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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, W-2, W-3, W-4 (Consolidated)
Contested Case Nos. W1-11-3367

ORDER TO SET STATUS CONFERENCE

AND

ORDER DENYING MOTION TO REMOVE
CLAIMS RELATED TO TAX PARCEL
110-45-036

CONTESTED CASE NAME: *In re Magoffin II*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Status conference set for **March 5, 2021** at 2:00 p.m.
NUMBER OF PAGES: 9
DATE OF FILING: February 8, 2021

This contested case concerns claims for water rights for land included in Watershed File Report 115-05-048 (the "WFR"). A copy of the original map showing the boundaries of the land

1 included in the WFR is attached as Attachment A and is labelled as "48". The land included within
2 the boundaries of the WFR is:

- 3 a) The northwest quarter of the northeast quarter of Section 27 Township 7S Range 20E;
- 4 b) The south half of the northeast quarter of Section 27 Township 7S Range 20E; and
- 5 c) The northwest quarter of the southeast quarter of Section 27 Township 7S Range 20E.

6 A copy of a map prepared by Arizona Department of Water Resources that shows the boundaries of
7 the WFR and the boundaries of the two tax parcels within the WFR is attached as Attachment B.

8
9 According to the Graham County Assessor, the trustees of the Magoffin Family Trust and
10 the trustees of the Zachek Family Living Trust own the land involved in the WFR. Claims for water
11 rights have been filed by the landowner who transferred property to the trustees of the Zachek Family
12 Living Trust, the trustees of the Zachek Family Trust, and the trustees of the Magoffin Family Trust
13 as shown in Table 1.

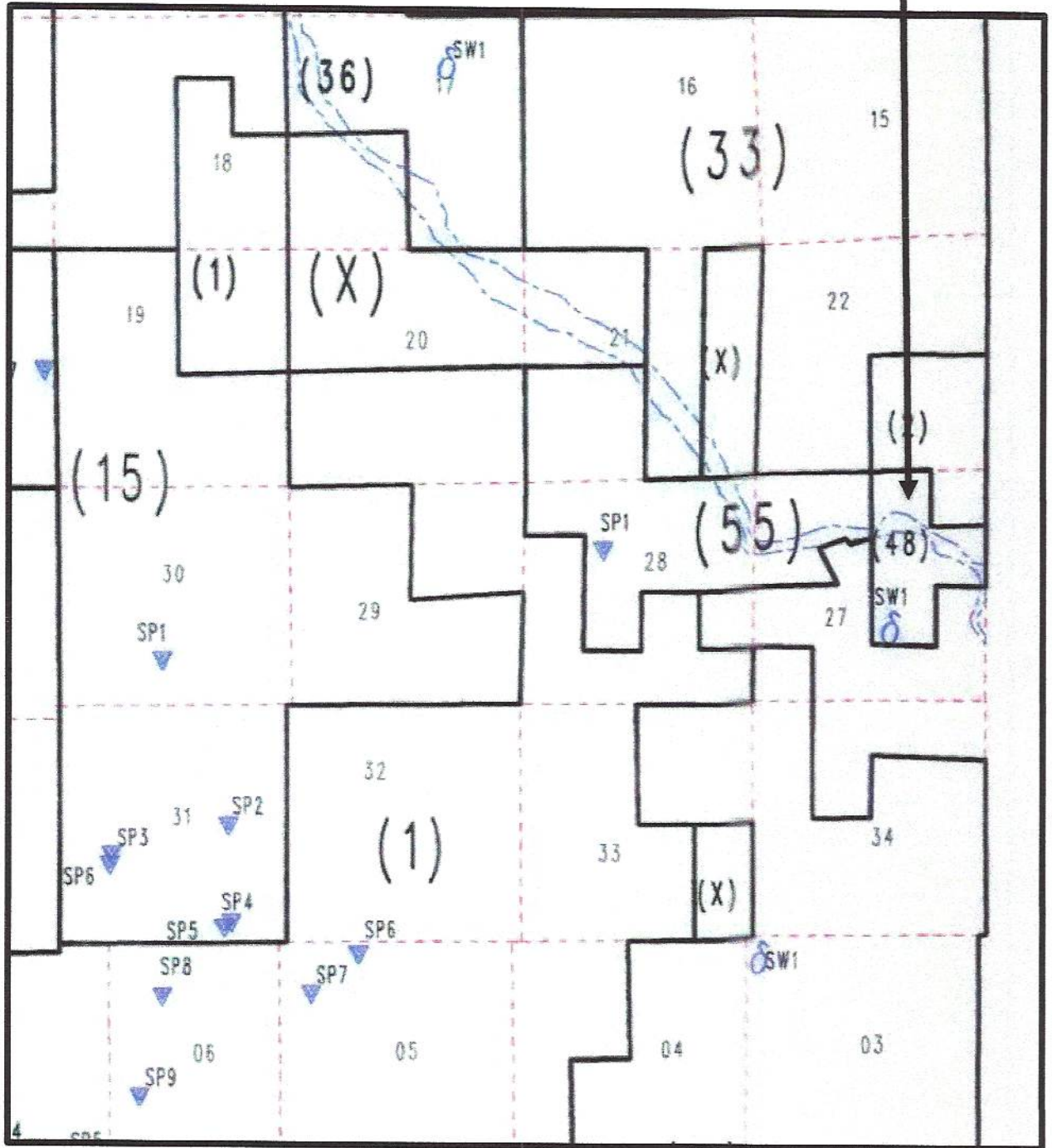
15 Claimant	Statement of Claimant	Type of Use
16 Patricia Hughes	39-11600	Domestic
17 Trustees of the Zachek Family Trust	39-18093	Domestic
18 Trustees of the Zachek Family Trust	39-18094	Irrigation
19 Trustees of the Zachek Family Trust	39-18095	Irrigation
20 Trustees of the Zachek Family Trust	39-18096	Stock watering
21 Trustees of the Zachek Family Trust	39-18168	Irrigation

22 **Table 1.**

1 The trustees of the Magoffin Trust moved to consolidate their claim for water rights in this
2 case with *In re Whiting Ranches*, Contested Case W1-11-3397 in which they are also asserting
3 water rights. The stated reason for the motion was to simplify the proceedings in this case that will
4 adjudicate claims for water rights by two landowners. While the basis for the motion is
5 understandable, two reasons exist to retain both landowners in this case. First, each watershed file
6 report created by Arizona Department of Water Resources is associated with a single contested case
7 maintained by the Maricopa County Superior Court. This organizational structure was created
8 several decades ago so that all of the information about the resolution of the claims investigated in
9 a single watershed file report could be easily accessed in one location within the court system.
10 Thus, as a general rule, the rights investigated in a watershed file report should not be the subject
11 of multiple contested cases. Second, each of the claims filed with respect to this case assert a pre-
12 1919 priority date. Presumably the basis for the priority date is the document concerning Wilford
13 Bridwell that is attached to the Statement of Claimant filed by the trustees of the Magoffin Trust.
14 A copy of the Bridwell document is attached as Attachment C. When the basis for the priority
15 dates claimed by the current landowners may arise from the same source, it is more efficient for all
16 parties to address the priority date claimed for both tracts of land in the same case. While there
17 may be valid reasons in the future to again consider dividing the claims between two different cases,
18 at this time all claims for water rights for land included in the boundaries of the WFR will be
19 adjudicated in this contested case.

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23 In the WFR, Arizona Department of Water Resources identified potential water rights for
24 domestic and stock watering uses. The landowners are currently claiming water rights for domestic,
25 stock watering and irrigation uses.
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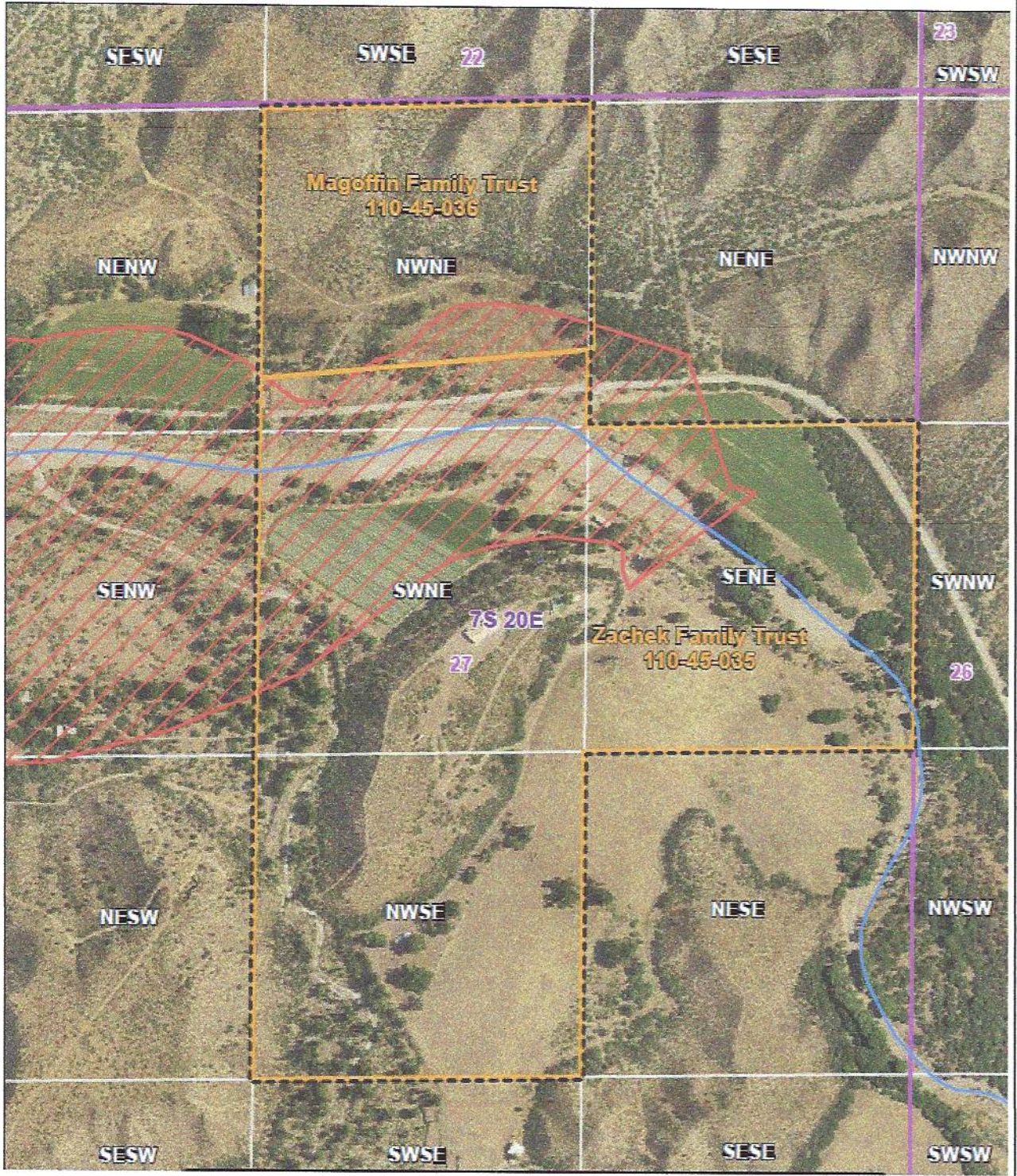
ATTACHMENT A



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ATTACHMENT B

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ATTACHMENT C

(4-405)

The United States of America
 To all to whom these presents shall come
 Homestead Certificate No 128
 Application 383

RECEIVED

JAN 05 2021

Whereas there has been ARIZONA DEPARTMENT OF WATER RESOURCES
 the General Land Office of the United States ADJUDICATIONS
 certificate of the Register of the Land Office at Tucson
 Arizona Territory whereby it appears that pursuant
 to the Act of Congress approved 20th May 1862
 "To Secure Homesteads to Actual settlers on
 the Public Domain" and the acts supplemental thereto
 the claim of Welford C. Bridwell has been established and
 duly consummated in conformity to law for the
 South half of the North East quarter the North West
 quarter of the North East quarter and the North West
 of the South East quarter of Section Twenty Seven in
 Township Seven South of Range Twenty East of Gila
 and Salt River Meridian in Arizona Territory con-
 taining one hundred and sixty acres -
 according to the Official Plat of the Survey of the said
 land returned to the General Land Office by the
 Surveyor General:

Now Know Ye, that there is therefore
 granted by the United States unto the said Welford
 C. Bridwell the tract of Land above described:
 To have and to hold, the said tract of Land with
 the appurtenances thereof unto the said Welford
 C. Bridwell and to his heirs and assigns forever
 subject to any vested and accrued water rights
 for mining agricultural manufacturing or other
 purposes and rights to ditches and reservoirs
 used in connection with such water rights as
 may be recognized and acknowledged by the
 local customs laws and decisions of courts and
 also subject to the right of the proprietor of a vein
 or lode to extract and remove his ore therefrom should
 the same be found to penetrate or intersect the
 premises hereby granted as provided by law

In testimony whereof J. Grover
 Cleveland President of the United States of America
 have caused these letters to be made Patent and
 the seal of the General Land Office to be
 hereunto affixed

Given under my hand at the City
of Washington the twenty third of May in the year
of our Lord one thousand eight hundred and
eighty eight and of the Independence of the
United States the one hundred and twentieth.

seal

By the President Grover Cleveland

By M. McKean, Secretary

D. Tyler Recorder of the General Land Office

ad interim

Recorded Vol. 1. page 91.

Recorded at the request of J. H. Norton & Co.
April 3rd 1896 at 9 o'clock a.m.

RECEIVED

M. Leon

Co. Recorder.

JAN 05 2021

ARIZONA DEPARTMENT OF WATER RESOURCES
ADJUDICATIONS

This Indenture made this 28th day of
March in the year of our Lord one Thousand
eight hundred and ninety six Between
Welford P. Bridwell of Aravaipa County of Graham
Territory of Arizona the party of the first part
and Sarah B. Moeninghaus of New York city
State of New York the party of the second part
Witnesseth: That the said party of the first
part for and in consideration of the sum of
Five Hundred (500) Dollars to him in hand
paid by the said party of the second part
the receipt whereof is hereby acknowledged
has granted bargained sold and conveyed
and by these presents does grant bargain
sell and convey unto the said party of the
second part and to her heirs and assigns
forever all that certain lot piece or parcels
of land lying situate and being in the
Aravaipa Canyon County of Graham Territory
of Arizona particularly described as follows
to wit:

The South half of the North East quarter the
North West quarter of the North East quarter and the
North West quarter of the South East quarter
of Section Twenty Seven in Township Seven
South of Range Twenty East of Gilg and and