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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. W1-11-3395
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Karen C. LeCount*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3395 is initiated and status conference set for **September 12, 2019 at 1:30 p.m.**
NUMBER OF PAGES: 11
DATE OF FILING: July 30, 2019

This Order initiates a contested case to consider the claims for water rights asserted in Statements of Claimant 39-6486 and 39-12022 and resolve objections to Arizona Department of Water Resources' report 115-05-DA-001 ("Report") published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the Report is attached as Attachment A.

1 The Report listed three potential water rights for irrigation use on the land located in
2 Graham County and, more specifically, within the northwest quarter of section 27 and the northeast
3 quarter of section 28 of Township 7S Range 20E. A copy of the map prepared for the Report is
4 attached as Attachment B and the area at issue is labelled with a “(1)”. As the source of water for
5 the irrigation use, Arizona Department of Water Resources identified a well located in NESENW
6 section 27 T7S R20E. It has determined that the well is within the subflow zone.

7
8 **Claimants and Landowners**

9 The Report identified two applicable statements of claimant (SOC): 39-6486 and 39-12022.
10 On July 7, 1980, Robert F. Kramme filed SOC 39-6484 claiming 100 acre-feet of water annually
11 (AFA) for irrigation use for land located in section 27 T7S R20E. Mr. Kramme signed a deed on
12 June 24, 1983 to convey land in the northwest quarter of section 27 and the northeast quarter of
13 section 28 T7S R20E to Joseph D. Marco as trustee of the J Marco Investment Trust. The public
14 records of ADWR do not contain a record of an assignment of SOC 39-6486. On January 4,
15 1985, Mr. Marco filed SOC 39-12022 claiming water for irrigation, domestic, stock and wildlife
16 watering uses for land including sections 17, 27, 28, 30 and 33 T7S R 20E On March 30, 1990,
17 J.D. Marco assigned SOC 39-12022 to Kaibab Industries, Inc.
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19

20 Arizona Department of Water Resources identified the landowner of land included in
21 Report as Kaibab Industries, Inc. The public records of Graham County show that Kaibab
22 Industries, Inc. acquired title to the land with legal description as the “[t]he Northwest Quarter of
23 Section 27; the Northeast Quarter, the Northeast Quarter of the Southwest Quarter, the Southeast
24 Quarter of the Northwest Quarter, and the North half of the Northwest Quarter of Section 28...”
25 on March 23, 1988 from Joseph D. Marco as Trustee of the J. Marco Investment Trust. On
26 September 17, 1998, Kaibab Industries, Inc. conveyed the land to Karen C. LeCount by warranty
27 deed recorded with the Graham County Recorder at 1998-06679. Kaibab Industries assigned
28

1 SOC 39-12022 to Karen C. LeCount on September 21, 1998. On June 5, 2014, Richard B.
2 Holcomb was named as the personal representative of the Estate of Karen C. Holcomb nee Karen
3 C. LeCount in the Superior Court of Arizona, Graham County, case no. PB 201400025. The
4 public records of ADWR do not show a subsequent assignment of SOC 39-12022.

5 On June 17, 2014 a warranty deed was filed with the Graham County Recorder, document
6 no. 2014-02300, naming Richard B. Holcomb, Trustee of the Survivor's Trust created under the
7 Holcomb Family Trust Agreement as grantor and Matthew O. Magoffin and Anna M. Magoffin
8 as Trustees of The Magoffin Family Trust as grantees of property in the northwest quarter of
9 section 27 and the northeast quarter of section 28 T7S R20E. The Graham County Assessor
10 identifies Matthew O. and Anna M. Magoffin as Trustees of the Magoffin Family Trust as the
11 owners of tax parcels 110-45-021C and 110-45-011A shown on Attachment C.
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15 **IT IS ORDERED:**

16 1. Contested Case. This contested case shall be known as *In re Karen C. LeCount*.
17 and it will address Statements of Claimant and objections that were filed regarding Report 115-05-
18 DA-001 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).
19 Copies of objections can be found under the case name and number on the following website:

20 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

21 2. Litigants. The litigants in this contested case are the Claimants, the current
22 landowners, all persons who filed objections to the listed watershed file reports who are listed on
23 Attachment D, and claimants who are allowed to intervene by order.

24 3. Court-Approved Mailing List.

25 A. The initial Court-approved mailing list for this case shall include all persons
26 listed on Attachment D to this order. The list may be modified only by filing a
27
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1 motion with the Special Master to amend the Court-approved mailing list. Litigants
2 are responsible for using the current Court-approved mailing list.

3 B. A copy of any pleading filed with the Clerk of the Maricopa County
4 Superior Court in this case shall be served upon each person listed on the Court-
5 approved mailing list.

6 C. Claimants wishing to be added or removed from the mailing list shall file a
7 motion with the Special Master. Parties allowed to intervene will be automatically
8 added to the mailing list.

9
10 4. Courtesy Email List.

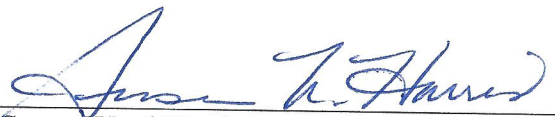
11 The Special Master's office will email courtesy copies of orders and minute entries
12 entered in this case to persons listed on Attachment D. Requests for inclusions on
13 the email list should be sent to Barbara Brown at
14 brownb099@superiorcourt.maricopa.gov.

15
16 5. Status Conference. An initial status conference shall be held to address the
17 adjudication of this case and determine whether the objections to the reported water uses can be
18 settled. In addition, an inquiry will be held whether Matthew O. Magoffin and Anna M. Magoffin
19 as Trustees of The Magoffin Family Trust claim additional water rights that have been investigated
20 and are the subject of a report from Arizona Department of Water Resources in the Final San Pedro
21 River Watershed Hydrographic Survey Report (1991). The Status Conference shall be held on
22 September 12, 2019, at 1:30 p.m. before:

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25 Special Master Susan Ward Harris
26 Superior Court of Arizona
27 201 West Jefferson Street
28 Courtroom 301
Phoenix, AZ 85003-2202

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Instructions for telephonic appearance:
Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#



Susan Ward Harris
Special Master

On July 30, 2019, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached hereto as Attachment D, and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).

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ATTACHMENT A

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
KAIBAB INDUSTRIES	-----
	115-05-DA-001

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W01	UNNAMED	NESENW27	070S	200E	IROO1,IROO2,IROO3	W1-11-3395

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
IROO1	NENW27	070S	200E	1921	1921 STATE SURVEY	135.5 AFA	25.1
	SENW27	070S	200E				
	SWNW27	070S	200E				
IROO2	SWNW27	070S	200E	1972	1972 AERIAL PHOTO	10.3 AFA	1.9
IROO3	SENE28	070S	200E	1983	1983 AERIAL PHOTO	3.8 AFA	.7
	SWNW27	070S	200E				

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0006486	W01	IROO1,IROO2,IROO3
39-0012022	W01	IROO1,IROO2,IROO3

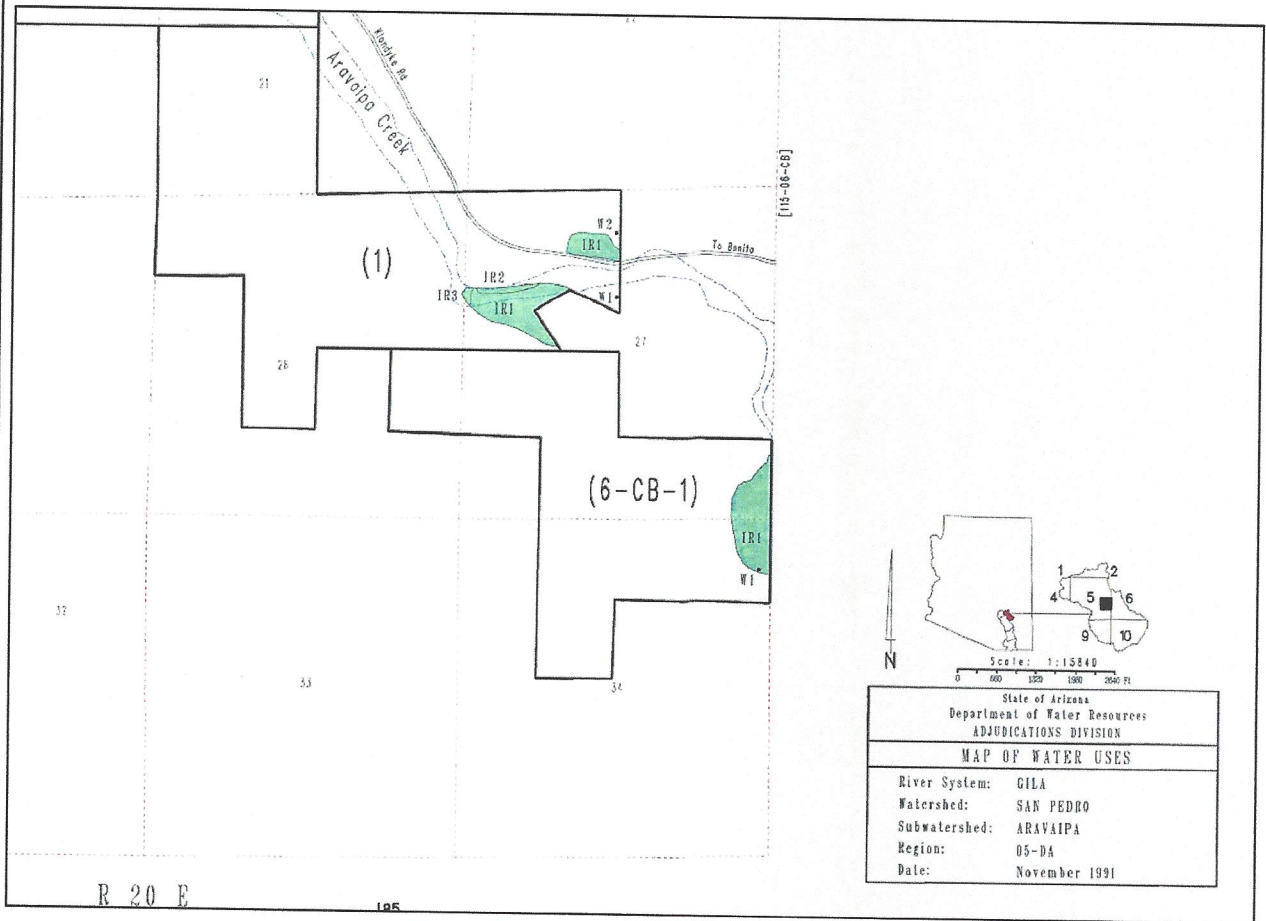
EXPLANATION

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

IR1-IR3 - IRRIGATED PASTURE.

A DOMESTIC USE (DM1) AND A WELL (W2) HAVE BEEN CATALOGUED AND ARE REPORTED IN VOLUME 8.

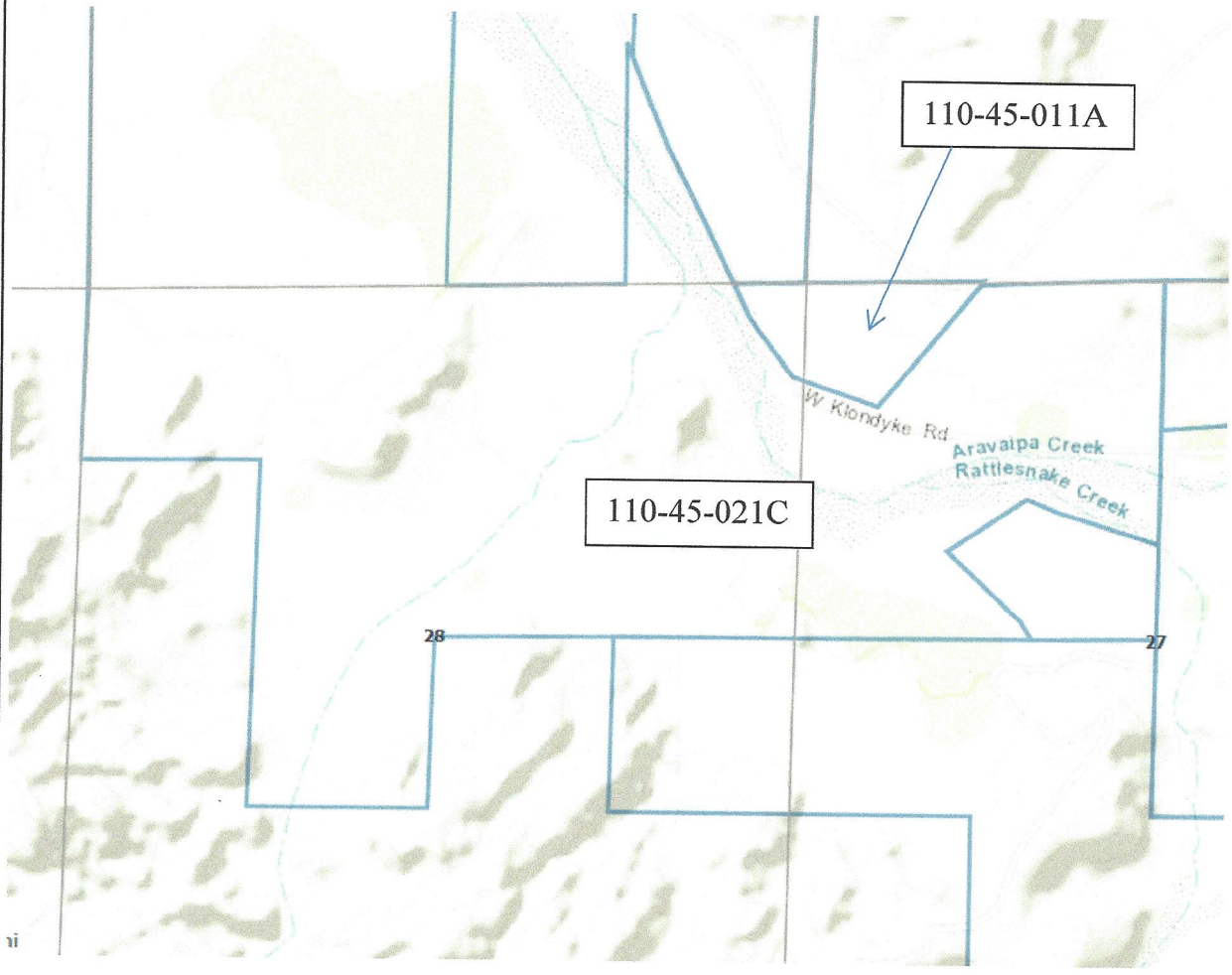
ATTACHMENT B



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ATTACHMENT C

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ATTACHMENT D

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Arizona Department of Water Resources
Kimberly Parks
P. O. Box 36020
Phoenix, AZ 85067

ASARCO Incorporated
Lauren J. Caster
Fennemore Craig, P.C.
2394 East Camelback Road
Suite 600
Phoenix, AZ 85016-3429

BHP Copper, Inc.
L. William Staudenmaier/John D. Burnside
Snell & Wilmer, L.L.P.
400 E. Van Buren Street, Ste. 1900
Phoenix, Az 85004

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

Gila River Indian Community
Linus Everling and Thomas L. Murphy
Office of the General Counsel
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Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

- 1 Richard B. Holcomb
- 2 Personal Representative of Estate of Karen C. Holcomb
- 3 34625 W. Kondyke Rd.
- 4 Wilcox, AZ 85643

- 5 Matthew O. and Anna M. Magoffin
- 6 Magoffin Family Trust
- 7 P.O. Box 1021
- 8 Douglas, AZ 85608

- 9 Matthew O. and Anna M. Magoffin
- 10 Magoffin Family Trust
- 11 W 34625 Klondyke Rd.
- 12 Willcox, AZ 85643

- 13 Robert F. Kramme
- 14 Rt. 1 Bonita
- 15 Willcox, AZ 85643

- 16 S. Montgomery, R. Interpreter, J. Tomkus
- 17 Montgomery & Interpreter, Plc
- 18 3301 E. Thunderbird Road
- 19 Phoenix, AZ 85032

- 20 Salt River Valley Water Users Association and the Salt River Project Agricultural Improvement
- 21 and Power District
- 22 John B. Weldon, Jr. and Mark A. McGinnis
- 23 Salmon, Lewis & Weldon PLC
- 24 2850 E Camelback Rd, Ste. 200
- 25 Phoenix, AZ 85016

- 26 Special Master Susan Ward Harris
- 27 Superior Court of Arizona
- 28 201 W. Jefferson Street
- 29 Courtroom 301
- 30 Phoenix, AZ 85003

- 31 U. S. Department of Justice
- 32 Patrick Barry and Yosef Negose
- 33 U.S. Department of Justice
- 34 Environment and Natural Resources
- 35 P. O. Box 7611
- 36 Washington, D.C. 20044-7611