

1 Kimberly R. Parks (Bar No. 032828)
2 Arizona Department of Water Resources
3 Legal Division
4 P.O. Box 36020
5 Phoenix, Arizona 85067
6 Telephone: 602-771-8472
7 Fax: 602-771-8687
8 krparks@azwater.gov

9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**
12

13 IN RE THE GENERAL ADJUDICATION
14 OF ALL RIGHTS TO USE WATER IN
15 THE GILA RIVER SYSTEM AND
16 SOURCE

17 W-1 (Salt)
18 W-2 (Verde)
19 W-3 (Upper Gila)
20 W-4 (San Pedro)
21 (Consolidated)

22 Contested Case No. W1-11-1898

23 **ARIZONA DEPARTMENT OF WATER
24 RESOURCES' MEETING REPORT**

25 Special Master Susan Ward Harris

26 **CONTESTED CASE NAME:** *In re Eldon and Shirley Barney*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources ("ADWR") provides the Meeting Report as requested by the Court in the Minute Entry Order dated May 21, 2019.

NUMBER OF PAGES: Four

DATE OF FILING: August 20, 2019

1 Pursuant to the Minute Entry Order in this matter dated May 21, 2019, ADWR
2 hereby files its Meeting Report pursuant to Rule 8.02[1][c], addressing the results of the
3 meeting between ADWR personnel and the claimant and objectors for the above contested
4 cases. A copy of ADWR's Meeting Report is being posted to ADWR's web site.

5 **MEETING DETAILS**

6 The meeting took place at the ADWR offices located at 1110 W. Washington
7 Street, Phoenix, Arizona 85007 on August 13, 2019 at 1:30 pm. ADWR sent written
8 confirmation of the meeting details to all claimants, landowners, and objectors on the
9 court-approved mailing list in May 2019.

10 Present at the meeting were Glen Buettner, James Meza, and Kimberly Parks
11 representing ADWR, Mark McGinnis and Rodney Held representing the Salt River
12 Project ("SRP"), and the new landowner, Manoj Tyagi.

13 Attending telephonically were Laurel Herrmann representing the San Carlos
14 Apache Tribe and Tonto Apache Tribe ("SCAT and TAT"), Lucas Christian also
15 representing TAT, Susan Montgomery representing the Yavapai-Apache Nation
16 ("YAN"), and Brad Pew representing ASARCO.

17 **BACKGROUND AND MEETING OUTCOMES**

18 ADWR's records show that the water rights in this case are asserted in Statements
19 of Claimant (SOC) numbers 39-5938, 39-12574, and 39-12575 filed by the Barney family
20 and that those SOCs have not been assigned, in whole or in part. When the land
21 transferred to the Marco Family Partnership, Mr. Marco was unable to obtain an
22 appropriate signature assigning any of the Barney SOCs to the Marco Family. The Marco
23 Family Partnership recently filed a new SOC (39-18015) claiming water from a well for
24 irrigation, domestic, and stockwatering uses.
25
26

1 Mr. Tyagi is the owner of Karma Foods, LLC, which recently purchased the land
2 from the Marco Family. Mr. Marco assigned SOC 39-18015 to Karma Foods and filed the
3 assignment with ADWR on July 10, 2019. Mr. Tyagi explained that he intends to use the
4 water for irrigation, domestic use, and for a few animals. Mr. Tyagi is also considering
5 purchasing several other parcels in the area, some of which may fall outside the
6 boundaries of the Watershed File Reports (“WFRs”) for this case. It is unclear whether
7 there are additional wells being used on the property or whether some of the water is
8 being used on parcels not currently owned by Mr. Tyagi.

9 All of the objecting parties indicated that they would be willing to work to resolve
10 the objections in this case once more detailed information about the claims is available.

11 **NEXT STEPS**

12 It is unclear whether SOC 39-18015 which was subsequently assigned to Karma
13 Foods should be treated as a “new” SOC and whether the uses being claimed should be
14 investigated as part of the San Pedro II Hydrographic Survey Report (“HSR”). If these
15 water uses are not to be included in the San Pedro II HSR, additional investigation may be
16 necessary to locate places of use and points of diversion on the subject parcels. Mr. Tyagi
17 may also be able to provide additional information about the water uses he is claiming
18 once he begins operations on the property.

19 Mr. Tyagi also requests that his contact information be added to the Court-
20 Approved Mailing List for this case:

21 Manoj Tyagi
22 Karma Foods, LLC
23 1071 E. Baylor Lane
24 Chandler, Arizona 85225
25
26

1 **DATED** this 20th day of August, 2019.

2 ARIZONA DEPARTMENT OF WATER
3 RESOURCES

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6 Kimberly R. Parks, Deputy Counsel

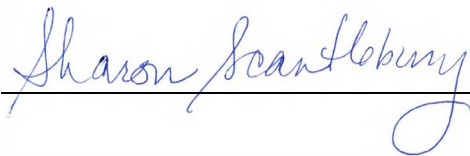
7 **ORIGINAL** of the foregoing sent by
8 first-class mail on August 20, 2019, to:

9 Clerk of the Maricopa Superior Court
10 Attn: Water Case
11 601 W. Jackson Street
12 Phoenix, Arizona 85003

13 **COPY** of the foregoing sent by
14 first-class mail on August 20, 2019, to:

15 Special Master Susan Ward-Harris
16 Maricopa County Superior Court
17 Central Court Building
18 201 West Jefferson Street, Suite 3A
19 Phoenix, AZ 85003-2205

20 **COPIES** of the foregoing sent by
21 first-class mail on August 20, 2019 to
22 all parties on the court-approved mailing list
23 for Contested Case No. W1-11-1898.

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