

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

11/07/2018

CLERK OF THE COURT  
FORM V000

SPECIAL WATER MASTER  
SUSAN HARRIS

A. Hatfield

Deputy

In re: Barassi  
Contested Case No. W1-11-3313

FILED: 12/10/2018

In Re: The General Adjudication  
of All Rights to Use Water in the  
Gila River System and Source  
W-1, W-2, W-3 and W-4 (Consolidated)

In re: Scheduling Conference

**MINUTE ENTRY**

**Courtroom: CCB 301**

10:03 a.m. This is the time set for a scheduling conference before Special Master Susan Ward Harris with respect to objections filed to Watershed File Report 115-04-ADB-002.

The following attorneys and parties appear in-person: Theodore Barassi, managing member of Aravaipa Canyon Ranch LLC; Michael Foy and R. Jeffrey Heilman on behalf of the Salt River Project; and Joe Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe.

The following attorneys are present telephonically: John Burnside on behalf of BHP Copper; Charles Cahoy on behalf of the City of Phoenix; Kevin Crestin on behalf of the Arizona State Land Department; Kimberly Parks on behalf of the Arizona Department of Water Resources; Bradley Pew on behalf of ASARCO; and Jay Tomkus on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation.

Court reporter, Celeste Paxton Jones, is present and a record of the proceedings is also made digitally.

The Court advises that ADWR has provided a map and it shows that one of the wells which will provide Aravaipa Canyon Ranch LLC with domestic use and irrigation use for less than 2 acres is outside the subflow zone.

IT IS ORDERED that claims for water rights based on Well #1 as the source of water are stayed until a court-approved test exists with respect to wells located outside the boundaries of the subflow zone.

The Court advises that the only issue will be Aravaipa Canyon Ranch LLC's proposed irrigation right which is serviced by Well #2 which ADWR has mapped within the subflow zone.

Mr. Sparks said that his examination of the Brighthawk LLC file may be broad enough to include documents that may be expected from Mr. Barassi. He also noted that the ADWR files have documents showing claims for water rights up to 320 acre feet and other documents claiming water rights for approximately 3 acre feet. He cannot reconcile the amounts claimed. Mr. Sparks further stated that he will report to the Court and the parties on the results of his examination of documents from Mr. Zapata to Aravaipa Canyon Ranch LLC.

The Court asks for Mr. Barassi for clarification as to the amount of water claimed because ADWR has proposed a potential water right for 3.1 acres of the property to be irrigated. The Court inquires if Mr. Barassi is making a claim for more than 3.1 acres to be irrigated.

Mr. Barassi states that the property has more than 3.1 acres of irrigated land. In addition, he informs the Court that the map that was sent out is missing two additional wells. One of the wells is used for irrigation and the other well is used to supply water to the Bureau of Land Management radio station. He also has a pumping system that allows pumping from the stream from time to time. He will supply the needed documentation to support his claims.

Based upon the information provided by Mr. Barassi, the Court notes that he needs to file an amended Statement of Claimant because the information just provided does not appear consistent with the Statement of Claimant filed by Mr. Barassi's father.

Mr. Barassi provides the Court with an updated address.

IT IS ORDERED directing Mr. Barassi to file an amended Statement of Claimant by **December 7, 2018**. Mr. Barassi is to identify the wells or sources of water from which he is drawing water and the amount of water he is claiming. A copy of the amended Statement of Claimant is to be filed with the Court.

IT IS FURTHER ORDERED that Mr. Sparks is to review the Zapata file and a file a report with the Court.

Once the Court has reviewed the documents, a status conference will be scheduled.

10:14 a.m. Matter concludes.

**LATER:**

The date that the Amended Statement of Claimant has been extended until February 8, 2019 pursuant to a separate court order dated November 16, 2018.

IT IS ORDERED that the report to be filed by Mr. Sparks shall be due on **March 1, 2019**.

A copy of this minute entry is mailed to all persons listed on the Court-approved mailing list for Contested Case No. W1-11-3313.