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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 SETTING A STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Karen C. LeCount*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: A telephonic status conference is set for **March 5, 2021 at 2:30 p.m.** to determine whether the parties can resolve objections to claims for irrigation uses and address procedures for claimed domestic and stock watering uses.

NUMBER OF PAGES: 11

DATE OF FILING: February 10, 2021

I. Arizona Department of Water Resources Reports

This case involves claims for rights to water for use on land in the northwest quarter of Section 27 Township 7S Range 20E. Arizona Department of Water Resources (“ADWR”) investigated the water uses on the land and prepared the Zone 2 Well Report 115-05-DA-001

1 (“Report”). A copy of the Report is attached as Attachment A. The Report refers to one well that
 2 provides water for irrigation use and reports that second well exists on the property that is included
 3 in Vol. 8 of the San Pedro Hydrographic Survey Report as a “cataloged well”. As shown in *figure*
 4 *1*, ADWR determined that two wells are located on the land and both wells are in the subflow zone.

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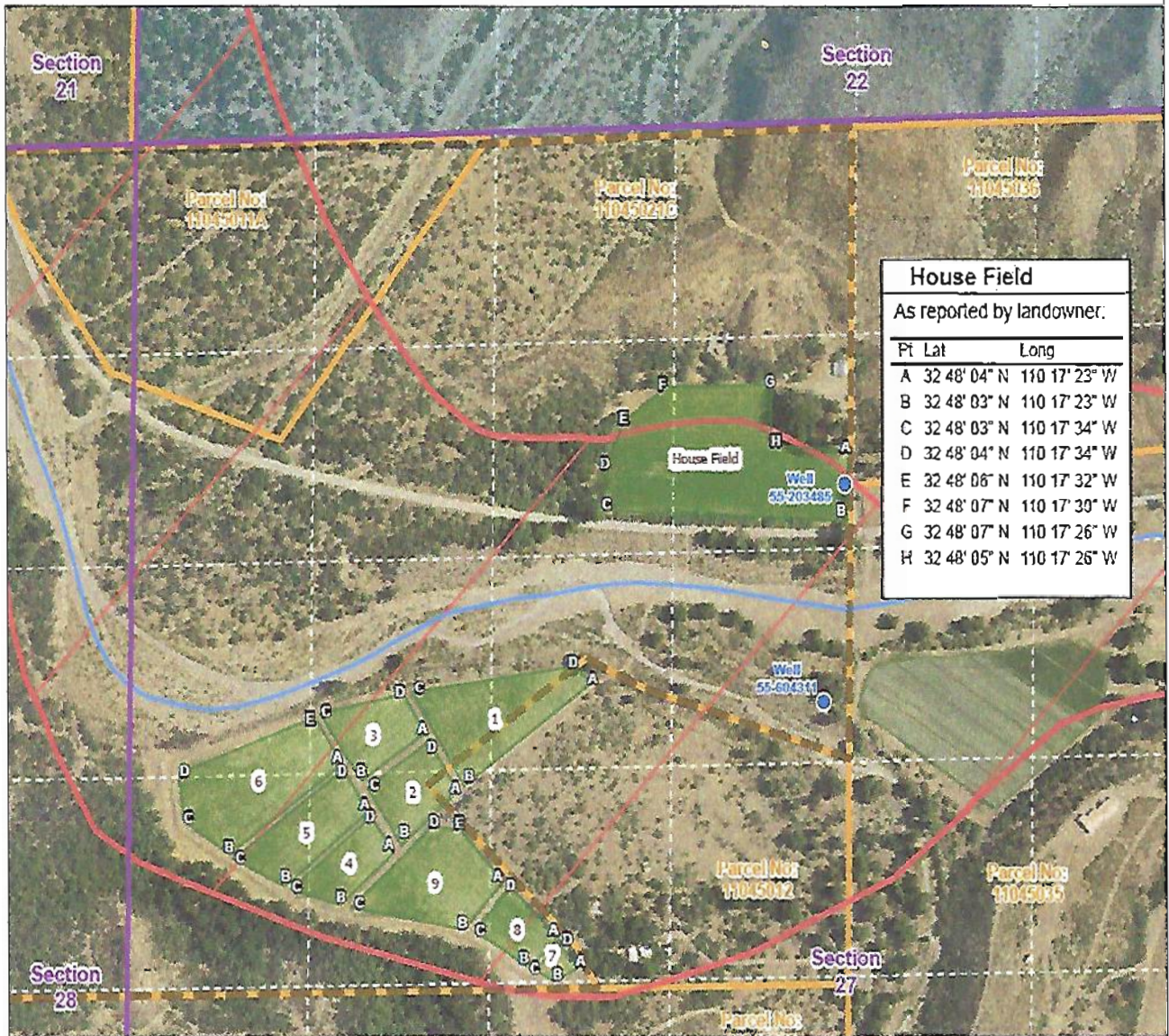


Figure 1.
Source: Arizona Department of Water Resources, filed May 19, 2020.

1 The Report found three irrigation uses of water on the land and assigned a different date of
2 apparent first use to each irrigation use: 1921, 1972, and 1983. As the source of water for the three
3 irrigation uses, the Report identified one well located in the northeast quarter of the southeast quarter
4 of the northwest quarter of Section 27 Township 7S Range 20E. Based on the information provided
5 by ADWR, the referenced well may be that well registered as 55-604311 shown on *figure 1*. The
6 Report also references a domestic use on the land that is reported in Volume 8 of the San Pedro
7 Hydrographic Survey Report. A copy of the relevant page from Volume 8 is attached as Attachment
8 B.

9 A number of parties filed objections to the Report. Copies of the objections can be found
10 on the web page for the General Stream Adjudication maintained by the Maricopa County Superior
11 Court. The following is a link to the page: [Adjudications: Active Cases](#). The objections for this
12 case are located under the name and number for this contested case under the tab on the webpage
13 titled "Active Cases".

14 15 16 **II. Current Activity in the Case**

17 To date, ADWR has facilitated meetings among the parties and prepared a map to aid the
18 parties in their discussions about the claims and objections. Subsequently, the trustees of the
19 Magoffin Family Trust prepared and filed forms of abstract for the three potential water rights for
20 irrigation use listed in the Zone 2 Well Report. It is unknown from the trustees' statement that
21 accompanied the abstracts whether all of the objections have been resolved among the parties or
22 even whether the trustees of the Magoffin Family Trust and the objectors have discussed the
23 proposed abstracts.

24 No proposed abstracts for water rights can be entered until the objections have been resolved
25 either by agreement among the parties or, if there is no settlement, by the court based on the evidence
26 presented at a trial. Before a trial schedule is set, an additional status conference will be held to
27 determine whether the parties can resolve the objections to all of the water rights claimed by the
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1 trustees of the Magoffin Family Trust and the appropriate procedures to be used to adjudicate the
2 rights for different types of water uses.

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4 **III. Claims Currently Asserted**

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6 **A. Irrigation**

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8 The abstract prepared by the trustees of the Magoffin Family Trust combines the three
9 irrigation uses listed in the Report into a single abstract. In this general adjudication, a separate
10 abstract has been prepared for each potential water right identified by ADWR. An exception to this
11 rule would exist if the parties agreed that the same water right characteristics applied to all of the
12 irrigated land.

13
14 **B. Domestic**

15 The trustees of the Magoffin Family Trust submitted a proposed form of abstract for a
16 domestic use. Arizona Department of Water Resources did not include a potential water right for a
17 domestic use in the Report but, it did include an entry in the Volume 8 catalog referencing a domestic
18 use. The abstract has been revised and is attached for the purpose of a discussion among the parties
19 as to whether the claim can be determined using the *de minimis* procedures or whether the claim for
20 the domestic use must be fully adjudicated, if objections cannot be settled. See Attachment C.

21
22 **C. Stock watering**

23 The trustees of the Magoffin Family Trust also submitted a proposed form of abstract for a
24 stock watering use. Although the Report does not reference a stock watering use, the catalog entry
25 does acknowledge that the well was used for watering cattle. As in the case of the domestic claim,
26 the proposed abstract prepared by the trustees of the Magoffin Family Trust has been revised and is
27 attached for purposes of a discussion among the parties as to whether the claim can be determined

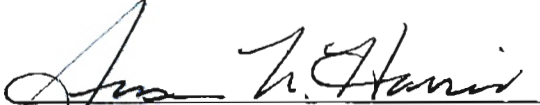
1 using the *de minimis* procedures or whether the claim for the stock watering use must be fully
2 adjudicated, if objections cannot be settled. See Attachment D.

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4 **D. Stockpond**

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6 The trustees of the Magoffin Trust prepared an abstract for a proposed water right for a
7 stockpond. Neither the Report nor the Vol. 8 catalog contains a reference to a stockpond. Thus, *de*
8 *minimis* procedures will not be used to determine the claim for a stockpond.

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11 **IT IS ORDERED** that a telephonic Status Conference shall be held on **March 5, 2021**, at
12 **2:30 p.m.** Prior to the Status Conference, the parties will be expected to have discussed the
13 objections filed by the objectors and, the nature of any objection that requires resolution. At the
14 Status Conference, the parties will also be expected to state their position regarding the propriety
15 of using *de minimis* procedures to resolve the domestic and stock watering claims. Finally, at the
16 Status Conference, the trustees of the Magoffin Family Trust will be expected to identify the
17 specific basis of each water right claimed. If it appears after the status conference that the
18 objections cannot be resolved by the parties, a trial schedule will be set to determine the water rights
19 claimed by the trustees of the Magoffin Family Trust.

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22 Instructions for telephonic appearance:
23 Dial: 602-506-9695 (local)
24 1-855-506-9695 (toll free long distance)
25 Dial Participant Pass Code 357264#

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Susan Ward Harris
Special Master

1 On February 10, 2021, the original of the foregoing was
2 delivered to the Clerk of the Maricopa County Superior Court
3 for filing and distributing a copy to all persons listed on the
4 Court-approved mailing list for this contested case.
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ATTACHMENT A

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
KALIBAB INDUSTRIES	115-05-0A-001

WELLS	WELL NAMES	WELL LOCATION	SECTION	TWNP	RNGE	WATER USES SERVED	REMARKS
-----	-----	-----	-----	-----	-----	-----	-----
W01	UNNAMED	NESENW27	0705	200E		IR001, IR002, IR003	W1-11-3395

WATER USE NUMBERS	WATER USE LOCATION	SECTION	TWNP	RNGE	DATE	*** APPARENT FIRST USE ***	BASIS FOR DATE	APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
IR001	NENW27	0705	200E		1921	1921 STATE SURVEY		135.5 AFA	25.1
	SENW27	0705	200E						
	SWNW27	0705	200E						
IR002	SWNW27	0705	200E		1972	1972 AERIAL PHOTO		10.3 AFA	1.9
IR003	SENE28	0705	200E		1983	1983 AERIAL PHOTO		3.8 AFA	.7
	SWNW27	0705	200E						

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
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39-0006486	W01	IR001, IR002, IR003
39-0012022	W01	IR001, IR002, IR003

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.

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ATTACHMENT B

CATALOGUED WELLS
AS OF 11/01/91

CATALOGUED WELL NUMBER	WELL OWNER'S NAME	WELL LOCATION SECTION TAMP RING	CLAIMED DATE	CLAIMED QUANTITY	DATA SOURCE	TYPE
4.484.	WOOD, THOMAS A & BETHANY	SWIG 1805 210E	1976	2.07 AFA	112-17-080-006	AT FILLING 39-0001018
4.485.	WOOD, THOMAS A.	KASSEVIC 1805 210E			112-17-080-005	AT DIVERSION WOI
4.486.					112-17-080-006	AT PLACE OF USE DW001
4.487.	JUNOS	RUSSEWICZ 1705 210E	1978	8.00 AFA	112-17-080-041	AT FILLING 39-0011208
4.488.	JUNOS BROS	RUSSEWICZ 1705 210E			55-0637016	DOMESTIC WELL
4.488.	JUNOS, ELMER H.	INDIANA 1705 210E			112-17-080-041	AT PLACE OF USE DW001
4.489.	JUVERA	18 CROS 170E		20.00 GPM	56-0640205	DOMESTIC WELL
4.491.	JUVERA	KWESSEIC 2105 210E	1985	12.00 GPM	55-03-0180	DOMESTIC WELL
4.492.	JUVERA	SEKNEVIC 0805 170E	1975	30.00 GPM	55-0642002	DOMESTIC WELL
4.493.	JUVERA	SEKNEVIC 0805 170E	1974	39.00 GPM	55-0317771	DOMESTIC WELL
4.494.	JUVERA, SPENTAKH GI. BERIO	KWESSEIC 2105 210E	1980	1.70 AFA	115-00-001	AT FILLING 39-0013080
4.495.	K-7 NANCY, INC	KASSEVIC 1705 210E			112-17-080	AT PLACE OF USE DW001
4.496.	KACEL	NERI03 2105 220E			55-0632409	DOMESTIC WELL
4.497.	KACEL, FREDERICK	NAKNEVIC 2405 220E			111-23-03-010	AT PLACE OF USE DW001
4.498.	KACEL	SASUSVIC 2105 160E	1983	7.00 GPM	55-0602453	DOMESTIC WELL
4.499.			1982	12.00 GPM	55-0600470	DOMESTIC WELL
4.500.	KAGE, MERLE W & AUDITH A	35 2105 180E	1972	.77 AFA	111-19-06-002	AT FILLING 39-0000809
4.501	KAGE, MERLE W	CHENOVOS 2105 180E			111-19-06-002	AT PLACE OF USE DW001
4.502.	KAGE, MERLE W & AUDITH A		1982	.15 AFA	111-19-06-002	AT FILLING 39-0010509
4.503.	KAISER INDUSTRIES	NEKNEVIC 0705 200E		5.00 GPM	55-0604312	STOCK WELL
4.504.		SEKNEVIC 0705 200E		10.00 GPM	55-0604314	STOCK WELL
4.505.		NEKNEVIC 0705 200E			115-05-02-001	AT DIVERSION WOI
4.507.		SEKNEVIC 0705 200E	1910	15.00 GPM	55-0604313	AT PLACE OF USE DW001
4.508.		SEKNEVIC 0705 200E	1937	1.00 AFA	115-05-02-001	AT FILLING 39-0006479
4.509.	KAISER	SEKNEVIC 1805 210E		10.00 GPM	55-0641239	DOMESTIC WELL
4.510.	KARLBER FARMS A	RUSSEWICZ 0805 210E	1920	10.00 GPM	55-0638805	STOCK WELL
4.511.	KARTGNER	HEMELIA 1705 220E	1927	9.21 AFA	112-17-080-001	AT FILLING 39-0010465
4.512.	KARTGNER	SASUSVIC 1705 210E	1928	10.11 AFA	112-17-080-007	AT FILLING 39-0026535



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ATTACHMENT C

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-DA-001-DM001
2. Owner of Water Right:	Magoffin Family Trust
3. Landowner:	Magoffin Family Trust
4. Statement of Claimant No.:	39-120220 39-6486
5. Statement of Claimant Name:	Magoffin Family Trust
6. Lessee or Permittee:	n/a
7. Basis of Right:	
8. Beneficial Use:	Domestic
9. Priority Date:	04/21/1910
10. Quantity:	Not to exceed 1 acre foot per year
11. Place of Use:	NESESE Sec. 27 T07S R20E of the Gila and Salt River Base and Meridian, Pinal County, Arizona
12. Point of Diversion:	Well 55-203485 32° 48' 02.98"N, 110° 17' 23.18"W
13. Source of Water	Subflow of Aravaipa Creek
14. Name of Facility:	House Well

ATTACHMENT D

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-DA-001-SW001
2. Owner of Water Right:	Magoffin Family Trust
3. Landowner:	Magoffin Family Trust
4. Statement of Claimant No.:	39-120220 39-6486
5. Statement of Claimant Name:	Magoffin Family Trust
6. Lessee or Permittee:	n/a
7. Basis of Right:	
8. Beneficial Use:	Stock Watering and wildlife
9. Priority Date:	04/21/1910
10. Quantity:	Reasonable use
11. Place of Use:	SWNENW Sec. 27 T07S R20E of the Gila and Salt River Base and Meridian, Pinal County, Arizona
12. Point of Diversion:	Well 55-203485 32° 48' 02.98"N, 110° 17' 23.18"W
13. Source of Water:	Sub Flow Aravaipa Creek
14. Name of Facility	House Well