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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. W1-11-3407

ORDER SETTING STATUS
CONFERENCE

CONTESTED CASE NAME: *In re SLD-Magoffin III*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Status Conference set for **November 4, 2021 at 3:30 p.m.**

NUMBER OF PAGES: 12

DATE OF FILING: October 20, 2021

On September 27, 2021, Anna Magoffin, as trustee of the Magoffin Family Trust, submitted a letter which she represented as having been sent to all parties. A copy of the letter is attached as Attachment A. The letter will be deemed to be a request for a Status Conference. Ms.

1 Magoffin requested a status conference on case numbers W1-11-3362 to W1-11-3374, W1-11-
 2 3407, and W1-11-3338. The requested case numbers along with associated watershed file
 3 reports, status and landowner named on the watershed file report are shown below:

Contested Case No.	Watershed File Report	Initiated	Landowner (as shown on the WFR)
W1-11-3338	115-05-015	Yes	State of Arizona - Arizona State Land Department
W1-11-3362	115-05-040	Yes	Kaibab Industries
W1-11-3363	115-05-041	Yes	Nature Conservancy
W1-11-3364	115-05-042	Yes	Lackner
W1-11-3365	115-05-043	No	Goldwater, Inc.
W1-11-3366	115-05-044	Yes	Nature Conservancy
W1-11-3367	115-05-048	Yes	Hughes, Butt
W1-11-3368	115-05-049	Yes	Nature Conservancy
W1-11-3369	115-05-050	Yes	Nature Conservancy
W1-11-3370	115-05-051	No	United States
W1-11-3371	115-05-052	No	United States
W1-11-3372	115-05-053	No	State of Arizona - Arizona State Land Department
W1-11-3373	115-05-054	Yes	Nature Conservancy
W1-11-3374	115-05-055	Yes	Kaibab
W1-11-3407	115-06-005	Yes	State of Arizona - Arizona State Land Department

19
 20 Four of the cases listed by Ms. Magoffin have not been initiated. Contested cases that
 21 name the Nature Conservancy and Lackner as the landowners do not involve the trustees of the
 22 Magoffin Family Trust and have been completed. The listed cases that involve the trustees of the
 23 Magoffin Family Trust are as follows:
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Contested Case No.	Watershed File Report	Initiated	Landowner (as shown on the WFR)
W1-11-3338	115-05-015	Yes	State of Arizona - Arizona State Land Dept.
W1-11-3362	115-05-040	Yes	Kaibab Industries
W1-11-3367	115-05-048	Yes	Hughes, Butt
W1-11-3374	115-05-055	Yes	Kaibab
W1-11-3407	115-06-005	Yes	State of Arizona - Arizona State Land Dept.

This contested case, W1-11-3407, was initiated to adjudicate claims to use water and objections to Watershed File Report 115-06-005 that Arizona Department of Water Resources investigated on land located generally in sections 11, 12, 13, 14, 23, and 24 T7S R20E and sections 7, 8, 9, 16, 17, 18, 19, 20, and 21 T7S R21E. A complete list of all Statements of Claimant filed by the trustees of the Magoffin Family Trust are attached as Attachment B. The Statements of Claimant filed by the trustees of the Magoffin Family Trust related to this contested case are: 39-2144, 39-2147, 39-2158, 39-2159, 39-2160, and 39-2166.

The Watershed File Report shows the potential water right associated with each Statement of Claimant filed by or assigned to the trustees of the Magoffin Family Trust:

Statement of Claimant	Potential Water Right
39-2144	SP001
39-2147	SP003
39-2158	SW002
39-2159	SW005
39-2160	SW004
39-2166	SW003

The Joint Report filed by Arizona State Land Department and the trustees of the Magoffin Family Trust on July 2, 2020 ("Joint Report"), shows that the State of Arizona is the owner of

1 three stockponds on the property for which ADWR found potential water rights (SP001, SP003,
2 SP005) and that no Statement of Claimant has been filed as to the fourth stockpond (SP002).

3 The Report also lists the trustees of the Magoffin Family Trust as the lessees of the land
4 with the following potential water rights not owned by the State: SW002, SW003, SW004,
5 SW005, SW007, SW008 and SW009. According to the Joint Report, potential water rights
6 SW007, SW008 and SW009 were the subject of Statements of Claimant 39-2141, 39-2157, and
7 39-2154. On January 11, 2021, an Order was entered approving 14 proposed abstracts including
8 six proposed abstracts for which the Magoffin Family Trust is listed as the owner: 115-06-005-
9 SW002, 115-06-005-SW003, 115-06-005-SW004, 115-06-005-SW005, 115-06-005-SW007, and
10 115-06-005-SW008.
11

12 The final potential water right that Arizona State Land Department and the trustees of the
13 Magoffin Family Trust determined to not be owned by the State is 115-06-005-SW009. This
14 stock watering right is the subject of Statement of Claimant 39-2154 filed by Whiting Ranches for
15 use in the SESW Section 14 T7S R20E. The public records of the Arizona Department of Water
16 Resources do not show an assignment of the Statement of Claimant to the trustees of the
17 Magoffin Family Trust. According to the Joint Report, the trustees of the Magoffin Family Trust
18 are the lessees of the property. Statement of Claimant 39-2154 must be assigned to the trustees of
19 the Magoffin Family Trust or the trustees of the Magoffin Family Trust must file a Statement of
20 Claimant for the stock watering claim with the same information that will be used to set the water
21 right attributes.
22

23 Ms. Magoffin also specifically requested the status of PM Bar Well in this contested case.
24 She claims the well is located outside the boundaries of the subflow zone. Neither the Watershed
25 File Report nor the Statements of Claimant involved in this contested case list a well as the source
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1 of water. Ms. Magoffin provides neither a well registration number nor a physical location of the
2 PM Bar Well.

3 **IT IS ORDERED** setting a Status Conference on **November 4, 2021 at 3:30 p.m.** Anna
4 Magoffin shall advise whether she intends to obtain an assignment of Statement of Claimant 39-
5 2154 or file a new Statement of Claimant for 115-06-005-SW009. She shall also be prepared to
6 specifically identify the PM Bar Well by location and well registration number and state whether
7 she is seeking an appropriable water right for the water pumped from the PM Bar Well.
8

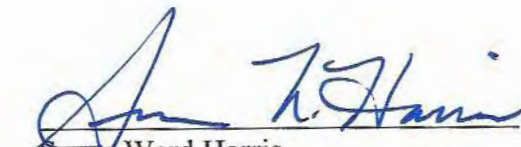
9 The Status Conference shall be held using the Court Connect program. Instructions for
10 Court Connect are attached as Attachment C. If you receive this Order by email, click on the red
11 box "Join Court Connect Hearing" on the attached instructions to make an appearance. If you do
12 not receive this Order by email, log into the Court Connect program on the internet by typing
13 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
14 telephonically using the telephone number and access code included in the instructions for Court
15 Connect. You may also attend telephonically using the following numbers:
16

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18 Instructions for telephonic participation:

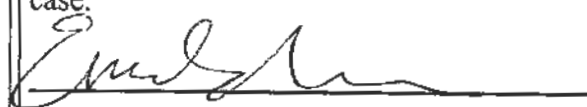
19 Dial: 602-506-9695 (local)

20 1-855-506-9695 (toll free long distance)

21 Dial Collaboration (conference) Code 357264#
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26 Susan Ward Harris
Special Master
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1 The original of the foregoing was delivered to
2 the Clerk of the Maricopa County Superior
3 Court on October 20, 2021, for filing and
4 distributing a copy to all persons listed on the
5 Court approved mailing list for this contested
6 case.



6 Emily Natale

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Attachment A

OFFICE OF THE SPECIAL MASTER
Arizona General Stream Adjudication

Magoffin Family Trust
34625 W. Klondyke Road
Willcox, AZ 85643



OCT 04 2021

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

September 27, 2021

Special Master,

The attachment shows cases I would like to have status checks on. I am trying to determine if there is something I am missing to move any of the cases forward. I understand from our involvement with adjudication is that it does take time. From our end, however, I realize that some things can get lost. For example, at one point, our cases were changed our old address in Douglas, AZ. And we literally stopped getting information. And sometimes the cases move forward before the surface water application are finished, which has been a problem every time for me.

On a side note, the amazing Barbara Brown had the most wonderful personality even though she literally was dealing with everyone entering into adjudication. At the time our mail suddenly going to Douglas, I was able to interact briefly with Durina and I could not believe you were able to find a second lovely soul to manage all the files. When we got an email notice on W1-11-0245 it was from the clerk of the court and I thought I might be able to ask a person how to set up a status call. I do apologize for using that email, but in all fairness, it is not general knowledge as to the status of your clerk.

I think you might also consider an occasional status call to review what happens from this side of the process. I think we arrive at the adjudication from two different perspectives but I also think the two should meet at a common ground. The legal description of waters used a mess. ADWR wells use small to big quarter sections, most other land use applications use big to small quarter sections and to lend a more technical science to avoid lines that can go up or down on a map; GPS makes sound sense, but surface water doesn't accept GPS. I also don't believe ADWR is using good science to establish sub flow, I know it is wrong in a couple of instances using the simplest of observation science and soil science. Also, the ADWR definition of sub flow suggest waters moving through sand and gravel but does not take into consideration clay barriers. Just like knowing when you do and don't have a clerk, there should be a simple process that allows for science to be introduced.

Anyhow, I am simply trying to see what needs to be done from my side on W1-11-3374, W1-11-3407, W1-11-3338. These were all tied to cases with State Land and deeded land but the Abstracts I sent were never presented.

I am sending this to the folks on the combined mailing lists of all three.

Sincerely,

Anna Magoffin, trustee of the Magoffin Family Trust

Magoffin Family Trust Water Case Inventory September 2, 2021

Case number	Specific waters	actions
W1-11-3362 to W1-11-3374	Frog Pond	Certificate 87761.0000 Inspection
W1-11-3407	PM Bar Well	Not in sub flow, priority1917
W1-11-3338	Long Hollow well (Wootan)	Priority date 10-10-1913

Attachment B

Watershed	Statement of Claimant Number	Water Case Number
9	39-70200	n/a
11	39-12022	W1-11-3325 W1-11-3338 W1-11-3374 W1-11-3395
11	39-15850	W1-11-3367
11	39-17821	W1-11-3325
11	39-17861	W1-11-3325
11	39-18080	***
11	39-18084	W1-11-3359
11	39-18167	W1-11-3367
11	39-18168	W1-11-3367
11	39-2144	W1-11-3407
11	39-2147	W1-11-3407
11	39-2149	W1-11-3397
11	39-2158	W1-11-3407
11	39-2159	W1-11-3407
11	39-2160	W1-11-3407
11	39-2166	W1-11-3407
11	39-6478	***
11	39-6479	***
11	39-6486	W1-11-3395
11	39-6487	W1-11-3362

***no WFR was issued that included this Statement of Claimant

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Attachment C



Court Connect Hearing Notice for Magoffin Set of Cases

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Names: In re SLD-Magoffin III, In re Magoffin II, In re Kaibab Industries, In re SLD-Magoffin II, In re Magoffin Family Trust I

Contested Case Nos. W1-11-3407, W1-11-3367, W1-11-3374, W1-11-3338, W1-11-3362

Start Date/Time: November 4, 2021 at 3:30 p.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

