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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. W1-11-0384

**ORDER TO SHOW CAUSE**

CONTESTED CASE NAME: *In re Ruth M. Ryan*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.  
DESCRIPTIVE SUMMARY: Order for Terry Filloon to provide written explanation by June 15, 2024, for the failure to attend both the March 6, 2024, and the April 15, 2024, hearings and to submit a surface water permit application to ADWR.  
NUMBER OF PAGES: 5

Parties wishing to move forward with historical water rights claims on their property must ensure Statements of Claimant (“SOCs”) are current. The SOC must reflect the current claimant’s name and contact information as well as any changes to the original claim.

In addition to the SOC, to obtain a water right, a claimant using appropriable water, including subflow, must provide a “basis of right” filed with ADWR, i.e. either a valid statement of claim registering a water right or an application for a permit to appropriate

1 water. See Arizona Revised Statutes (“Ariz. Rev. Stat.”) §§ 45-182(A), 45-152(A). If a  
2 claimant can prove that the water right claimed was initiated prior to June 12, 1919, they do  
3 not need to file an “application for a permit to appropriate,” but must present a timely-filed  
4 statement of claim registering their claimed water right. See Ariz. Rev. Stat. §§ 45-171, 45-  
5 182(A).

6 To date the claimant has not been able to prove that the water right claimed was  
7 initiated prior to June 12, 1919. Nor has the claimant been able to provide the Court a  
8 statement of claim registering their claimed water right and filed prior to August 22, 1991(90  
9 days before the publication of the San Pedro HSR). See Ariz. Rev. Stat. §§ 45-171, 45-  
10 182(A). Note that a statement of claim is a different document than a statement of claimant.  
11 Therefore, the claimant must file an “application for a permit to appropriate.” Ariz. Rev. Stat.  
12 § 45-152(A).

13 The water laws in Arizona can be challenging. The Court understands that ADWR  
14 has attempted to assist the claimant to the extent permissible as the claimant is a party to this  
15 adjudication. It is an unfortunate reality that an application for a permit to appropriate does  
16 include a fee that can be significant. However, a continued failure to pursue an application  
17 for a permit will result in the dismissal of the Statements of Claimant in this case. This may  
18 cause the forfeiture of any rights associated with the property at issue. A.R.S. § 45-254(F)  
19 Further, the use of appropriable water without a permit may constitute an unauthorized use  
20 of water under A.R.S. § 45-112(A)(4).

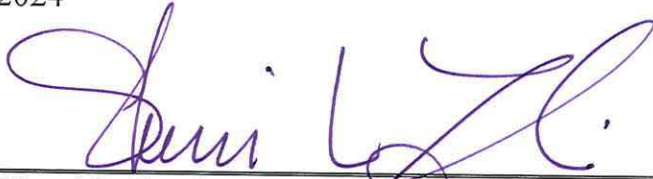
21 Status Conferences were held for this case on March 6, 2024, and April 15, 2024.  
22 Notice was sent to the last known address for Terry Filloon in both cases, however Ms.  
23 Filloon failed to appear at either conference.

24 **IT IS ORDERED** that by **June 15, 2024**, Ms. Filloon shall file with the Court a  
25 written statement explaining her failure to appear on March 6, 2024, and April 15, 2024.  
26 Additionally, Ms. Filloon shall provide to the Court evidence of filing with ADWR  
27 updated SOCs and a surface water permit application for her well. Failure to provide  
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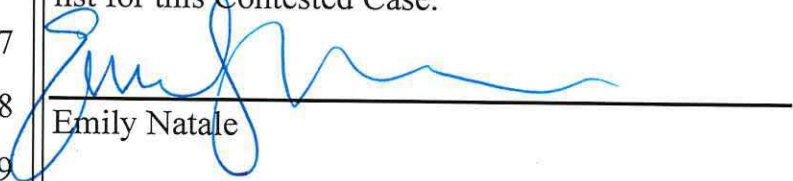
1 documentation shall result in the dismissal of Statements of Claimant 39-175987 and 39-  
2 175988 and termination of all proceedings in this contested case.

3 If the claimants in this case have any *procedural* questions regarding the filing of  
4 documentation with the Court, they can call the office of the Special Water Master at  
5 (602)506-0453.

6  
7 Signed this 19<sup>th</sup> day of April 2024

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11 \_\_\_\_\_  
12 Sherri L. Zendri  
13 Special Water Master

14 The original of the foregoing was delivered to the  
15 Clerk of the Maricopa County Superior Court on  
16 April 19, 2024 for filing and distributing a copy  
17 to all persons listed on the Court approved mailing  
18 list for this Contested Case.

19   
20 \_\_\_\_\_  
21 Emily Natale

Court Approved Mailing List  
In re Ruth M. Ryan, Contested Case No. W1-11-0384  
W1-11-0384 (14 Names)  
Prepared by the Special Master  
4/19/2024

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