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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 IN RE THE GENERAL ADJUDICATION  
14 OF ALL RIGHTS TO USE WATER IN  
15 THE GILA RIVER SYSTEM AND  
16 SOURCE

17 W-1 (Salt)  
18 W-2 (Verde)  
19 W-3 (Upper Gila)  
20 W-4 (San Pedro)  
21 (Consolidated)

22 Contested Case Nos. W1-11-1917, W1-11-  
23 1691, W1-11-1910, and W1-11-1912

24 **ARIZONA DEPARTMENT OF**  
25 **WATER RESOURCES' MEETING**  
26 **REPORT**

(Special Master Susan Ward-Harris)

**CONTESTED CASE NAME:** *In re Newell A. & Katherine Barney, In re Eli and Ila Fenn, In re Leland K. Barney and Paula F. Barney, and In re Chester L. Brown*

**HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report

**DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources (“ADWR”) provides the Meeting Report as requested by the Court in the Order dated December 5, 2018.

**NUMBER OF PAGES:** Four

**DATE OF FILING:** February 27, 2019

1 Pursuant to the Orders in these matters dated December 5, 2018, ADWR hereby  
2 files its Meeting Report pursuant to Rule 8.02[1][c], addressing the results of the meeting  
3 between ADWR personnel and the claimants and objectors for the above contested cases.  
4 A copy of ADWR's Meeting Report is being posted to ADWR's web site.

5  
6 **MEETING DETAILS**

7 The meeting took place at the ADWR offices located at 1110 W. Washington  
8 Street, Phoenix, Arizona 85007 on February 20, 2019 at 10:00am. ADWR sent written  
9 confirmation of the meeting details to all claimants, landowners, and objectors on the  
10 court-approved mailing lists for these contested cases in early January 2019.

11 Present at the meeting were Donna Calderon, Elizabeth Heller, and Joy Hernbrode  
12 representing ADWR, John Weldon and Rodney Held representing the Salt River Project  
13 ("SRP"), Brad Pew representing ASARCO, and David Brown representing the St. David  
14 Irrigation District and the D. Stadtler Trust. Thomas Murphy representing the Gila River  
15 Indian Community ("GRIC"), Jay Tomkus, representing the Yavapai-Apache Nation  
16 ("YAN"), John Burnside representing BHP Copper, and Joe Sparks representing the San  
17 Carlos Apache Tribe and Tonto Apache Tribe ("SCAT and TAT") were unable to  
18 participate in the meeting; however, they each communicated their clients' respective  
19 positions to ADWR.

20 None of the landowners or claimants appeared or participated in the meeting, other  
21 than the D. Stadtler Trust as represented by Counsel David Brown. The United States was  
22 also not in attendance. Riley Lake LLC (Case No. W1-11-1910) provided ADWR with a  
23 letter indicating that they are not the current landowners and requesting that they be  
24 removed from the court-approved mailing list for that case. Riley Lake's letter is attached  
25 to this Report.

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**MEETING OUTCOMES**

As most landowners were not represented in the meeting, the parties were unable to fully discuss resolution of objections. Counsel David Brown notified the parties who were present that none of the wells listed are owned by the D. Stadtler Trust and that his client will be filing amended claims, changing the points of diversion to wells outside of the subflow zone. Counsel for SRP, ASARCO, SCAT and TAT indicated that they would like to see the amended claims once they are filed before they commit to a position regarding their respective objections. Mr. Brown also intends to request that the Court consolidate Case No. W1-11-1917 with *In re St. David Irrigation District* (W1-11-1675). SRP has land patent information and some applications that it will provide to ADWR and to Mr. Brown to assist in moving the cases forward. All objectors present were open to considering reasonable resolution of these claims.

Counsel for BHP Copper, the GRIC, and YAN communicated to ADWR that they are also open to settlement of these claims if all parties are able to reach agreement on reasonable attributes for the claims.

**NEXT STEPS**

Counsel Brown will file amended claims on behalf of the D. Stadtler Trust for review by the parties. As the other claimants and landowners did not participate in the meeting, it appears that objections to those claims are unable to be resolved without further direction by the Court.

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1 **DATED** this 27<sup>th</sup> day of February, 2019.

2 ARIZONA DEPARTMENT OF WATER  
3 RESOURCES

4 

5 \_\_\_\_\_  
6 Kimberly R. Parks, Deputy Counsel  
7 Janet L. Miller, Deputy Counsel

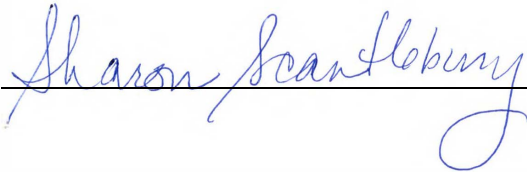
8 **ORIGINAL** of the foregoing  
9 sent by first-class mail on  
10 February 27, 2019, to:

11 Clerk of the Maricopa Superior Court  
12 Attn: Water Case  
13 601 W. Jackson Street  
14 Phoenix, Arizona 85003

15 **COPY** of the foregoing  
16 sent by first-class mail on  
17 February 27, 2019, to:

18 Special Master Susan Ward-Harris  
19 Maricopa County Superior Court  
20 Central Court Building  
21 201 West Jefferson Street, Suite 3A  
22 Phoenix, AZ 85003-2205

23 **COPIES** of the foregoing sent by  
24 first-class mail on February 27, 2019 to  
25 all parties on the court-approved mailing lists  
26 for Contested Case Nos. W1-11-1917,  
W1-11-1691, W1-11-1910, and W1-11-1912.



**ATTACHMENT**

February 12, 2019

Please remove Riley Lake Holding LLC from the attached action. As of October 10, 2018 we are no longer own the property involved in this action. Also attached is the settlement statement showing who the new owners are. This property was part of my father's estate who passed away on 1/3/2017.

Any questions, please contact me at 262-930-8373.

Sincerely

A handwritten signature in black ink, appearing to read 'Karen Lallemond', written in a cursive style.

Karen Lallemond

Riley Lake Holdings LLC

P.O. Box 7

Phillips, WI 54555

Alternate address: 10198 162<sup>nd</sup> Street, Chippewa Falls, WI 54729.

File No./Escrow No.: 207682

Pioneer Title Agency, Inc. - Tucson  
River

Print Date & Time: 10/11/2018 12:07:22 PM

2502 E. River Road  
Tucson, AZ 85718  
(520) 344-9930

Officer/Escrow Officer: Vicki L. Relich

*Pioneer Title Agency, Inc.*

Property Address: 1350 EAST BARNEY LANE  
BENSON, AZ 85602 (COCHISE)  
(123-01-006F, 123-25-007B)

Buyer: LAVON WOMACK AND REBECCA WOMACK  
3222 S. Portia Avenue  
Tucson, AZ 85730

RODNEY DEAN XANTHOS AND SHARON BEVERLY XANTHOS, TRUSTEES OF THE RODNEY DEAN XANTHOS AND SHARON BEVERLY XANTHOS REVOCABLE TRUST DATED JANUARY 18, 2003  
9855 E. Mary Drive  
Tucson, AZ 85730

Seller: RILEY LAKE HOLDING, LLC, A WISCONSIN LIMITED LIABILITY COMPANY  
10198 162nd Street  
Chippewa Falls, WI 54729

Lender:

Settlement Date: 10/10/2018

Disbursement Date: 10/11/2018

Seller			Description	Buyer		
P.O.C.	Debit	Credit		P.O.C.	Debit	Credit
			<b>Deposits, Credits, Debits</b>			
		\$130,000.00	Contract sales price		\$130,000.00	
			Deposit or Earnest Money			\$2,000.00
			Earnest money retained by			
			Disbursed as proceeds (\$2,000.00)			
			<b>Prorations</b>			
		\$1,261.03	County taxes 10/10/2018 to 1/1/2019 @ \$5,545.51/Year		\$1,261.03	
			<b>Commissions</b>			
	\$13,000.00		Commission paid at Settlement			
			\$6,500.00 to Keller Williams Southern Arizona			
			\$6,500.00 to Dipeso Realty			
			<b>Title Charges</b>			
	\$837.00		Owner's coverage \$130,000.00 Premium \$837.00			
	\$193.00		Settlement or closing fee to Pioneer Title Agency, Inc. - Tucson River		\$193.00	
			<b>Government Recording and Transfer Charges</b>			
	\$2.00		Recording fees: Deed \$17.00		\$15.00	
			<b>Additional Settlement Charges</b>			
	\$3,475.49		All 2018 Taxes: 123-25-007B-1 to Cochise County Treasurer			
	\$2,070.02		All 2018 Taxes: 123-01-006F-4 to Cochise County Treasurer			
Seller			Subtotals	Buyer		
P.O.C.	Debit	Credit		P.O.C.	Debit	Credit
\$0.00	\$19,577.51	\$131,261.03	\$0.00	\$131,469.03	\$2,000.00	
					\$129,469.03	
	\$111,683.52		Due From Buyer			
			Due To Seller			