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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. W1-11-3338

ORDER SETTING STATUS  
CONFERENCE

CONTESTED CASE NAME: *In re SLD-Magoffin II*

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: 14

DATE OF FILING: October 20, 2021

On September 27, 2021, Anna Magoffin, as trustee of the Magoffin Family 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.

1 Magoffin requested a status conference on case numbers W1-11-3362 to W1-11-3374, W1-11-  
 2 3407, and W1-11-3338. The requested case numbers along with associated watershed file  
 3 reports, status, 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

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

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 W1-11-3338 was initiated to adjudicate claims to water uses and  
2 objections to Watershed File Report 115-05-015 (“WFR”) that Arizona Department of Water  
3 Resources (“ADWR”) investigated on state trust land located generally in sections 19, 29, 30, and  
4 31 T7S R20E. The WFR found four potential water rights for stock and wildlife watering and six  
5 potential water rights for stockponds. No Statement of Claimant had been filed for SP003. Draft  
6 abstracts for the potential water rights were prepared and sent to ADWR for review. On June 5,  
7 2020, the Arizona Department of Water Resources filed a report with its comments on the draft  
8 abstracts and provided maps.

9  
10 On July 2, 2020, the Arizona State Land Department and the trustees of the Magoffin  
11 Family Trust filed a Joint Report that listed the State as the owner of all water rights for stock  
12 watering and for five of the six stockponds identified by the WFR. The remaining stockpond,  
13 115-05-015-SP001, was reported as not owned by the State. The WFR described the location of  
14 SP001 as SENESW section 30 T7S R20E and identified it as Long Hollow Tank #1. The Joint  
15 Report, in contrast, reported the location of SP001 as SENW 28 T7S R20E.<sup>1</sup> No part of Section  
16 28 T7S R 20E is within the boundaries of the WFR. The southeastern quarter of the northwestern  
17 quarter of section 28 T7S R20E is within the boundaries of Watershed File Report 115-05-055,  
18 contested case W1-11-3374.  
19

20  
21 On September 16, 2020, draft abstracts were distributed to all the parties in this case for  
22 suggested corrections. Final abstracts were approved and distributed on December 23, 2020.  
23  
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25  
26 <sup>1</sup> This legal description appears consistent with a claim made by the trustees of the  
27 Magoffin Family Trust in the fifth amendment to Statement of Claimant 39-12022. In the  
28 amendment filed February 13, 2020, the trustees of the Magoffin Family Trust claimed a water  
right for a stockpond in the SENW section 28 T7S R20E.

1 Ms. Magoffin requested a status conference in this contested case to address Long Hollow  
2 well (Wootan) with a claimed priority date of October 10, 1913. Ms. Magoffin did not provide a  
3 well registration number or location for the well. The WFR does not identify any well as a source  
4 of water for any of the potential water rights for stockponds or stock watering and does not list a  
5 1913 date as the date of first apparent use for any potential water right. The WFR does identify a  
6 potential water right (115-05-015-SP001) for a stockpond known as Long Hollow Tank No. 1  
7 located in SENESW section 30 T7S 20E. The basis for the claim is Certificate of Water Right  
8 3579 (application 3R-2391) that grants a water right for storage in Long Hollow Reservoir #1 in  
9 NESW Section 30 T7S R20E. A copy of the Certificate of Water Right is attached as Attachment  
10 B.  
11

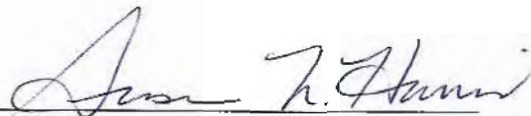
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13  
14 **IT IS ORDERED** setting a Status Conference on **November 4, 2021 at 3:30 p.m.** Anna  
15 Magoffin shall be prepared to identify the Long Hollow well by well registration number and by  
16 the section, township, and range in which it is located. Ms. Magoffin shall also be prepared to  
17 identify the water right claimed for which the Long Hollow well is the source of water. The  
18 claimed water right shall be described by:

- 19 1. type of use;
  - 20 2. Statement of Claimant;
  - 21 3. basis of claim; and
  - 22 4. place of use that is specific to within ten acres.
- 23  
24

25 **IT IS FURTHER ORDERED** that the Arizona State Land Department shall be prepared  
26 to discuss the ownership of proposed water right 115-05-015-SP001 located in NESW section  
27 30 T7S 20E  
28

1  
2 The Status Conference shall be held using the Court Connect program. Instructions for  
3 Court Connect are attached as Attachment C. If you receive this Order by email, click on the red  
4 box "Join Court Connect Hearing" on the attached instructions to make an appearance. If you do  
5 not receive this 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:  
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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#

15  
16   
17 Susan Ward Harris  
18 Special Master

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

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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



**Certificate of Water Right  
(Reissued)**

**State of Arizona**

**County of Graham**

**Certificate No. 3579.0002  
(Application No. R-2391.0005)**

Arizona Department of Water Resources  
3550 North Central Avenue  
Phoenix, Arizona 85012

**This is to Certify**, that Magoffin Family Trust, by and for the State of Arizona, of Willcox, State of Arizona, has provided evidence to the Arizona Department of Water Resources that they are successors in interest of Kaibab Industries, by and for the State of Arizona, in a right to the use of the waters of Left Branch Long Hollow Wash, a tributary to Long Hollow Canyon, within the San Pedro River watershed for the purpose of stockwatering perfected under Certificate of Water Right No. 3579.0000 (Application No. R-2391.0000).

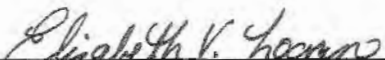
The priority of the water right dates from December 13, 1965. The amount of water to which such right is entitled for the stated purpose is limited to an amount actually beneficially used for such purpose, but shall not exceed 182,500 gallons per annum for stockwatering; the authorized water storage in Long Hollow Reservoir #1 shall not exceed 0.35 of an acre-foot.

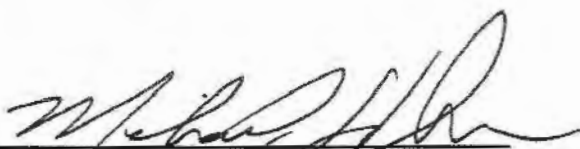
The place where the water is put to beneficial use is described as being located within: The Northeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ), Section 30, Township 7 South, Range 20 East, Gila and Salt River Base and Meridian, Graham County, Arizona.

The point of diversion is described as being located within: The Northeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ), Section 30, Township 7 South, Range 20 East, Gila and Salt River Base and Meridian, Graham County, Arizona.

Water may be put to beneficial use on public land by the landowner, a lessee or a permittee. This certificate shall not be construed as a determination by the Arizona Department of Water Resources of whether it is the landowner, a lessee or a permittee that is entitled to hold a water right on the public land.

WITNESS the seal and signature of the Assistant Director,  
Arizona Department of Water Resources,  
affixed this 21<sup>st</sup> day of August, 2014

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

  
Michael J. Johnson, Ph.D., P.E., Assistant Director  
Engineering and Permits Division

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).

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# ATTACHMENT C



## 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 Kalbab 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](#)

