

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA
8

9 IN RE THE GENERAL
10 ADJUDICATION
11 OF ALL RIGHTS TO USE WATER IN
12 THE GILA RIVER SYSTEM AND
13 SOURCE

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

14 Contested Case No. W1-11-3407

15 ORDER SETTING DATE FOR
16 SUGGESTED CORRECTIONS OF
17 PROPOSED WATER RIGHTS

18
19 CONTESTED CASE NAME: *In re SLD – Magoffin III*

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

21 DESCRIPTIVE SUMMARY: The Special Master issues abstracts for proposed water rights for
22 stock watering and stockponds analyzed by Watershed File Report No. 115-06-005 and sets a
23 deadline to file suggested corrections.

24 NUMBER OF PAGES: 34

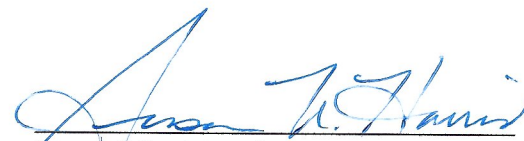
25 DATE OF FILING: September 18, 2020

26 This case involves *de minimis* claims for water rights analyzed by Watershed File
27 Report 115-06-005 included in the final hydrographic survey report for the San Pedro
28

1 Watershed ("San Pedro HSR") filed on November 20, 1991. In 1994, the Special Master issued
2 a Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases
3 involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994, amended
4 February 23, 1995, approved and modified September 27, 2002 ("Decision"). The Decision
5 established the procedures for adjudicating *de minimis* water rights for claims in the San Pedro
6 watershed.
7

8 After the proposed water right abstracts have been prepared, "the litigants will be
9 provided an opportunity to suggest the correction of mistakes in the proposed abstracts."
10 Decision, p. 47. This proceeding is not a forum in which to relitigate the Decision, which was
11 the subject of years of briefing and has now been affirmed for almost 18 years. Once the
12 clerical corrections have been completed, the abstracts will be included in a catalog of proposed
13 water rights where they will be subject to very limited set of objections and, ultimately in a final
14 decree. As required by the Decision, proposed water right abstracts have been prepared for the
15 *de minimis* water rights analyzed by Watershed File Report no. 115-06-005 that are attached as
16 Appendix A.
17

18 **IT IS ORDERED** that any suggested corrections to the proposed abstracts shall be filed
19 on or before November 20, 2020.
20

21
22 
23 Susan Ward Harris
24 Special Master

25 The original of the foregoing was delivered to the Clerk
26 of the Maricopa County Superior Court on September
27 18, 2020, for filing and distributing a copy to all persons
28 listed on the Court approved mailing list for this
Contested Case.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPENDIX A

Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SP001
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2144 39-6983 39-12022
5. Statement of Claimant Name(s):	Trustees of Magoffin Family Trust
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	38-0072587 38-0088433
8. Beneficial Use:	Stock watering from a stockpond
9. Priority Date:	7/1/1948
10. Quantity:	Not to exceed (\leq) 4 acre feet annually with continuous fill
11. Place of Use:	NWSWNW 23 07S R20E See attached map
12. Point of Diversion:	NWSWNW 23 07S R20E See attached map
13. Source of Water:	Buford Canyon
14. Name of Facility:	Buford Tank



In re SLD - Magoffin III

Contested Case W1-11-3407

Watershed File Report

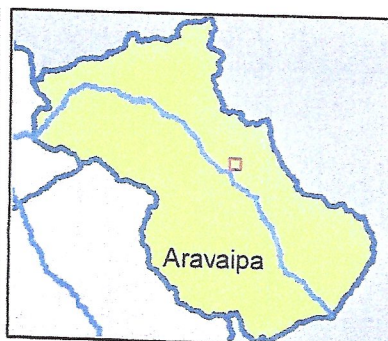
115-06-005

Section 23 T07S R20E



ADWR August 2020

Data sources include: NAIP 2017.



Legend

● SP - Stockpond

— SW - Streamside use

— Aravaipa Creek

--- Section

Q

QQQ

WFR Boundary

0 375 750 Feet



Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SP003
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2147 39-6990 39-12022
5. Statement of Claimant Name(s):	Arizona State Land Department Trustees of Magoffin Family Trust
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	38-0072586 38-0088444
8. Beneficial Use:	Stock watering from a stockpond
9. Priority Date:	12/31/1955
10. Quantity:	Not to exceed (\leq) 4 acre feet annually with continuous fill
11. Place of Use:	NENWNE 20 07S R21E See attached map
12. Point of Diversion:	NENWNE 20 07S R21E See attached map
13. Source of Water:	Aravaipa Creek
14. Name of Facility:	Twin Tank



In re SLD - Magoffin III

Contested Case W1-11-3407

Watershed File Report

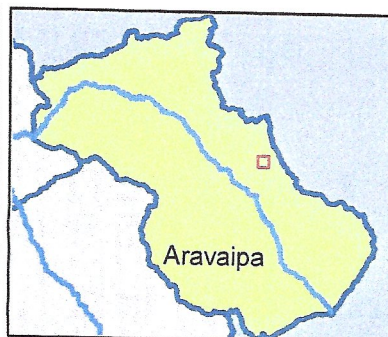
115-06-005

Section 20 T07S R21E



ADWR August 2020

Data sources include: NAIP 2017.



Legend

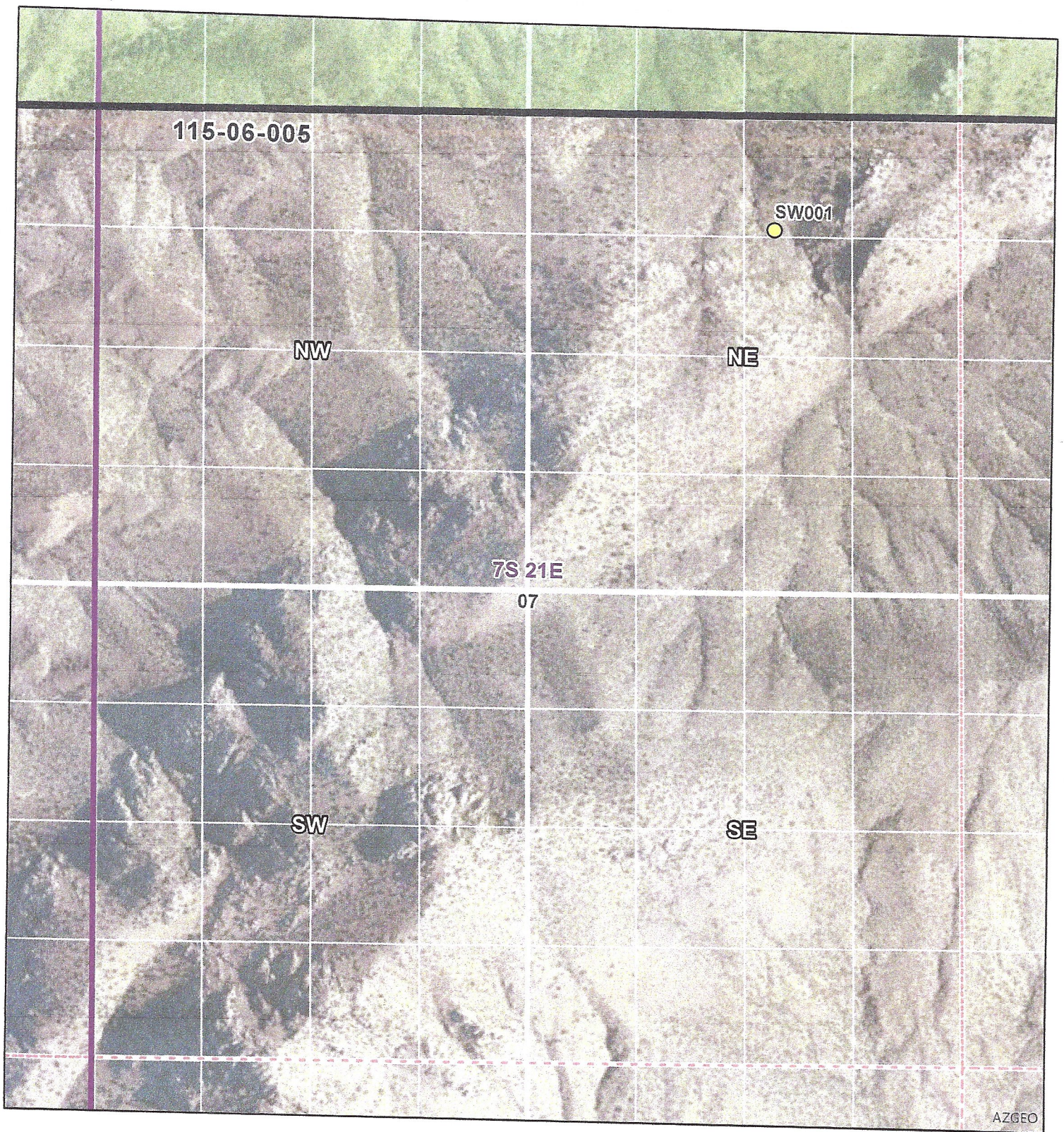
- SP - Stockpond
- SW - Streamside use
- Section
- WFR Boundary
- Q
- QQQ

0 375 750 Feet



Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW001
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2163 39-6985
5. Statement of Claimant Name(s):	Trustees of Magoffin Family Trust Arizona State Land Department
6. Lessee:	Trustees of Magoffin Family Trust
7. Basis of Right:	36-0005034 36-0072565
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NENE 07 07S R21E See attached map
12. Point of Diversion:	NENE 07 07S R21E See attached map
13. Source of Water:	Upper Seep Spring

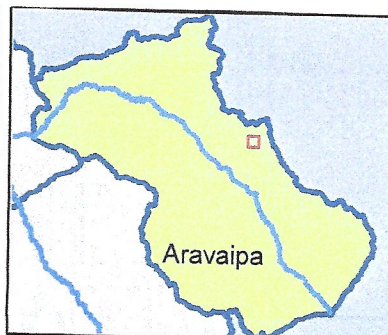


In re SLD - Magoffin III
 Contested Case W1-11-3407
 Watershed File Report
 115-06-005

Section 7 T07S R21E



ADWR August 2020



Legend

- SW - Spring
- Section
- Township
- Q
- QQQ
- WFR Boundary
- USFS

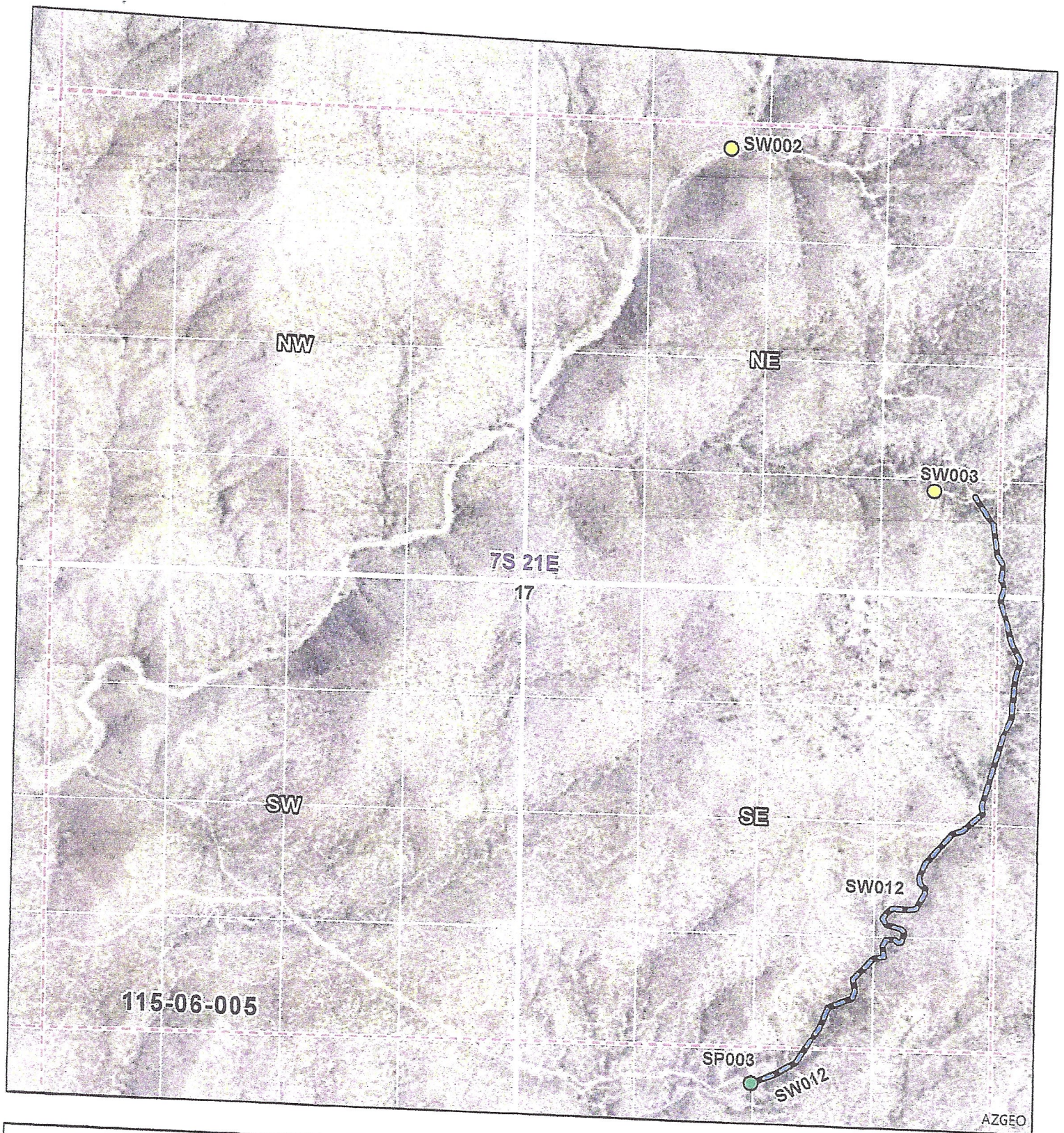
0 375 750 Feet



Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department. NAIP 2017.

Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW002
2. Owner of Water Right:	Trustees of the Magoffin Family Trust
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-6986 39-2158 39-12022
5. Statement of Claimant Name(s):	Arizona State Land Department Trustees of the Magoffin Trust
6. Lessee or Permittee:	Trustees of the Magoffin Family Trust
7. Basis of Right:	36-05035 36-0072575
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NENWNE 17 07S R21E See attached map
12. Point of Diversion:	NENWNE 17 07S R21E See attached map
13. Source of Water:	Upper Morano Spring



AZGEO

In re SLD - Magoffin III

Contested Case W1-11-3407

Watershed File Report

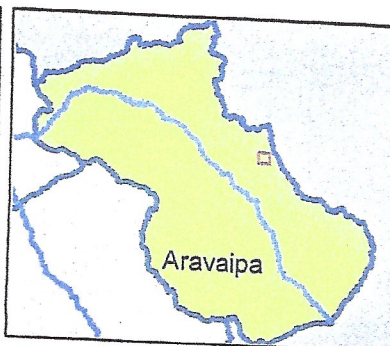
115-06-005

Section 17 T07S R21E



ADWR August 2020

Data sources include: NAIP 2017.



Legend

● SW - Spring

● SP - Stockpond

— SW - Streamside use

Section

Q

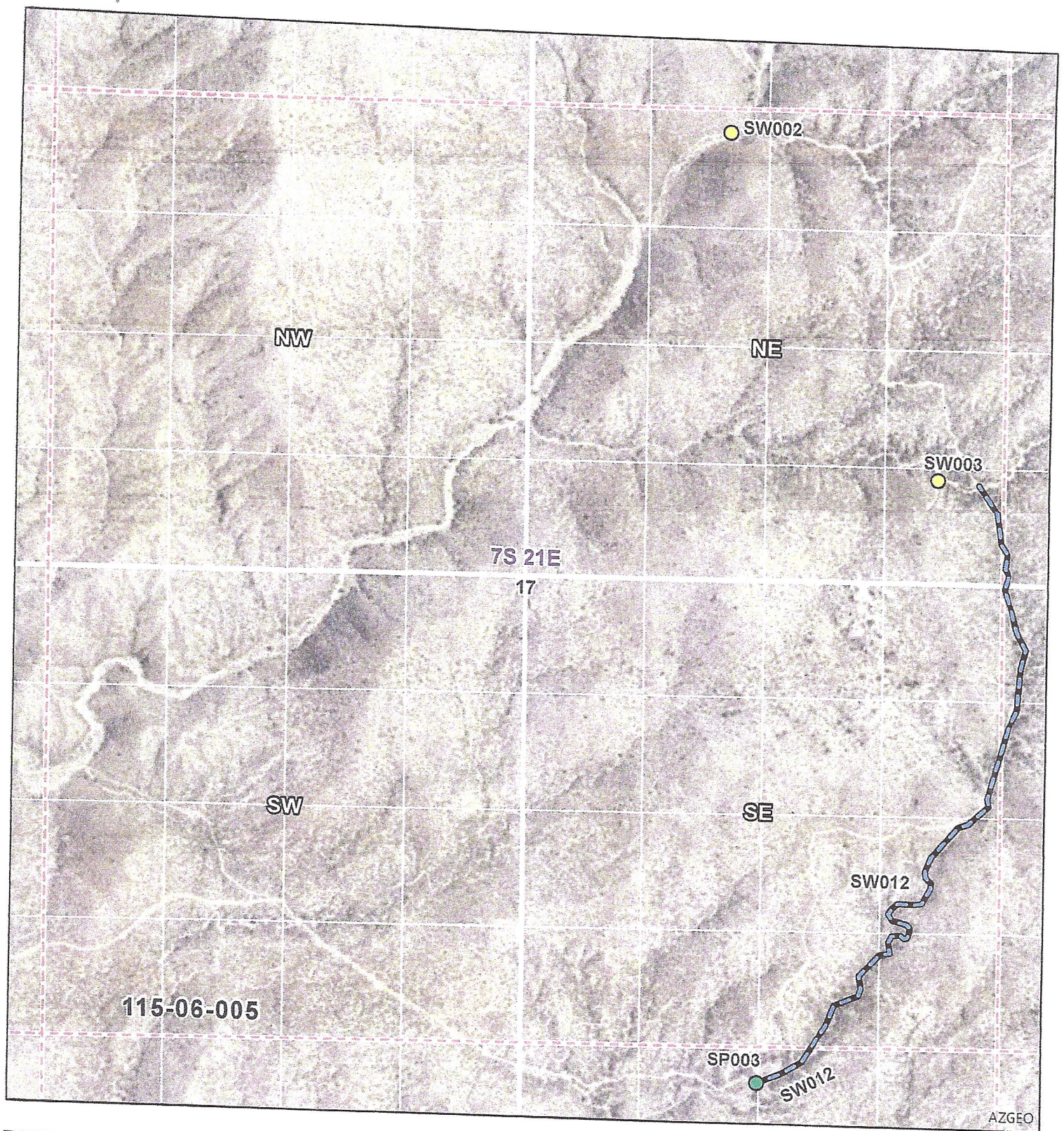
QQQ

0 375 750 Feet



Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW003
2. Owner of Water Right:	Trustees of the Magoffin Family Trust
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2166 39-6987 39-12022
5. Statement of Claimant Name(s):	Trustees of Magoffin Family Trust Arizona State Land Department
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	36-005036 36-72576
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SESENE 17 07S R21E See attached map
12. Point of Diversion:	SESENE 17 07S R21E See attached map
13. Source of Water:	Cherry Tree Spring



In re SLD - Magoffin III

Contested Case W1-11-3407

Watershed File Report

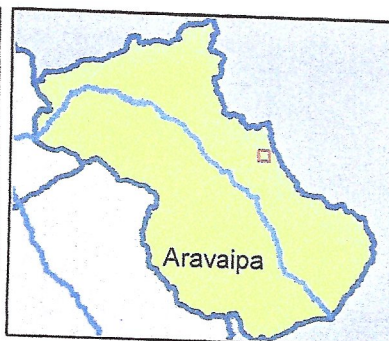
115-06-005

Section 17 T07S R21E



ADWR August 2020

Data sources include: NAIP 2017.



Legend

● SW - Spring

● SP - Stockpond

— SW - Streamside use

Section

Q

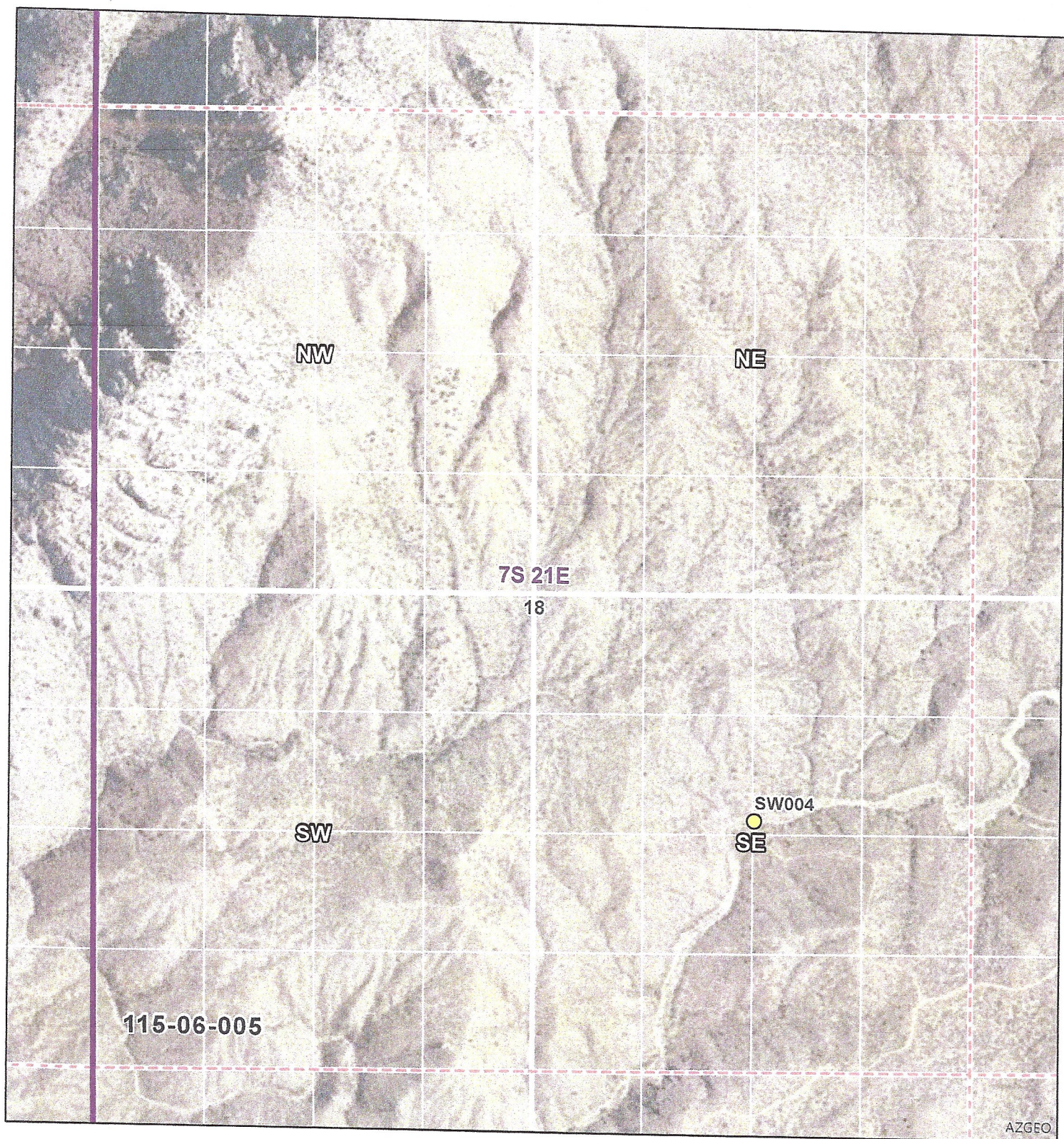
QQQ

0 375 750 Feet



Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW004
2. Owner of Water Right:	Trustees of the Magoffin Family Trust
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2160 39-6988 39-12022
5. Statement of Claimant Name(s):	Arizona State Land Department Trustees of Magoffin Family Trust
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	36-005037 36-72578
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWNESE 18 07S R21E See attached map
12. Point of Diversion:	SWNESE 18 07S R21E See attached map
13. Source of Water:	Morano Spring

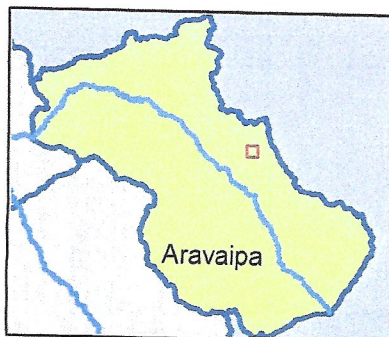


In re SLD - Magoffin III
 Contested Case W1-11-3407
 Watershed File Report
 115-06-005
 Section 18 T07S R21E



ADWR August 2020

Data sources include: NAIP 2017.



Legend

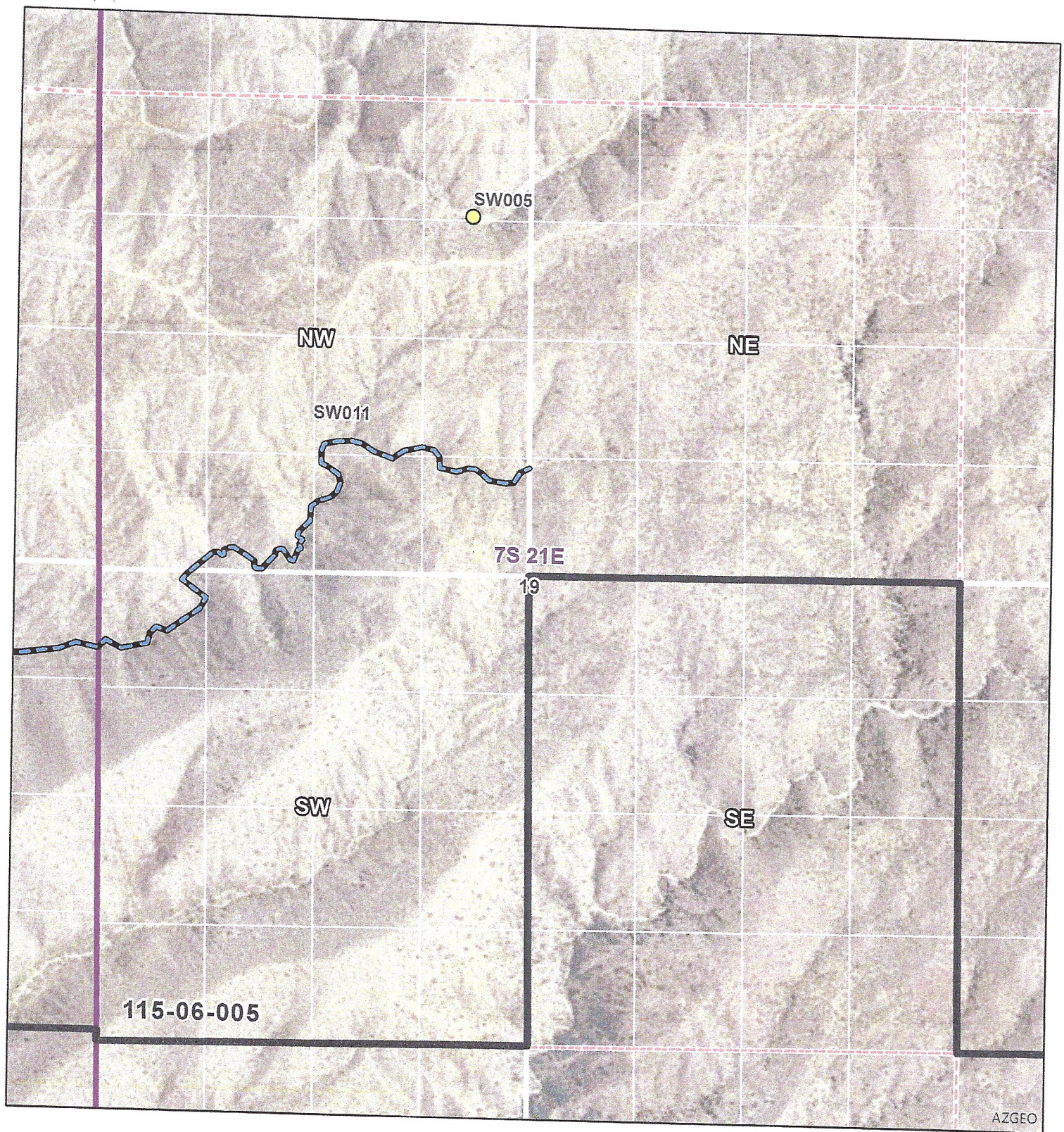
- SW - Spring
- Section
- Township
- Q
- QQQ

0 375 750 Feet



Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW005
2. Owner of Water Right:	Trustees of the Magoffin Family Trust
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2159 39-6989 39-12022
5. Statement of Claimant Name(s):	Arizona State Land Department Trustees of Magoffin Family Trust
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	36-005038 36-72577
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NENENW 19 07S R21E See attached map
12. Point of Diversion:	NENENW 19 07S R21E See attached map
13. Source of Water:	Peach Tree Spring



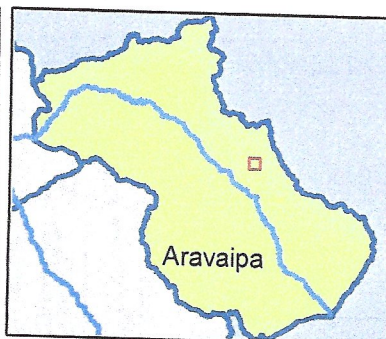
In re SLD - Magoffin III
 Contested Case W1-11-3407
 Watershed File Report
 115-06-005

Section 19 T07S R21E



ADWR August 2020

Data sources include: NAIP 2017.



Legend

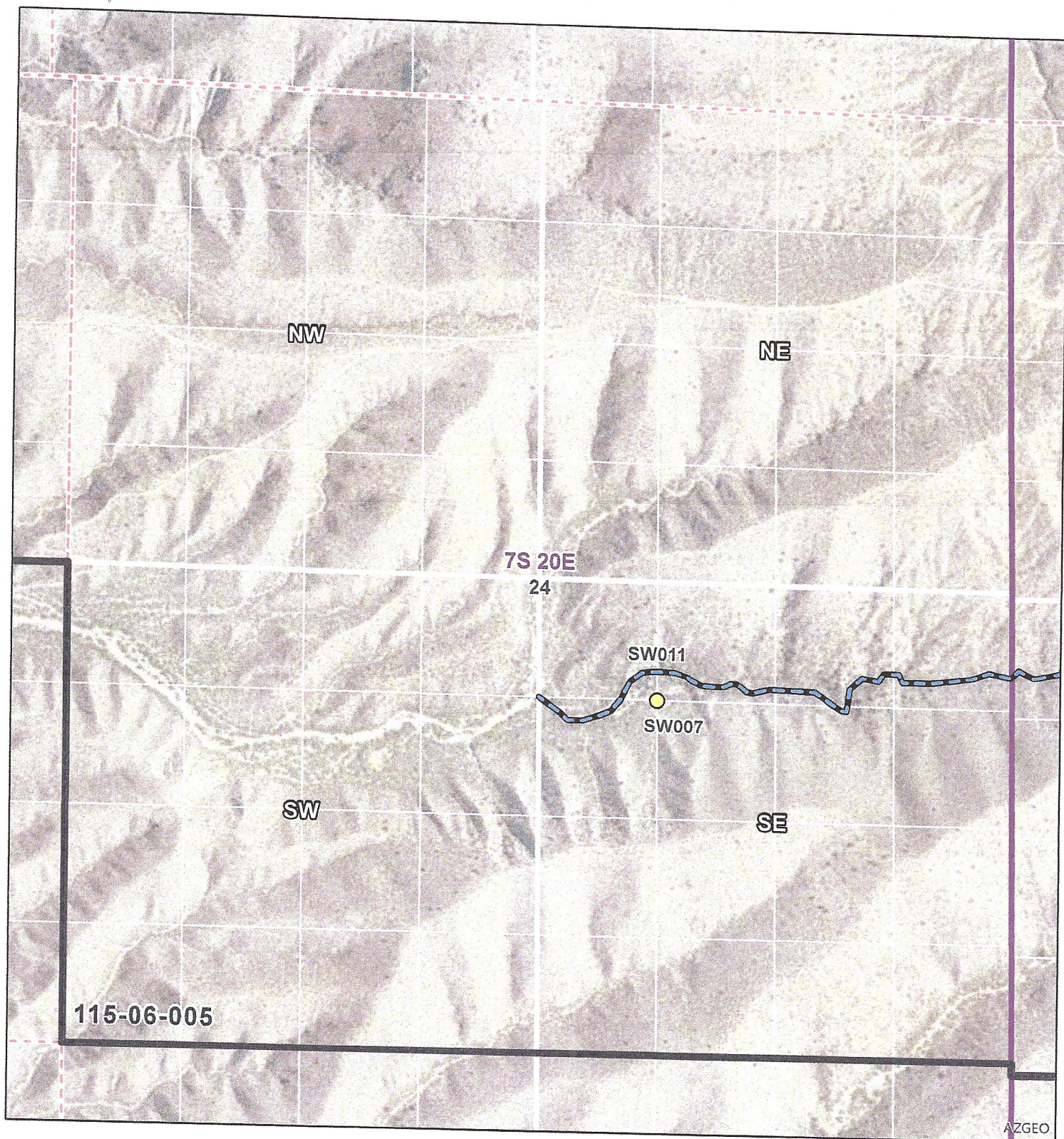
- SW - Spring
- SW - Streamside use
- Section
- Township
- Q
- QQQ
- WFR Boundary

0 375 750 Feet



Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW007
2. Owner of Water Right:	Trustees of the Magoffin Family Trust
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2141 39-12022
5. Statement of Claimant Name(s):	Arizona State Land Department Trustees of Magoffin Family Trust
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	36-0072566
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1916
10. Quantity:	Reasonable Use
11. Place of Use:	NWSE 24 07S R20E See attached map
12. Point of Diversion:	NWSE 24 07S R20E See attached map
13. Source of Water:	Road Canyon Spring

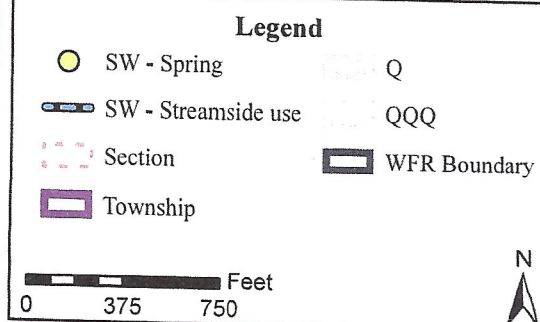
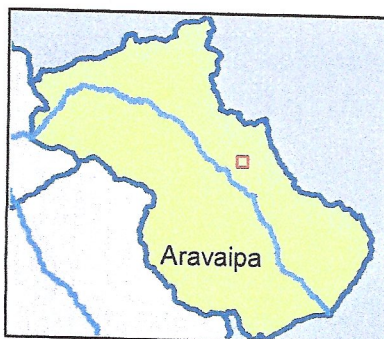


In re SLD - Magoffin III
 Contested Case W1-11-3407
 Watershed File Report
 115-06-005
 Section 24 T07S R20E



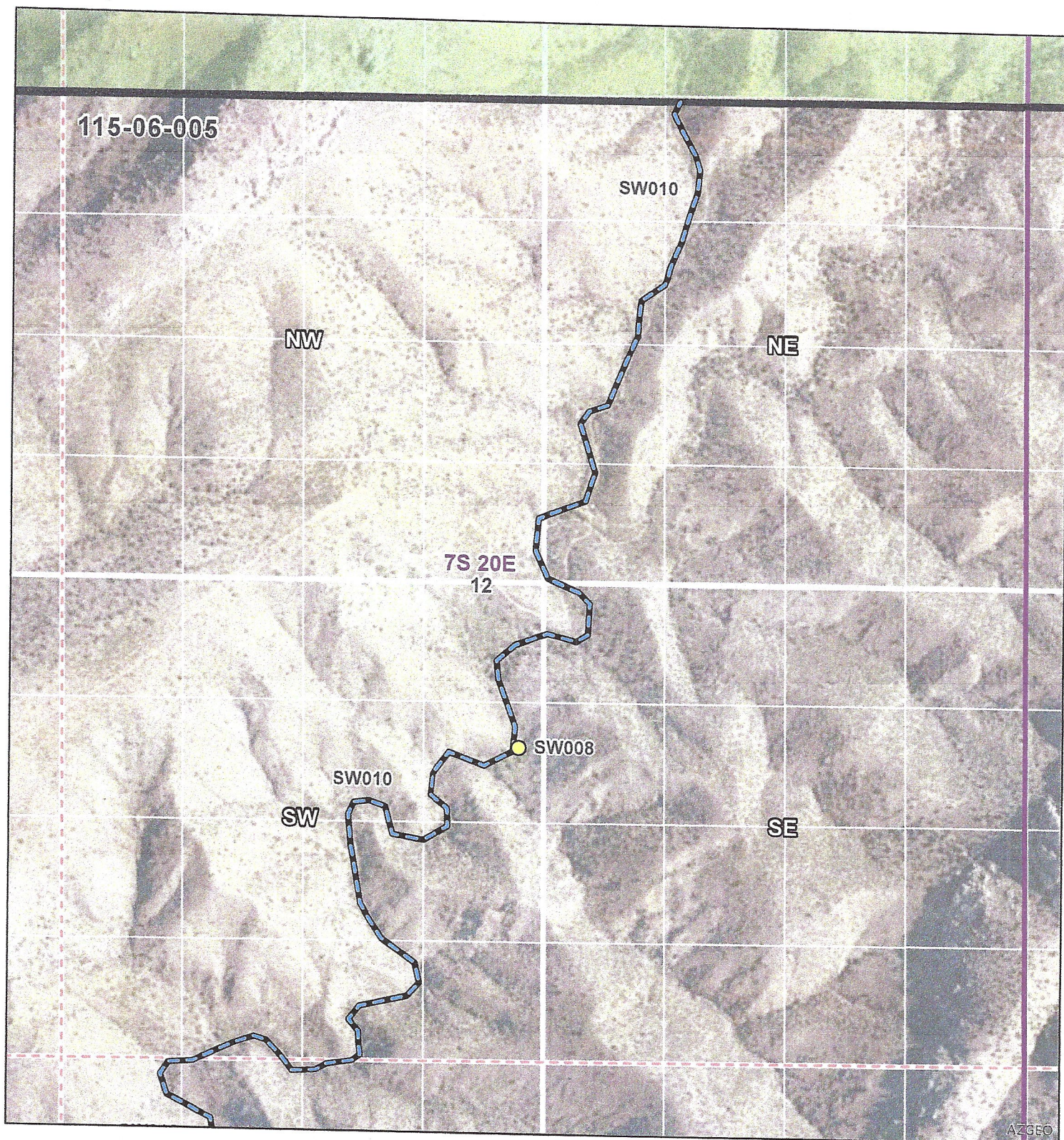
ADWR August 2020

Data sources include: NAIP 2017.



Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW008
2. Owner of Water Right:	Trustees of the Magoffin Family Trust
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2157 39-12022 39-13945
5. Statement of Claimant Name(s):	Arizona State Land Department Trustees of Magoffin Family Trust
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	36-00072573 36-100300
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SENE SW 12 07S R20E See attached map
12. Point of Diversion:	SENE SW 12 07S R20E See attached map
13. Source of Water:	Grapevine Spring



In re SLD - Magoffin III
 Contested Case W1-11-3407
 Watershed File Report
 115-06-005

Section 12 T07S R20E



ADWR August 2020



Legend

- SW - Spring
- Section
- Township
- Q QQQ
- WFR Boundary
- USFS

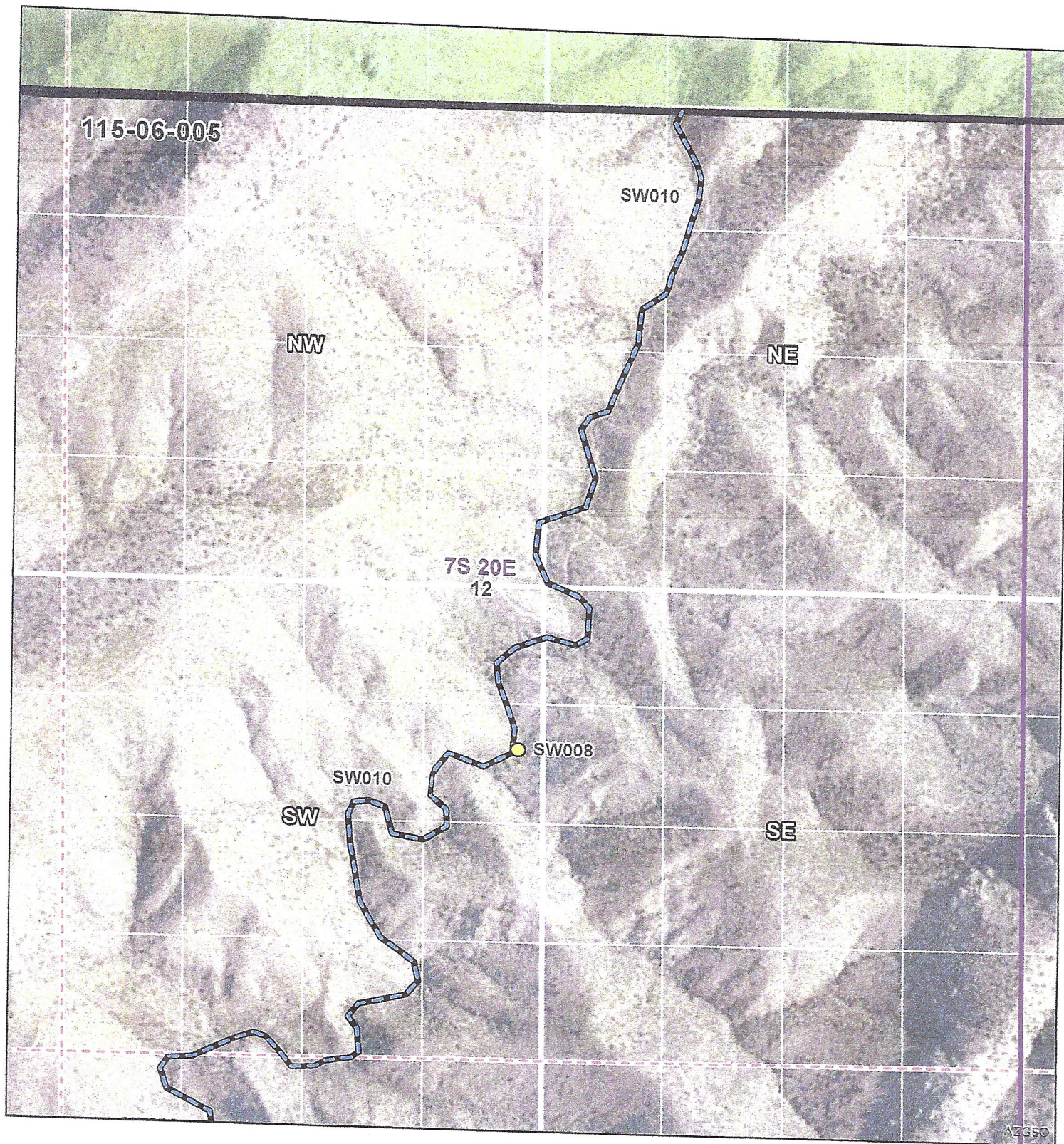
0 375 750 Feet



Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department. NAIP 2017.

Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW010
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-6983
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	36-0005032
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NWNE 12 07S R20E See attached map
12. Point of Diversion:	NWNE 12 07S R20E See attached map
13. Source of Water:	Buford Canyon



In re SLD - Magoffin III

Contested Case W1-11-3407

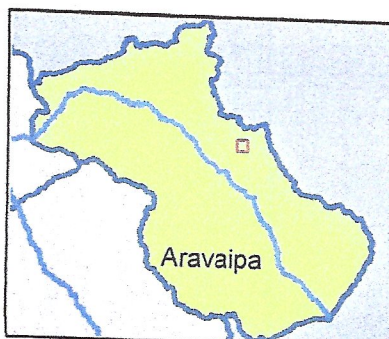
Watershed File Report

115-06-005

Section 12 T07S R20E



ADWR August 2020



Legend

● SW - Spring

QQQ

Section

WFR Boundary

Township

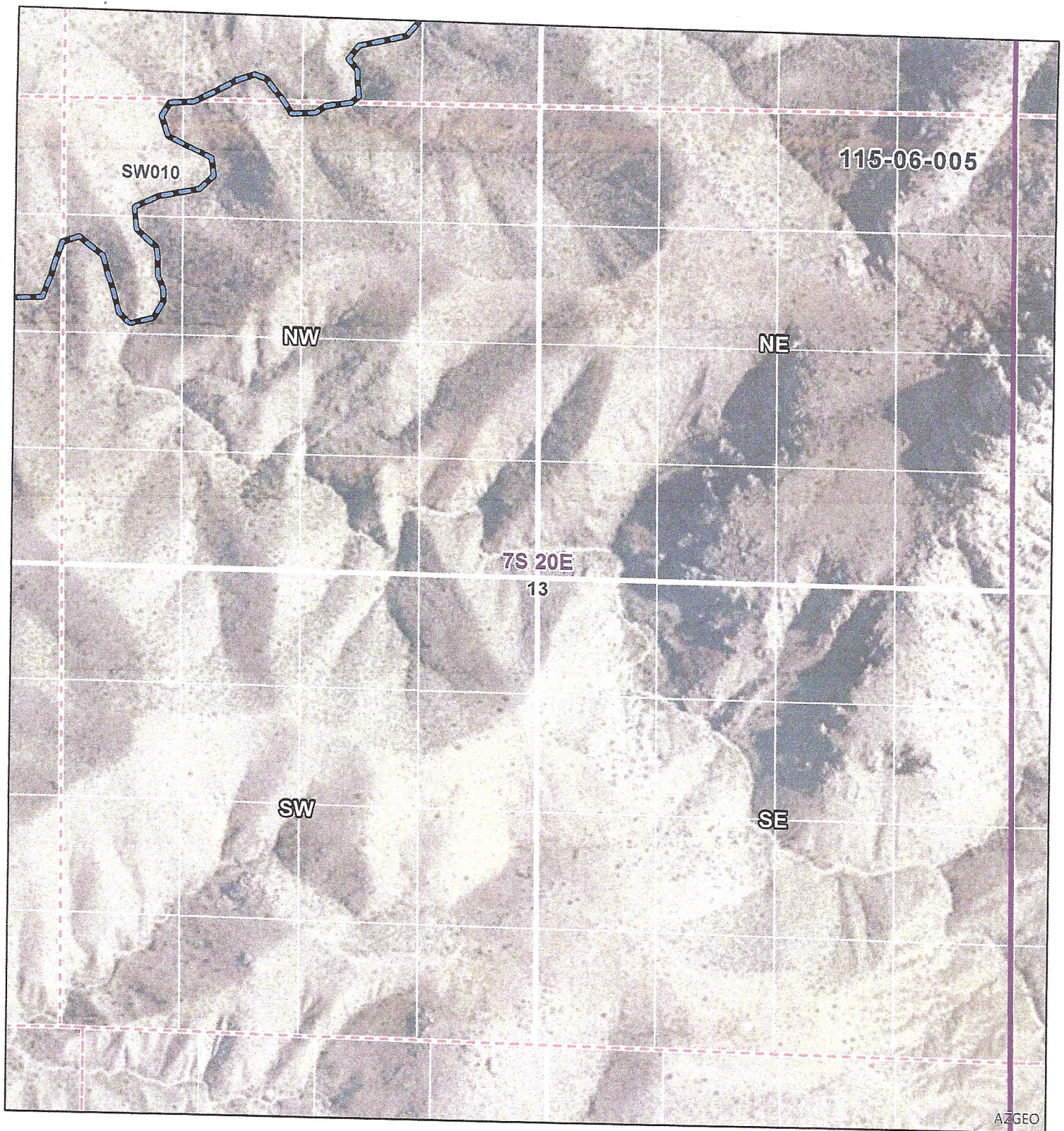
USFS

Q

0 375 750 Feet



Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department. NAIP 2017.



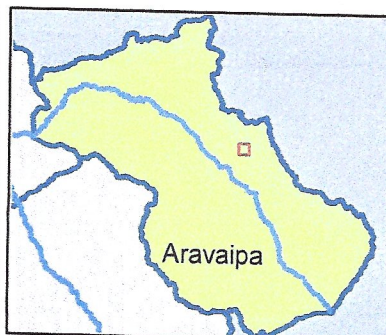
In re SLD - Magoffin III
 Contested Case W1-11-3407
 Watershed File Report
 115-06-005

Section 13 T07S R20E



ADWR August 2020

Data sources include: NAIP 2017.

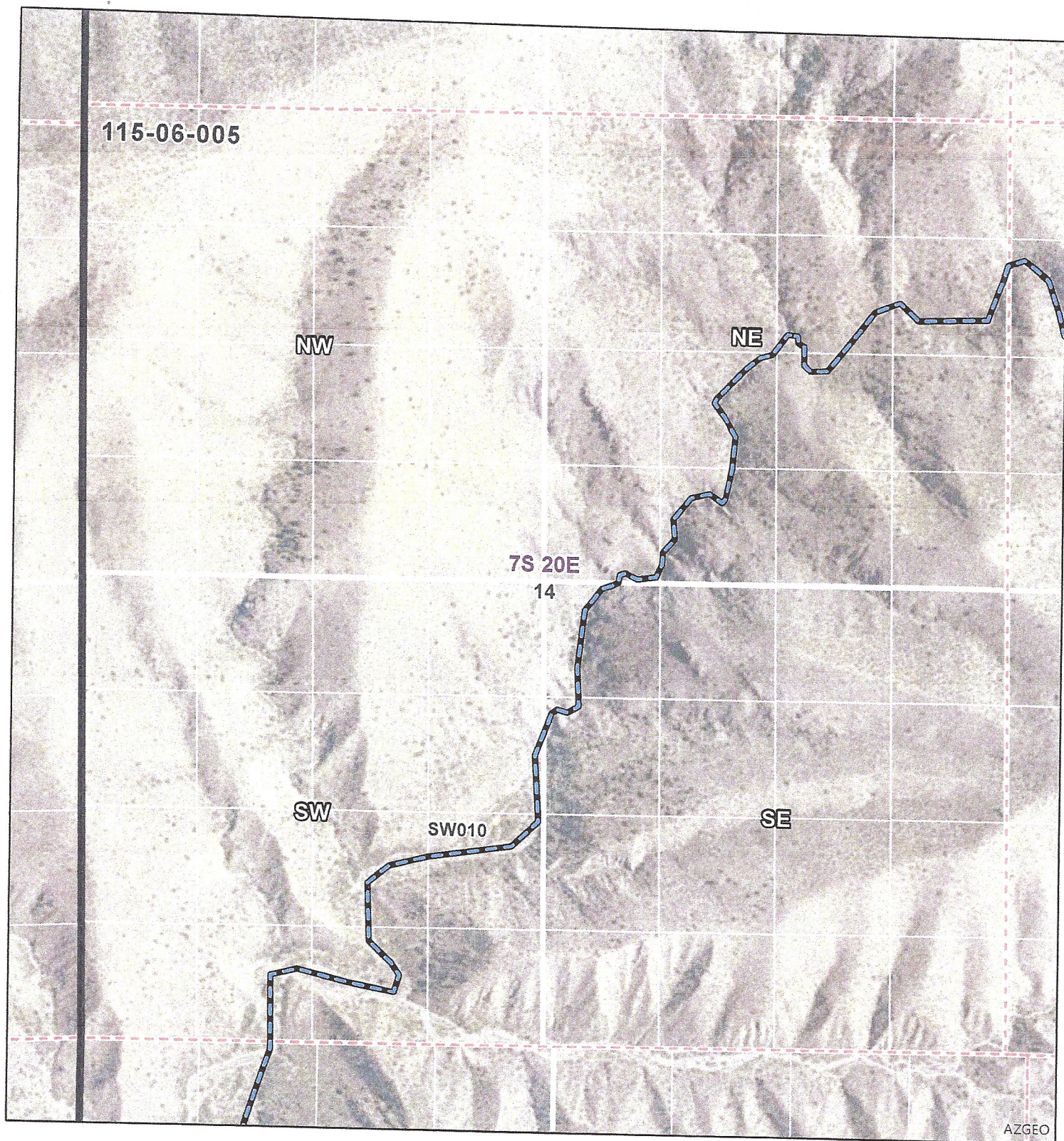


Legend

- SW - Streamside use
- Section
- Township
- Q
- QQQ
- WFR Boundary

0 375 750 Feet



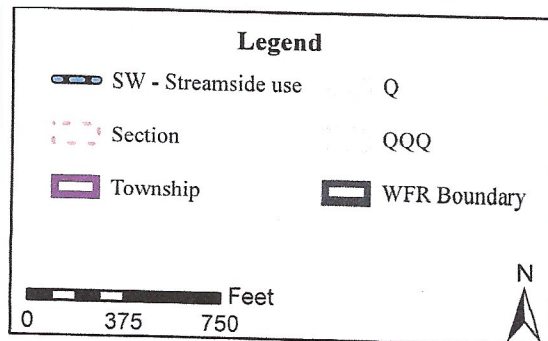
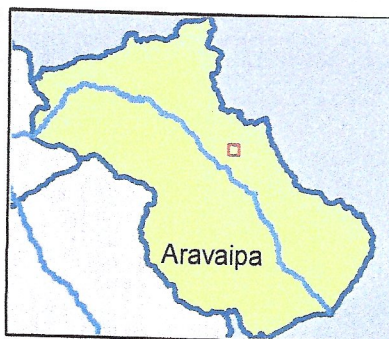


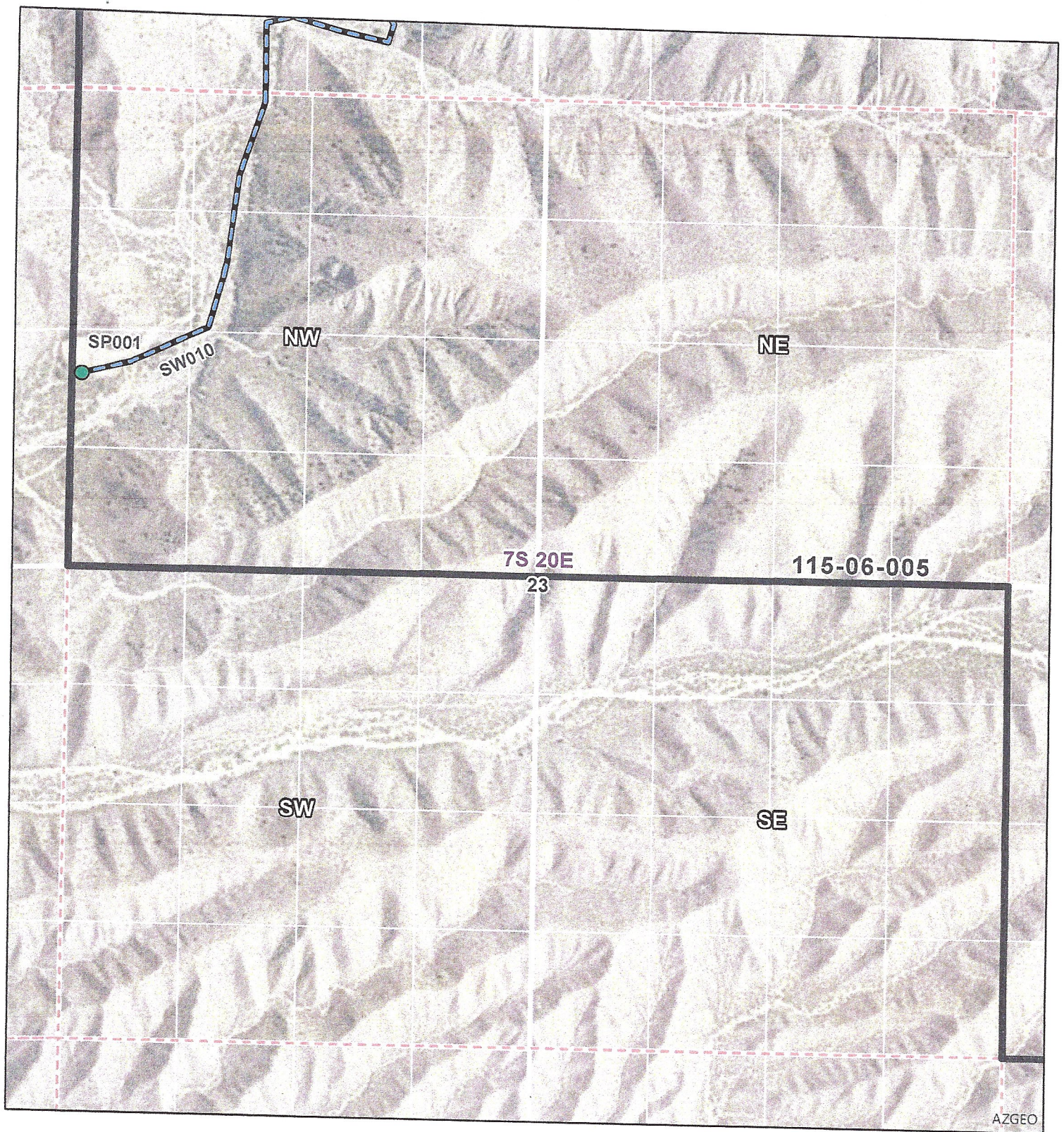
In re SLD - Magoffin III
 Contested Case W1-11-3407
 Watershed File Report
 115-06-005
Section 14 T07S R20E



ADWR August 2020

Data sources include: NAIP 2017.



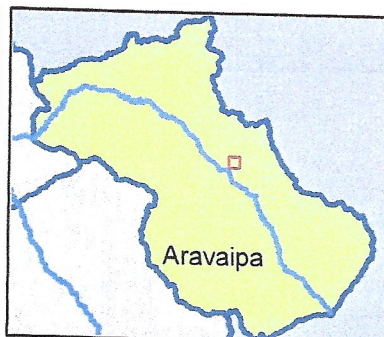


In re SLD - Magoffin III
 Contested Case W1-11-3407
 Watershed File Report
 115-06-005
 Section 23 T07S R20E



ADWR August 2020

Data sources include: NAIP 2017.



Legend

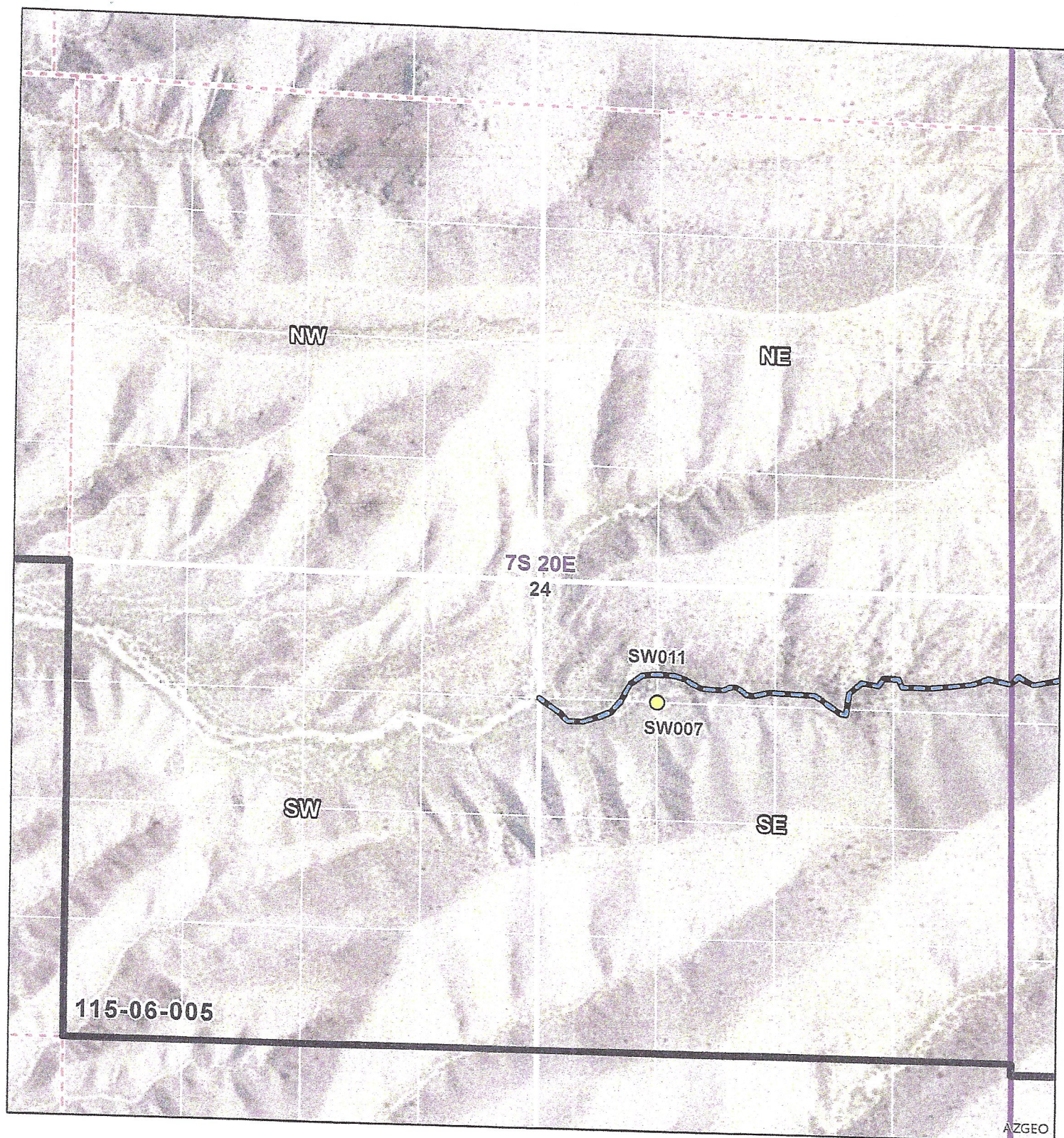
- SP - Stockpond
- SW - Streamside use
- Aravaipa Creek
- Section
- Q
- QQQ
- WFR Boundary

0 375 750 Feet



Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW011
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-6984
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	36-0005033
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SENW 19 07S R21E See attached map
12. Point of Diversion:	SENW 19 07S R21E See attached map
13. Source of Water:	Road Canyon



In re SLD - Magoffin III

Contested Case W1-11-3407

Watershed File Report

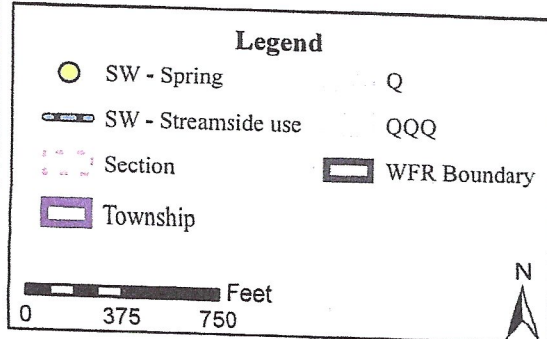
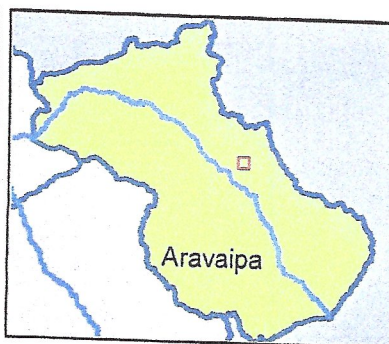
115-06-005

Section 24 T07S R20E



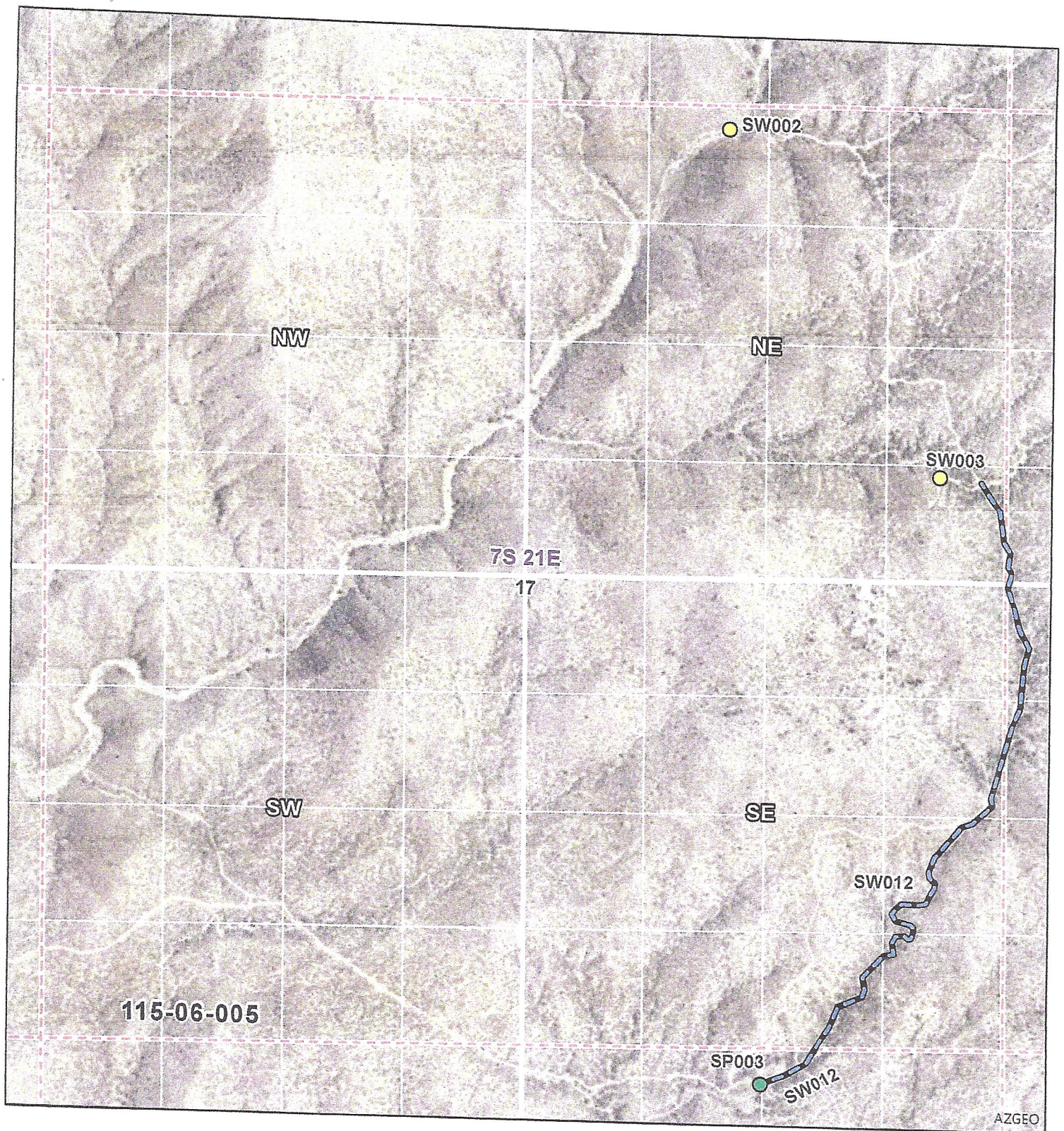
ADWR August 2020

Data sources include: NAIP 2017.



Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW012
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-13179 39-6990
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	36-0005039 36-5429
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SENE 17 07S R21E See attached map
12. Point of Diversion:	SENE 17 07S R21E See attached map
13. Source of Water:	Trail Creek/Twin Draw

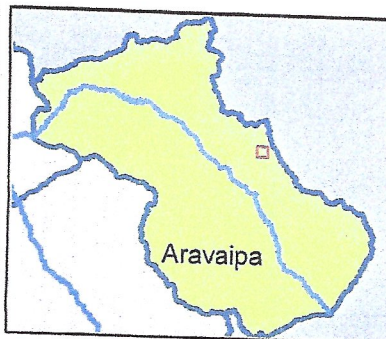


In re SLD - Magoffin III
 Contested Case W1-11-3407
 Watershed File Report
 115-06-005
 Section 17 T07S R21E



ADWR August 2020

Data sources include: NAIP 2017.



Legend

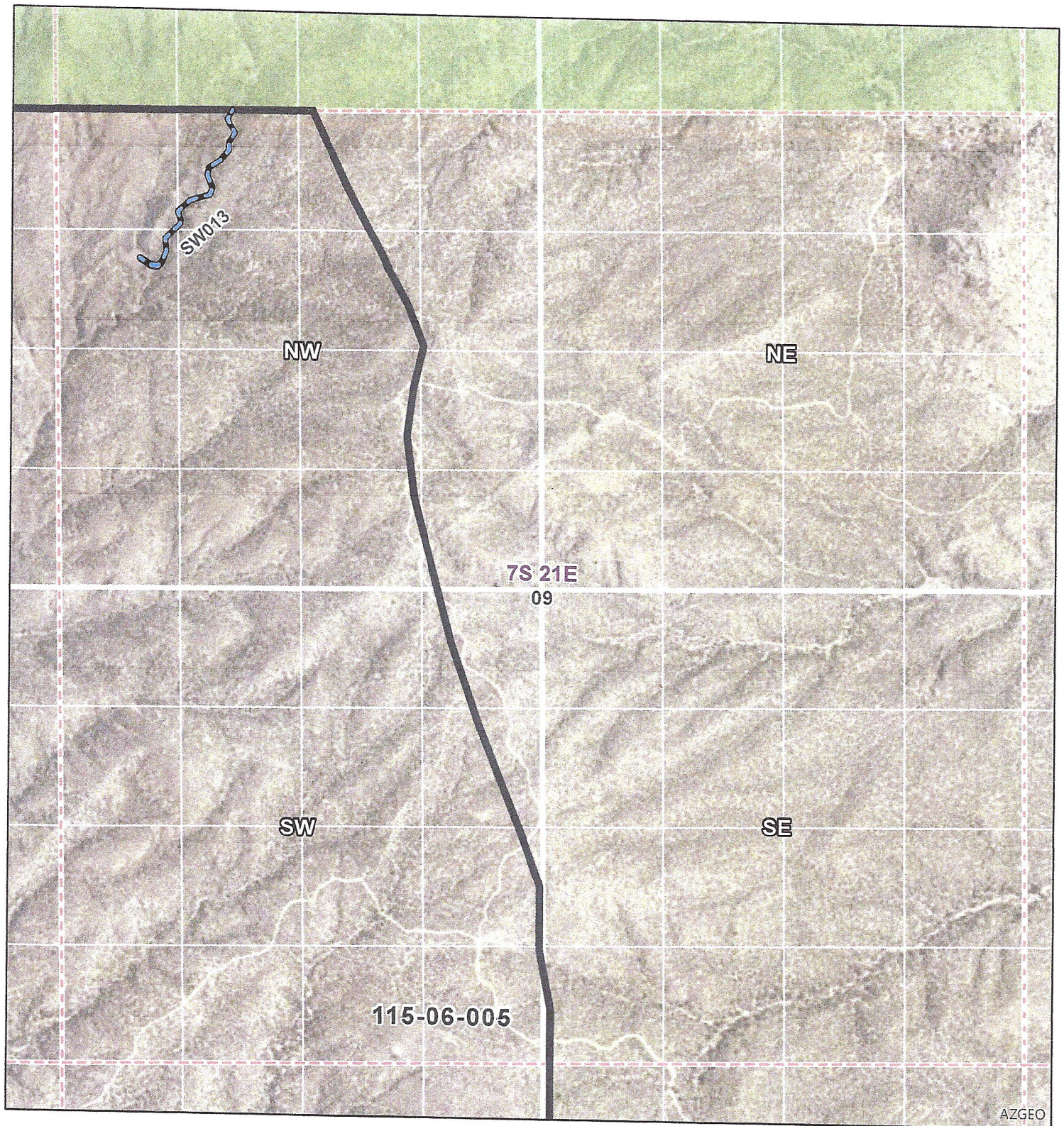
- SW - Spring
- SP - Stockpond
- SW - Streamside use
- Section
- Q
- QQQ

0 375 750 Feet



Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW013
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-13177
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	36-0005427 36-5428
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NWNW 09 07S R21E See attached map
12. Point of Diversion:	NWNW 09 07S R21E See attached map
13. Source of Water:	South Fork Buford Creek

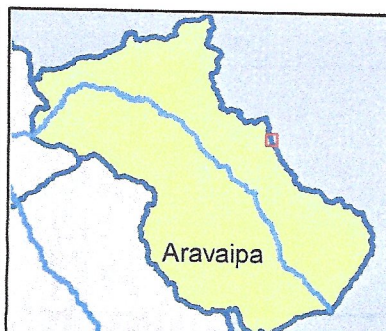


In re SLD - Magoffin III
 Contested Case W1-11-3407
 Watershed File Report
 115-06-005

Section 9 T07S R21E



ADWR August 2020



Legend

- SW - Streamside use
- Section
- WFR Boundary
- USFS
- QQQ
- Q

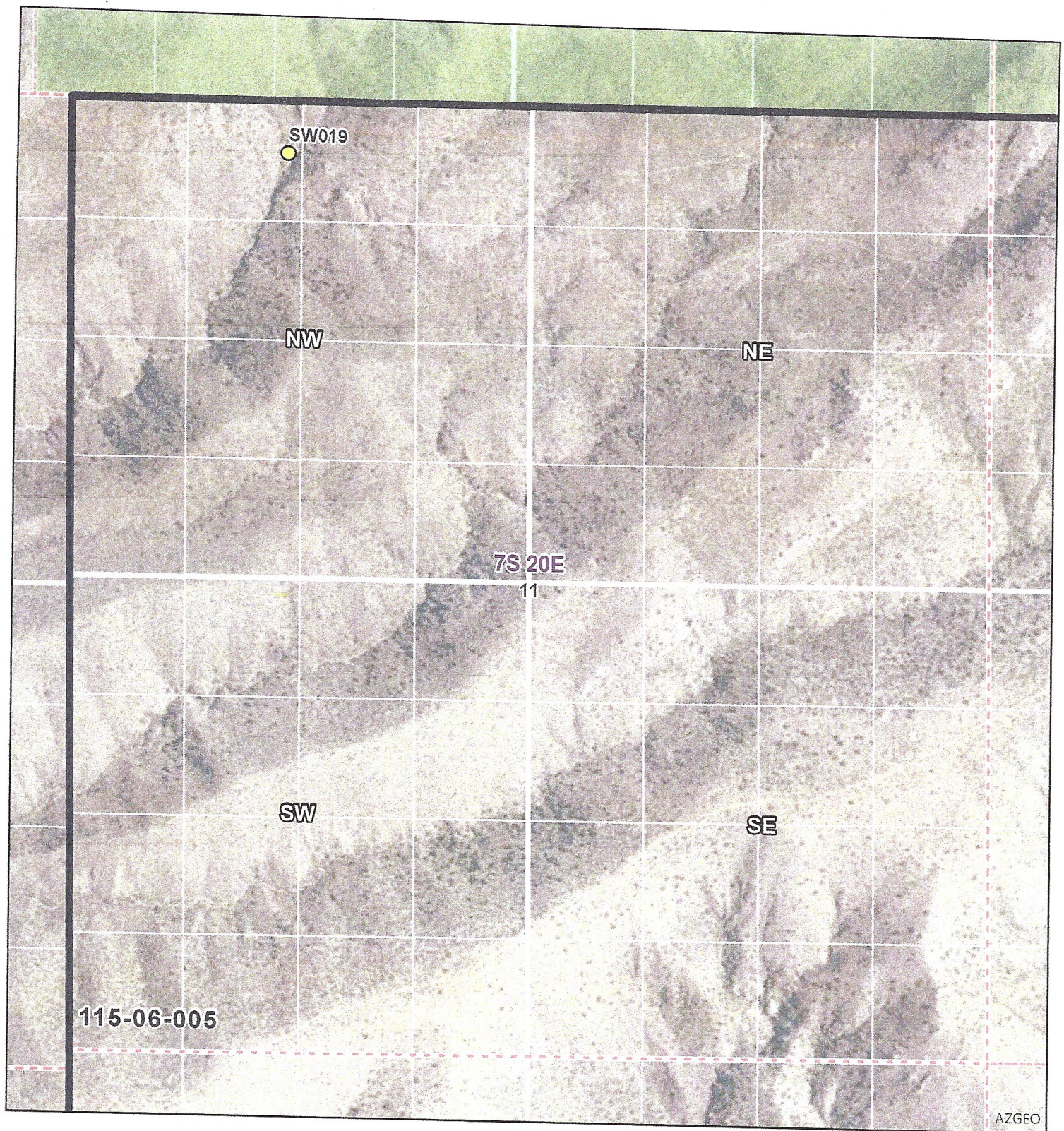
0 375 750 Feet



Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department. NAIP 2017.

Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-06-005-SW019
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-11212
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Trustees of Magoffin Family Trust
7. Basis of Right:	36-0020696 36-0100032
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NWNW 11 07S R20E See attached map
12. Point of Diversion:	NWNW 11 07S R20E See attached map
13. Source of Water:	12 O’Clock Spring

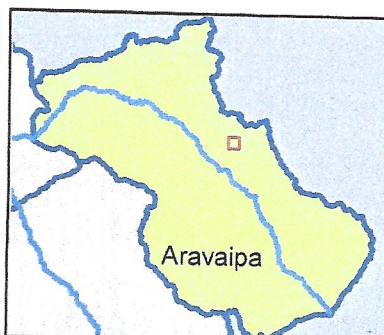


In re SLD - Magoffin III
 Contested Case W1-11-3407
 Watershed File Report
 115-06-005

Section 11 T07S R20E



ADWR August 2020



Legend

- SW - Spring
- Section
- Q
- QQQ
- WFR Boundary
- USFS

0 375 750 Feet



Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department. NAIP 2017.