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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. **W1-11-0067**

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

CONTESTED CASE NAME: *In re ASLD – Susan S. Clyne*  
HSR INVOLVED: San Pedro Hydrographic Survey.  
DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-0015. Arizona State Land Department is ordered to notify current lessees of this proceeding. Initial conference set for **July 24, 2024, at 10:00 am.**  
NUMBER OF PAGES: 13

**General Explanation**

This order opens a case to determine rights to use water on land owned by the State of Arizona.

The first step in this case is an initial conference with the Court, scheduled for **July 24, 2024, at 10:00 am.** to determine if landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial conference if they plan

1 to pursue potential water rights. Failure to appear at the initial conference could result in  
2 the dismissal of the case and the loss of water rights associated with the properties.

3 In this case, two (2) Statements of Claimant (“SOCs”), 39-1725 and 39-14515,  
4 were filed on December 13, 1979, and October 2, 1991, by Roger S. Clyne and the  
5 Arizona State Land Department (“ASLD”) to assert claims to use water on land in Section  
6 22 Township 19S, Range 18E.

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

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

12  
13 **Details of the Case**

14 The SOC's claimed rights to use surface water for stock watering purposes.

15 The Arizona Department of Water Resources (“ADWR”) investigated the claims  
16 made by the Claimants and prepared Watershed File Report (“WFR”) No. 111-19-058,  
17 published in the Final San Pedro Watershed Hydrographic Survey Report (1991) (“San  
18 Pedro HSR”). The WFR recorded that surface water from the Babocomari River was  
19 being used for stock watering purposes. A copy of the WFR is attached as Attachment B.

20 After ADWR issued the WFR, objections were filed to the findings made in the  
21 WFR by the ASLD, the Gila River Indian Community, San Carlos Apache Tribe, Tonto  
22 Apache Tribe, and the Yavapai-Apache Nation of the Camp Verde Indian Reservation.

23 **Claimant and Landowners**

24 The WFR lists ASLD as the owner of the property investigated and Susan S. Clyne  
25 as the lessee. According to information provided by ADWR, the land investigated for  
26 WFR 111-19-058 appears to comprise a portion of ASLD Lease Number 05-1350.  
27 Specifically, ADWR investigated a portion of Sections 22 Township 19S, Range 23E.

1 Further, according to the online Arizona State Trust Land Parcel Viewer, it appears  
2 that Susan S. Clyne remains the current lessee of the land investigated.<sup>1</sup>

3 A copy of a map provided by ADWR showing the boundaries of the investigation  
4 area is attached as Attachment C. A map provided by ASLD showing the ASLD parcel  
5 investigated, and the current lessees is attached as Attachment D. Note that ADWR  
6 investigated only a portion of this parcel.

7 The public records of the ADWR do not contain any assignments of the SOC listed  
8 in the WFR, and landowners and lessees do not appear to have filed any SOC's since the  
9 issuance of the San Pedro Hydrographic Survey Report.

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

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

23  
24 **IT IS ORDERED:**

- 25 1. Case Initiation. This contested case shall be known as *In re ASLD –*  
26 *Susan S. Clyne*, and it will resolve claims to appropriable water asserted in  
27

28 <sup>1</sup> <http://gis.azland.gov/webapps/parcel/>. Last viewed June 7, 2024.

1 Statements of Claimant 39-1725 and 39-14515 as well as objections that were  
2 filed to Watershed File Report No. 111-19-058.

3 2. Initial Conference. An initial conference shall be held on **July 24, 2024, at**  
4 **10:00 am.** to determine whether current landowners intend to pursue claims  
5 for water rights. The conference will be held using the Court Connect program.  
6 Instructions for Court Connect are attached as Attachment F. If you receive  
7 this order by email, click on the red box “Join Court Connect Hearing” on the  
8 attached instructions to make an appearance. If you do not receive this order  
9 by email, log into the Court Connect program on the internet by typing  
10 <https://tinyurl.com/specialwatermaster>. If you do not have access to the  
11 internet, you may attend telephonically using the telephone number and access  
12 code included in the instructions for Court Connect.

13 3. Parties. The litigants in this contested case are the original claimants, the  
14 current landowners, lessees, and any party who filed an objection to the  
15 Watershed File Report. Arizona State Land Department shall notify current  
16 lessees of this proceeding. The objectors in this case are the Arizona State Land  
17 Department, the Gila River Indian Community, San Carlos Apache Tribe,  
18 Tonto Apache Tribe, and the Yavapai-Apache Nation of the Camp Verde  
19 Indian Reservation.

20 4. Objections. Copies of the objections filed to WFR No. 111-19-058 can be  
21 found under the case number W1-11-0067 on the following website:  
22 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudi>  
23 [cation/whatsNew.asp.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

24 5. Court-Approved Mailing List.

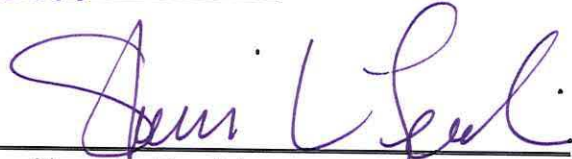
25 A. The initial Court-approved mailing list for this case shall include all  
26 persons listed on Attachment E to this order. The list may be  
27 modified only by filing a motion with the Special Master to amend  
28 the Court-approved mailing list. Litigants are responsible for using

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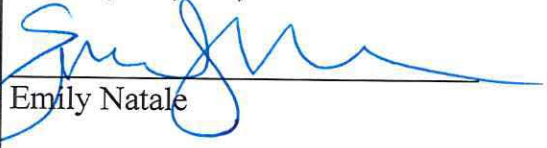
the current Court-approved mailing list.

- B. A copy of any pleading filed with the Clerk of the Maricopa County Superior Court in this case shall be served upon each person listed on the Court-approved mailing list.
- C. Claimants wishing to be added or removed from the mailing list 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 12<sup>th</sup> day of June 2024.

  
 \_\_\_\_\_  
 Sherri L. Zendri  
 Special Water Master

On June 12, 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**

AS OF 10/30/91

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
SLD	111-19-058	CLYNE, SUSAN S.	05-1350
PHOTO ID - 6-17 (84)	QUAD 1 - APACHE PEAK		

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
38-0019769.0001		STOCK REC/FISH/WLDF	4.00	NWNWSE22	190S	180E	1937	NWNWSE22	190S	180E
38-0059305		STOCK	4.00	NWSW22	190S	180E	1937	NWSW22	190S	180E
38-0096113		STOCK	4.18	NWSE22	190S	180E		NWSE22	190S	180E
39-0001725	AMENDED	STOCK REC/FISH/WLDF	4.00	NWNWSE22	190S	180E	1937	NWNWSE22	190S	180E
39-0014515		STOCK	4.18					NWSE22	190S	180E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
38-0019769.0001	STOCK	STOCK		SP001
38-0059305	STOCK	STOCK		SP001
38-0096113	STOCK	STOCK		SP001
39-0001725	STOCK WILDLIFE	STOCK INCIDENTAL		SP001
39-0014515	STOCK	STOCK		SP001

RESERVOIRS

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SP001	NWNWSE22	190S	180E		SURFACE WATER	1935	NORTHEAST TANK	STOCKWATERING

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SP001	39-0001725 39-0014515	38-0019769.0001 38-0059305 38-0096113	1935	1935 AERIAL PHOTO	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

USES AND RESERVOIRS  
 SP1 - NORTHEAST TANK STOCKPOND. THE LAND OWNER CLAIMS AN INSTREAM STOCKWATERING USE ALONG CRAZY J WASH PRIOR TO THE CONSTRUCTION OF SP1. THE CLAIMED DATE FOR THE INSTREAM USE IS PRIOR TO 1884.



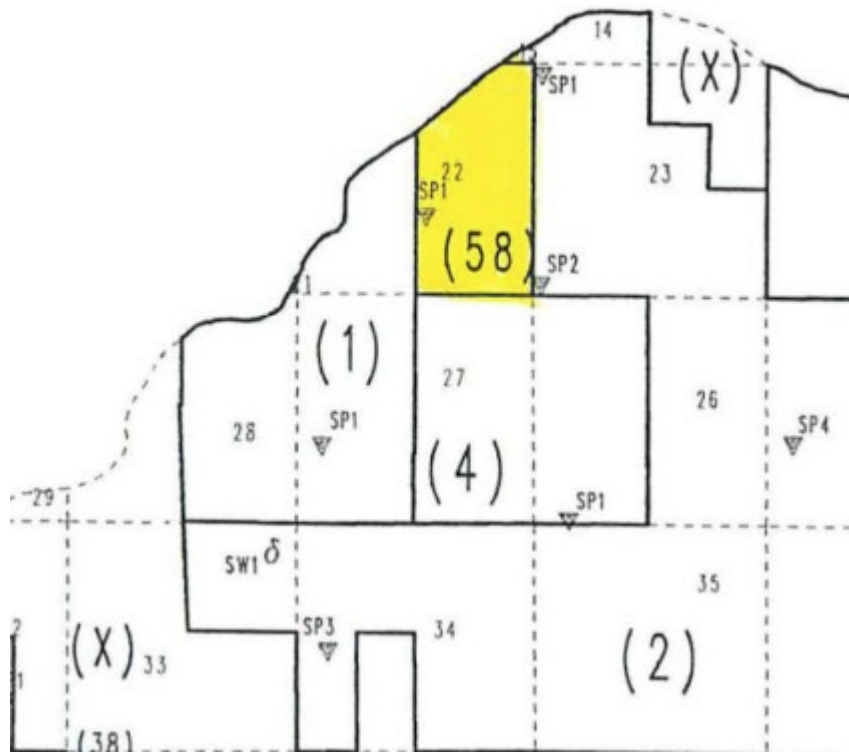
DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LESSEE WHICH STATED THAT THE LOCATION GIVEN FOR NORTHEAST TANK (SP1) IS INCORRECT. AN AMENDMENT WAS RECEIVED WHICH PROVIDED THE CORRECT LOCATION.

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**ATTACHMENT C**

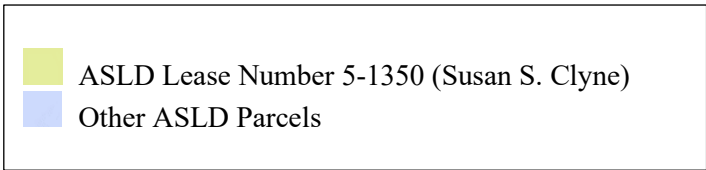
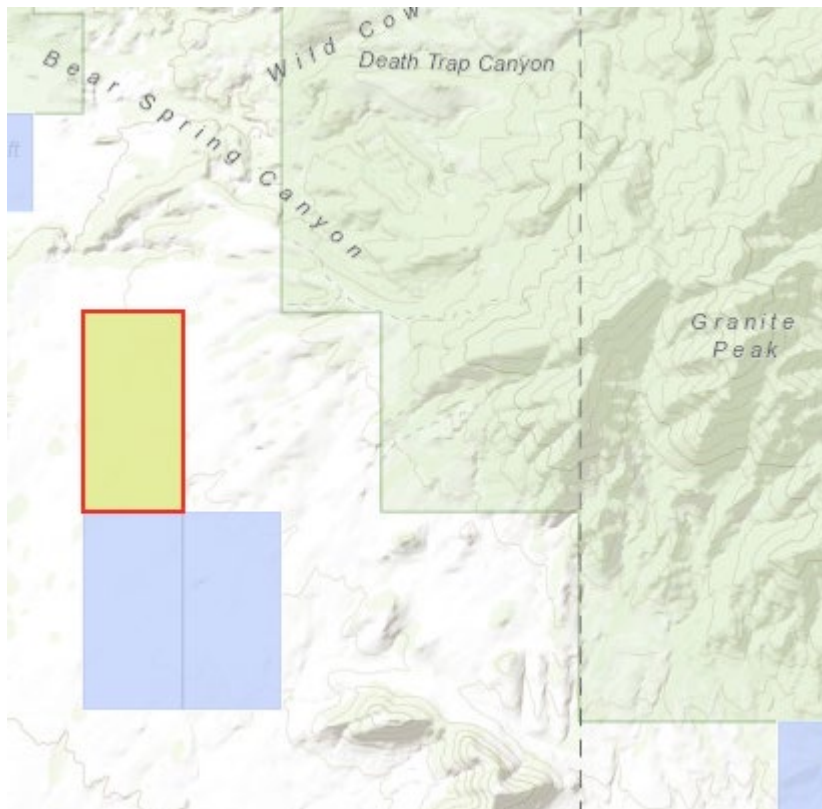
**ADWR Map**



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**Attachment D**

**Arizona State Land Department Map**



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**ATTACHMENT E**

**Initial Court-Approved Mailing List**

Arizona Department of Water Resources Kimberly R. Parks and Karen J. Nielsen 1110 West Washington, Suite 310 Phoenix, AZ 85007	Jeremiah Weiner, Kent Millward, Brett J. Stavin, and Lauren Mulhern Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281
Clerk of the Superior Court Maricopa County Attn: Water Case 601 West Jackson St. Phoenix, AZ 85003	Susan B. Montgomery, Robyn Interpreter Montgomery & Interpreter PLC 3301 E Thunderbird Road Phoenix, AZ 85032
Special Master Sherri Zendri Superior Court of Arizona 201 W. Jefferson Street Courtroom 301 Phoenix, AZ 85003	Gila River Indian Community Javier Ramos and Sunshine Manuel Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147
Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550	David F. Jacobs and Kevin P. Crestin Arizona Attorney General Natural Resources Section 2005 North Central Phoenix, AZ 85004
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	

**ATTACHMENT F**



**Court Connect Hearing Notice for In re ASLD – Susan S. Clyne**

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 ASLD – Susan S. Clyne**

**Contested Case No. W1-11-0067**

**Start Date/Time: July 24, 2024 at 10:00 am.**

**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](#)