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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

CONTESTED CASE NO. W1-11-3367
ORDER FOR ADWR TO REVIEW
ABSTRACTS FOR *DE MINIMIS* WATER
RIGHTS

CONTESTED CASE NAME: *In re Magoffin II*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Drafts abstracts submitted to ADWR for review and maps to be submitted by **June 18, 2021**.

NUMBER OF PAGES: 11

DATE OF FILING: April 13, 2021

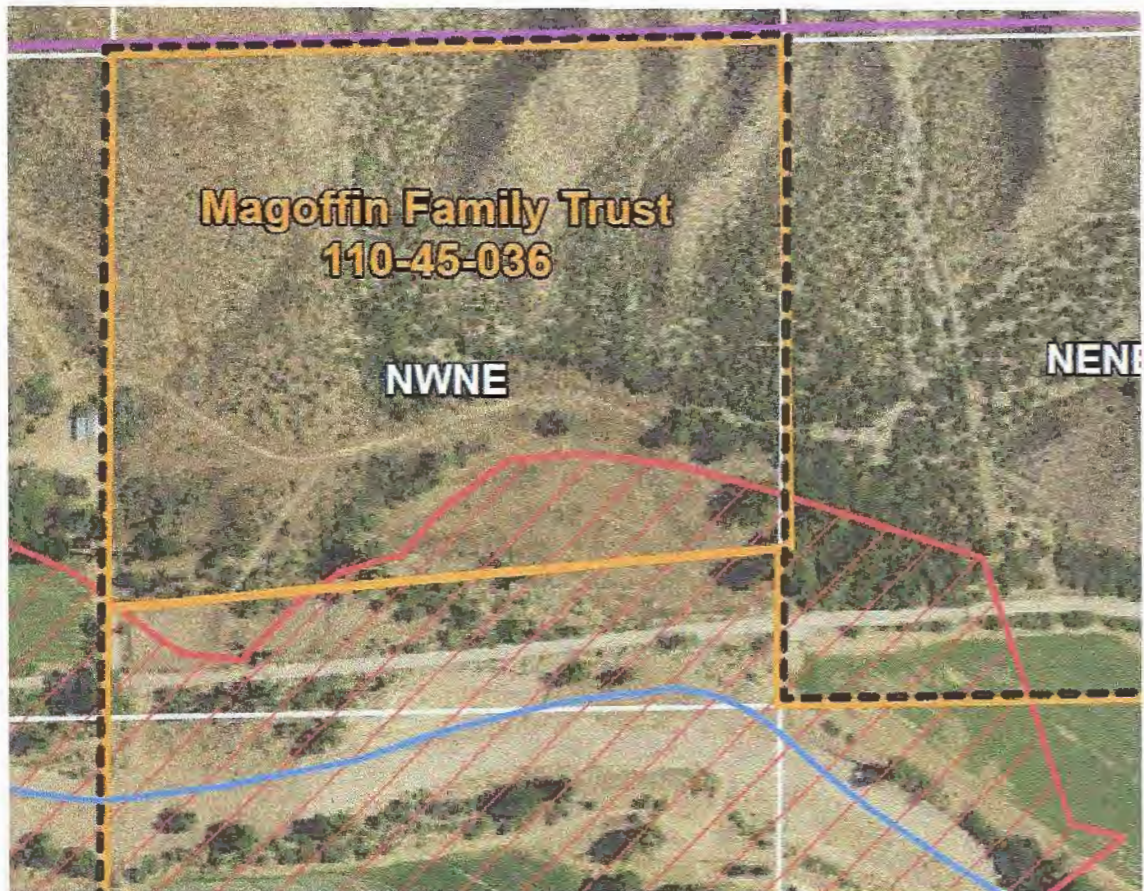
Zachek Family Trust

Watershed File Report 115-05-048 found a potential water right for a stock and wildlife watering use in the southwest quarter of the northwest quarter of the southeast quarter of Section 27 Township 7S Range 20E. As shown by the map prepared by Arizona Department of Water

1 Resources (“ADWR”) filed May 18, 2020, the trustees of the Zachek Family Trust currently own
2 this land. A copy of the map that shows all of the land included in the boundaries of Watershed
3 File Report 115-05-048 is attached as Attachment A. In accordance with expedited procedures
4 adopted to determine water rights in the San Pedro watershed for *de minimis* stock watering uses, a
5 proposed abstract has been prepared for review and mapping by ADWR. The proposed abstract is
6 attached as Attachment B.

8 **Magoffin Family Trust**

9
10 The land owned by the trustees of the Magoffin Family Trust that is included within the
11 boundaries of Watershed File Report 115-05-048 is located wholly within the northeast quarter of
12 section 27 T7S R20E. *See figure 1.*



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28 **Figure 1.** Land owned by Magoffin Family Trust investigated by Watershed File Report 115-05-048 is located in the northwest quarter of the northeast (NWNE) quarter of Section 27 T 07S R20E.
Source. Map prepared by ADWR, filed May 18, 2020.

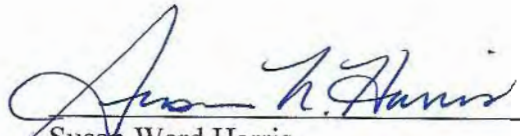
1 The trustees of the Magoffin Trust claim a right to water for a stockpond in the northeast
2 quarter of Section 27 in Statement of Claimant 39-18168. They also filed Statement of Claim 36-
3 105971 for stock and wildlife watering in the northeast quarter of Section 27. A draft abstract is
4 attached as Attachment C based on the discussion of the parties at the Status Conference on March
5 5, 2021 about a stockpond for which Mrs. Magoffin stated she is asserting a claim in lieu of
6 making a claim for water to irrigate three acres in Section 27.
7

8 Subsequent to the Status Conference, Mrs. Magoffin filed a form of abstract with a
9 proposed water right number 115-05-048-SP003 for a stockpond located in the southeast quarter of
10 section 27 T7S R20E and referenced Certificate of Stockpond Water Right No. 38-96721 for Haby
11 Pond. The Certificate of Stockpond Water Right 38-96721 identifies Haby Pond as located in the
12 southwest quarter of section 27 T7S R20E. A copy of the Certificate of Stockpond Water Right is
13 attached as Attachment D.
14

15 **IT IS ORDERED** that ADWR shall review the draft abstract for stock and wildlife
16 watering use and provide the parties in this case with its comments along with a map that shows
17 the location of the stock watering use by **June 18, 2021**.

18 **IT IS FURTHER ORDERED** that ADWR shall review the draft abstract for a water
19 right for a stockpond use and provide the parties in this case with comments along with a map
20 that shows whether a stockpond exists within the boundaries of the land investigated by
21 Watershed File Report 115-05-048 that is owned by the trustees of the Magoffin Family Trust.
22 A report shall be filed by ADWR by **June 18, 2021**.
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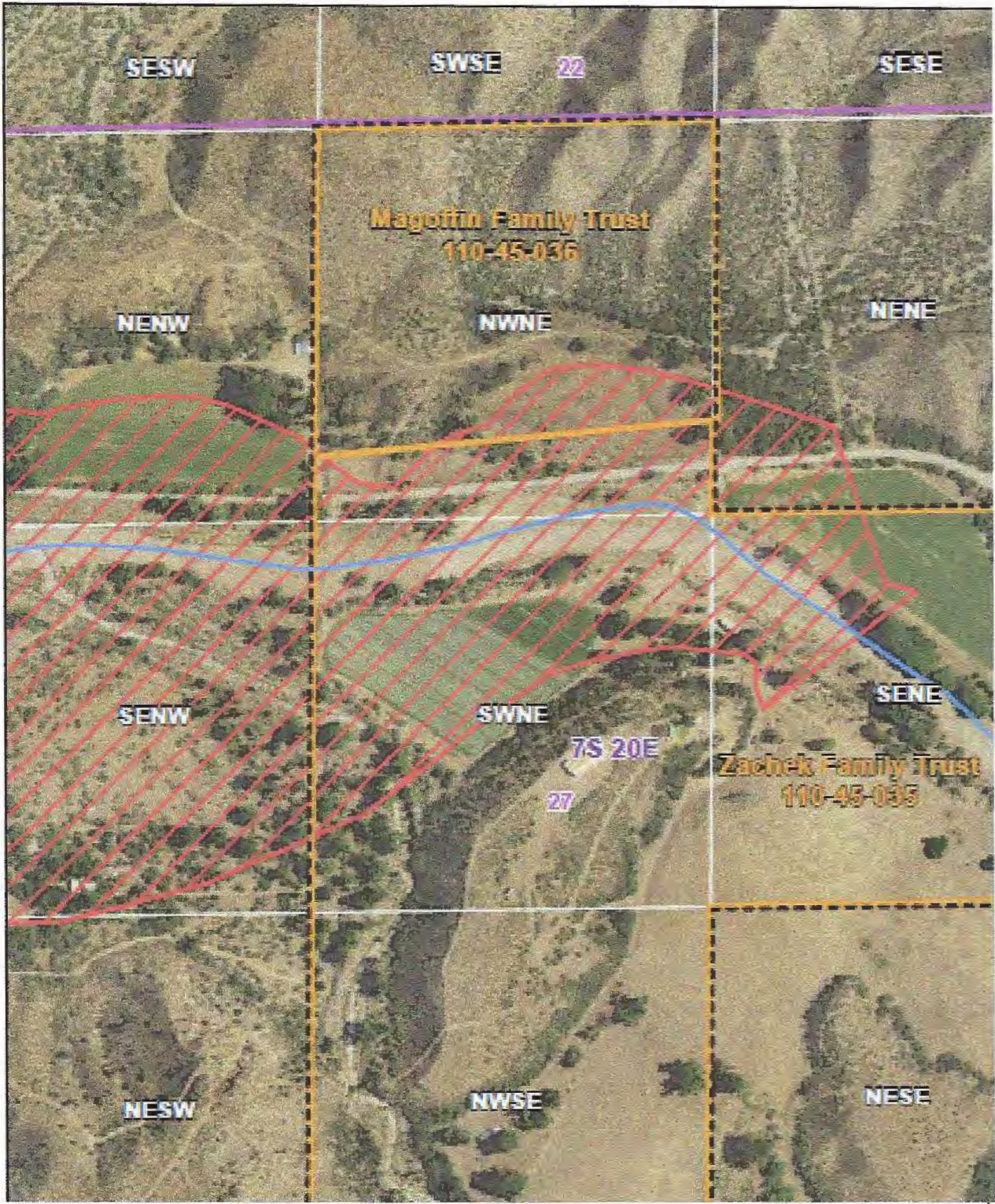
1 **IT IS FURTHER ORDERED** removing Claridge Hugh & Sons and Patricia Hughes
2 from the court approved mailing list. Court documents sent to the last known address for these
3 claimants have been returned with no forwarding address.
4

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7
8 Susan Ward Harris
9 Special Master

10 The original of the foregoing was delivered to
11 the Clerk of the Maricopa County Superior
12 Court on April 13, 2021, for filing and
13 distributing a copy to all persons listed on the
14 Court approved mailing list for this contested
15 case.
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ATTACHMENT A

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ATTACHMENT B

**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right	ADWR Comments
1. Proposed Water Right No.:	115-05-048-SW001	
2. Owner of Water Right:	Leroy and Brenda Zachek as trustees of the Zachek Family Trust	
3. Landowner:	Leroy and Brenda Zachek as trustees of the Zachek Family Trust	
4. Statement of Claimant No.(s):	39-18096	
5. Statement of Claimant Name(s):	Leroy and Brenda Zachek as trustees of the Zachek Family Trust	
6. Lessee or Permittee:	N/A	
7. Basis of Right:	36-71345	
8. Beneficial Use:	Stock and wildlife watering	
9. Priority Date:	April 3, 1896	
10. Quantity:	Reasonable Use	
11. Place of Use:	SWNWSE section 27 T07S R20E of the Gila and Salt River Base and Meridian, Graham County, AZ	
12. Point of Diversion:	SWNWSE section 27 T07S R20E of the Gila and Salt River Base and Meridian, Graham County, AZ	
13. Source of Water:	Surface Water: Lower Rattlesnake Spring	

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ATTACHMENT C

**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right	ADWR Comments
1. Proposed Water Right No.:	115-05-048-SP001	
2. Owner of Water Right:	Matthew O. and Anna M. Magoffin as trustees of the Magoffin Family Trust	
3. Landowner:	Matthew O. and Anna M. Magoffin as trustees of the Magoffin Family Trust	
4. Statement of Claimant No.(s):	39-18168	
5. Statement of Claimant Name(s):	Matthew O. and Anna M. Magoffin as trustees of the Magoffin Family Trust	
6. Lessee or Permittee:	N/A	
7. Basis of Right:	36-105971	
8. Beneficial Use:	Stock watering from a Stock Pond	
9. Priority Date:	4/23/1896	
10. Quantity:	Not to exceed (\leq) 4 acre feet annually with continuous fill	
11. Place of Use:	SEWNNE Section 27 T7S R20E Gila and Salt River Base and Meridian, Cochise County, AZ	
12. Point of Diversion:	SEWNNE Section 27 T7S R20E Gila and Salt River Base and Meridian, Cochise County, AZ	
13. Source of Water:	Surface Water: Aravaipa Creek Subflow	
14. Facility:		

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ATTACHMENT D

CERTIFICATE OF STOCKPOND WATER RIGHT

38-96721.0000

State of Arizona
County of Graham

COPY

This certifies that pursuant to the provisions of Arizona Revised Statutes, Title 45, Chapter 1, Article 10,

Magoffin Family Trust, of Wilcox, State of Arizona, is granted a water right in a stockpond with a date of priority of October 22, 2019.

The stockpond has a capacity of 1.9 acre-feet.

The source of water supply is Aravaipa Creek, a tributary to the San Pedro River, within the San Pedro River watershed.

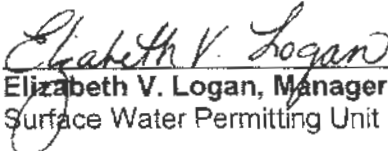
The stockpond is located within: The Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 27, Township 7 South, Range 20 East, Gila and Salt River Base and Meridian, Graham County, Arizona.

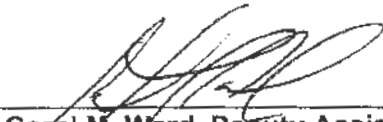
The stockpond is known as Haby Pond.

The use of this stockpond shall be for stockwatering and wildlife purposes.

The right to the use of water is restricted to the place of use and for the purposes described previously and is subject to all prior existing water rights and all water rights as described in A.R.S. § 45-272(B).

WITNESS the seal and signature of the Deputy Assistant Director,
Arizona Department of Water Resources,
affixed this 3rd day of September 2020.


Elizabeth V. Logan, Manager (Attest)
Surface Water Permitting Unit


Carol M. Ward, Deputy Assistant Director
Arizona Department of Water Resources

The Arizona Department of Water Resources shall be notified of any change of address for the above named person(s) or if ownership of the water right or of the land at the location of the water right is conveyed to another person(s), pursuant to Arizona Revised Statute § 45-164(B).