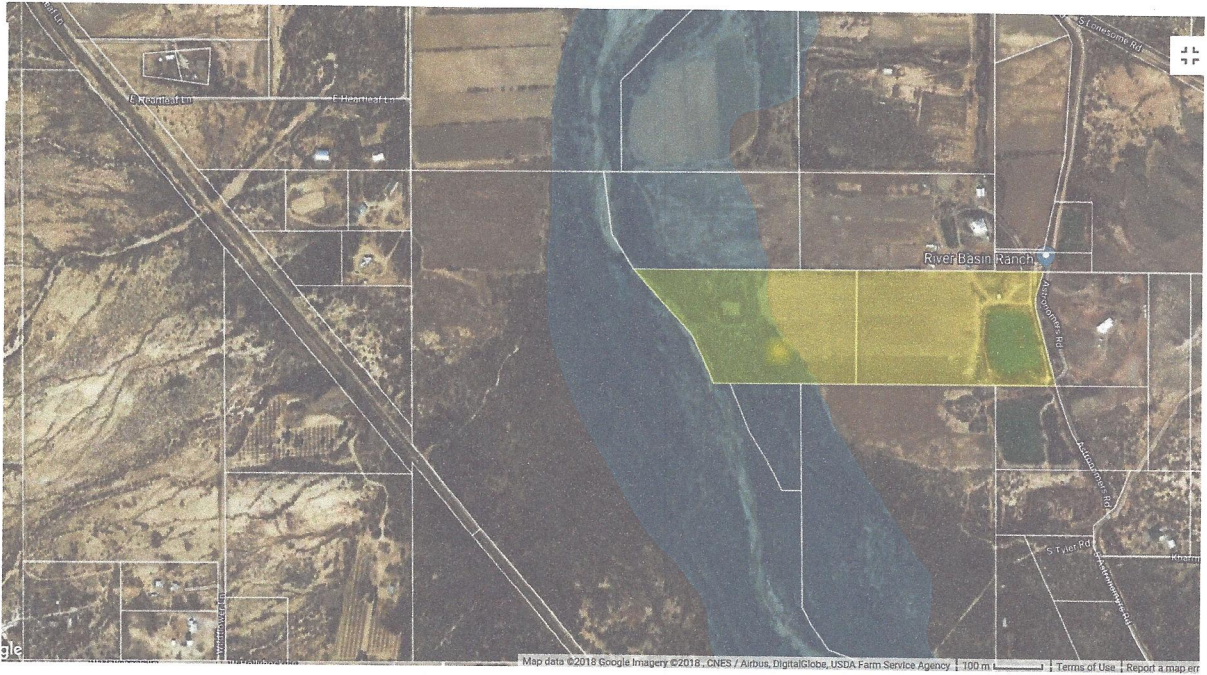
Watershed: SAN PEDRO

Subwatershed: BENSON

Region: 17-BDA

Date: July 1990

ATTACHMENT C



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ATTACHMENT D

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