

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. W1-11-1036
ORDER TO INITIATE CONTESTED CASE
AND
ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re DeWayne and Mary Jo Albin*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **October 21, 2021** at **2:40 p.m.**
NUMBER OF PAGES: 17
DATE OF FILING: August 20, 2021

General Explanation

This Order begins the process necessary to adjudicate claims made for rights to appropriable water for use on land that the Cochise County Assessor has identified as owned by the trustees of the Leindecker Revocable Trust. This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River Watershed to determine legal rights to

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

7 In this case, Jacob Goldberg ("Claimant") filed Statement of Claimant 39-1018 on July 6,
8 1979 for rights to water for use on land in Section 31 Township 23S Range 22E. The Arizona
9 Department of Water Resources ("ADWR") investigated the claim, which it characterized as a
10 claim for an irrigation use, and prepared a report known as Watershed File Report No. 111-23-
11 DA-033 ("WFR") published in the Final San Pedro River Watershed Hydrographic Survey Report
12 (1991). A copy of the WFR is attached as Attachment A. The WFR investigated the land shown
13 on the map attached as Attachment B.

14 The WFR showed no irrigation use on the land described in the WFR. After ADWR issued
15 the WFR, objections were filed to the findings made in the WFR. The purpose of this case is to
16 consider the claims made for water rights that are the subject of the WFR and resolve objections
17 to the WFR.
18

19 **Claimant & Landowners**

20
21 The WFR identified one Statement of Claimant ("SOC") relevant to the potential water
22 right, 39-1018, filed by Jacob Goldberg. The public records maintained by ADWR do not include
23 an assignment of the SOC from the Claimant to the successor landowners.

24 The WFR names DeWayne and Mary Jo Albin as the owners of the property described as
25 located in Section 31 Township 23S Range 22E and more particularly shown on the attached map
26 as in the southeast quarter of the southeast quarter of Section 31 Township 23S Range 22E. The
27 Cochise County Assessor lists the Leiendecker Revocable Trust as the current owner of tax parcel
28

1 nos. 104-44-013 and 104-44-007A. A copy of a map prepared by the Cochise County Assessor
2 showing these tax parcels and the current owner is attached as Attachment C.

3
4 **IT IS ORDERED:**

5 1. Contested Case. This contested case shall be known as *In re DeWayne and Mary*
6 *Jo Albin* and it will determine appropriable water rights asserted in the Statement of Claimant and
7 objections that were filed to Watershed File Report 111-23-DA-033 published in the Final San
8 Pedro River Watershed Hydrographic Survey Report (1991). A copy of the objection can be found
9 under the case name and number on the following website:

10 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.as](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

11 [p](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

12 2. Litigants. The litigants in this contested case are the Claimant, the current
13 landowners, all persons who filed objections to the WFR, and parties who are allowed to intervene
14 by order.

15
16 3. Court-Approved Mailing List.

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

22 B. A copy of any pleading filed with the Clerk of the Maricopa County
23 Superior Court in this case shall be served upon each person listed on the
24 Court-approved mailing list.
25
26
27
28

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

4 D. The Clerk of the Court will send copies of all minute entries and orders
5 issued in this case to the parties listed on the Court-approved mailing list.
6 Upon request, the Clerk of the Court will provide copies by email. Parties
7 may request emailed copies of minute entries and orders by completing and
8 submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
9 CASE DOCUMENTS, which is attached as Attachment E.
10

11 4. Status Conference. An initial status conference shall be held to determine whether
12 the Claimant or the current landowners intend to pursue claims for rights to appropriable water for
13 irrigation use. If no person claiming a water right appears at the Status Conference, then Statement
14 of Claimant 39-1018 and this case will be dismissed and no further action will be taken with respect
15 to the WFR or the objections filed to the WFR.
16


17 The Status Conference shall be held on **October 21, 2021 at 2:40 p.m.** The Status
18 Conference shall be held using the Court Connect program. Instructions for Court Connect are
19 attached as Attachment F. If you receive this Order by email, click on the red box "Join Court
20 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this
21 Order by email, log into the Court Connect program on the internet by typing
22 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
23 telephonically using the telephone number and access code included in the instructions for Court
24 Connect. You may also attend telephonically using the following numbers:
25
26

27 Instructions for telephonic participation:


28 Dial: 602-506-9695 (local)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1-855-506-9695 (toll free long distance)
Dial Collaboration (conference) Code 357264#


SUSAN WARD HARRIS
Special Master

On August 20, 2021, 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 hereto as Attachment D, and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).


Emily Natale

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
ALBIN, DEWAYNE L.	-----
& MARY JO	111-23-DA-033

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

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0001018		IRRIGATION	17.65	31	230S	220E	1960	31	230S	220E

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
39-0001018	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	39-0001018	NONE		

E X P L A N A T I O N






FILINGS AND DECREES
 FILING 39-1018 - CLAIMS AN IRRIGATION WATER USE. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT B




Legend

-  Investigated Areas
-  Township
-  Section
-  Q
-  QQQ



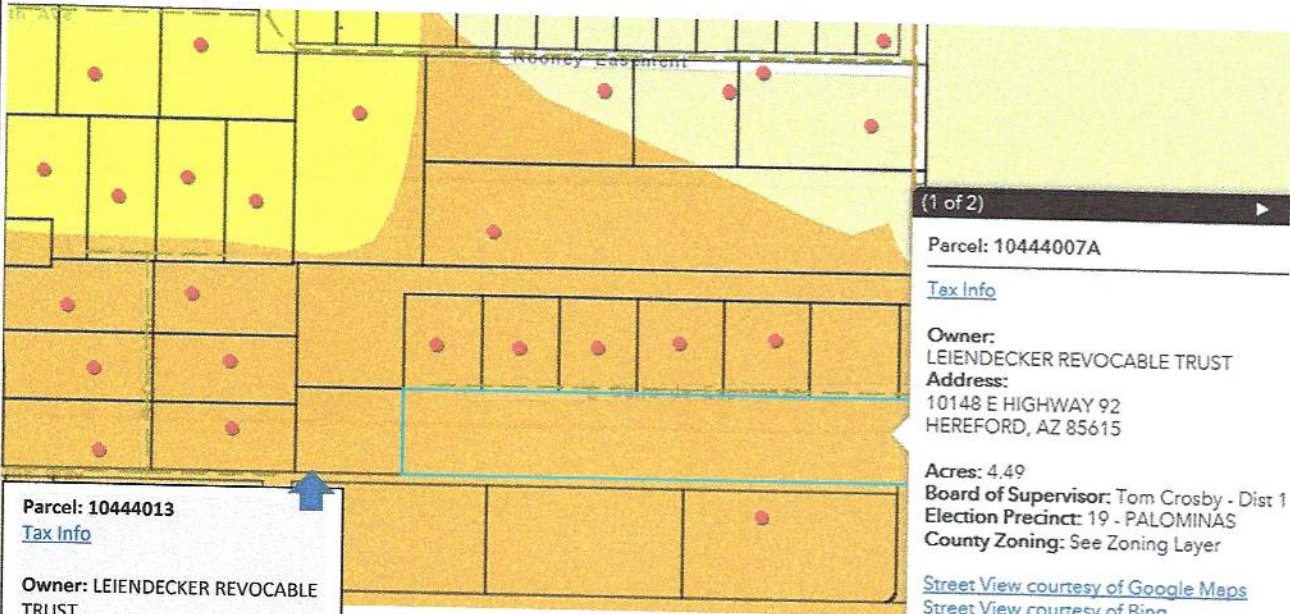
Dewayne L. & Mary Jo Albin
Watershed File Report 111-23-DA-033

Township 23S Range 22E
Section 31


ADWR August 2021

ATTACHMENT C

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Parcel: 10444013
[Tax Info](#)

Owner: LEIENDECKER REVOCABLE TRUST
Address: 10148 E HIGHWAY 92
HEREFORD, AZ 85615

Acres: 0.92

(1 of 2) ▶
Parcel: 10444007A

[Tax Info](#)

Owner:
LEIENDECKER REVOCABLE TRUST
Address:
10148 E HIGHWAY 92
HEREFORD, AZ 85615

Acres: 4.49
Board of Supervisor: Tom Crosby - Dist 1
Election Precinct: 19 - PALOMINAS
County Zoning: See Zoning Layer

[Street View courtesy of Google Maps](#)
[Street View courtesy of Bing](#)

ATTACHMENT D

1
2
3 Arizona Department of Water Resources
4 Kimberly Parks
5 P. O. Box 36020
6 Phoenix, AZ 85067

7 Clerk of the Superior Court
8 Maricopa County
9 Attn: Water Case
10 601 West Jackson Street
11 Phoenix, AZ 85003

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

17 Jacob G. Goldberg
18 3306 E. Camelback Rd.
19 Phoenix, AZ 85615

20 Joe P. Sparks and Laurel A. Herrmann
21 The Sparks Law Firm, P.C.
22 7503 First Street
23 Scottsdale, AZ 85251-4573

24 Leiendecker Revocable Trust
25 10148 E Highway 92
26 Hereford, AZ 85615

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

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

Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street

Courtroom 301
Phoenix, AZ 85003

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT E

**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.

Preferred email address:

Alternate email address:

Physical address:

Phone number:

Firm Name:

Name [Printed]:

Signature:

Date:

Thank you,

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT F



Court Connect Hearing Notice for In re DeWayne and Mary Jo Albin

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 DeWayne and Mary Jo Albin, Contested Case No. W1-11-1036

Start Date/Time: October 21, 2021 at 2:40 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](#)

