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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

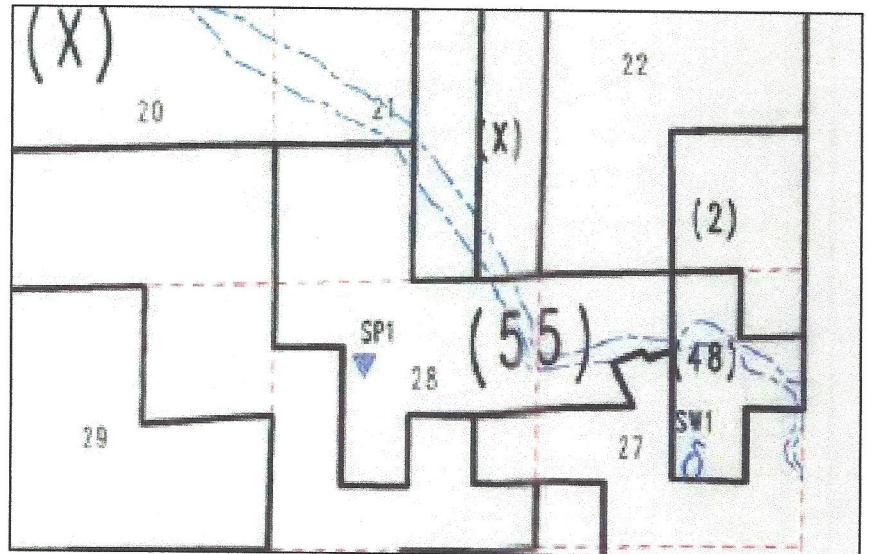
IN RE THE GENERAL ADJUDICATION
OF ALL RIGHTS TO USE WATER IN
THE GILA RIVER SYSTEM AND
SOURCE

W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
Consolidated
CONTESTED CASE NO. W1-11-3374

ORDER TO CLAIMANT TO FILE
AMENDED STATEMENT OF CLAIMANT
AND
ORDER TO ADWR TO FILE A REPORT

CONTESTED CASE NAME: *In re Kaibab Industries – Stock*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: The trustees of the Magoffin Family Trust shall file an amendment to Statement of Claimant 39-6478 by **June 22, 2020**. ADWR shall file a report about the location and size of the stock pond included in Watershed File Report 115-05-055 by **June 22, 2020**.
NUMBER OF PAGES: 5
DATE OF FILING: April 20, 2020

1 This contested case concerns only those claims for rights to water for uses other than
2 irrigation and domestic
3 purposes included within the
4 boundaries of Watershed
5 File Report 115-05-055 (the
6 "WFR") and the objections
7 to the WFR.¹ A map of the
8 land in question is shown in
9 figure 1 and labelled as
10 figure 1 and labelled as
11 "(55)."



12 **FIGURE 1.** Map of boundaries of WFR 115-05-055 in sections 21, 28
13 and 27 T7S R20E.

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15 There are potentially three Statements of Claimant that assert rights to water for use on
16 the land included within the boundaries of the WFR.

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18 **1. Statement of Claimant 39-6478**

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20 On February 4, 2020, the trustees of the Magoffin Family Trust filed an amendment to
21 Statement of Claimant 39-6478. The original Statement of Claimant 39-6478 asserted a right
22 to two acre feet of water for domestic purposes from a well in the northeast quarter of the
23 northwest quarter (NENW) of section 27 Township 7 South, Range 20E. It did not identify a
24 place of use. The amended Statement of Claimant claims three acre feet of water, did not
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26
27 ¹ Irrigation and domestic uses in section 27 Township 7 South Range 20 East are the subject of
28 contested case *In re Karen C. LeCount*, Contested Case No. W1-11-3395.

1 identify the purpose of the use, and identified the place of use as Graham County tax parcel
2 110-45-021C, a 1,151.34-acre parcel that includes the land investigated by the WFR. The
3 amended Statement of Claimant also listed Graham County tax parcel 110-45-036 as an
4 additional place of use. Graham County tax parcel 110-45-036 is a 32-acre parcel that is not
5 included in the land within the mapped boundaries of the WFR.
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8 **2. Statement of Claimant 39-12022**

9 On January 9, 2020, Matthew O. and Anna M. Magoffin and the Arizona State Land
10 Department filed a Joint Ownership of Water Rights Report (“Report”). In the Report, the
11 Arizona State Land Department stated that the stockpond identified in the WFR is located in the
12 northwest quarter of the southwest quarter of the northwest quarter (NWSWNW) of Section 28,
13 Township 7 South, Range 20 East and is based on surface water filing no. 33-087761.
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15 On February 13, 2020, the trustees of the Magoffin Family Trust filed an amendment to
16 Statement of Claimant 39-12022 claiming a right to water for a stockpond located in the
17 southeast quarter of the northwest quarter (SENW) of Section 28, Township 7 South, Range 20
18 East. They claimed the Permit to Appropriate Public Water of the State of Arizona 33-087761
19 as the legal basis of their water right. This permit identified Squaw Creek, a tributary of
20 Aravaipa Creek, as the source of water for 350,400 gallons of water per year for stock watering
21 and 4.3 acre-feet of water to be stored in a reservoir in the northwest quarter of the northwest
22 quarter (NWNW) of Section 28, Township 7 South, Range 20 East with a priority date of
23 February 10, 1983.
24

25 The WFR lists a 5.5-acre stock pond in the northwest quarter of the southeast quarter of
26 the northwest quarter (NWSENW) of Section 28, Township 7 South, Range 20 East with an
27 estimated volume of 29.9 acre-feet and lists no applicable pre-filing. The map of WFR shows a
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1 stock pond in approximately the middle of the northwest quarter of Section 28, which is more
2 consistent with the legal description provided by the Arizona State Land Department.

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5 **3. Statement of Claimant 39-15850**

6 On January 21, 2020, the trustees of the Magoffin Family Trust filed an assignment of
7 Statement of Claimant 39-15850 that included a map highlighting tax parcels 110-45-021C and
8 110-45-036. The original Statement of Claimant claimed water for domestic and stock watering
9 use in the northeast quarter of the southwest quarter (NESW) quarter of Section 27 Township 7
10 South, Range 20 East with no stated priority date. The Statement of Claimant lists a well, well
11 registration no. 55-203485, as the source of the water. According to the public records of
12 Arizona Department of Water Resources, this well was not drilled until 2004. The Statement of
13 Claimant was filed in 2005. The installation of the well and the claimed use occurred after the
14 Arizona Department of Water Resources issued the San Pedro Hydrographic Survey Report in
15 1991. Accordingly, no further action will be taken with respect to this Statement of Claimant
16 in this contested case because it has not been the subject of a report by ADWR that was
17 distributed to other water users as required by Arizona law.
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22 **IT IS ORDERED:**

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24 1. Amendment to Statement of Claimant. The trustees of the Magoffin Family Trust
25 shall file an amendment to Statement of Claimant 39-6478 by June 22, 2020 that identifies the
26 purpose of the claimed three acre feet of water. The amended Statement of Claimant shall also
27 identify the place of use with sufficient particularity so that a determination can be made whether a
28 claim is being made for the use of water on land included within the boundaries of the WFR.

