

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

March 5, 2021

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN HARRIS

T. DeRaddo

Deputy

In Re: Karen C. LeCount,
Contested Case No. W1-11-3395

FILED: 3/11/2021

In Re: The General Adjudication
of All Rights to Use Water in the
Gila River System and Source

In re: Status Conference

MINUTE ENTRY

Courtroom: CCB 301

2:30 p.m. This is the time set for a status conference to determine claims to water rights.

The following attorneys and parties appear telephonically:

- Anna Magoffin – Landowner on behalf of the Magoffin Family Trust
- Bradley Pew on behalf of ASARCO
- Richard Palmer on behalf of the Tonto Apache Tribe
- Joseph Sparks and Laurel A. Herrmann on behalf of the San Carlos Apache Tribe
- John D. Burnside on behalf of BHP Copper
- Mark McGinnis on behalf of SRP
- Kimberly Parks on behalf of ADWR
- Sue Montgomery on behalf of the Yavapai Apache Nation and observing on behalf of the Pascua Yaqui Tribe

The Court addresses Ms. Magoffin. Discussion is held regarding Ms. Magoffin's basis for legal rights for water for domestic use and stock pond use. Ms. Magoffin states that she used the land patent from Dan A. Roten. She has also filed the Statement of Claim (#36-105995).

Discussion is held regarding the use of the *de minimis* process to determine claims for stockponds and domestic uses. Mr. Burnside states that he has not reviewed the 36 form, but is favor of following the *de minimis* procedure. Mr. McGinnis states that he has no issue with using the *de minimis* process, but he believes that the correct number for Ms. Magoffin's Statement of Claims for domestic and stock pond use is #36-105984. Mr. Pew is in agreement with using the *de minimis* process, and agrees that the Statement of Claim for the domestic and stock pond use is #36-105984. Ms. Montgomery and Mr. Palmer have no objections.

Mr. Sparks addresses the court and states that he believes that Ms. Magoffin also has three irrigation claims for water rights related to this property in Section 27. After discussion with Ms. Magoffin, Mr. Sparks is in agreement with the use of the *de minimis* process.

The Court will prepare the proposed abstracts for the *de minimis* claims for domestic and stock pond uses and distribute them to the parties and counsel on the mailing list for suggested corrections.

Mr. McGinnis states that he believes that the correct number for the claims for irrigation, stock watering and wildlife is #36-105995. Mr. Pew and Mr. Burnside state that they have not received the irrigation abstracts, but once they are received will review them.

IT IS ORDERED Ms. Magoffin shall send copies of her irrigation abstract(s) to all parties on the mailing list for this case, which will be attached to this minute entry.

Ms. Magoffin requests that she be allowed to send copies of abstracts to the parties by email. The parties on the call provide email addresses.

Ms. Magoffin states that the wells are inside the subflow zone. The stock pond in disrepair is out of Squaw Creek and is either included in contested case W1-11-3362, or W1-11-3374. (Water right #33-87761) Ms. Herrmann has not seen the 36 filings yet; she will review them once they have been sent to her before she decides if a stipulation will be acceptable. Ms. Herrmann requests that if the three irrigation claims are to remain on one abstract that the quantity portion of the abstract be broken down into the acreage of each parcel and the amount being used on each parcel.

IT IS ORDERED Ms. Magoffin shall work with the parties and within 30 days (**April 5, 2021**) either file a stipulation signed by all the objectors with the irrigation abstract(s) or she shall file a status report. If a stipulation to the proposed abstracts for water rights for irrigation use is not signed by all of the objectors, Ms. Magoffin shall file a status report that explains any issues that remain with respect to the three irrigation claims. She shall file the documents with the Clerk of Court and send them to all parties on the mailing list.

The Court and Ms. Magoffin discuss the list of all cases in which the Magoffin Family Trust is a party, which are contested cases numbered:

W1-11-3362
W1-11-3374
W1-11-3338
W1-11-3359
W1-11-3356
W1-11-3325
W1-11-3395
W1-11-3407
W1-11-3367
W1-11- 3397

The Court believes that the following contested cases have been completed: W1-11-3325, W1-11-3338, W1-11-3356, W1-11-3362, W1-11-3374, and W1-11-3407. Two cases, W1-11-3359 and W1-11-3397, are consolidated with W1-11-0245.

To avoid an inadvertent omission, the Court requests that Ms. Parks review her files regarding the Magoffin claims and if she believes there are any Statements of Claimant filed by the Magoffin Family Trust that are not the subject of one of the cases listed above, Ms. Parks shall file a report in the appropriate contested case indicating that a Statement of Claimant has been filed by the Magoffin Family Trust in that case.

2:57 p.m. Matter concludes.

LATER:

The Court Approved Mailing List for this case is as follows:

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