

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

03/21/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

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

FILED: 03/28/2019

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: Status Conference

MINUTE ENTRY

Courtroom: CCB 301

1:30 p.m. This is the time set for a status conference before Special Master Susan Ward Harris.

The following attorneys and parties appear in-person: David Brown on behalf of the Aravaipa Canyon Ranch LLC; Mark McGinnis on behalf of Salt River Project (SRP); and Joe Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe (the Tribes).

The following party and attorneys appear telephonically: Theodore Barassi on behalf of Aravaipa Canyon Ranch LLC; John Burnside on behalf of BHP Copper; Laurel Herrmann on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; Kimberly Parks on behalf of the Arizona Department of Water Resources (ADWR); Bradley Pew on behalf of ASARCO; and Jay Tomkus on behalf of the Pascua Yaqui Tribe and the Yavapai-Apache Nation.

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

The Court notes that it appears that there may only be one deed missing from a chain of title.

Mr. Brown states that it is not the claimant's burden to prove a title because Aravaipa Canyon Ranch is claiming that it owns the property. They have not tried to fill the gap as Mr. Barassi has a title policy.

The Court further notes that the missing deed(s) seems to be the conveyance of the property from Verna White to Louis Barassi.

Discussion is held regarding the five wells and in-stream pump described in the amended statement of claimant. All but one well are located within the subflow zone. It is Aravaipa Canyon Ranch's position that all of the wells and the in-stream pump are within the sub-flow zone for settlement purposes.

IT IS ORDERED lifting the stay on the adjudication of the well that is located outside the subflow zone.

Mr. Brown states that he has been in discussions with Mr. Sparks.

IT IS FURTHER ORDERED that Mr. Brown will prepare draft abstracts by **April 22, 2019** and send them to all the parties for the purpose of settling all objections. The parties will have until **May 22, 2019** to indicate whether they have any objections to settling their objections to claimant's water rights as set forth in the abstracts.

Mr. McGinnis says SRP has one issue left to work out with Mr. Brown. Its issue is that the acreage number listed is higher than the amount in the Watershed File Report.

Mr. Sparks agrees that there is one or more missing deeds from Verna White to Louis Barassi. Another issue is that the Tribes would like GPS coordinates on the corners of the irrigated land.

The Court inquires if Theodore Barassi has the deed from Verna White to Louis Barassi. Mr. Brown will talk with his client to see if he has a copy of that deed.

1:44 p.m. Matter concludes.

LATER

IT IS FURTHER ORDERED that if the parties are in agreement with the terms of the abstracts, they shall file by **May 27, 2019** a Stipulation, Withdrawal of Objections and Request that the Special Master Approve the Proposed Water Right Abstracts along with a proposed form of order.

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