

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

12/13/18

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

S. Ortega

Deputy

In re Eldon J. & Shirley Barney
Case No. W1-11-1898

FILED: 1/4/2019

In re the General Adjudication
of All Rights to Use Water in the
Gila River System and Source

In re Status Conference

MINUTE ENTRY

Courtroom: CCB 301

1:30 p.m. This is the time set for a telephonic status conference regarding potential water rights described in Watershed File Report 112-17-BAD-001 which were claimed in Statements of Claimant 39-5938, 39-12574, and 39-12575 for portions of sections 3 and 34 T16S R20E and section 3 T17S R20E.

The following attorneys and parties appear telephonically: David A. Brown on behalf of St. David Irrigation District; Kimberly R. Parks on behalf of Arizona Department of Water Resources; Joe P. Sparks on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe; Bradley Pew on behalf of ASARCO; Jeffrey R. Heilman on behalf of Salt River Project; and Joe Marco, Managing Partner of the Marco Family Limited Partnership.

A record of the proceedings is made digitally in lieu of a court reporter.

The purpose of today's hearing is to determine which landowners will assert water rights with respect to their land.

Mr. Brown confirms that Jay Barney and Fred and Beverly Kartchner have joined the St. David Irrigation District and will be asserting claims for water in that contested case.

Discussion is held regarding a survey that divides property between Jay Barney and Flint Barney. The wells involved on the property are in the subflow zone. Mr. Brown confirms that Jay Barney and Fred and Beverly Kartchner will be asserting their claims to water rights to the four wells in connection with the St. David Irrigation District to the extent that each of the four wells provides water to those lands.

The Court will join the claims made for water rights associated with land owned by Jay Barney and Fred and Beverly Kartchner with the St. David Irrigation District. Mr. Brown, as representative for Jay Barney and Fred and Beverly Kartchner will be responsible for providing notice to them of proceedings in *In re St. David Irrigation District*.

Mr. Brown states that he will send a copy of the Barney map to the Court and the other parties in connection with this matter that identifies the land owned separately by Jay Barney and the land owned separately by Flint Barney.

Mr. Marco confirms that he has not joined the St. David Irrigation District and intends to assert water rights based on the wells involved in this case. Mr. Marco owns land consisting of about 100 acres and irrigates the majority of it with Well 2 located on the southeast corner of his property. Mr. Marco states that he does not use water from the other wells identified in the watershed file report.

The claims of Jay Barney and Fred and Beverly Kartchner will be transferred out of this case.

This minute entry will include instructions to Mr. Marco and ADWR on how to proceed with the paperwork to continue.

Discussion is held regarding Well 4.

1:44 p.m. Matter concludes.

LATER:

IT IS ORDERED dismissing the following individuals from this contested case as to a claim to divert any surface water for use on the land described in WFR112-17-BAD-001:

Jolene Archambeau
Flint Barney
Ralph and Karen Florer
Cynthia L Hillesland
Rhonda Kingsford
Kevin E. Lester

The above named individuals shall also be removed from the mailing list for this case.

IT IS FURTHER ORDERED consolidated the claims for water rights for land owned by Jay Barney and Fred and Beverly Kartchner with *In re St. David's Irrigation District*, contested case no. W1-11-1675. Jay Barney and Fred and Beverly Kartchner will be removed from the mailing list for this case.

IT IS FURTHER ORDERED that this contested case shall proceed forward to adjudicate the claims for water rights on that real property owned by the Marco Family Limited Partnership, which includes tax parcels 12307002C and 12307011H, provided by that well identified in WFR 112-17-BAD-001 as W02 located in the SENENE Section 3 T17S R 20E. According to the map prepared by ADWR, potential water rights for irrigation labelled as IR001 and IR004 apply to the land identified as tax parcels 12307002C and 12307011H.

IT IS FURTHER ORDERED that the Marco Family Partnership shall use it best efforts to obtain an assignment of those portions of Statements of Claimant 39-5938, 39-12574, and 39-12575 that apply to its land from the legal representatives of Eldon or Shirley Barney and shall file the assignment with the Arizona Department of Water Resources.

IT IS FURTHER ORDERED pursuant to Pre-Trial Order No. 1 and Rules for Proceedings Before the Special Master §1.04 that Marco Family Partnership is a party in this litigation and a claimant because it is a successor in interest to Eldon Barney who filed three Statements of Claimant with respect to the use of water on the relevant land.

IT IS FURTHER ORDERED that Arizona Department of Water Resources shall file by **January 25, 2019**, its position as to whether a Statement of Claimant filed by the Marco Family Partnership, in the absence of an assignment, for purposes of maintaining an orderly filing system shall be deemed an amendment of Statements of Claimant 39-5938, 39-12574, and 39-12575 or shall be assigned a new number.

IT IS FURTHER ORDERED that by **March 1, 2019**, Marco Family Limited Partnership shall file a Statement of Claimant with Arizona Department of Water Resources.

A copy of this order is mailed to all persons listed on the Court approved mailing list.