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ARIZONA DEPARTMENT OF WATER RESOURCES
BEFORE THE DIRECTOR

In the Matter of Certificate of Assured Water
Supply No.
27-402178.0000, Verrado Parcel 4.404

**STIPULATION AND CONSENT ORDER
REVOKING CERTIFICATE OF
ASSURED WATER SUPPLY**

8 The Department of Water Resources (Department) and DMB White Tank, LLC (DMB)
9 agree as follows:

10 **I. JURISDICTION**

- 11 1. This Stipulation and Consent Order is entered into pursuant to the authority of the Director
12 of the Department (Director) as set forth in A.R.S. §§ 45-105 and 45-576 and A.A.C. R12-
13 15-709(A).

14 **II. FACTUAL BACKGROUND**

- 15 2. Verrado Parcel 4.404 is a subdivision located in Maricopa County, Arizona, within the
16 Phoenix Active Management Area.
- 17 3. On September 21, 2006, the Department issued Certificate of Assured Water Supply
18 (Certificate) No. 27-402178.0000 for 52 lots in Verrado Parcel 4.404 with an estimated
19 water demand of 13.61 acre-feet per year to Fidelity National Title Insurance Company, a
20 California Corporation, as Trustee Under its Trust No. B176, as owner, and Caterpillar
21 Foundation, an Illinois not-for-profit Corporation, as First Beneficiary, and DMB White
22 Tank, LLC, an Arizona Limited Liability Company, as Second Beneficiary. Physical
23 availability for Certificate No. 27-402178.0000 was demonstrated with Analysis of Assured
24 Water Supply No. 28-400460.0000 as extended by 42-400460.0001 and 42-400460.0002
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(Verrado Analysis).

4. Prior to the issuance of Certificate No. 27-402178.0000, Verrado Parcel 4.404 was enrolled as a member land in the Central Arizona Groundwater Replenishment District (CAGRDR), pursuant to A.R.S. § 48-3774.

5. On April 7, 2017, DMB submitted a request to CAGRDR to terminate its member land status for Verrado Parcel 4.404.

6. The CAGRDR has verified that DMB is the current owner of all the lands contained within Certificate No. 27-402178.0000.

7. On March 21, 2017, DMB submitted a request for revocation of Certificate No. 27-402178.0000, and a return of the groundwater demand included in the certificate to the Verrado Analysis.

8. No residential lots have been sold nor has any building begun at Verrado Parcel 4.404.

III. EFFECTIVE DATE

9. This Stipulation and the Consent Order below, when signed and approved by the Director or his designated representative, shall have the full force and effect of a final decision and order, and it shall be effective as of that date.

IV. CONSENT TO REVOCATION OF CERTIFICATES

10. DMB waives its right to a hearing in this matter and the right to appeal this Stipulation and the Consent Order below.

- 1 11. DMB affirms that it is the sole owner of the lands described in Certificate No. 27-
2 402178.0000.
- 3
- 4 12. DMB agrees that Certificate No. 27-402178.0000 shall be revoked effective upon
5 CAGRD's termination of member land status for Verrado Parcel 4.404.
- 6
- 7 13. DMB admits the jurisdiction of the Department and consents to the revocation of Certificate
8 No. 27-402178.0000 upon termination of member land status for Verrado Parcel 4.404 and
9 consents to entry of the Consent Order below.
- 10
- 11 14. Upon revocation of Certificate No. 27-402178.0000, 13.61 acre-feet per year of
12 groundwater will be returned to Analysis of Assured Water Supply No. 28-400460.0000 as
13 extended by 42-400460.0001 and 42-400460.0002.
- 14
- 15 15. DMB agrees that the return of the groundwater to Analysis of Assured Water Supply No.
16 28-400460.0000 as extended by 42-400460.0001 and 42-400460.0002 shall not extend the
17 term of the analysis.
- 18
- 19 16. DMB affirms that no promise was made to induce it to enter this Stipulation and declares
20 that it has entered this Stipulation voluntarily.
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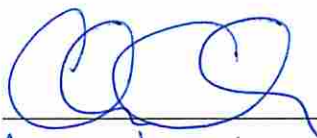
The undersigned warrant their authority to bind the parties on whose behalf their signatures are made to the provisions of this Stipulation, and the Consent Order shall be binding on the parties, their successors and assigns, forever.

DMB White Tank, LLC, an Arizona limited liability company

ARIZONA DEPARTMENT OF WATER RESOURCES

By: DMB Associates, Inc., an Arizona corporation
Its: Manager

Name: Mary S. Alexander
Title: Executive VP
Date: 5/3/17

Name: 
Title: Assistant Director
Date: 5/8/17

1 CONSENT ORDER

2 IT IS ORDERED that the terms of the foregoing Stipulation are approved and adopted as
3 the final Decision and Order in this case.

4 IT IS FURTHER ORDERED that Certificate No. 27-402178.0000 is revoked effective upon
5 termination of member land status for Verrado Parcel 4.404.

6 IT IS FURTHER ORDERED that upon revocation of Certificate No. 27-402178.0000,
7 13.61 acre-feet per year of groundwater shall be returned to Analysis of Assured Water Supply No.
8 28-400460.0000 as extended by 42-400460.0001 and 42-400460.0002.

9 BE IT SO APPROVED this 10 day of May, 2017.

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12 

13 _____
14 Thomas Buschatzke
15 Director
16 Arizona Department of Water Resources
17 3550 N Central Avenue
18 Phoenix, Arizona 85012

18 COPIES of the foregoing sent via
19 Certified mail and electronic mail
20 this 10 day of May, 2017 to:

21 DMB White Tank, LLC
22 c/o DMB Associates, Inc.
23 7600 E. Doubletree Ranch Road
24 Suite 300
25 Scottsdale, AZ 85258
26 Attn: Mary Alexander
MAlexander@dmbinc.com

CMRRR# 7007 2680 0000 5306 9388

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Copy of the foregoing sent by electronic mail
this 10 day of May, 2017 to:

Central Arizona Groundwater Replenishment District
Candi Cox
ccox@cap-az.com

Arizona Department of Real Estate
Carla Randolph
crandolph@azre.gov

Margaret R. Gallogly
Attorney for DMB White Tank, LLC
mgallogly@fclaw.com