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10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**
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IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE WATER IN THE GILA RIVER SYSTEM AND SOURCE
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W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
(Consolidated)

Contested Case No. W1-11-1898

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

Special Master Susan Ward Harris

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 Order dated April 30, 2020.

NUMBER OF PAGES: Four

DATE OF FILING: June 16, 2020

1 Pursuant to the Order in this matter dated April 30, 2020, ADWR hereby files its
2 Meeting Report pursuant to Rule 8.02[1][c], addressing the results of the second meeting
3 between ADWR personnel and the claimant and objectors for the above contested case. A
4 copy of ADWR's Meeting Report is being posted to ADWR's web site.

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6 **MEETING DETAILS**

7 The meeting was scheduled to take place at the ADWR offices located at 1110 W.
8 Washington Street, Phoenix, Arizona 85007 on June 9, 2020 at 9:30 am; however, due to
9 COVID-19 concerns, ADWR requested that all parties participate in the meeting
10 telephonically.

11 Participating in the meeting were Glen Buettner, Michael Hilstrom, and Kimberly
12 Parks representing ADWR, Mark McGinnis, Rodney Held, Axel Buchwalter, Katrina
13 Wilkinson, and Tim Skarupa representing the Salt River Project ("SRP"), Manoj Tyagi,
14 Laurel Herrmann representing the San Carlos Apache Tribe, Richard Palmer representing
15 the Tonto Apache Tribe, and Brad Pew representing ASARCO.

16 The United States and the Gila River Indian Community were not represented at
17 the meeting.

18 **MEETING OUTCOMES**

19 ADWR's records show that the water rights in this case are asserted in Statements
20 of Claimant (SOC) numbers 39-5938, 39-12574, and 39-12575 filed by the Barney family
21 and that those SOCs have not been assigned, in whole or in part. When the land
22 transferred to the Marco Family Partnership, Mr. Marco was unable to obtain an
23 appropriate signature assigning any of the Barney SOCs to the Marco Family. The Marco
24 Family Partnership recently filed a new SOC (39-18015) claiming water from a well for
25 irrigation, domestic, and stockwatering uses. Mr. Tyagi is the owner of Karma Foods,
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1 LLC, which recently purchased the land from the Marco Family. Mr. Marco assigned
2 SOC 39-18015 to Karma Foods and filed the assignment with ADWR on July 10, 2019.

3 ADWR believes that Mr. Tyagi owns parcels 12307-011H and 12307-002C. In the
4 1991 Hydrographic Survey Report (“HSR”) for the San Pedro River Watershed, ADWR
5 reported 186 acres of irrigation. ADWR believes that Mr. Tyagi owns 78 of the
6 previously irrigated acres and that the remainder of Mr. Tyagi’s property is native
7 vegetation that has not been irrigated.

8 Mr. Tyagi explained that he intends to use water for irrigation of the entire area
9 (98.2 acres) and water for domestic purposes, but he does not know how much water he
10 requires. Mr. Tyagi says that there are two wells on the property.

11 The objecting parties raised questions about the priority date being claimed.
12 Counsel for the San Carlos Apache Tribe indicated that they previously sent Mr. Tyagi
13 historical documentation that possibly supports an earlier priority date. The parties
14 explained to Mr. Tyagi that although his water right for irrigation will be based on the
15 historical use of water on the property (78 acres), he has the option of filing an application
16 for an appropriative right with ADWR to irrigate the remaining acreage if he chooses to
17 do so. A new application will likely result in a 2020 priority date for the additional water
18 claimed. The parties also requested that Mr. Tyagi provide a diversion rate.

19 All of the objecting parties indicated that they would be willing to work to resolve
20 the objections in this case once more detailed information about the claims is available.
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22 **NEXT STEPS**

23 Mr. Tyagi will attempt to complete draft abstracts for domestic use and irrigation
24 use and will circulate the abstracts to the objecting parties on or before July 1, 2020. To
25 assist Mr. Tyagi in this effort, ADWR has provided Mr. Tyagi with the abstract form and
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1 email addresses for the objecting parties present during the meeting. The parties request
2 that the Court schedule a status conference within 60 days.

3 **DATED** this 16th day of June, 2020.

4 ARIZONA DEPARTMENT OF WATER
5 RESOURCES

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8 Kimberly R. Parks, Deputy Counsel

9 **ORIGINAL** of the foregoing sent by
10 first-class mail on June 16, 2020, to:

11 Clerk of the Maricopa Superior Court
12 Attn: Water Case
13 601 W. Jackson Street
14 Phoenix, Arizona 85003

15 **COPY** of the foregoing sent by
16 first-class mail on June 16, 2020, to:

17 Special Master Susan Ward-Harris
18 Maricopa County Superior Court
19 Central Court Building
20 201 West Jefferson Street, Suite 3A
21 Phoenix, AZ 85003-2205

22 **COPIES** of the foregoing sent by
23 first-class mail on June 16, 2020 to
24 all parties on the court-approved mailing list
25 for Contested Case No. W1-11-1898.

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