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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
7 IN AND FOR THE COUNTY OF MARICOPA  
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9 IN RE THE GENERAL ADJUDICATION  
10 OF ALL RIGHTS TO USE WATER IN THE  
11 GILA RIVER SYSTEM AND SOURCE  
12

W-1 (Salt)  
W-2 (Verde)  
W-3 (Upper Gila)  
W-4 (San Pedro)  
(Consolidated)

13 Contested Case No. W1-11-3367

14 **ORDER GRANTING**  
15 **REQUESTED EXTENSION**  
16 **AND**  
17 **ORDER SETTING STATUS**  
18 **CONFERENCE**

19 **CONTESTED CASE NAME:** *In re Magoffin II*

20 **HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report.

21 **DESCRIPTIVE SUMMARY:** Status Conference set for **November 4, 2021 at 3:30 p.m.**

22 **NUMBER OF PAGES:** 11

23 **DATE OF FILING:** October 20, 2021  
24

25  
26 By Order dated June 25, 2021, the parties in this case were instructed to file either a  
27 stipulated abstract for a stockpond known as Haby Pond or a status report. On October 1, 2021,  
28 Anna Magoffin, as trustee of the Magoffin Trust, submitted a letter which she represented as

1 having been sent to all parties, requesting a thirty-day extension on the grounds that an agreement  
 2 had not been reached and because an additional request for an order had been filed. A copy of  
 3 the letter is attached as Attachment A. On September 27, 2021, Anna Magoffin, as trustee of the  
 4 Magoffin Trust, submitted a letter which she also represented as having been sent to all parties.  
 5 A copy of the letter is attached as Attachment B. Ms. Magoffin requested a status conference  
 6 on case numbers W1-11-3362 to W1-11-3374, W1-11-3407, and W1-11-3338. The requested  
 7 case numbers along with associated watershed file reports, status, and landowner named on the  
 8 watershed file report are shown below:  
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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

24 Four of the cases listed by Ms. Magoffin have not been initiated. Contested cases that name  
 25 the Nature Conservancy and Lackner as the landowners do not involve the trustees of the Magoffin  
 26 Trust and have been completed. The listed cases that involve the trustees of the Magoffin Trust  
 27 are as follows:  
 28

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.

This contested case W1-11-3367 was initiated to adjudicate claims to water uses and objections to Watershed File Report 115-05-048 (“WFR”) that investigated water uses in a portion of section 27 T7S R20E. The WFR referenced two Statements of Claimant: 39-11600 and 39-5285 filed by Patricia Hughes and Hugh Claridge, respectively. Neither Claimant has appeared in this case. The WFR found domestic uses and a stock watering use. By Order dated August 31, 2021, a proposed abstract for a stock watering right in the southeastern quarter of Section 27 was approved and issued.

After this case was initiated, the trustees of the Magoffin Trust filed Statement of Claimant 39-18167 to claim a stockpond use in NWSW section 27 T7S R20E with a well as the source of water and a 1896 priority date. On the same date, January 5, 2021, the trustees of the Magoffin Family Trust filed Statement of Claimant 39-18168 for an irrigation use in NWNE section 27 T7S R20E from a stockpond and Well 55-604313. On March 15, 2021, the trustees of the Magoffin Trust filed a sixth amendment to Statement of Claimant 39-12022 for a stockpond known as “Haby” in NWNE section 27 T7S R20E supplied by well 55-604311. According to ADWR’s public records, Wells 55-604311 and 55-604313 are both located in the eastern half of northwest quarter of Section 27 T7S R20E. Well 55-604311 is located in the southern portion of that quarter and Well 55-604313 is located in the northern portion of that quarter.

The *de minimis* procedure does not apply to the claims made by the trustees of the Magoffin Trust for a stock pond or an irrigation use. In the absence of an agreement by the parties, the regular procedures to adjudicate a claimed water right will be followed.

1           **IT IS ORDERED** granting the requested extension. The parties shall either file a stipulated  
2 abstract by **October 30, 2021** or shall attend a Status Conference on **November 4, 2021 at 3:30 p.m.**  
3 The Status Conference shall be held using the Court Connect program. Instructions for Court  
4 Connect are attached as Attachment C. If you receive this Order by email, click on the red box "Join  
5 Court Connect Hearing" on the attached instructions to make an appearance. If you do not receive  
6 this Order by email, log into the Court Connect program on the internet by typing  
7 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend  
8 telephonically using the telephone number and access code included in the instructions for Court  
9 Connect. You may also attend telephonically using the following numbers:

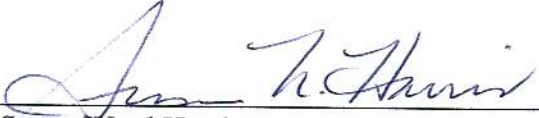
12           Instructions for telephonic participation:

13           Dial: 602-506-9695 (local)

14           1-855-506-9695 (toll free long distance)

15           Dial Collaboration (conference) Code 357264#

16           If it becomes apparent at the Status Conference that a stipulation cannot be reached with  
17 respect to a proposed abstract for Haby Pond, then dates shall be set for the filing of initial  
18 disclosure statements, discovery, dispositive motions and trial.

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21             
22           Susan Ward Harris  
23           Special Master

24           The original of the foregoing was delivered to the Clerk  
25 of the Maricopa County Superior Court on October 20,  
26 2021, for filing and distributing a copy to all persons  
27 listed on the Court approved mailing list for this  
28 Contested Case.

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28           Emily Natale

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# ATTACHMENT A

Magoffin Family Trust  
34625 W. Klondyke Road  
Willcox, AZ 85643

OFFICE OF THE SPECIAL MASTER  
Arizona General Stream Adjudication

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

OCT 04 2021

October 1, 2021

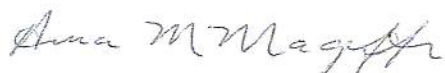
Clerk of the Superior Court,

I am asking for a 30-day extension for Contested Case N. W1-11-3367 due to the fact that the changes requested have not been approved by all attorneys as of the due date of September 30<sup>th</sup> and an additional request for a proposed order was added on the due date.

All other parties from the court approved mailing list have been contacted by email.

Thank you for your understanding in this matter.

Sincerely,



Anna Magoffin  
Trustee for the Magoffin Family Trust

did not email Special Master

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# ATTACHMENT B

Magoffin Family Trust  
34625 W. Klondyke Road  
Willcox, AZ 85643

OFFICE OF THE SPECIAL MASTER  
Arizona General Stream Adjudication



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

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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 Kaibab 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](#)

