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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 No. W1-11-2803

ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re R.L.D. Irrevocable Trust*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Contested case W1-11-2803 initiated to determine water rights for property located in Section 25 T5S R15E in Pinal County designed by the Pinal County Assessor as tax parcel no. 301260250.

NUMBER OF PAGES: 11

DATE OF FILING: October 18, 2019

This case involves water rights for domestic and irrigation uses on land that Arizona Department Water Resources ("ADWR") identified as owned by R.L.D. Irrevocable Trust at the time of the publication of the San Pedro Hydrographic Survey Report (1991). This Order initiates a contested case to adjudicate water rights and resolve objections to watershed file

1 report 114-01-CCD-003 published in the Final San Pedro River Watershed Hydrographic  
2 Survey Report (1991). A copy of the watershed file report is attached as Attachment A and a  
3 copy of the map prepared by ADWR is attached as Attachment B. The relevant land is labelled  
4 on ADWR's map as "(3)".

5 According to the Pinal County Assessor, the land is currently owned by Peoples  
6 Properties LLC. A copy of the Pinal County Assessor's map is attached as Attachment C. The  
7 public records do not show that either R.L.D. Irrevocable Trust or Peoples Properties LLC has  
8 filed a Statement of Claimant with respect to water rights on the land identified in Section 25  
9 T5S R15E. Instead, the WFR identifies the relevant Statements of Claimant as Statements of  
10 Claimant 39-3426 and 39-12569 filed by Dan Deen as Trustee for 3D Irrevocable Trust and  
11 Claude U. House, respectively. The public records for ADWR do not include an assignment  
12 of Statements of Claimant 39-3426 and 39-12569.

13  
14 In its objection to the watershed file report 114-01-CCD-003, ASARCO stated in part:

15 R.L.D. Irrevocable Trust is not the owner of the property shown for Water  
16 Right 10-1111414.1100 and Statements of Claimant Nos. 39-0003426 and  
17 39-0012569. ASARCO Incorporated is the owner of the property. This  
18 property is listed in ASARCO Incorporated WFR # 114-01-CCD-001, and  
is correctly shown therein.

19 **IT IS ORDERED:**

- 20 1. Contested Case, Designation and Docket Number. This contested case initiates  
21 case no. W1-11-2839 which shall be known as *In re R.L.D. Irrevocable Trust*.
- 22 2. Litigants. The litigants in this contested case are the landowner, Peoples  
23 Properties LLC, claimants, all persons who filed objections to the listed watershed file reports  
24 who are included in Attachment D, and claimants who are allowed to intervene by order.
- 25 3. Court-Approved Mailing List.
- 26 A. The initial Court-approved mailing list for this case shall include all  
27 persons listed on Attachment D to this order. The list may be modified only by  
28

1 filing a motion with the Special Master to amend the Court-approved mailing  
2 list. Litigants are responsible for using the current Court-approved mailing list.

3 B. A copy of any pleading filed with the Clerk of the Maricopa County  
4 Superior Court in this case shall be served upon each person listed on the Court-  
5 approved mailing list.

6 C. Claimants wishing to be added or removed from the mailing list shall file  
7 a motion with the Special Master. Parties allowed to intervene will be  
8 automatically added to the mailing list.

9  
10 4. Courtesy Email List.

11 The Special Master's office will email courtesy copies of orders and minute  
12 entries entered in this case to persons listed on Attachment D. Requests for  
13 inclusions on the email list should be sent to Barbara Brown at  
14 [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

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16  
17 5. For purposes of determining whether water rights will be pursued for use on the  
18 land that is the subject of Watershed File Report 114-01-CDC-003 and by whom, an initial  
19 status conference shall be held on November 13, 2019 at 2:30 p.m. before:

20 Special Master Susan Ward Harris  
21 Superior Court of Arizona  
22 201 West Jefferson Street  
23 Courtroom 301  
24 Phoenix, AZ 85003-2202  
25  
26  
27  
28

1 Instructions for telephonic appearance:  
Dial: 602-506-9695 (local)  
2 1-855-506-9695 (toll free long distance)  
Dial Participant Pass Code 357264#  
3

4  
5   
6 SUSAN WARD HARRIS  
Special Master  
7  
8

9 On October 18, 2019 the original of the foregoing was  
delivered to the Clerk of the Maricopa County Superior  
10 Court for filing and distributing a copy to all persons  
listed on the Court-approved mailing list for this  
11 contested case, a copy of which is attached hereto as  
Attachment D and to all persons listed on the Court-  
12 approved mailing list for W-1, W-2, W-3, and W-4  
13 (Consolidated).  
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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE REPORT NUMBER
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R.L.D. IRREVOCABLE TRUST % DAN DEEN (TRUSTEE)	114-01-CCD-003

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *WI-11-2803*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1111414.1100		IRRIGATION	3600.00	SWNE25	050S	150E	1909	NESW25	050S	150E
39-0003426		IRRIGATION DOMESTIC STOCK OTHER	4380.00 .02 .06	N2NW25 SENW25	050S	150E	1884	SWNW25	050S	150E
39-0012569		IRRIGATION DOMESTIC STOCK	4380.00 690.00 .77	25	050S	150E	1919	SWNW25	050S	150E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1111414.1100	IRRIGATION	NOT APPLICABLE	DO1	
39-0003426	IRRIGATION DOMESTIC STOCK OTHER	DISCONTINUED DOMESTIC INCIDENTAL NONE	DO1, W06	DMOO1, IRO90, IRO91 IRO92
39-0012569	IRRIGATION DOMESTIC STOCK	DISCONTINUED DOMESTIC INCIDENTAL	W06	DMOO1, IRO90, IRO91 IRO92

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NENSW25	050S	150E	UNNAMED	SURFACE WATER: SAN PEDRO RIVER SHARED
PO1	SWSNW25	050S	150E	UNNAMED	SURFACE WATER: SAN PEDRO RIVER SHARED
W03	NENSW25	050S	150E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W06	SESWNW25	050S	150E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W09	NWSWNW25	050S	150E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMO01	NWSWNW25	050S	150E	W06	GROUNDWATER : ZONE 1		NO	
IRO90	SWNW25	050S	150E	PO1, W06	SURFACE WATER	1935	NO	
IRO91	SWNW25	050S	150E	DO1, W06	GROUNDWATER : ZONE 1 SURFACE WATER	1947	NO	
IRO92	SWNW25	050S	150E	PO1, W03, W06	GROUNDWATER : ZONE 1 SURFACE WATER GROUNDWATER : ZONE 1	1969	NO	

\*\* WATER FROM DO1 FOUND IN FILE (114-01-CCD-1) IS USED IN THIS FILE  
 \*\* WATER FROM PO1 FOUND IN FILE (114-01-CCD-1) IS USED IN THIS FILE  
 \*\* WATER FROM WO3 FOUND IN FILE (114-01-CCD-2) IS USED IN THIS FILE  
 \*\* WATER FROM WO6 IS SHARED WITH THESE ADDITIONAL FILES:  
 114-01-CCD-1, 114-01-CCD-2  
 \*\* WATER FROM WO9 IS SHARED WITH THESE ADDITIONAL FILES:  
 114-01-CCD-2

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*		DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
D001	39-0003426 39-0012569	NONE				GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR090	39-0003426 39-0012569	NONE	1921	1921	STATE SURVEY	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR091	39-0003426 39-0012569	10-1111414.1100	1947	1947	AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR092	39-0003426 39-0012569	NONE	1969	1969	AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
D001							SEE VOLUME 1 - GENERAL ASSESSMENT
IR090	REGIONAL	18.2	NO CROP				DISCONTINUED IRRG.
IR091	REGIONAL	4.4	NO CROP				DISCONTINUED IRRG.
IR092	REGIONAL	9.2	NO CROP				DISCONTINUED IRRG.

E X P L A N A T I O N

FILINGS AND DECREES

FILING 10-1111414-11 - CLAIMS AN IRRIGATION WATER USE FROM A DIVERSION ON THE SAN PEDRO RIVER. NO POTENTIAL WATER RIGHTS (P.W.R.'S) APPLY TO THIS FILING.  
 FILING 39-3426 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, AND OTHER (FISH FARM) WATER USES. NO OTHER USES WERE FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

D1 - DIVERSION FROM THE SAN PEDRO RIVER.  
 P1 - INSTREAM PUMP LOCATED ON THE SAN PEDRO RIVER.  
 W3 - WELL PROVIDES WATER FOR IRRIGATION USES.  
 W6 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.  
 W9 - WELL PROVIDES WATER TO SR1 IN W.F.R. #114-01-CCD-3.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.  
 IR90-IR92 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

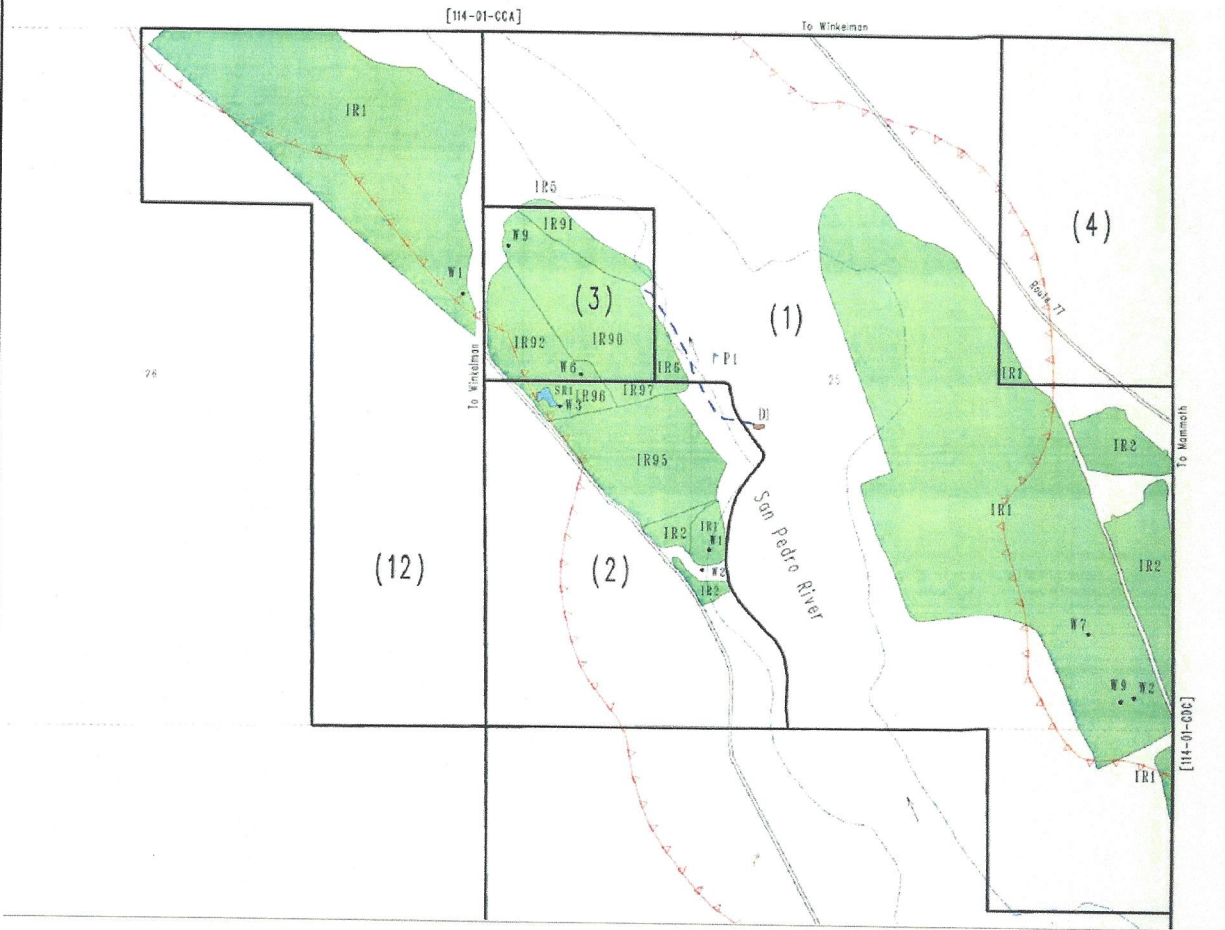
SHARED USES AND DIVERSIONS

D1 - DIVERSION IS SHARED WITH W.F.R. #114-01-CCD-1.  
 P1 - PUMP IS SHARED WITH W.F.R. #114-01-CCD-1.  
 W3 & W9 - WELLS ARE SHARED WITH W.F.R. #114-01-CCD-2.  
 W6 - WELL SHARED IS SHARED WITH W.F.R.'S #114-01-CCD-1 & #114-01-CCD-2.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED WHICH SUPPORTED INFORMATION IN THE PREVIOUS WATERSHED FILE REPORT.

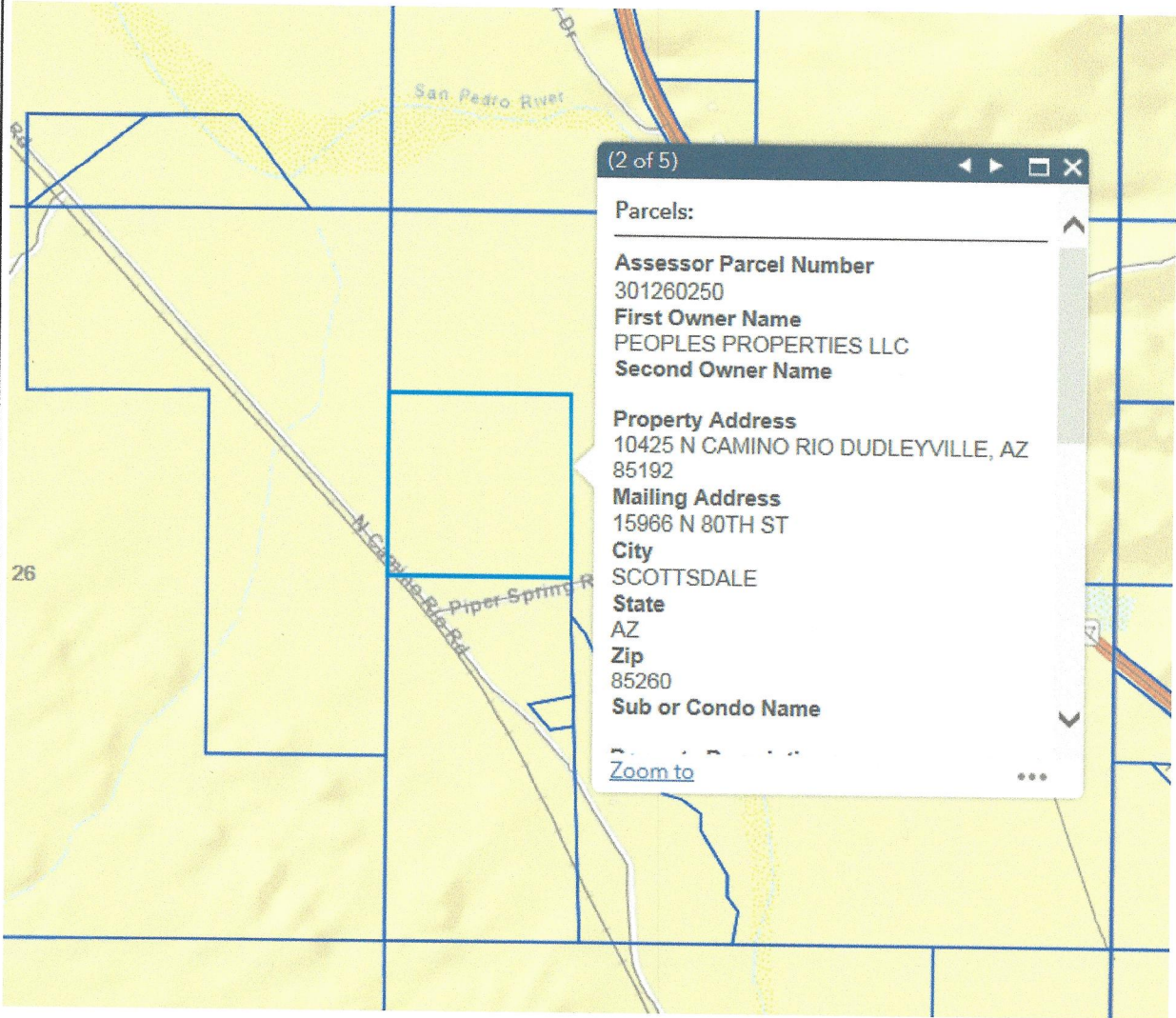
# ATTACHMENT B



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# ATTACHMENT C



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# ATTACHMENT D

1  
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3 Arizona Department of Water Resources  
4 Kimberly Parks  
5 P. O. Box 36020  
6 Phoenix, AZ 85067

7 ASARCO LLC  
8 Lauren Caster, Brian Heiserman and Bradley Pew  
9 Fennemore Craig, P.C.  
10 2394 East Camelback Road, Ste 600  
11 Phoenix AZ 85016-3429

12 BHP Copper  
13 John Burnside  
14 Snell & Wilmer  
15 400 East Van Buren Street, Ste 1900  
16 Phoenix, AZ 85004-2202

17 Claude House  
18 825 North Devereaux Street  
19 Globe, AZ 85501

20 Dan Deen  
21 Trustee of R.L. D. Irrevocable Trust  
22 P.O. Box 368  
23 Winkelman AZ 85292

24 Gila River Indian Community  
25 Linus Everling and Thomas L. Murphy  
26 Gila River Indian Community  
27 Office of the General Counsel  
28 P. O. Box 97  
Sacaton, AZ 85147

Peoples Properties LLC  
10425 N. Camino Rio  
Dudleyville, AZ 85192

Peoples Properties LLC  
Chris Peoples  
15966 North 80<sup>th</sup> Street  
Scottsdale, AZ 85260

1 Salt River Valley Water Users' Association and the Salt River Project Agricultural  
Improvement and Power District

2 John B. Weldon, Jr. and Mark A. McGinnis  
3 Salmon, Lewis & Weldon PLC  
4 2850 E Camelback Rd, Ste 200  
Phoenix, AZ 85016

5 San Carlos Apache Tribe  
6 Tonto Apache Tribe

7 Joe P. Sparks and Laurel A. Herrmann  
8 the Sparks Law Firm, P.C.  
7503 First Street  
Scottsdale, AZ 85251-4573

9 U. S. Department of Justice  
10 F. Patrick Barry  
Environment and Natural Resources  
11 P. O. Box 7611  
Washington DC 20044-7611

12 U. S. Department of Justice  
13 R. Lee Leininger  
Natural Resources Section  
14 999 18<sup>th</sup> Street, So Terrace, Ste 370  
15 Denver, CO 80202

16 Yavapai-Apache Nation  
Camp Verde Reservation  
17 Susan B. Montgomery, Robyn L. Interpreter,  
and Jay Tomkus  
18 Montgomery & Interpreter, PLC  
19 3301 E. Thunderbird Road  
Phoenix, AZ 85032

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