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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 Nos. W1-11-1898

ORDER REGARDING STATEMENTS OF
CLAIMANT AND SETTING STATUS
CONFERENCE

CONTESTED CASE NAMES: *In re Eldon J. & Shirley Barney*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Status conference set to determine claims for water rights to be asserted by Karma Food and to determine whether the representatives of Eldon Barney or Shirley Barney, claimants listed in Statements of Claimant 39-5938, 39-12574, and 39-12575, intend to pursue claims for water rights associated with these Statements of Claimant on land included in WFR 112-17-BAD-001, and determine status of existing settlement discussions.

NUMBER OF PAGES: 8

DATE OF FILING: October 1, 2019

Arizona Department of Water Resources filed a Meeting Report on August 20, 2019 stating that Marco Family Limited Partnership assigned Statement of Claimant 39-18015 to Karma Foods, LLC. The meeting was not attended by either the claimants or representatives of

1 the claimants who filed Statements of Claimant 39-5938, 39-12574, and 39-12575. It further
2 reported that Manoj K. Tyagi, the manager of Karma Foods, LLC, is considering acquiring
3 additional land in the proximity of the land acquired from the Marco Family Partnership. Based
4 on this report, it appears that the scope of the claims for water uses on the land investigated by
5 Watershed File Report 112-17-BAD-001, a copy of which is attached, is unknown and therefore
6 the parties cannot proceed forward. Accordingly,

7
8 IT IS ORDERED that a status conference shall be held on **October 23, 2019** at 1:30
9 p.m. in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West
10 Jefferson Street, Phoenix, AZ 85003-2202 to allow Mr. Tyagi or his representative to explain the
11 water claims that Karma Foods, LLC will pursue and set a date to file any necessary amendments.
12 Based on the information provided, dates will be set to further the resolution of the claims for
13 water rights.

14
15 Instructions for telephonic participation:
16 Dial: 602-506-9695 (local)
17 1-855-506-9695 (toll free long distance)
18 Dial Collaboration (conference) Code 357264#

19 IT IS FURTHER ORDERED that the legal representatives of Eldon Barney or Shirley
20 Barney shall be given the opportunity to appear at the status conference and indicate whether they
21 intend to pursue the claims in Statements of Claimant 39-5938, 39-12574, and 39-12575 with
22 respect to water rights for use on land included in WFR 112-17-BAD-001. This Order is being
23 sent to the last known address on record with Arizona Department of Water Resources: P. O. Box
24 266, Pomerene, AZ 85627.
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IT IS FURTHER ORDERED that the court-approved mailing list will be amended to
remove the Marco Family Limited Partnership and add:

Manoj K. Tyagi
Karma Foods LLC
1071 E. Baylor Lane
Chandler, Arizona 85225


SUSAN WARD HARRIS
Special Master

On October 1, 2018, the original of the foregoing was
delivered to the Clerk of the Maricopa County Superior
Court for filing and distributing to the persons on the court
approved mailing list for this case.

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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER
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BARNEY, ELDON J. & SHIRLEY	112-17-BAD-001

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *W1-11-1898*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0005938		IRRIGATION STOCK	3000.00 7.50	02 03	170S	200E	1910	NENE36	170S	200E
39-0012574		IRRIGATION STOCK	1200.00	03	170S	200E	1912	SESENE03	160S	200E
39-0012575		IRRIGATION STOCK	1200.00	03	170S	200E	1912	SWNE03	160S	200E
				34	160S	200E		SESENE02	170S	200E
				34	160S	200E		SWNE03	160S	200E
				34	160S	200E		SESENE03	160S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0005938	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1, WO4	IROO1, IROO2, IROO3 IROO4, IROO5
39-0012574	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1, WO1, WO2	IROO1, IROO2, IROO3 IROO4, IROO5
39-0012575	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1, WO1, WO2	IROO1, IROO2, IROO3 IROO4, IROO5

DIVERSIONS

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NWSENE36	170S	200E	POMERENE CANAL	SURFACE WATER: SAN PEDRO RIVER
WO1	SENWNE03	170S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2
WO2	SENE03	170S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2
WO3	NESENE03	170S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2
WO4	SWSWNW02	170S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO5	NWSWSE34	160S	200E	UNNAMED	SHARED GROUNDWATER : ZONE 2

USES

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IROO1	03 34	170S 160S	200E 200E	DO1, WO1, WO2 WO3, WO4, WO5	SURFACE WATER GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1935	NO	
IROO2	NESW34 NWSE34 SESW34 SWSE34	160S 160S 160S 160S	200E 200E 200E 200E	DO1, WO5	SURFACE WATER GROUNDWATER : ZONE 2	1955	NO	
IROO3	NESW34 NWSW34	160S 160S	200E 200E	DO1, WO5	SURFACE WATER GROUNDWATER : ZONE 2	1964	NO	
IROO4	NWNE03 NWSW34	170S 160S	200E 200E	DO1, WO1, WO2 WO3, WO4, WO5	SURFACE WATER GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1972	NO	
IROO5	NWSE34 SWSE03	160S 160S	200E 200E	WO5	GROUNDWATER : ZONE 2 GROUNDWATER : ZONE 2	1976	NO	

** DIVERSION DO1 OPERATED BY THE POMERENE WATER USERS ASSOC.
 (FILE 112-17-89) SUPPLIES WATER TO PWRS IN THIS FILE.
 ** WATER FROM W01 IS SHARED WITH THESE ADDITIONAL FILES:
 112-17BAA206, 112-17BAA218
 ** WATER FROM W02 IS SHARED WITH THESE ADDITIONAL FILES:
 112-17BAA206, 112-17BAA218, 112-17BAD-10
 ** WATER FROM W03 IS SHARED WITH THESE ADDITIONAL FILES:
 112-17BAA206, 112-17BAA218, 112-17BAD-10
 ** WATER FROM W04 FOUND IN FILE (112-17BAD-10) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IROO1	39-0005938 39-0012574 39-0012575	NONE	1912	POMERENE W.U.A. INFO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO2	39-0005938 39-0012574 39-0012575	NONE	1955	1955 AERIAL PHOTO	GROUNDWATER : ZONE 2 SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2
IROO3	39-0005938 39-0012574 39-0012575	NONE	1964	1964 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 2
IROO4	39-0005938 39-0012574 39-0012575	NONE	1972	1972 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO5	39-0005938 39-0012574 39-0012575	NONE	1976	1976 AERIAL PHOTO	GROUNDWATER : ZONE 2 GROUNDWATER : ZONE 2

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	MAX. OBSERVED REGIONAL	186.5	MULTI.-DBL.	45%	5.7 AF/AC	1063.1 AFA	
	MAX. POTENTIAL	186.5	AVE. CROP	50%	5.4 AF/AC	1007.1 AFA	
IROO2	MAX. OBSERVED REGIONAL	23.3	MULTI.-DBL.	45%	4.2 AF/AC	97.9 AFA	
	MAX. POTENTIAL	23.3	AVE. CROP	50%	5.4 AF/AC	125.8 AFA	
IROO3	MAX. OBSERVED REGIONAL	15.7	MULTI.-DBL.	45%	6.1 AF/AC	95.8 AFA	
	MAX. POTENTIAL	15.7	AVE. CROP	50%	5.4 AF/AC	84.8 AFA	
IROO4	MAX. OBSERVED REGIONAL	11.9	MULTI.-DBL.	45%	6.1 AF/AC	116.2 AFA	
	MAX. POTENTIAL	11.9	AVE. CROP	50%	5.4 AF/AC	72.6 AFA	
IROO5	MAX. OBSERVED REGIONAL	1.5	PERM. PSTR	45%	7.4 AF/AC	88.1 AFA	
	MAX. POTENTIAL	1.5	AVE. CROP	50%	5.4 AF/AC	10.5 AFA	
			ALFALFA	45%	7.4 AF/AC	11.1 AFA	

EXPLANATION

DIVERSIONS

D1 - DIVERSION FROM THE SAN PEDRO RIVER INTO THE POMERENE WATER USERS ASSOCIATION CANAL.
 W1-W5 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.

USES AND RESERVOIRS

IR1-IR4 - IRRIGATED MULTIPLE-DOUBLE CROPS (SUMMER AND WINTER PASTURE, AND CORN).
 IR5 - IRRIGATED PASTURE.
 DOMESTIC WATER USE IS SUPPLIED BY THE POMERENE DOMESTIC WATER USERS ASSOCIATION.
 TAILWATER RESERVOIRS ARE USED FOR IRRIGATION AND STOCKWATERING PURPOSES.

SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R.'S #112-17-BAA-206 & #112-17-BAA-218.
 W2 & W3 - WELLS ARE SHARED WITH W.F.R.'S #112-17-BAA-206, #112-17-BAA-218 & #112-17-BAD-10.
 W4 - WELL IS SHARED WITH W.F.R. #112-17-BAD-10.

PWR SUMMARY

FILINGS MADE BY THE POMERENE WATER USERS ASSOCIATION ALSO APPLY TO IRRIGATION USES (IR1) ON

FILE 112-17-BAD-001 (CONTINUED)
E X P L A N A T I O N (CONTINUED)

CONTINUATION OF PAGE: 18

THIS PROPERTY. FOR MORE INFORMATION ON THE POMERENE WATER USERS ASSOCIATION, SEE THE MAJOR
USERS REPORTS IN VOLUME 1.

LAND OWNER	ZONE 2 WELL REPORT NUMBER
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BARNEY, ELDON J. & SHIRLEY	112-17-BAD-001

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W01	UNNAMED	SENWNE03	17OS	200E	IRO01, IRO04	SHARED
W02	UNNAMED	SENE03	17OS	200E	IRO01, IRO04	SHARED
W03	UNNAMED	NESENE03	17OS	200E	IRO01, IRO04	SHARED
W05	UNNAMED	NWSWSE34	16OS	200E	IRO01, IRO02, IRO03 IRO04, IRO05	

WI-11-1898

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
IRO01	03	17OS	200E	1912	POMERENE W.U.A. INFO	1,007.1 AFA	186.5
IRO02	34	16OS	200E	1955	1955 AERIAL PHOTO	125.8 AFA	23.3
	NESW34	16OS	200E				
	NWSE34	16OS	200E				
	SESW34	16OS	200E				
IRO03	SWSE34	16OS	200E	1964	1964 AERIAL PHOTO	84.8 AFA	15.7
	NESW34	16OS	200E				
IRO04	NWSW34	16OS	200E	1972	1972 AERIAL PHOTO	64.3 AFA	11.9
IRO05	NWNE03	17OS	200E	1976	1976 AERIAL PHOTO	8.1 AFA	1.5
	NWSW34	16OS	200E				
	NWSE34	16OS	200E				
	SWSE03	16OS	200E				

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
39-0005938		IRO01, IRO02, IRO03 IRO04, IRO05
39-0012574	W01, W02	IRO01, IRO02, IRO03 IRO04, IRO05
39-0012575	W01, W02	IRO01, IRO02, IRO03 IRO04, IRO05

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IRO01 IS PARTIALLY SUPPLIED BY SURFACE WATER AND ZONE 1 GROUNDWATER.

THE APPARENT ANNUAL VOLUME REPORTED FOR IRO02 IS PARTIALLY SUPPLIED BY SURFACE WATER.

THE APPARENT ANNUAL VOLUME REPORTED FOR IRO03 IS PARTIALLY SUPPLIED BY SURFACE WATER.

THE APPARENT ANNUAL VOLUME REPORTED FOR IRO04 IS PARTIALLY SUPPLIED BY SURFACE WATER AND ZONE 1 GROUNDWATER.

** WATER FROM W01 IS SHARED WITH THESE ADDITIONAL FILES:

112-17BAA206, 112-17BAA218

** WATER FROM W02 IS SHARED WITH THESE ADDITIONAL FILES:

112-17BAA206, 112-17BAA218, 112-17BAD-10

** WATER FROM W03 IS SHARED WITH THESE ADDITIONAL FILES:

112-17BAA206, 112-17BAA218, 112-17BAD-10

W1-W3 & W5 - WELLS PROVIDE WATER FOR IRRIGATION USES.

IR1-IR4 - IRRIGATED MULTIPLE-DOUBLE CROPS (SUMMER AND WINTER PASTURE, AND CORN).

IR5 - IRRIGATED PASTURE.