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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

**W-1, W-2, W-3, W-4** (Consolidated)

Contested Case No. **W1-11-0068**

**ORDER INITIATING CONTESTED  
CASE AND SETTING INITIAL  
CONFERENCE**

CONTESTED CASE NAME: *In re Patrick J. and Nora Daly*  
HSR INVOLVED: San Pedro Hydrographic Survey.  
DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-0068. Initial conference set for **May 23, 2024 at 11:00 a.m.**  
NUMBER OF PAGES: 12

**General Explanation**

This order opens a case to determine rights to use water on land owned by the Patrick S. Daly Living Trust.

The first step in this case is an initial conference with the Court, scheduled for **May 23, 2024 at 11:00 a.m.** to determine if landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial conference if they plan to pursue potential water rights. Failure to appear at the initial conference

1 could result in the dismissal of the case and the loss of water rights associated with the  
2 properties.

3 In this case, Roger S. Clyne filed Statement of Claimant (“SOC”) 39-1721 on  
4 December 13, 1979, to assert claims to use water on land in NESWSE Section 32  
5 Township 19 South, Range 18 East.

6 The first step in this case will be an initial conference, where landowners will state  
7 whether they intend to pursue water rights.

8  
9 **Additional background information on the process for determining water rights**  
10 **in Arizona can be found on Attachment A.**

11  
12 **Details of the Case**

13 On December 13, 1979, Roger S. Clyne (“Claimant”) filed Statement of Claimant  
14 (“SOC”) 39-1721, which claimed rights to use groundwater for irrigation purposes and  
15 surface water for stockpond purposes.

16 The Arizona Department of Water Resources (“ADWR”) investigated the claims  
17 made by the Claimant and prepared Watershed File Report No. 111-19-059 (“WFR”),  
18 published in the Final San Pedro Watershed Hydrographic Survey Report (1991) (“San  
19 Pedro HSR”). The WFR recorded that surface water from the Babocomari River was  
20 supplying a stockpond. A copy of the WFR is attached as Attachment B.

21 After ADWR issued the WFR, objections were filed to the findings made in the  
22 WFR by Patrick J. and Nora Daly, the Gila River Indian Community, San Carlos Apache  
23 Tribe, Tonto Apache Tribe, the Yavapai-Apache Nation, and the Camp Verde  
24 Reservation.

25  
26 **Claimant and Landowners**

27 The WFR lists Patrick J. and Nora Daly as the owners of the property investigated.  
28 According to maps provided by ADWR and the Pima County Assessor (“Assessor”), the

1 land investigated appears to comprise Pima County tax parcel 306-34-0370, which is  
2 currently owned by the Patrick S. Daly Living Trust.

3 A copy of a map, provided by ADWR, showing the boundaries of the investigation  
4 area is attached as attachment C. A map showing the relevant tax parcel, provided by the  
5 Pima County Assessor, is attached as Attachment D.

6 The public records of the Arizona Department of Water Resources do not contain  
7 any assignments of the SOC listed in the WFR, and the current landowners do not appear  
8 to have filed any additional SOCs.

9 To pursue water rights, a property owner must file a Statement of Claimant and  
10 present to the Court evidence of the existence of a water right on their property. This  
11 evidence may include the WFR. If either the property owner proves to the Court the  
12 existence of water rights on their property or enters into a valid settlement approved by  
13 the Court, the Court will recognize enforceable water rights in a “Final Decree.” Ariz.  
14 Rev. Stat. § 45-257(B).

15 This is an Order from the Court. All parties must comply with the following  
16 instructions. The failure to obey this, or any, court order may result in the dismissal of  
17 this case and the loss of any potential water rights associated with the properties  
18 mentioned in this Order. If you have questions regarding this order or any of the  
19 attachments, please contact the General Stream Adjudication, Office of the Special Water  
20 Master, at (602) 372-4115. Please note that staff can only answer administrative  
21 questions and cannot provide legal advice.

22  
23 **IT IS ORDERED:**

- 24 1. Case Initiation. This contested case shall be known as *In re Patrick J. and*  
25 *Nora Daly*, and it will resolve claims to appropriable water asserted in  
26 Statement of Claimant 39-1721 and objections that were filed to Watershed  
27 File Report No. 111-19-059.  
28 2. Initial Conference. An initial conference shall be held on **May 23, 2024 at**

1           **11:00 a.m.** to determine whether current landowners intend to pursue claims  
2 for water rights. The conference will be held using the Court Connect program.  
3 Instructions for Court Connect are attached as Attachment F. If you receive  
4 this order by email, click on the red box “Join Court Connect Hearing” on the  
5 attached instructions to make an appearance. If you do not receive this order  
6 by email, log into the Court Connect program on the internet by typing  
7 <https://tinyurl.com/specialwatermaster>. If you do not have access to the  
8 internet, you may attend telephonically using the telephone number and access  
9 code included in the instructions for Court Connect.

10       3. Parties. The litigants in this contested case are the claimant, the current  
11 landowner, and any party who filed an objection to the Watershed File Report.  
12 The objectors in this case are Patrick J. and Nora Daly, the Gila River Indian  
13 Community, San Carlos Apache Tribe, Tonto Apache Tribe, the Yavapai-  
14 Apache Nation, and the Camp Verde Reservation.

15       4. Objections. Copies of the objection filed to WFR No. 111-19-059 can be found  
16 under the case number W1-11-0068 on the following website:  
17 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudi>  
18 [cation/whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).

19       5. Court-Approved Mailing List.

20           A. The initial Court-approved mailing list for this case shall include all  
21 persons listed on Attachment E to this order. The list may be  
22 modified only by filing a motion with the Special Master to amend  
23 the Court-approved mailing list. Litigants are responsible for using  
24 the current Court-approved mailing list.

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

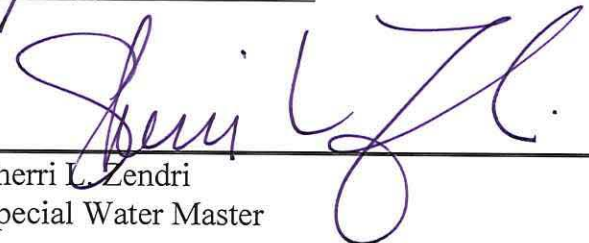
28           C. Claimants wishing to be added to or removed from the mailing list

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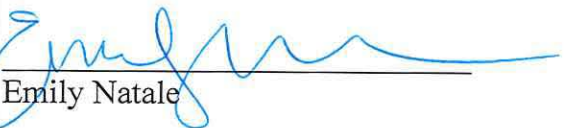
shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the Court-approved mailing list.

D. The Clerk of the Court will send copies of all minute entries and orders issued in this case to the parties listed on the Court-approved mailing list.

E. Claimants who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to [emily.natale@jbazmc.maricopa.gov](mailto:emily.natale@jbazmc.maricopa.gov).

Signed this 23 day of April 2024.  
  
\_\_\_\_\_  
Sherri L. Zendri  
Special Water Master

On April 23, 2024, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached, and to all persons listed on the Court-approved mailing list for W1, W2, W3, and W4.

  
\_\_\_\_\_  
Emily Natale

**ATTACHMENT A**

**General Background on the Water Rights Determination Process in Arizona**

A general stream adjudication is a judicial proceeding to determine the quantity and priority of all water rights in a river system. Arizona is undertaking general stream adjudications of both the Gila River and the Little Colorado River systems. A river system includes surface water flowing “in streams or other natural channels,” groundwater sufficiently connected to that surface water, and water subject to claims by the federal government. Ariz. Rev. Stat. § 45-251(7). Recognizing and respecting water rights and the priority of such rights is important in Arizona where times of drought or water scarcity can occur.

All cases begin with the filing of a “Statement of Claimant,” (“SOC”) in which a property owner makes a claim for a right to use surface water on their property. Ariz. Rev. Stat. § 45-254(A). This person is the “claimant.” The SOCs contain, among other characteristics, a description of the source and quantity of the water used, the location of use, the location from which the water was diverted, and the date when the water was first put to use. *Id.* § 45-254(C).

After the property owner files the SOCs, the Arizona Department of Water Resources (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the claims in the SOCs and recommends water rights associated with the property. *Id.* § 45-256(B). ADWR compiles all WFRs for a watershed into a comprehensive Hydrographic Survey Report (“HSR”) and publishes the report for public review and comment. In response, other claimants in the Adjudication may file “objections” disputing the information or recommendations in the WFR. The individuals who file objections are called “objectors.”

This “contested case”, one of thousands in the Gila River System, will evaluate claims asserted in specific Statements of Claimant while considering objections to the WFR that reported ADWR’s initial inspection of those claims.

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**ATTACHMENT B**  
**Watershed File Report**

|                         |                              |
|-------------------------|------------------------------|
| LAND OWNER              | WATERSHED FILE REPORT NUMBER |
| -----                   | -----                        |
| DALY, PATRICK J. & NORA | 111-19-059                   |
| PHOTO ID - 9-1 (87)     | QUAD 1 - ELGIN               |

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

| FILING NUMBER | FILING STATUS | USES                | QUANTITY IN AFA | USE LOCATION SECTION | TWNP | RNGE | CLAIM DATE | DIVERSION LOCATION SECTION | TWNP | RNGE |
|---------------|---------------|---------------------|-----------------|----------------------|------|------|------------|----------------------------|------|------|
| 36-0042593    |               | STOCK               | 20.00           | SWSE32               | 190S | 180E |            | SWSE32                     | 190S | 180E |
| 38-0018383    |               | STOCK               | .03             | SWSE32               | 190S | 180E | 1920       | SWSE32                     | 190S | 190E |
| 39-0001721    |               | IRRIGATION<br>STOCK | 90.00<br>2.00   | NESESE32<br>SWSE32   | 190S | 170E | 1945       | SESE32                     | 190S | 170E |

DWR ANALYSIS OF FILINGS AND DECREES

| FILING NUMBER | USES CLAIMED OR REFERENCED | USES FOUND BY DWR | APPLIES TO DIVERSIONS | APPLIES TO PWR NUMBERS |
|---------------|----------------------------|-------------------|-----------------------|------------------------|
| 36-0042593    | STOCK                      | STOCK             |                       | SP001                  |
| 38-0018383    | STOCK                      | STOCK             |                       | SP001                  |
| 39-0001721    | STOCK                      | STOCK             |                       | SP001                  |

RESERVOIRS

| PWR # | LOCATION SECTION | TWNP   | RNGE      | SUPPLIED BY DIVERSIONS | WATER SOURCES | PHOTO DATE | RESERVOIR NAME       | STORAGE PURPOSE |
|-------|------------------|--------|-----------|------------------------|---------------|------------|----------------------|-----------------|
| SP001 | NE               | SWSE32 | 190S 180E |                        | SURFACE WATER | 1972       | SECTION 32 RESERVOIR | STOCKWATERING   |

PWR SUMMARY

| PWR # | APPLICABLE ADJ FILINGS | APPLICABLE PRE FILINGS   | *APPARENT FIRST USE DATE* DATE BASIS FOR DATE | WATER SOURCES AND CLASSIFICATIONS |
|-------|------------------------|--------------------------|---|-----------------------------------|
| SP001 | 39-0001721             | 36-0042593<br>38-0018383 | 1920 FILING 38-18383                          | SURFACE WATER: BABOCOMARI RIVER   |

QUANTITIES OF USE

| PWR # | QUANTIFICATION TYPE | ACRES  | CROP TYPE | EFF | WATER DUTY | ESTIMATED VOLUME | REMARKS |
|-------|---------------------|--------|-----------|-----|------------|------------------|---------|
| SP001 | MAX. AREA/CAP       | LT 2.0 |           |     |            | LTE 15.0 AF      |         |

EXPLANATION

FILINGS AND DECREES  
 FILING 39-1721 - APPARENTLY CLAIMS INCORRECTLY THE WATER USE AND DIVERSION LOCATIONS. THE APPARENT CORRECT LOCATION IS THE NE1/4, SW1/4, SE1/4. SECTION 32, T.19S., R18E.

USES AND RESERVOIRS  
 SP1 - SECTION 32 RESERVOIR STOCKPOND, AKA CLARK TANK. THIS TANK, AT CAPACITY, HAS THE ABILITY TO PROVIDE WATER FOR STOCK WATERING PURPOSES TO WFR #111-19-36.



ATTACHMENT C

ADWR Parcel Map

SECTION 32, TOWNSHIP 19 SOUTH, RANGE 18 EA



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**Attachment D**

**Assessor Map**

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306-34-0370  
Patrick S. Daly  
Living Trust

**ATTACHMENT E**

**Initial Court-Approved Mailing List**

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|---|---|
| Arizona Department of Water Resources<br>Kimberly R. Parks and Karen J. Nielsen<br>1110 West Washington, Suite 310<br>Phoenix, AZ 85007 | Jeremiah Weiner, Kent Millward, Brett J. Stavin, and Lauren Mulhern<br>Rosette, LLP.<br>120 S. Ash Avenue, Suite 201<br>Tempe, AZ 85281 |
| Clerk of the Superior Court<br>Maricopa County<br>Attn: Water Case<br>601 West Jackson St.<br>Phoenix, AZ 85003                         | Susan B. Montgomery, Robyn Interpreter, Montgomery & Interpreter PLC<br>3301 E Thunderbird Road<br>Phoenix, AZ 85032                    |
| Special Master Sherri Zendri<br>Superior Court of Arizona<br>201 W. Jefferson Street<br>Courtroom 301<br>Phoenix, AZ 85003              | Gila River Indian Community<br>Javier Ramos and Sunshine Manuel<br>Office of the General Counsel<br>P.O. Box 97<br>Sacaton, AZ 85147    |
| Alexander B. Ritchie<br>San Carlos Apache Tribe<br>Office of the Attorney General<br>PO Box 40<br>San Carlos, AZ 85550                  | Patrick J. and Nora Daly<br>HCR Box 662<br>Elgin, AZ 85611  |
| Joe P. Sparks and Laurel A. Hermann<br>The Sparks Law Firm, P.C.<br>7503 First Street<br>Scottsdale, AZ 85251-4573                      | Roger S. Clyne<br>State Route Box 22<br>Elgin, Arizona 85611  |
|   | Patrick S. Daly Living Trust<br>28690 S Rain Valley Rd<br>Elgin, AZ 85611-6945  |

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**ATTACHMENT F**



**Court Connect Hearing Notice for In re Patrick J. and Nora Daly**

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

**Participants:** Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

**Case Name: In re Patrick J. and Nora Daly**

**Contested Case No. W1-11-0068**

**Start Date/Time: May 23, 2024 at 11:00 a.m.**

**JOIN COURT CONNECT HEARING**

**Dial-in Information:** +1 917-781-4590

**Private Dial-in Information:** for privacy purposes, you can block your phone number by dialing \*67 +1 917-781-4590

**Dial-in Access Code:** 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)