

1  
2  
3  
4  
5  
6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
7 IN AND FOR THE COUNTY OF MARICOPA  
8

9 IN RE THE GENERAL  
10 ADJUDICATION OF ALL RIGHTS  
11 TO USE WATER IN THE GILA  
12 RIVER SYSTEM AND SOURCE

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

Contested Case No. W1-11-1035

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

13  
14  
15  
16 CONTESTED CASE NAME: *In re James and Jean Perry*

17 HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

18 DESCRIPTIVE SUMMARY: Case initiated and status conference set for **October 21, 2021** at  
19 **2:50 p.m.**

20 NUMBER OF PAGES: 20

21 DATE OF FILING: August 20, 2021

22 **General Explanation**

23  
24 This Order begins the process necessary to adjudicate claims made for rights to  
25 appropriable water for use on land in the southwest and southeast quarters of Section 31  
26 Township 23S Range 22E in Cochise County. This contested case is one of the many cases in  
27 the General Stream Adjudication for the San Pedro River Watershed to determine legal rights to  
28

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-032 ("WFR") published in the Final San Pedro River Watershed Hydrographic Survey  
12 Report (1991). A copy of the WFR is attached as Attachment A. The WFR concerns that land  
13 shown on the map attached as Attachment B.

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

24 The WFR names James and Jean Perry as the owners of the property described as located  
25 in Section 31 Township 23S Range 22E and more particularly shown on the attached ADWR  
26 map ("ADWR map") as in the southeast and southwest quarters of Section 31 Township 23S  
27 Range 22E. The Cochise County Assessor lists multiple parties as the current owners of the land  
28

1 shown in the ADWR map listed in the table below. A copy of a map prepared by the Cochise  
2 County Assessor showing tax parcels included in the ADWR map is attached as Attachment C.

Parcel No.	Owner
104-44-023A	John H. Baumberger Revocable Trust
104-44-014W	Terri J. Armstrong
104-44-023E	Manuel Alejandres
104-44-014V	Cody Bush & Merel Imelda
104-44-023F	Aubrey Stram
104-44-023D	Anthony Russell
104-44-014K	Ralph Ramirez
104-44-023C	Cody Bush & Merel Imelda
104-44-014U	Jesus Ruiz
104-44-014T	Jesus Octavio Gim & Juan Fransisco Gim
104-44-014Q	Adriana G. Chacara
104-44-014S	Virgil & Delena D. Crosby
104-44-014P	John H. Baumberger
104-44-014M	Martha J. Nevarez
104-44-014R	Richard & Patricia Durazo
104-44-104Y	Sylvia Fierroz Valdez
104-44-024	Jesus Montano, Cindy Kentch
104-44-024A	Debra Murray
104-44-014D	Donald Bungenstock
104-44-007R	Donald Bungenstock
104-44-007P	Robert & Janis McIntosh
104-44-007M	Amber Robinson
104-44-007L	Robert Liebe
104-44-007V	John & Joni Howard
104-44-007Q	Beth Bragg
104-44-007E	Southern Sunrise Water Co., Inc.
104-44-007S	Eduardo Correa Yambo
104-44-007W	Santos Rodriguez, Ernest Lee Benjamin Jr.
104-44-007X	Kyle & Shannon Knisely
104-44-007Y	Stefan & Sharon Bowers
104-44-007F	Douglas Rysdam

1  
2 **IT IS ORDERED:**

3 1. Contested Case. This contested case shall be known as *In re James and Jean*  
4 *Perry* and it will determine appropriable water rights asserted in the Statement of Claimant and  
5 objections that were filed to Watershed File Report 111-23-DA-032 published in the Final San  
6 Pedro River Watershed Hydrographic Survey Report (1991). A copy of the objection can be  
7 found under the case name and number on the following website:  
8 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.as](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

9 [p](#)  
10 2. Litigants. The litigants in this contested case are the Claimant, the current  
11 landowners, all persons who filed objections to the WFR, and parties who are allowed to  
12 intervene by order.

13 3. Court-Approved Mailing List.

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

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

24 C. Claimants wishing to be added or removed from the mailing list shall file  
25 a motion with the Special Master. Parties allowed to intervene will be  
26 automatically added to the Court-approved mailing list.  
27  
28

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

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

14 The Status Conference shall be held on **October 21, 2021 at 2:50 p.m.** The Status  
15 Conference shall be held using the Court Connect program. Instructions for Court Connect are  
16 attached as Attachment F. If you receive this Order by email, click on the red box "Join Court  
17 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this  
18 Order by email, log into the Court Connect program on the internet by typing  
19 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend  
20 telephonically using the telephone number and access code included in the instructions for Court  
21 Connect. You may also attend telephonically using the following numbers:  
22

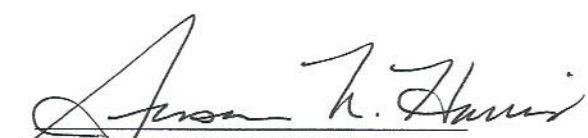
23 Instructions for telephonic participation:

24 Dial: 602-506-9695 (local)

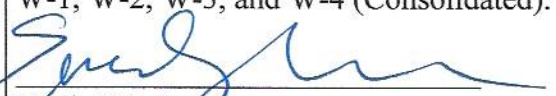
25 1-855-506-9695 (toll free long distance)

26 Dial Collaboration (conference) Code 357264#  
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

  
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
PERRY, JAMES WATT	-----
& JEAN H.	111-23-DA-032

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



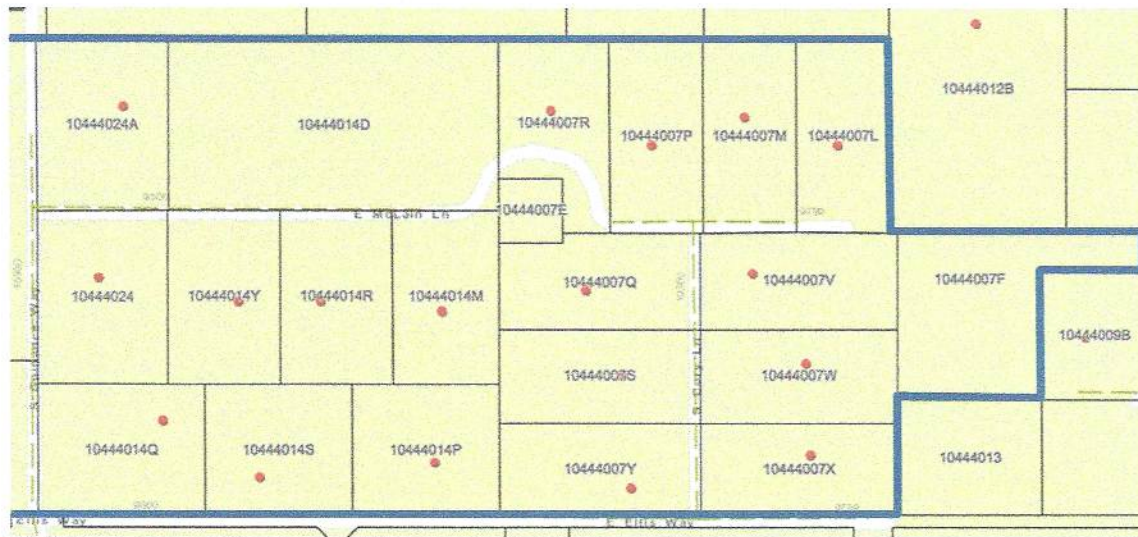
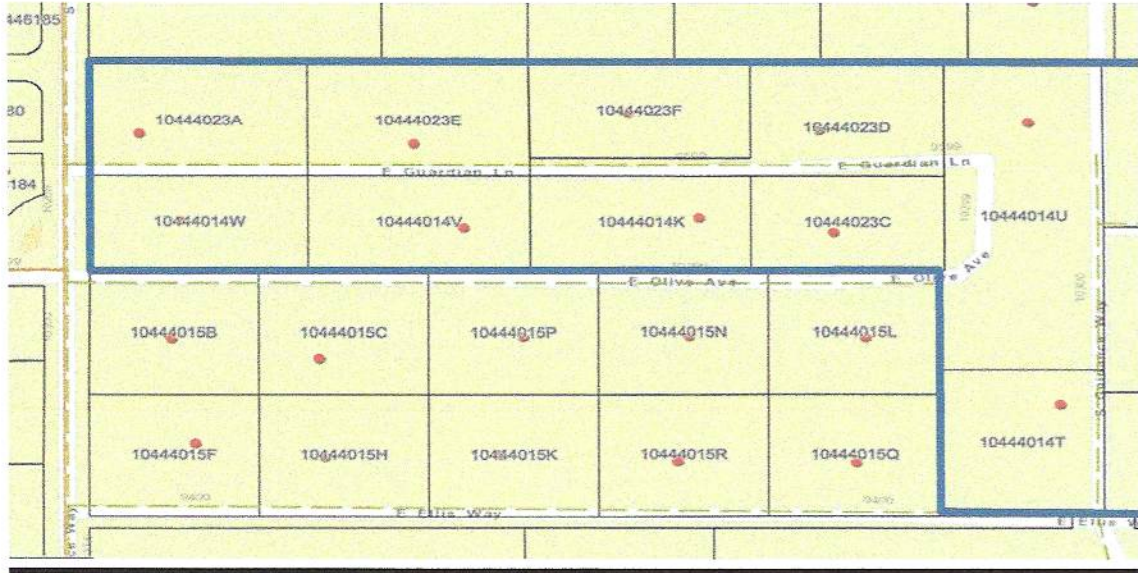
**James Watt Perry**  
Watershed File Report 111-23-DA-032

---

**Township 23S Range 22E**  
**Section 31**

  
**ADWR August 2021**

# ATTACHMENT C



\*Blue outline contains parcels in 111-23-DA-032

# ATTACHMENT D

1  
2  
3 Adriana G. Chacara  
4 10357 S. Guidance Way  
5 Hereford, AZ 85615

6  
7 Amber Nicole Robinson  
8 9777 E. McLain Ln.  
9 Hereford, AZ 85615

10  
11 Anthony Russell  
12 9543 E. Guardian Ln.  
13 Hereford, AZ 85615

14  
15 Arizona Department of Water Resources  
16 Kimberly Parks  
17 P. O. Box 36020  
18 Phoenix, AZ 85067

19  
20 Aubrey Stram  
21 4793 S. Santa Lucia  
22 Sierra Vista, AZ 85650

23  
24 Beth Bragg  
25 10300 S. Cory Ln.  
26 Hereford, AZ 85615

27  
28 Cindy Kentch  
29 10301 Guidance Way  
30 Palominas, AZ 85615

31  
32 Clerk of the Superior Court  
33 Maricopa County  
34 Attn: Water Case  
35 601 West Jackson Street  
36 Phoenix, AZ 85003

37  
38 Debra Murray  
39 8266 N. Central Hwy.  
40 McNeal, AZ 85617

41  
42 Donald Bungenstock  
43 9717 E. McLain Ln.  
44 Hereford, AZ 85615

45  
46 Douglas Rysdam  
47 20662 W. Silverbell Rd.

- 1 Marana, AZ 85653
- 2 Eduardo Correa Yambo  
10321 S. Cory Ln.  
3 Hereford, AZ 85615
- 4 Ernest Lee Benjamin Jr.  
5 10321 S. Cory Ln.  
6 Hereford, AZ 85615
- 7 Gila River Indian Community  
8 Linus Everling and Thomas L. Murphy  
9 Office of the General Counsel  
P. O. Box 97  
Sacaton, AZ 85147
- 10 Imelda Merel & Cody Bush  
11 9916 E. Cana St.  
Hereford, AZ 85615
- 12 Jacob G. Goldberg  
13 3306 E. Camelback Rd.  
14 Phoenix, AZ 85615
- 15 Jesus V. Montano  
16 10301 Guidance Way  
Palominas, AZ 85615
- 17 Jesus Octavio Gim  
18 10357 S. Guidance Way  
Hereford, AZ 85615
- 19 Jesus Ruiz  
20 10290 S. Guidance Way  
Hereford, AZ 85615
- 21 Juan Francisco Gim  
22 10357 S. Guidance Way  
23 Hereford, AZ 85615
- 24 Joe P. Sparks and Laurel A. Herrmann  
25 The Sparks Law Firm, P.C.  
26 7503 First Street  
Scottsdale, AZ 85251-4573
- 27 John C. and Joni D. Howard  
28 10303 S. Cory Ln.  
Hereford, AZ 85615

1 John H. Baumberger Revocable Trust  
2 John H. Baumberger  
3 P.O. Box 2548  
4 Silver City, NM 88062

5 Kyle and Shannon Knisely  
6 10347 S. Cory Ln.  
7 Hereford, AZ 85615

8 Liberty Utilities (Bella Vista Water) Corp.  
9 C/O CT Corporation System  
10 3800 N. Central Ave. Suite 460  
11 Phoenix, AZ 85012

12 Manuel Alejandro  
13 303 E. Navajo St.  
14 Huachuca City, AZ 85616

15 Martha J. Nevarez  
16 P.O. Box 15  
17 Hereford, AZ 85615

18 Ralph Ramirez  
19 9513 Olive Ave.  
20 Hereford, AZ 85615

21 Richard & Patricia Durazo  
22 9642 E. McLain Ln.  
23 Hereford, AZ 85615

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

Robert and Janis McIntosh  
9743 C. McLain Ln.  
Hereford, AZ 85615

Robert F. Liebe  
5801 Eubank Blvd. NE Apt. 180  
Albuquerque, NM 87111

Santos Rodriguez  
10321 S. Cory Ln.  
Hereford, AZ 85615

1 S. Montgomery, R. Interpreter, J. Tomkus  
2 Montgomery & Interpreter, Plc  
3 3301 E. Thunderbird Road  
4 Phoenix, AZ 85032

5 Southern Sunrise Water Co., Inc.  
6 2845 Bristol Cir.  
7 Oakville, ON L6H 7H7  
8 Canada

9 Special Master Susan Ward Harris  
10 Superior Court of Arizona  
11 201 W. Jefferson Street  
12 Courtroom 301  
13 Phoenix, AZ 85003

14 Stefan and Sharon Bowers  
15 5013 E. De Medici Dr.  
16 Sierra Vista, AZ 85615

17 Sylvia Fierroz Valdez  
18 300 N. 3<sup>rd</sup> St.  
19 Sierra Vista, AZ 85635

20 Terri J. Armstrong  
21 10227 E. Olive Ave.  
22 Hereford, AZ 85615

23 Virgil & Delena Crosby  
24 9629 E. Ellis Way  
25 Hereford, AZ 85615

26

27

28

29

30

31

32

33

34

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](mailto: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 James and Jean Perry

*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 James and Jean Perry, Contested Case No. W1-11-1035

**Start Date/Time:** October 21, 2021 at 2:50 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](#)

