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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 FILE STATEMENT OF
CLAIMANT, FILE AMENDED
WATERSHED FILE REPORT, and FILE
AMENDED OBJECTIONS
and
ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Karen C. LeCount*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Trustees of the Magoffin Family Trust shall file a Statement of Claimant by **August 15, 2022**. Arizona Department of Water Resources shall file an amended Watershed File Report by **September 9, 2022**. Parties shall objections to the Watershed File Report by **October 7, 2022**. An in-person status conference is set for **October 20, 2022 at 2:00 p.m.**
NUMBER OF PAGES: 5
DATE OF FILING: July 27, 2022

The claim that remains to be resolved in this case is a claim for water pumped from Long Hollow Well for stock watering. Long Hollow Well is registered as 55-604314. The well is located in the southeast quarter of the northeast quarter of the southwest quarter of Section 21, Township 21S, Range 20E. The legal description for the location of this well is SENESW Sec. 21 T21S R20E.

1 The well was registered in 1982. *See Minute Entry* filed November 22, 2021 (“November Minute
2 Entry”), for a map of the location and description of registration filings. Watershed File Report
3 115-05-055, prepared by Arizona Department of Water Resources (“ADWR”) in 1991, did not report
4 any water use from a well located in SENESW Sec. 21 T21S R20E.

5 On February 3, 2022, a Status Conference was held to address the claim for a water use from
6 the Long Hollow Well. Anna Magoffin, trustee of the Magoffin Family Trust, appeared at the status
7 conference. She stated that she claimed a right to stockwatering from the Long Hollow Well. All
8 of the parties agreed that an amended WFR was necessary to adjudicate Ms. Magoffin’s claim using
9 the *de minimis* procedures. Consequently, ADWR was directed to prepare an amended Watershed
10 File Report that investigated the claim based on a water supply from the Long Hollow Well. The
11 amended WFR filed by ADWR on May 16, 2022, did not include a potential water right supplied by
12 Long Hollow Well. Arizona Department of Water Resources stated that it could not include a
13 potential water right in the amended WFR because the trustees of the Magoffin Family Trust had not
14 filed a Statement of Claimant for a water use for which the Long Hollow well provided a source of
15 water. Arizona Department of Water Resources’ Notice of Filing Partial Amended Watershed File
16 Report, Attachment A at 1 (May 16, 2022).

17 The original WFR listed Statement of Claimant 39-12022 as one of the relevant Statements
18 of Claimant to be considered as part of the investigation of water use for that report. Statement of
19 Claimant 39-12022 has been repeatedly amended by the trustees of the Magoffin Family Trust. On
20 January 15, 2020, the trustee of the Magoffin Family Trust filed an amendment to Statement of
21 Claimant 39-12022 that made a claim for water use that named the Long Hollow Well, along with
22 its registration number, as the source of the water. The legal description of the Long Hollow Well
23 in the Statement of Claimant listed the quarter-quarter-quarter sections in the same order as required
24 on ADWR’s Well Registration forms. The January 15, 2020 Statement of Claimant described the
25 Long Hollow Well as located in SWNESE Sec. 21 T21S R20E. The Well Registration forms created
26 by ADWR require the location of a well to be described by quarter-quarter-quarter section in order
27 of the largest quarter descending to the smallest quarter section. A traditional legal description, in
28

1 contrast, lists the quarter-quarter-quarter sections in order of smallest quarter ascending to the largest
2 quarter section. The correct legal description of the Long Hollow Well is SENESW Sec. 21 T21S
3 R20E. On November 2, 2021, the trustees of the Magoffin Trust amended Statement of Claimant
4 39-12022 to claim a water use for the Haby stockpond supplied by well registered as 55-604313.
5 Statement of Claimant 39-12022, as amended in 2021, was cited in the approved abstract for 115-
6 05-055-SP001.

7 Well in advance of the due date for objections to the amended Watershed File Report, Salt
8 River Project filed its objection. It proposed that the grounds relied upon by ADWR for not including
9 a potential water right in the WFR could be resolved by treating the January 15, 2020 amendment to
10 Statement of Claimant 12-12022 as a valid Statement of Claimant and the erroneous legal description
11 as scrivener error. Salt River Project is correct that in this case the errors in the amended Statement
12 of Claimant 12-12022 should not prevent the application of the *de minimis* procedures to adjudicate
13 the claimed water use. It is clear from the January 20, 2020 amendment to Statement of Claimant
14 39-12022 and the February Minute Entry that the trustee of the Magoffin Family Trust intended to
15 make a claim for a water use supplied by the Long Hollow Well. Accordingly,
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18 **IT IS ORDERED** that the trustees of the Magoffin Family Trust shall file a new Statement
19 of Claimant. The Statement of Claimant shall **not** be an amendment to any existing Statement of
20 Claimant. The trustees of the Magoffin Family Trust shall complete the second item on the
21 Statement of Claimant form titled “Basis of Claim” with the number of the Statement of Claim that
22 identifies the basis of the claimed legal right. A Statement of Claimant (a document beginning with
23 39-) is not a Statement of Claim. Long Hollow Well, registration no. 55-604314 shall be named
24 as the source of water or point of diversion. The legal description for Long Hollow Well is:

25 **SE ¼ NE ¼ SW ¼ Section 21, Township 7S Range 20 E**

26 The amended Statement of Claimant shall be filed by **August 15, 2022**.
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Court Approved Mailing List
In re Karen C. LeCount, contested case no. W1-11-3395
W1-11-3395 (13 Names)
Prepared by the Special Master
7/27/2022

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

L. J. Caster, B.J. Heiserman, B.
J. Pew
Fennemore Craig, P.C.
2394 East Camelback Road
Ste 600
Phoenix, AZ 85016-3429

D. A. Brown, J. Albert Brown,
Amy Brown
Garrett W. Perkins of Brown &
Brown Law
P. O. Box 1890
St. Johns, AZ 85936

L. Wm. Staudenmaier and
John D. Burnside
Snell & Wilmer, L. L. P.
400 E. Van Buren Street, Ste
1900
Phoenix, AZ 85004-2202

J. B. Weldon, M. A. McGinnis,
M. K. Foy
Salmon, Lewis & Weldon
2850 E. Camelback Rd. Suite
200
Phoenix, AZ 85016

Matthew O. and Anna M.
Magoffin
Magoffin Family Trust
34625 W. Klondyke Rd.
Willcox, AZ 85643

Joe P. Sparks and Laurel A.
Herrmann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

Richard Palmer, Jr and
Jeremiah Weiner
Lauren Mulhern
ROSETTE, LLP.
565 W. Chandler Blvd, Ste. 212
Chandler, AZ 85225

Josh Edelstein Phoenix Field
Solicitor
Office of the Solicitor
U.S. Department of the Interior
Sandra Day O'Connor U.S.
Courthouse
Ste. 404 401 W. Washington
St., SPC 44
Phoenix, AZ 85003

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

Kimberly R. Parks and Kome
Akpolo
Arizona Department of Water
Resources
1110 West Washington, Suite
310
Phoenix, AZ 85007

Susan Ward Harris
Special Master
Central Court Building, Ste 3A
201 West Jefferson
Phoenix, AZ 85003-2205

Thomas L. Murphy
Gila River Indian Community
Office of the General Counsel
P. O. Box 97
Sacaton, AZ 85147