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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 SETTING STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Kaibab Industries*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Status Conference set for **November 4, 2021 at 3:30 p.m.**
NUMBER OF PAGES: 12
DATE OF FILING: October 20, 2021

On September 27, 2021, Anna Magoffin, as trustee of the Magoffin Trust, submitted a letter which she represented as having been sent to all parties. A copy of the letter is attached as Attachment A. The letter will be deemed to be a request for a Status Conference. Ms. Magoffin requested a status conference on case numbers W1-11-3362 to W1-11-3374, W1-11-3407, and

1 W1-11-3338. The requested case numbers along with associated watershed file reports, status,
 2 and landowners named on the watershed file report are shown below:

Contested Case No.	Watershed File Report	Initiated	Landowner (as shown on the WFR)
W1-11-3338	115-05-015	Yes	State of Arizona - Arizona State Land Department
W1-11-3362	115-05-040	Yes	Kaibab Industries
W1-11-3363	115-05-041	Yes	Nature Conservancy
W1-11-3364	115-05-042	Yes	Lackner
W1-11-3365	115-05-043	No	Goldwater, Inc.
W1-11-3366	115-05-044	Yes	Nature Conservancy
W1-11-3367	115-05-048	Yes	Hughes, Butt
W1-11-3368	115-05-049	Yes	Nature Conservancy
W1-11-3369	115-05-050	Yes	Nature Conservancy
W1-11-3370	115-05-051	No	United States
W1-11-3371	115-05-052	No	United States
W1-11-3372	115-05-053	No	State of Arizona - Arizona State Land Department
W1-11-3373	115-05-054	Yes	Nature Conservancy
W1-11-3374	115-05-055	Yes	Kaibab
W1-11-3407	115-06-005	Yes	State of Arizona - Arizona State Land Department

17 Four of the cases listed by Ms. Magoffin have not been initiated. Contested cases that
 18 name the Nature Conservancy and Lackner as the landowners do not involve the trustees of the
 19 Magoffin Trust and have been completed. The listed cases that involve the trustees of the
 20 Magoffin Trust are as follows:
 21

Contested Case No.	Watershed File Report	Initiated	Landowner (as shown on the WFR)
W1-11-3338	115-05-015	Yes	State of Arizona - Arizona State Land Dept.
W1-11-3362	115-05-040	Yes	Kaibab Industries
W1-11-3367	115-05-048	Yes	Hughes, Butt
W1-11-3374	115-05-055	Yes	Kaibab
W1-11-3407	115-06-005	Yes	State of Arizona - Arizona State Land Dept.

1 This contested case W1-11-3374 was initiated to adjudicate claims to water uses and
2 objections to Watershed File Report 115-05-055 (“WFR”). The WFR provides the results of the
3 investigation conducted by the Arizona Department of Water Resources on land located
4 generally in the southeastern quarter of section 21, the northern half of section 28 and the
5 northwestern quarter of section 27. The Watershed File Report identified Statement of Claimant
6 39-12022 as the sole claim for a water use. It listed a potential water right for a stockpond in the
7 northwest quarter of section 28 Township 7S Range 20E.
8

9 The Joint Report filed by Arizona State Land Department and the trustees of the
10 Magoffin Family Trust on January 9, 2020, stated that the stockpond was supported by surface
11 water filing 33-087761 and Statement of Claimant 39-12022. The original Statement of
12 Claimant 39-12022 filed by Joseph Marco on January 4, 1985 claimed a water right for a
13 stockpond that he labeled as a lake in section 28 T7S R20E. The fifth amendment to Statement
14 of Claimant 39-12022 filed by Ms. Magoffin includes a claim for a stockpond in SENW section
15 28 T7S R20E. (A table showing the information from the six amendments to Statement of
16 Claimant 39-12022 is attached as Attachment B.) On June 22, 2020, Arizona Department of
17 Water Resources filed a Report and a map showing the location of a stockpond within the
18 boundaries of Watershed File Report 115-05-055. A proposed abstract for the stockpond was
19 distributed to the parties on August 13, 2020 for suggested corrections. No party filed a
20 correction, and the abstract was approved by Order dated January 11, 2021. A copy is attached
21 as Attachment C.
22
23

24 Ms. Magoffin specifically requested the status of the water right she references as “Frog
25 Pond” documented by Certificate of Water Right No. 87761 (Application No. 33-87761). The
26 name of the facility in the approved proposed abstract attached as Attachment C is Frog Pond.
27
28

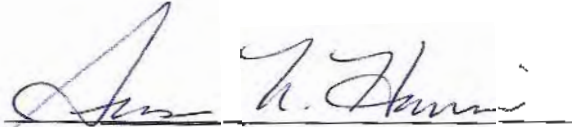
1 **IT IS ORDERED** setting a Status Conference on **November 4, 2021 at 3:30 p.m.** The
2 Status Conference shall be held using the Court Connect program. Instructions for Court Connect
3 are attached as Attachment D. If you receive this Order by email, click on the red box "Join Court
4 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this
5 Order by email, log into the Court Connect program on the internet by typing
6 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
7 telephonically using the telephone number and access code included in the instructions for Court
8 Connect. You may also attend telephonically using the following numbers:
9

10
11 Instructions for telephonic participation:

12 Dial: 602-506-9695 (local)

13 1-855-506-9695 (toll free long distance)

14 Dial Collaboration (conference) Code 357264#
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19 _____
20 Susan Ward Harris
21 Special Master

22 The original of the foregoing was delivered to
23 the Clerk of the Maricopa County Superior
24 Court on October 20, 2021, for filing and
25 distributing a copy to all persons listed on the
26 Court approved mailing list for this contested
27 case.
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26 _____
27 Emily Natale

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Attachment A

OFFICE OF THE SPECIAL MASTER
Arizona General Stream Adjudication

Magoffin Family Trust
34625 W. Klondyke Road
Willcox, AZ 85643



OCT 04 2021

Susan Ward Harris
Central Court Building, Ste 3A
201 West Jefferson
Phoenix, AZ 85003-2205

September 27, 2021

Special Master,

The attachment shows cases I would like to have status checks on. I am trying to determine if there is something I am missing to move any of the cases forward. I understand from our involvement with adjudication is that it does take time. From our end, however, I realize that some things can get lost. For example, at one point, our cases were changed our old address in Douglas, AZ. And we literally stopped getting information. And sometimes the cases move forward before the surface water application are finished, which has been a problem every time for me.

On a side note, the amazing Barbara Brown had the most wonderful personality even though she literally was dealing with everyone entering into adjudication. At the time our mail suddenly going to Douglas, I was able to interact briefly with Durina and I could not believe you were able to find a second lovely soul to manage all the files. When we got an email notice on W1-11-0245 it was from the clerk of the court and I thought I might be able to ask a person how to set up a status call. I do apologize for using that email, but in all fairness, it is not general knowledge as to the status of your clerk.

I think you might also consider an occasional status call to review what happens from this side of the process. I think we arrive at the adjudication from two different perspectives but I also think the two should meet at a common ground. The legal description of waters used a mess. ADWR wells use small to big quarter sections, most other land use applications use big to small quarter sections and to lend a more technical science to avoid lines that can go up or down on a map; GPS makes sound sense, but surface water doesn't accept GPS. I also don't believe ADWR is using good science to establish sub flow, I know it is wrong in a couple of instances using the simplest of observation science and soil science. Also, the ADWR definition of sub flow suggest waters moving through sand and gravel but does not take into consideration clay barriers. Just like knowing when you do and don't have a clerk, there should be a simple process that allows for science to be introduced.

Anyhow, I am simply trying to see what needs to be done from my side on W1-11-3374, W1-11-3407, W1-11-3338. These were all tied to cases with State Land and deeded land but the Abstracts I sent were never presented.

I am sending this to the folks on the combined mailing lists of all three.

Sincerely,

Anna Magoffin, trustee of the Magoffin Family Trust

Magoffin Family Trust Water Case Inventory September 2, 2021

Case number	Specific waters	actions
W1-11-3362 to W1-11-3374	Frog Pond	Certificate 87761.0000 Inspection
W1-11-3407	PM Bar Well	Not in sub flow, priority1917
W1-11-3338	Long Hollow well (Wootan)	Priority date 10-10-1913

Attachment B

Information provided on the six amendments to Statement of Claimant 39-12022:

Date Amended SOC Filed	Type of Use	Location	Source of Water	Basis of Claim
October 3, 2019	Irrigation	NWSENE 27 T7S R20E	Groundwater Well 55- 604311	Right to withdraw groundwater
October 3, 2019	Stockwatering	SWNESE 21 T7S R20E	Well 55- 604311	Right to withdraw groundwater
January 15, 2020	Stock watering	NW 27 T7S R20E (legal based on attached map)	Aravaipa well	none
January 15, 2020	Stock watering	SWNESE 21 T7S R20E	Aravaipa Well 55- 604314	Well 55-604314
February 13, 2020	Stockpond "Frog Pond"	SENE 28 T7S R20E	Squaw Creek	33-87761
March 15, 2021	Stockpond "Haby"	NWNE 27 T7S R20E	Aravaipa Well 55- 604311	Pre-1919 use

Table 1

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Attachment C

Proposed Abstract of Water Right

San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-055-SP001
2. Owner of Water Right:	Matthew O. and Anna M. Magoffin, trustees of the Magoffin Family Trust
3. Landowner:	Matthew O. and Anna M. Magoffin, trustees of the Magoffin Family Trust
4. Statement of Claimant No.(s):	39-12022
5. Statement of Claimant Name(s):	Matthew O. and Anna M. Magoffin, trustees of the Magoffin Family Trust
6. Lessee or Permittee:	n/a
7. Basis of Right:	33-87761
8. Beneficial Use:	Stock watering from a stock pond
9. Priority Date:	February 10, 1983
10. Quantity:	4.30 acre feet annually with continuous fill
11. Place of Use:	SENW 28 T07S R20E of the Gila and Salt River Base and Meridian, Graham County, Arizona See attached map
12. Point of Diversion:	NW 28 T07S R20E of the Gila and Salt River Base and Meridian, Graham County, Arizona
13. Source of Water:	Surface Water: San Pedro River
14. Name of Facility:	Frog Pond

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Attachment D



Court Connect Hearing Notice for Magoffin Set of Cases

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 Names: In re SLD-Magoffin III, In re Magoffin II, In re Kaibab Industries, In re SLD-Magoffin II, In re Magoffin Family Trust I

Contested Case Nos. W1-11-3407, W1-11-3367, W1-11-3374, W1-11-3338, W1-11-3362

Start Date/Time: November 4, 2021 at 3:30 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](#)

