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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. W1-11-3374

ORDER TO INITIATE CASE

CONTESTED CASE NAME: *In re Kaibab Industries - Stock*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Order to file a joint report regarding ownership of the claimed right for stock watering used on state trust land by January 10, 2020 and a status conference set for January 15, 2020.
NUMBER OF PAGES: 8
DATE OF FILING: October 28, 2019

This contested case involves a claim for irrigation, domestic and stock use that was investigated as part of Watershed File Report 115-05-055 (“WFR”) published in the Final San

1 Pedro River Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached as
2 Attachment A. The WFR reported a potential water right for a stockpond with an estimated
3 capacity of 29.9 acre feet.

4 On January 4, 1985, Joseph Marco filed Statement of Claimant 39-12022 which has been
5 assigned to the trustees of the Magoffin Family Trust. On October 3, 2019, the trustees of the
6 Magoffin Family Trust filed two amendments to Statement of Claimant 39-12022 to claim water
7 rights for stock and wildlife watering and identified the place of use as State Trust Land and that
8 property in Graham County identified as tax parcel 110-45-021C in section 21 T7S R20E.
9

10 **IT IS ORDERED:**

11
12 1. Contested Case. This contested case shall be known as *In re Kaibab Industries -*
13 *Stock* and it will address the Statement of Claimant and objections that were filed to Watershed
14 File Report 115-05-055 published in the Final San Pedro River Watershed Hydrographic Survey
15 Report (1991). Copies of objections can be found under the case name and number on the
16 following website:
17 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

18 2. Litigants. The litigants in this contested case are the Claimant, the current
19 landowners, all persons who filed objections to the listed Watershed File Report who are included
20 on Attachment B, and claimants who are allowed to intervene by order.
21

22 3. Court-Approved Mailing List.

23
24 A. The initial Court-approved mailing list for this case shall include all persons
25 listed on Attachment B to this order. The list may be modified only by filing a
26 motion with the Special Master to amend the Court-approved mailing list. Litigants
27 are responsible for using the current Court-approved mailing list.
28

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

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

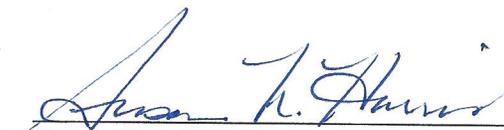
8 4. Courtesy Email List.

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

14 5. Joint Report. The trustees of the Magoffin Family Trust and the Arizona State Land
15 Department shall file by **January 10, 2020** a joint report regarding ownership of the claimed right
16 for stock watering use on state trust land

17 6. Status Conference. A status conference shall be held on **January 15, 2020** at 11:15
18 a.m. in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson
19 Street, Phoenix, AZ 85003-2202.
20

21
22 Instructions for telephonic participation:
23 Dial: 602-506-9695 (local)
24 1-855-506-9695 (toll free long distance)
Dial Collaboration (conference) Code 357264#

25
26 
Susan Ward Harris
Special Master
27
28

1 The original of the foregoing was delivered to the Clerk of
2 the Maricopa County Superior Court on October 28, 2019,
3 for filing and distributing a copy to all persons listed on the
4 Court approved mailing list for this contested case which is
5 attached as Attachment B and to all persons listed on the
6 Court-approved mailing list for W-1, W-2, W-3, and W-4
7 (Consolidated).
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APPENDIX A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
KAIBAB INDUSTRIES	115-05-055

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *WI-11-3374*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE	
39-0012022		IRRIGATION DOMESTIC STOCK					1910		27	070S	200E
									28	070S	200E
									30	070S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0012022	STOCK WILDLIFE	STOCK INCIDENTAL		SPOO1

RESERVOIRS

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPOO1	NWSENW28	070S	200E		SURFACE WATER		UNNAMED STOCKPOND	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SPOO1	39-0012022	NONE	1984	1984 AERIAL PHOTO	SURFACE WATER: ARAVAIPA CREEK

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SPOO1	MAX. AREA/CAP	5.5				29.9 AF	

EXPLANATION

USES AND RESERVOIRS

SP1 - UNNAMED STOCKPOND.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE STATE LAND DEPARTMENT WHICH STATED THAT SP1 IS ON NON-STATE LAND. SP1 DID APPEAR ORIGINALLY IN W.F.R. #115-05-1 WHICH DESCRIBED LAND OWNED BY THE STATE LAND DEPARTMENT AND LEASED BY KAIBAB INDUSTRIES. FURTHER INVESTIGATION DETERMINED THAT SP1 IS LOCATED IN THE NW1/4, SW1/4, NW1/4, SECTION 28, T.7S., R.20E. WHICH IS ON LAND OWNED BY KAIBAB INDUSTRIES. THUS SP1 HAS BEEN PLACED IN THIS W.F.R.

APPENDIX B

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

Carrie Brennan
Kevin Crestin
Arizona Attorney General
2005 N. Central
Phoenix, AZ 85004

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

Gila River Indian Community
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Office of the General Counsel
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Sacaton, AZ 85147

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Chandler, AZ 85225

Matthew O. and Anna M. Magoffin
Magoffin Family Trust
P.O. Box 1021
Douglas, AZ 85608

S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
3301 E. Thunderbird Road
Phoenix, AZ 85032

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Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

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