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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
CASE MANAGEMENT ORDER

CONTESTED CASE NAMES: *In re Eldon J. & Shirley Barney*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Scheduling Conference set for December 11, 2019 at 1:00 p.m.
NUMBER OF PAGES: 10
DATE OF FILING: October 29, 2019

1. Purpose of Case

The purpose of this case is to determine water rights that were claimed by Eldon and Shirley Barney in section 34 T16S R20E and section 3 T17S R20E and included within the boundaries designated by Arizona Department of Water Resources in Watershed File Report No.

1 112-17-BAD-001. A copy of the map prepared by the Arizona Department of Water Resources is
2 attached as Attachment A. The land in question is labelled as either “(BAD-1)” or “(1)”.

3
4 **2. Claims for Water Rights**

5 The Statements of Claimant filed by Eldon and Shirley Barney with the Arizona
6 Department of Water Resources have not been assigned to any successor landowner. Marco
7 Family Limited Partnership, a successor landowner, was unable to obtain an assignment of the
8 Statements of Claimant filed by Eldon and Shirley Barney. As a result, Marco Family Limited
9 Partnership filed a Statement of Claimant for water rights for land owned within the boundaries of
10 Watershed File Report No. 112-17-BAD-001. The Statement of Claimant filed by Marco Family
11 Limited Partnership has now been assigned to Karma Foods, LLC.

12
13 Jay Barney and Fred and Beverly Kartchner, also successor landowners, petitioned to
14 join the St. David Irrigation District. Pursuant to the minute entry filed January 4, 2019, the
15 claims for water rights for the land they own within the boundaries of Watershed File Report No.
16 112-17-BAD-001 have been joined and made a part of that contested case *In re St. David*
17 *Irrigation District*, contested case no. W1-11-1675.

18
19 The public records of Arizona Department of Water Resources do not show that any
20 other owner of land within the boundaries of Watershed File Report No. 112-17-BAD-001 has
21 filed a Statement of Claimant for water rights.

22
23 **3. Status Conference**

24 On October 23, 2019, an abbreviated status conference was held in this case. It was
25 conducted under difficult circumstances for Manoj K. Tyagi, manager of Karma Foods, LLC.
26 Consequently, matters that should have been addressed at the status conference were left
27

1 unresolved. Accordingly, a Scheduling Conference shall be held for the purpose of determining
2 whether other landowners, in addition to Karma Foods, LLC, intend to assert claims for water
3 rights and to schedule proceedings to determine those rights and resolve the objections that have
4 been filed to Watershed File Report No. 112-17-BAD-001.
5

6 **IT IS ORDERED** that Arizona Department of Water Resources shall overlay the map it
7 filed on November 23, 2018 with the boundaries for IR001, IR002, IR003, IR004, and IR005
8 referenced in Watershed File Report No. 112-17-BAD-001. The map shall further calculate the
9 number of irrigated acres included in a potential water right for irrigation in Watershed File
10 Report 112-17-BAD-001 and shown by the Cochise County assessor as owned by:
11

12 Eldon and Shirley Barney

13 Jay and Barbara Barney

14 Flint C. Barney

15 Michael E. and Jane B. Charchenko

16 Dalen M. and Polly J. Edington

17 Karma Foods LLC

18 Kevin and Kimberly Edington

19 Nathan and Terre Hatch

20 Fred and Barbara Kartchner

21 Alan and Suzanne Judd

22 Layne G. and Sandra B. Peterson Trust

23 Rebecca Rowley
24
25

26 The purpose of the acreage calculation is to allocate the acreage found by Arizona Department of
27 Water Resources to be irrigated acreage among the parcels within the boundaries of Watershed
28

1 File Report No. 112-17-BAD-001. The map and calculated acreage shall be filed by **December**
2 **6, 2019** and mailed to all persons listed on the court-approved mailing list attached as Attachment
3 B.

4 **IT IS FURTHER ORDERED** that any landowner making a claim for a water right for
5 use on the land included in Watershed File Report No. 112-17-BAD-001, shall file a Statement of
6 Claimant with the Arizona Department of Water Resources by **December 2, 2019**. This order
7 does not apply to Karma Foods, LLC, Jay Barney or Fred and Barbara Kartchner because, as
8 stated above, their claims are already properly before the Court. Any other landowner listed on
9 the preceding page not filing a Statement of Claimant or who does not appear in person or
10 telephonically at the Scheduling Conference shall be dismissed from this case.

11 **IT IS FURTHER ORDERED** that the legal representatives of Eldon Barney or Shirley
12 Barney shall be given the opportunity to appear at the Scheduling Conference and indicate
13 whether they intend to pursue claims made in Statements of Claimant 39-5938, 39-12574, and 39-
14 12575.

15 **IT IS FURTHER ORDERED** that a Scheduling Conference shall be held on
16 **December 11, 2019** at 1:00 p.m. in the Superior Court of Arizona, Central Court Building,
17 Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202.

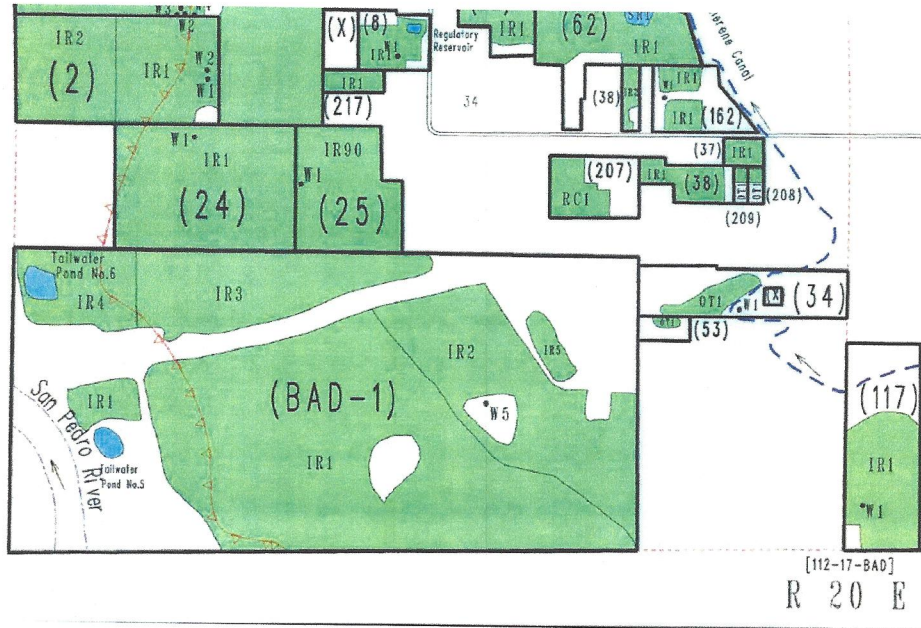
18 Instructions for telephonic participation:
19 Dial: 602-506-9695 (local)
20 1-855-506-9695 (toll free long distance)
21 Dial Collaboration (conference) Code 357264#

22
23
24
25
26 
27 SUSAN WARD HARRIS
28 Special Master

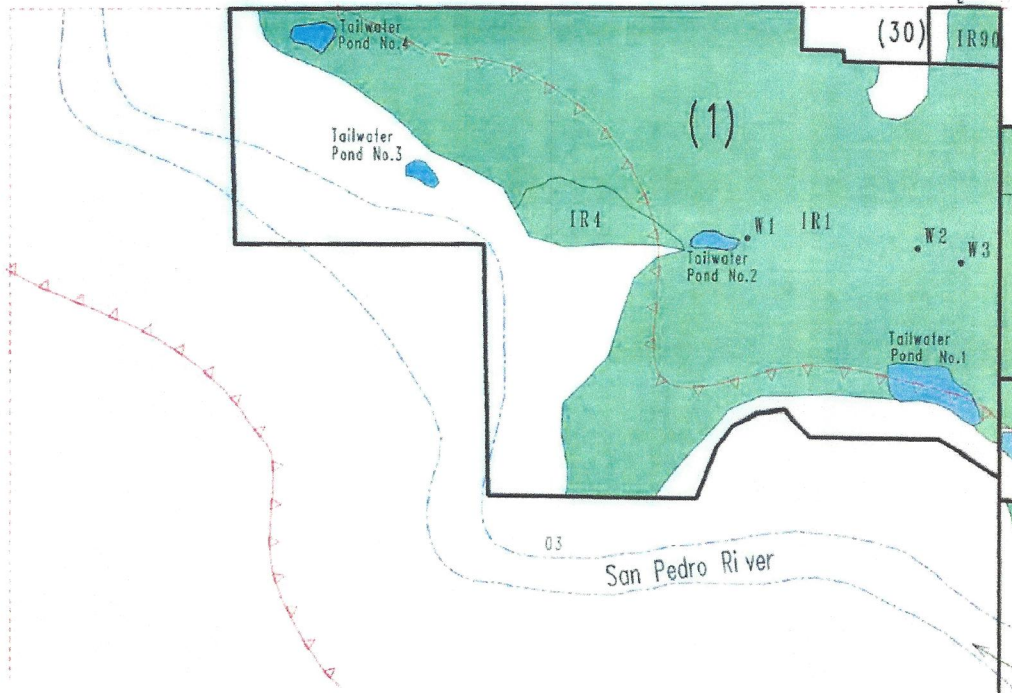
1 On October 29, 2018, the original of the foregoing was
2 delivered to the Clerk of the Maricopa County Superior
3 Court for filing and distributing to the persons on the court
4 approved mailing list for this case.
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ATTACHMENT A

Section 34 T16S R20E



Section 3 T17S R20E



ATTACHMENT B

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