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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. W1-11-2053

ORDER TO INITIATE CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Robert E. Darnell*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **January 20, 2022 at 1:40 p.m.**  
NUMBER OF PAGES: 15  
DATE OF FILING: November 23, 2021

**General Explanation**

This Order begins the process necessary to adjudicate a claim made for rights to appropriable water for irrigation use on land in the northeast quarter of the southwest quarter of Section 21 Township 18S Range 21E.

1           This contested case is one of the many cases in the General Stream Adjudication for the  
2 San Pedro River Watershed to determine legal rights to water. Other cases in which claims have  
3 been made for legal rights to water in the San Pedro River Watershed have been completed, are  
4 in the process of determining water rights, or are awaiting initiation. The purpose of the General  
5 Adjudication is to determine the rights of those persons who filed statements of claimant for  
6 rights to use appropriable water in Arizona. The General Adjudication will also determine water  
7 rights in the Upper Salt, Verde, Upper Gila, Lower Gila, Agua Fria, and Upper Santa Cruz  
8 watersheds.

9           In this case, Robert E. Darnell filed Statement of Claimant (“SOC”) 39-2269 on  
10 December 31, 1979 for 10 acre-feet-annually of water for irrigation use on ten acres in the  
11 northeast quarter of the southeast quarter of section 21 T18S R21E. According to the tax  
12 statement filed with the Statement of Claimant, the ten acres are located in the north half of the  
13 northeast quarter of the southwest quarter of Section 21, T18 R 21 and was known as tax parcel  
14 121-28-004. The Arizona Department of Water Resources (“ADWR”) investigated the claim  
15 and found no irrigation use on the land described in the SOC. It described the results of its  
16 investigation in the WFR. A copy of the WFR is included as Attachment A. The public records  
17 of Arizona Department of Water Resources do not contain an assignment of Statement of  
18 Claimant 39-2269.

19           The WFR found no use of water on the land and no sources of water for use on the land  
20 it investigated. After ADWR issued the WFR, objections were filed to the findings made in the  
21 WFR. The purpose of this case is to consider the claims made for water rights that are the subject  
22 of the WFR and resolve the objections to the WFR.

23           The Cochise County Assessor has identified the individuals and entities shown in Table  
24 1 as the relevant owners of land in the northeast quarter of the southwest quarter of Section 21  
25 Township 18S Range 21E who are associated with tax parcel 121-28-004. A map prepared by  
26 the Cochise County Assessor is attached as Attachment B.  
27  
28

Landowner	Tax Parcel
Robert and Susan Lee	12128004D
Enclave St David LLC	12128004E
Heather Diane Borman	12128004F
Robert and Susan Lee	12128004G

Table 1.

The public records maintained by ADWR contains Statement of Claimant 36-16769 filed by Heather Diane Borman and registrations for two wells: 55-214906 filed in 2007 and 55-528641 filed September 1990.

**IT IS ORDERED:**

1. Contested Case. This contested case shall be known as *In re Robert E. Darnell* and it will determine appropriable water rights asserted in the Statement of Claimant and objections that were filed to Watershed File Report 112-17-BD-054 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the case name and number on the following website: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

2. Litigants. The litigants in this contested case are the Claimant, the current landowners, all persons who filed objections to the Watershed File Report who are listed on Attachment C, and parties who are allowed to intervene by order.

3. Court-Approved Mailing List.

1 A. The initial Court-approved mailing list for this case shall include all  
2 persons listed on Attachment C to this order. The list may be modified only by  
3 filing a motion with the Special Master to amend the Court-approved mailing list.  
4 Litigants are responsible for using the current Court-approved mailing list.

5 B. A copy of any pleading filed with the Clerk of the Maricopa County  
6 Superior Court in this case shall be served upon each person listed on the Court-  
7 approved mailing list.  
8

9 C. Claimants wishing to be added or removed from the mailing list shall file  
10 a motion with the Special Master. Parties allowed to intervene will be  
11 automatically added to the Court-approved mailing list.

12 D. The Clerk of the Court will send copies of all minute entries and orders  
13 issued in this case to the parties listed on the Court-approved mailing list. Upon  
14 request, the Clerk of the Court will provide copies by email. Parties may request  
15 emailed copies of minute entries and orders by completing and submitting a  
16 CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS,  
17 which is attached as Attachment D.  
18

19  
20 4. Status Conference.

21 A. An initial status conference shall be held to determine whether the  
22 Claimant and the current landowners, intend to pursue claims for rights to  
23 appropriable water. If so, the parties seeking water rights shall be  
24 prepared at the Status Conference to provide information about efforts  
25 undertaken to assign or file a Statement of Claimant.  
26


27 B. If the Claimant or current landowners intend to pursue rights to  
28 appropriable water for use on the land, the parties will be expected to

1 advise whether they are interested in pursuing discussions to resolve the  
2 objections to the WFR and the amount of time that the parties believe  
3 will be necessary to complete those discussions.  
4

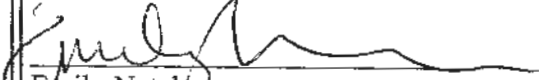
5 C. If the objections cannot be settled, then a subsequent date will be set for  
6 a scheduling conference to identify issues, file disclosure statements,  
7 conduct discovery, submit prehearing motions, and hold a trial. No party  
8 shall conduct any discovery or file any motions prior to the Status  
9 Conference.  
10

11 The Status Conference shall be held on **January 20, 2022 at 1:40 p.m.** The Status  
12 Conference shall be held using the Court Connect program. Instructions for Court Connect are  
13 attached as Attachment E. If you receive this Order by email, click on the red box "Join Court  
14 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this  
15 Order by email, log into the Court Connect program on the internet by typing  
16 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend  
17 telephonically using the telephone number and access code included in the instructions for Court  
18 Connect. If you are unable to access Court Connect, you may also attend telephonically using  
19 the following instructions:  
20

21 Instructions for telephonic appearance:  
22 Dial: 602-506-9695 (local)  
23 1-855-506-9695 (toll free long distance)  
24 Dial Participant Pass Code 357264#  
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SUSAN WARD HARRIS  
Special Master

1 On November 23, 2021, the original of the foregoing was  
2 delivered to the Clerk of the Maricopa County Superior  
3 Court for filing and distributing a copy to all persons  
4 listed on the Court-approved mailing list for this contested  
5 case, a copy of which is attached hereto as Attachment E,  
6 and to all persons listed on the Court-approved mailing  
7 list for W-1, W-2, W-3, and W-4 (Consolidated).

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# **ATTACHMENT A**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
DARNELL, ROBERT E.	112-17-DB-054

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-2053

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0002269		IRRIGATION	10.00	NESW21	180S	210E	1883			

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0002269	IRRIGATION	NONE		

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
NONE	39-0002269	NONE		

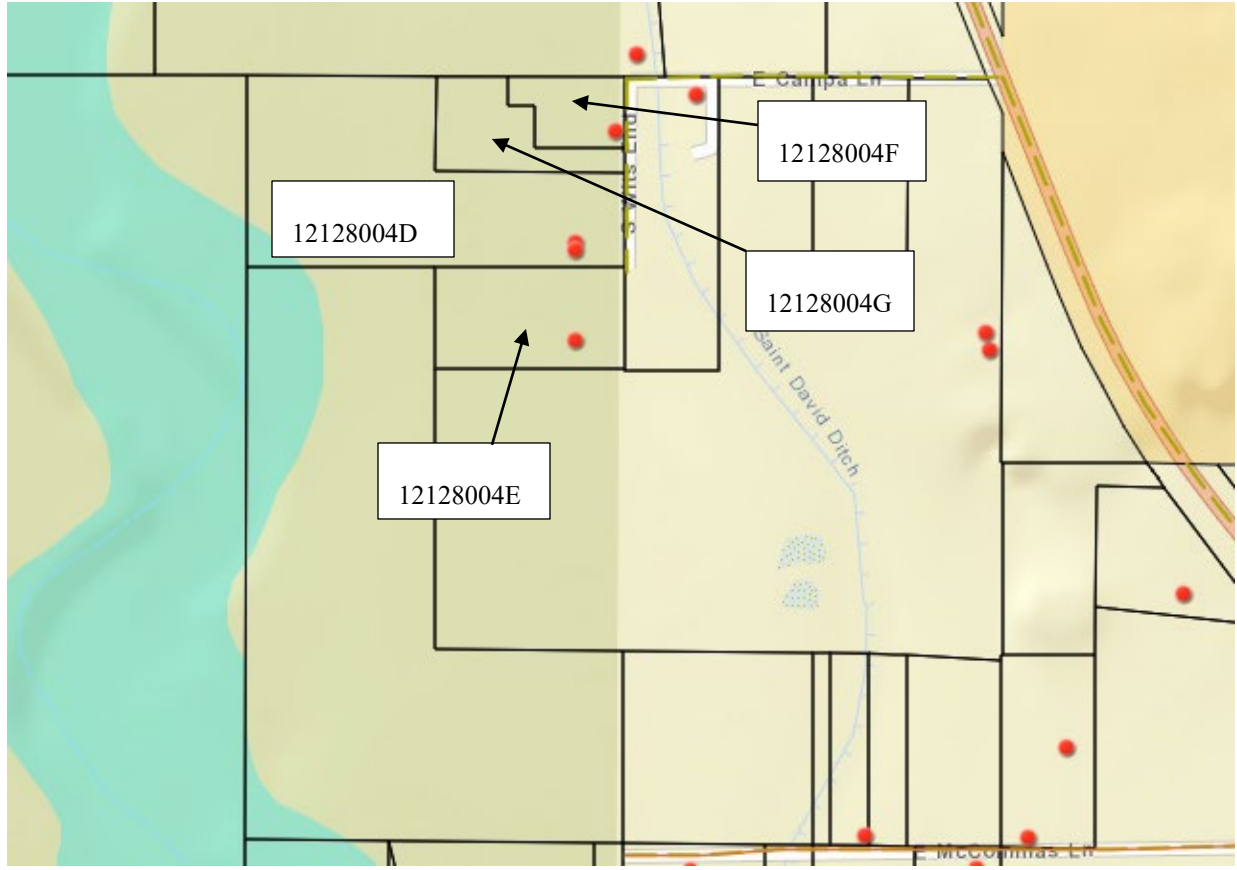
E X P L A N A T I O N

FILINGS AND DECREES  
 FILING 39-2269 - CLAIMS AN IRRIGATION WATER USE. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.



# ATTACHMENT B

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# ATTACHMENT C

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Arizona Department of Water Resources  
Kimberly Parks  
P. O. Box 36020  
Phoenix, AZ 85067

Robert E. Darnell  
P.O. Box 326  
Ajo, AZ 85321

Arizona State Land Department  
Carrie Brennan & Kevin Crestin  
Arizona Attorney General  
Natural Resources Department  
2005 N. Central Ave.  
Phoenix, AZ 85004

Robert and Susan Lee  
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St. David, AZ 85630

Bill R. Reynolds  
P.O. Box 341  
St. David, AZ 85630

San Carlos Apache Tribe  
Joe P. Sparks and Laurel A. Herrmann  
The Sparks Law Firm, P.C.  
7503 First Street  
Scottsdale, AZ 85251-4573

Clerk of the Superior Court  
Maricopa County  
Attn: Water Case  
601 West Jackson Street  
Phoenix, AZ 85003

Special Master Susan Ward Harris  
Superior Court of Arizona  
201 W. Jefferson Street  
Courtroom 301  
Phoenix, AZ 85003

Dennis and Denise Bluth  
Box 452  
St. David, AZ 85630

United States  
F. Patrick Barry  
U.S. Department of Justice  
P. O. Box 7611  
Washington, DC 20044-7611

Enclave St. David, LLC  
1650 N. Kolb Rd.  
Suite 132  
Tucson, AZ 85715

Tonto Apache Tribe  
Richard Palmer, Jr., Jeremiah Weiner  
and Lauren Mulhern  
Rosette, LLP  
565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225

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

Yavapai Apache Nation  
S. Montgomery, R. Interpreter, J. Tomkus  
Montgomery & Interpreter, Plc  
3301 E. Thunderbird Road  
Phoenix, AZ 85032

Heather D. Borman  
763 E. Campa Lane  
St. David, AZ 85630

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# **ATTACHMENT D**

**CLERK OF THE COURT  
SUPERIOR COURT OF ARIZONA**

Jeff Fine  
Clerk

**MARICOPA COUNTY  
Customer Service Center  
601 West Jackson  
Phoenix, AZ 85003**

602 372-4115  
Water Case Clerk

**CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS**

In an effort to provide more timely and cost effective distribution of copies of filed Water Case documents, the Clerk of the Superior Court would like implement electronic distribution via email. To do so, we require your consent to receive copies of documents electronically at an email address provided to our office.

This consent is voluntary and can be rescinded if you so choose. If you no longer wish to receive Water Case documents from the Clerk of Superior Court electronically, please send written notification to the Clerk of the Superior Court Water Case Specialist at the email address below requesting that all future records be sent in paper form.

Please note that if you consent to receive documents via email, you must notify the Clerk's Office of any change to your email address to avoid delay in receiving future filings. In the event there is no valid email address on file with the Clerk of the Superior Court Water Case Specialist, documents will be mailed to the address provided.

If you wish to consent to receive future documents via email, please either fill out the information below and mail to our office or provide the below information to [Mayra.Antelo@Maricopa.Gov](mailto:Mayra.Antelo@Maricopa.Gov).

Preferred email address:

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Alternate email address:

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Physical address:

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Phone number:

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Firm Name:

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Name [Printed]:

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Signature:

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Date:

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Thank you,

Mayra Antelo  
Clerk of the Superior Court  
Water Case Specialist  
(602) 372-5375 options 7,1,3,4

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# **ATTACHMENT E**



## Court Connect Hearing Notice for In re Robert E. Darnell

*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 Robert E. Darnell Contested Case No. W1-11-2053**

**Start Date/Time: January 20, 2022 at 1:40 p.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](#)

