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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 No. W1-11-3362

ORDER TO INITIATE CONTESTED CASE

AND

ORDER FOR JOINT REPORT FROM
LANDOWNERS

CONTESTED CASE NAME: *In re Magoffin Family Trust I*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3362 initiated to address claims investigated by and objections to Watershed File Report 115-05-040. Joint report due from landowners by **May 22, 2020**.
NUMBER OF PAGES: 14
DATE OF FILING: March 12, 2020

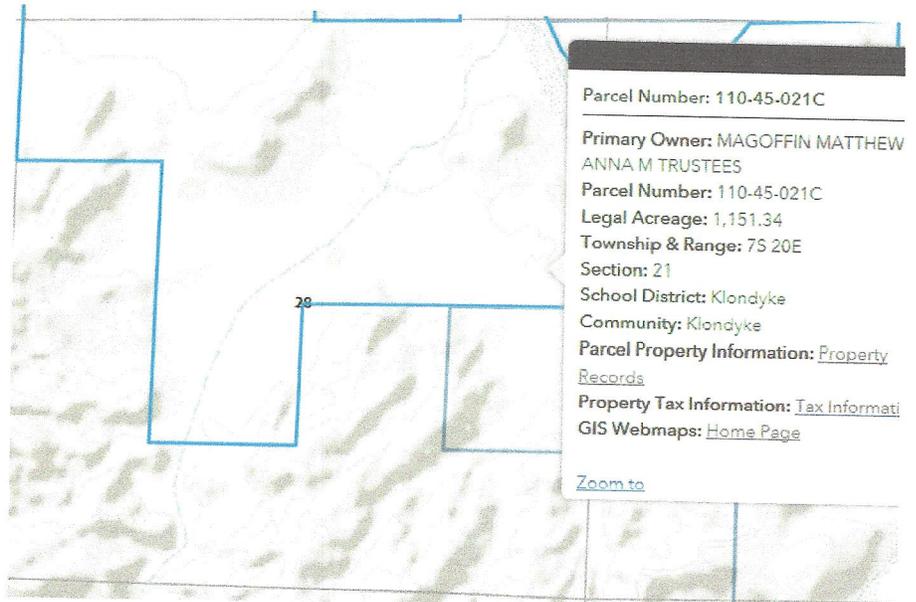
This Order initiates a contested case to consider the claim for a water right and resolve objections to Watershed File Report 115-05-040 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).

1 The WFR identified two certificates of water rights making claims to water use in the
2 western half of section 28 T7S R20E and listed Statement of Claimant 39-6487 with no
3 accompanying description of a place of use. The WFR does not identify any potential water rights
4 for the land described by the certificates of water rights. A copy of the WFR is attached as
5 Attachment A.

6 The location of the land which was the subject of the WFR is not clear. The western half
7 of section 28 T7S R20E is included in the areas mapped for Watershed File Reports Nos. 115-05-
8 001 and 115-05-055. It does not appear that the area investigated in the WFR was mapped
9 separately from the areas included in Watershed File Reports Nos. 115-05-001 and 115-05-055. A
10 copy of the map that includes the areas investigated by Watershed File Reports Nos. 115-05-001
11 (labelled as “(1)”) and 115-05-055 (labelled as “(55)”) is attached as Attachment B.

13 Landowners and Claimants

14 Based on
15 publically available
16 information from the
17 Graham County
18 Assessor’s Office, a
19 portion of the western half
20 of Section 28 is owned by
21 the Magoffin Family
22 Trust¹ (parcel no. 110-45-
23 021C) with the remainder



24 Figure 1.

25
26
27 ¹ This case is one of nine contested cases that will adjudicate water rights to land leased or owned by the
28 trustees of the Magoffin Trust. A table identifying the contested cases and associated watershed file reports is attached as Attachment C.

1 of the western half owned by the State of Arizona. See figure 1 and the map maintained as a public
 2 record of the Arizona State Land Department which is attached as Attachment D.

3 In its examination of claims relevant to the Magoffin Family Trust, ADWR has identified
 4 the two certificates of water rights listed in the WFR as applicable to land in which the Magoffin
 5 Family Trust has an interest as follows:

Certificates of Water Right	Place of Use	Point of Diversion
33-78566	NESW Sec. 28 T7S R 20E	NESW Sec. 28 T 7S R 20E (Squaw Creek)
33-87761	NWNW Sec. 28 T7S R 20E	SENESE Sec. 28, T 7S R 20E (Squaw Creek)

12
 13 Robert Kramme was the original claimant because he filed Statement of Claimant 39-
 14 6487 (“SOC”) listed in the WFR. He claimed one acre-foot of water per year for stock watering
 15 supplied by a well in section 21 T7S R20E with no description of the land on which the water
 16 would be used. In 1992, Kaibab Industries, Inc. filed a form of assignment listing the SOC.
 17 On February 4, 2020, Kaibab Industries, Inc. and the trustees of the Magoffin Family Trust filed
 18 a form of assignment for the SOC. The trustees of the Magoffin Family Trust effectively filed
 19 two amendments to the SOC that contained the following information:

Date of Amendment of Statement of Claimant	Beneficial Use	Place of Use	Point of Diversion
January 21, 2020	Stockpond	27 T7S R20E	NWNESW 27 T7S R20E Well registration nos. 55-203485 and 55-604313
February 4, 2020	Stock watering other than a stockpond	Arizona State Land Lease #005-107147	SENESE 21 T7S R20E Well registration no. 55-645603

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 26 The map attached to the SOC outlined the leased property that includes land investigated in
 27 Watershed File Report 115-05-033, which is the subject of *In re SLD – Withrow Ranch, Inc.*,
 28 Contested Case No. W1-11-3356, Watershed File Report 115-05-001, which is the subject of *In re*

1 *SLD-Magoffin I*, Contested Case No. W1-11-3325, and Watershed File Report 115-06-005, which
2 is the subject of *In re SLD-Magoffin III*, Contested Case No. W1-11-3407. The source of water
3 identified in the amended SOC is a well, registration no. 55-645603. This well is also listed as a
4 source of water for claims made in *In re Whiting Ranches, Inc.*, Contested Case No. W1-11-3359
5 (which was consolidated with contested case no. W1-11-3397).

6
7 On February 13, 2020, the trustees of the Magoffin Trust filed an amendment to Statement
8 of Claimant 12022 claiming water for a stockpond in SENW section 28 T7S R20E from Squaw
9 Creek. Watershed file report 115-05-055 identified a potential water right for a stockpond in
10 NWSENE section 28 T7S R20E supplied by surface water.

11 Based on the foregoing, it does not appear that the WFR investigated claims that were not
12 also included within other investigative reports.

13
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15 **IT IS ORDERED:**

16 1. Contested Case. This contested case shall be known as *In re Magoffin Family Trust*
17 *I* initiated to address Statement of Claimant 39-6487 and the objections to Watershed File Report
18 115-05-040 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).
19 Copies of objections can be found under the case name and number on the following website:
20 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>
21

22 2. Litigants. The litigants in this contested case are the Claimants, the landowners, all
23 persons who filed objections to the Watershed File Report who are listed on Attachment E, and
24 claimants who are allowed to intervene by order.

25
26 3. Court-Approved Mailing List.

27 A. The initial Court-approved mailing list for this case shall include all persons
28 listed on Attachment E to this order. The list may be modified only by filing a

1 motion with the Special Master to amend the Court-approved mailing list. Litigants
2 are responsible for using the current Court-approved mailing list.

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

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

9
10 4. Courtesy Email List.

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

15
16
17 5. Given the apparent overlap in investigative areas by multiple watershed file reports,
18 the trustees of the Magoffin Family Trust and the Arizona State Land Department
19 shall file a joint report indicating whether either landowner intends to assert a claim
20 for a water use in Section 28 T7S R20E that is not included in Watershed File Report
21 115-05-001 or 115-05-055 and whether any reason exists not to dismiss this
22 contested case and take no further action with respect to Watershed File Report 115-
23 05-040.
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27 
28 SUSAN WARD HARRIS
Special Master

1 On March 12, 2020, the original of the
2 foregoing was delivered to the Clerk of the
3 Maricopa County Superior Court for filing
4 and distributing a copy to all persons listed on
5 the Court-approved mailing list for this
6 contested case, a copy of which is attached
7 hereto as Attachment E, and to all persons
8 listed on the Court-approved mailing list for
9 W-1, W-2, W-3, and W-4 (Consolidated).

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
KAIBAB INDUSTRIES	115-05-040

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
33-0078566.0001	PROTEST	STOCK		NESW28	07OS	200E	1979	NESW28	07OS	200E
33-0087761.0001	PROTEST	STOCK	1.00	NWNW28	07OS	200E	1983	SENW28	07OS	200E
39-0006487		STOCK	1.00					NESW21	07OS	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
33-0078566.0001				
33-0087761.0001				
39-0006487	STOCK	STOCKWELL		

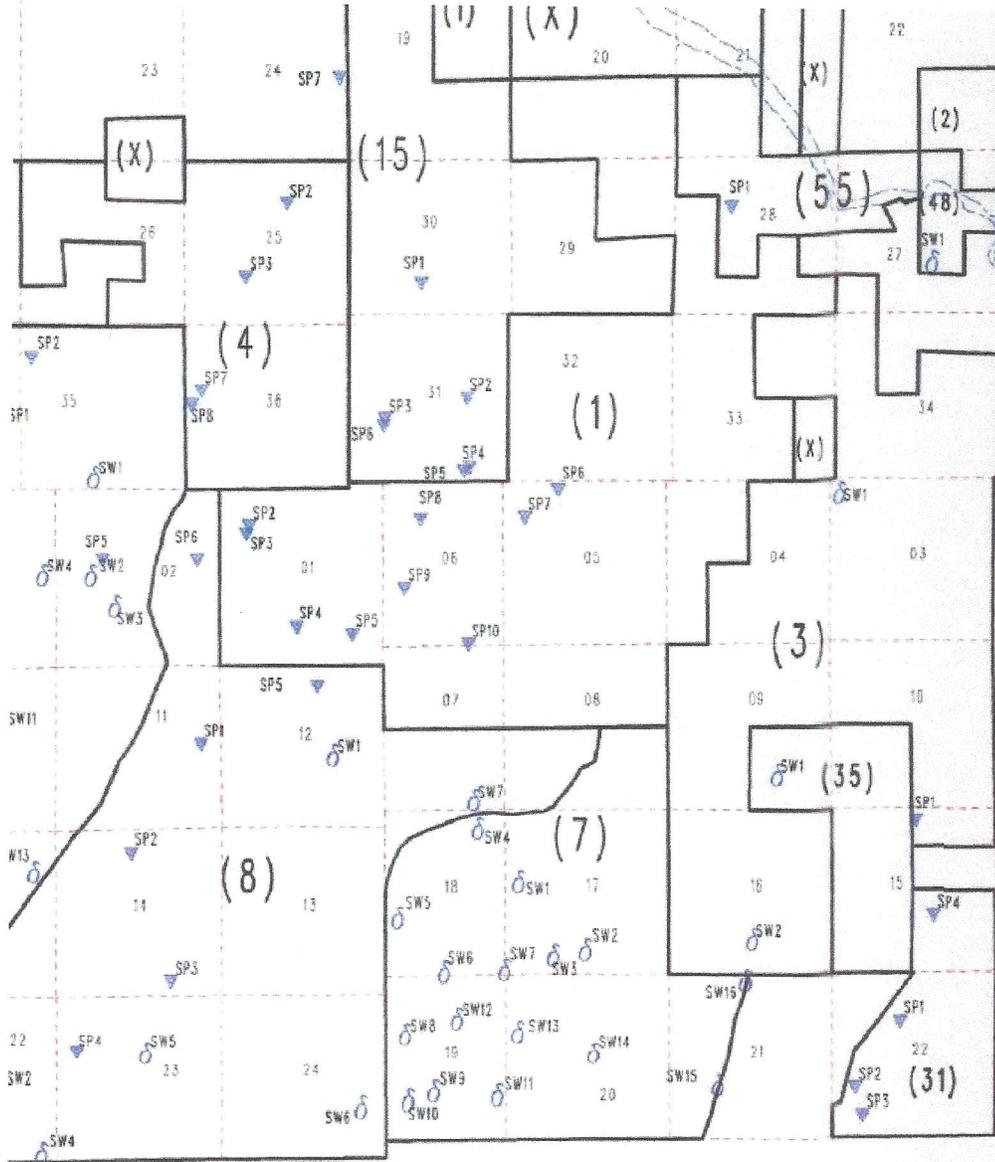
PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0006487	33-0078566.0001 33-0087761.0001		

EXPLANATION

FILINGS AND DECREES
 FILINGS 33-78566.0001 & 33-87761.0001 - FILINGS ARE UNDER PROTEST.

ATTACHMENT B



R 19 E

R 20 E

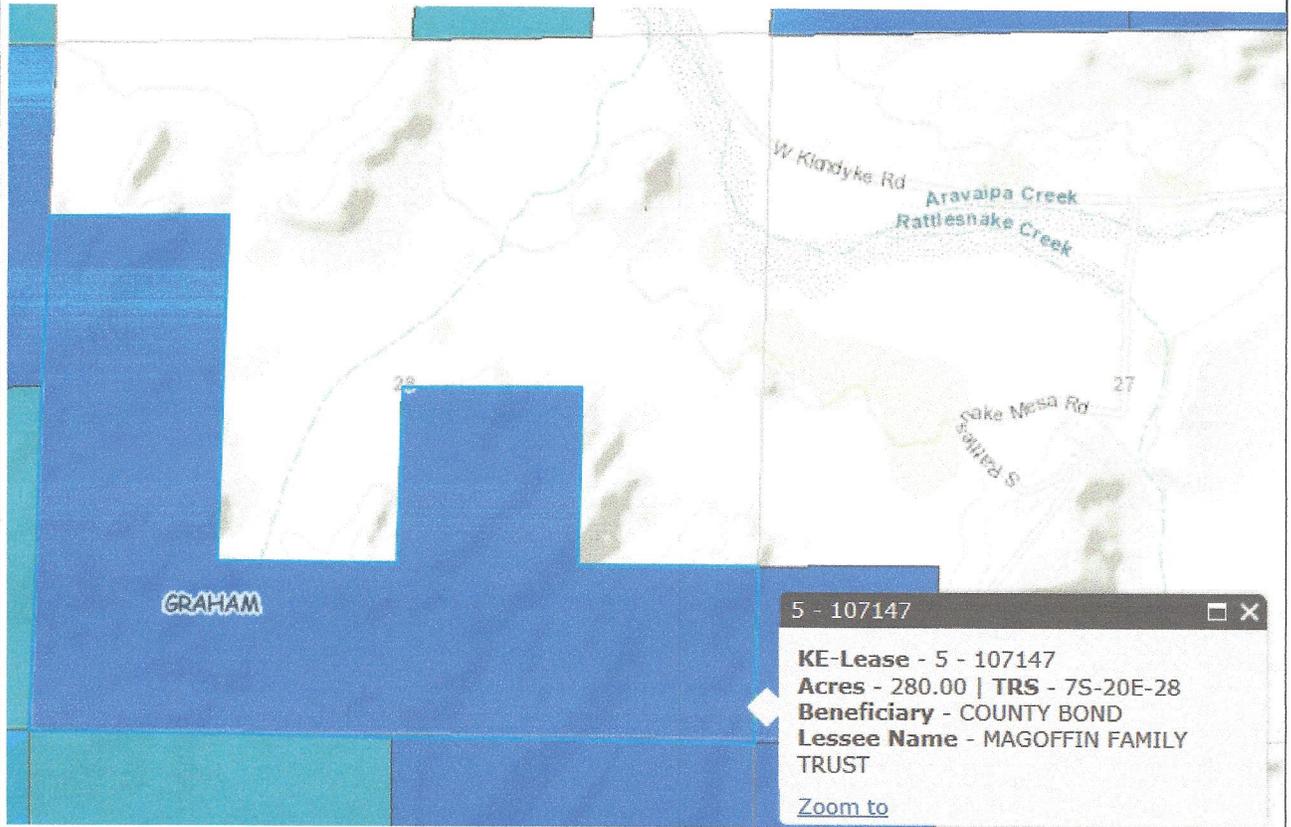
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ATTACHMENT C

Surface Water Filings	ADWR Mapped to Land Owned by Magoffins- filed 1/14/2020	ADWR found that may apply to ASLD land - filed 1/14/2020	Magoffin Filing - 1/10/2020	Watershed File Report	Contested Case	Statement of Claimant
33-43442		x	x	115-05-001	W1-11-3325	39-12022, 39-17821
36-43446		x	x	115-05-001	W1-11-3325	39-17821
38-27563		x	x	115-05-001	W1-11-3325	39-12022, 39-17821
38-27565		x	x	115-05-001	W1-11-3325	39-17821
38-27566		x	x	115-05-001	W1-11-3325	39-17821
38-27572		x	x	115-05-001	W1-11-3325	39-6485
3R-2392		x	x	115-05-001	W1-11-3325	39-17821
3R-2393		x	x	115-05-001	W1-11-3325	39-17821
36-105696		x	x	115-05-001	W1-11-3325	39-17861
38-27564		x	x	115-05-015	W1-11-3338	39-12022
38-27567		x	x	115-05-015	W1-11-3338	39-11214
38-27568		x	x	115-05-015	W1-11-3338	39-12022
38-27569		x	x	115-05-015	W1-11-3338	no SOC
3R-2389		x	x	115-05-015	W1-11-3338	39-11213
3R-2390		x	x	115-05-015	W1-11-3338	no SOC
3R-2391		x	x	115-05-015	W1-11-3338	39-12022
38-72582	x		x	115-05-036	W1-11-3359	39-18084
38-96717	x		x	115-05-036	W1-11-3359	39-6478
33-78566	x		x	115-05-040	W1-11-3362	39-6486
33-87761	x		x	115-05-040	W1-11-3362	39-6487
none				115-05-048	W1-11-3367	39-6478
36-105936	x		x	115-05-048	W1-11-3367	39-12022
38-96721	x		x	115-05-048	W1-11-3367	39-12022
none				115-05-055	W1-11-3374	39-6478, 39-12022
none				115-05-055	W1-11-3374	39-15850
none				115-05-DA-001	W1-11-3395	39-6486
none				115-05-DA-003	W1-11-3397	39-18080
36-72574		x	x	115-06-001	W1-11-3403	39-6991
36-72566		x	x	115-06-005	W1-11-3407	39-2141
36-72567		x	x	115-06-005	W1-11-3407	39-2154
36-72573		x	x	115-06-005	W1-11-3407	39-2157
36-72575		x	x	115-06-005	W1-11-3407	39-6986
36-72576		x	x	115-06-005	W1-11-3407	39-6987
36-72577		x	x	115-06-005	W1-11-3407	39-6988
36-72578		x	x	115-06-005	W1-11-3407	39-6988
38-72586		x	x	115-06-005	W1-11-3407	39-2147
38-72587		x	x	115-06-005	W1-11-3407	39-2144

ATTACHMENT D

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ATTACHMENT E

1
2
3 Arizona Department of Water Resources
4 Kimberly Parks
5 P. O. Box 36020
6 Phoenix, AZ 85067

7 Clerk of the Superior Court
8 Maricopa County
9 Attn: Water Case
10 601 West Jackson Street
11 Phoenix, AZ 85003

12 Joe P. Sparks and Laurel A. Herrmann
13 The Sparks Law Firm, P.C.
14 7503 First Street
15 Scottsdale, Az 85251-4573

16 Lucas T. Christian & Julian Nava
17 Rosette, LLP
18 565 W. Chandler Blvd. Suite 212
19 Chandler, AZ 85225

20 Matthew O. and Anna M. Magoffin
21 Magoffin Family Trust
22 34625 W. Klondyke Rd
23 Willcox, AZ 85643

24 S. Montgomery, R. Interpreter, J. Tomkus
25 Montgomery & Interpreter, Plc
26 3301 E. Thunderbird Road
27 Phoenix, AZ 85032

28 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 Emmi Blades
Environment and Natural Resources
P. O. Box 7611
Washington, D.C. 20044-7611