

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

October 27, 2022

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

T. DeRaddo
Deputy

In re: Ruth M. Ryan
Contested Case No: W1-11-0384

In re the General Adjudication of
All Water Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3, W-4 (Consolidated)

FILED: 11/16/2022

In re: Status Conference

MINUTE ENTRY

Courtroom CCB - 301

1:30 p.m. This is the time set for a virtual/telephonic Status Conference before Special Water Master, Susan Ward Harris.

The following attorneys and parties appear virtually/telephonically via Court Connect/Teams.

- Kome Akpolo and Kimberly Parks on behalf of ADWR
- Tom Murphy on behalf of the Gila River Indian Community
- Laurel Herrmann and Joseph Sparks on behalf of the San Carlos Apache Tribe
- Richard Palmer on behalf of the Tonto Apache Tribe
- Sue Montgomery on behalf of the Yavapai Apache Nation and observing on behalf of the Pasqua Yaqui Tribe
- Katrina Wilkinson observing on behalf of Salt River Project
- Robert and Thomas Manteufel, Landowners
- John Burnside on behalf of BHP Copper
- Terry Fillone, Landowner
- Jonathan Charlton is present virtually
- Mark McGinnis is present on behalf of Salt River Project

Thomas Manteufel informs the Court that he purchased the land at issue from Ruth and Richard Ryan approximately 49 years ago (1974). Neither Robert Manteufel nor Thomas Manteufel is the legal personal representative of Ruth Ryan's estate.

Thomas Ryan reports that Mrs. Ryan passed away 14 years ago, and her husband predeceased her several years prior. Robert Manteufel reports that Ruth Ryan was his aunt.

Robert Manteufel reports that he bought a portion of the property 30 years ago from his father, Thomas, and "tapped into" his father's well, electric and gas. There is no well on Robert Manteufel's property. (Robert Manteufel is 72 years old and his father, Thomas Manteufel, is 90 years old.)

Thomas Manteufel states that he put the well in about 40 years ago using a drilling company, but does not know the well registration number, if there is one.

The Court explains that Ruth Ryan filed a Statement of Claimant. Thereafter Arizona Department of Water Resources went out, investigated the claim and filed a report, which includes the information regarding water usage. All objectors were then allowed to file their objections. The file includes the Statement of Claimant filed by Ruth Ryan, the report prepared by Arizona Department of Water Resources and the objections.

The Court explains the water rights process, defines appropriable water, and how the location of wells, inside or outside of the subflow zone, affects the adjudication of a claimed water right.

The Court explains to the self-represented litigants the process of filing a Statement of Claimant for water rights and a procedural history of the land and water rights.

Robert Manteufel states that he intends to put a well on his property in the future because in the event of his father's passing, he will not have access to the well on Thomas Manteufel's property, if the property is sold.

The Court informs Robert Manteufel that if he intends to put a well on his property **in the future**, he would not be a part of this litigation because the court cannot adjudicate a water right for a future use.

If Robert Manteufel or Thomas Manteufel intend to assert a claim for a water right, they are each required to file a Statement of Claimant.

The Court will try to find more information on the well on the property.

Terry Filloon states that she intends to assert water rights with respect to the land that she owns. She has not filed a Statement of Claimant. She states that she has an irrigation well on her property and she has the transfer paperwork from when she purchased the property, and intends to use the well for irrigation. She intends to use water for her horses, as well as for her home use.

The registration numbers for the wells are 55-529189 and 55-806425.

If wells are located in the subflow zone they are considered to be pumping appropriable water. If the wells are located outside of the subflow zone, it is presumed that they are pumping ground water.

Ms. Filloon needs to contact the ADWR to get the proper forms to file a Statement of Claimant.

IT IS ORDERED adding counsel for Salt River Project to the Court approved mailing list.

1:58 p.m. Matter concludes.

LATER:

The only person who has filed a claim for water in this contested case was Ruth Ryan. She filed Statement of Claimant 39-0011856. This Statement of Claimant has not been assigned to any subsequent landowner.

The public records of Arizona Department of Water Resources do not contain a Statement of Claimant filed by Thomas Manteufel to claim a right to water. The public records of Arizona Department of Water Resources do contain a form filed by Thomas Manteufel for a well, registration number 55-640633, that was drilled in 1978. The well, according to the registration form is located in the southwestern quarter of the southwestern quarter of the southwestern quarter of Section 32 Township 20S Range 20E. Based on the interactive map prepared by Arizona Department of Water Resources, the well, registration number 55-640633, is located within the subflow zone. If Mr. Manteufel intends to claim a right to appropriable water from that well with the registration number 55-640633, then Mr. Manteufel must file a Statement of Claimant or have the Statement of Claimant filed by Ruth Ryan assigned to him.

The public records of Arizona Department of Water Resources do not contain a Statement of Claimant filed by Robert Manteufel to claim a right to water.

The public records of the Arizona Department of Water Resources do not contain a Statement of Claimant filed by Terry Filloon to claim a right to water from wells with registration numbers 55-529189 and 55-806425. According to interactive map prepared by Arizona Department of Water Resources, the wells are located outside the border of the subflow zone. Ms. Filloon stated at the Status Conference that she intends to claim a right to water from the wells located on her property. Ms. Filloon must file a Statement of Claimant with Arizona Department of Water Resources that identifies her claim or have the Statement of Claimant filed by Ruth Ryan assigned to her. In order to determine the proper procedures to be followed in this case, a determination must be made about the

precise location of the wells on Ms. Filloon's land relative to the subflow zone. Accordingly,

IT IS ORDERED that Arizona Department of Water Resources shall prepare a map that accurately depicts the location of those wells with registration numbers 55-529189 and 55-806425 relative to the lateral boundaries of the subflow zone and file the map and report by January 9, 2023.

IT IS FURTHER ORDERED that if Mr. Manteufel and Ms. Filloon intend to file Statements of Claimant, they shall file Statements of Claimant by January 23, 2023.

IT IS FURTHER ORDERED setting a Status Conference on **February 2, 2023 at 2:00 p.m.** At the Status Conference, Mr. Manteufel and Ms. Filloon shall be prepared to state whether they have filed a Statement of Claimant and describe the water right claimed. Based on that information and the map prepared by Arizona Department of Water Resources, a determination can be made about the proper procedures to follow to adjudicate the claimed water rights.

The Status Conference will be held using the Court Connect program. Instructions for Court Connect are attached below. If you receive this Order by email, click on the red box "Join Court Connect Hearing" on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect. Alternatively, you may attend telephonically using the following instructions:

Instructions for telephonic appearance:
Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#

IT IS FURTHER ORDERED removing Ruth M. Ryan from the Court approved mailing list. Mr. Manteufel advised that Ruth M. Ryan is deceased. A copy of the order was sent to the last known address for Ruth M. Ryan and has been returned with no forwarding address.

General Explanation to Self-Represented Litigants. In Arizona, people, governmental entities, and businesses can acquire rights to water from lakes, ponds, springs, streams, canyons, ravines, other natural surface channels, definite underground channels, and subflow. Water from these sources is known as "appropriable water". As demand grew over more than the past century for water in Arizona, with the potential for

conflict, it became clear that it was necessary to examine all of the claims to rights to appropriable water to establish valid legal rights to water that could be protected and enforced.

The Arizona legislature enacted a law that allows water users to come into court and require the court to determine their legal water rights. The procedure is known as a general adjudication. The purpose of the general adjudication is to examine claims for water rights and define those rights. Many western states use general adjudications to determine water rights. General adjudications in some areas of the United States have been completed and others are still in process.

In 1974, a water user in Arizona started this General Adjudication. The Arizona Supreme Court has stated that in this General Adjudication all claims made to water must be examined and rights established. This General Adjudication includes claims to water rights in the San Pedro River watershed. This case involves land in the San Pedro River watershed.

More than a hundred thousand claims have been made for water for uses such as domestic, irrigation, stock watering, mining, and stockponds. The court will establish the water rights of those persons who have filed a Statement of Claimant, which can include more than one claim for a water right. The failure to file a Statement of Claimant can result in the forfeiture of a right to use appropriable water, so it is important that a person seeking a water right file a Statement of Claimant, have a Statement of Claimant filed on his or her behalf, or obtain an assignment of an existing Statement of Claimant.

Once a Statement of Claimant is filed, the Arizona Department of Water Resources investigates the claims and prepares a report. Claimants may file objections to the report prepared by Arizona Department of Water Resources.

The current phase of the proceeding requires the court to make a determination about the validity of the water rights claimed in the Statement of Claimant and the objections to the report prepared by Arizona Department of Water Resources. As part of that process, the water users can choose to meet informally with the water users who filed objections to determine whether those objections can be resolved, and the parties agree on a set of water rights. Absent an agreement by the parties, a date for a hearing will be set at which time all parties will have the opportunity to present witnesses and evidence to support either their claims for water rights or their objections. At the conclusion of the hearing, recommended water rights will be described in a document known as an abstract. The abstracts for this case will be included in a catalog along with other abstracts for water rights in the same subwatershed of the San Pedro River. The state water judge will review the abstracts in the catalog and, if approved, will issue a formal water decree for those water rights that can be protected and enforced.

The Natural Resource Use and Management Clinic, a law clinic at the University of Arizona, may be a resource for claimants. The director of the law clinic is Priya Sundareshan. Claimants can contact Ms. Sundareshan at priyaz@email.arizona.edu. More

information about the Clinic can be found at <https://law.arizona.edu/clinics/naturalresource-use-management-clinic>

A copy of this minute entry will be sent to all people on the court-approved mailing list for this matter.

NOTE: All court proceedings are recorded digitally and not by a court reporter. The parties or counsel **may request a CD of the proceedings.** For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.



Court Connect Hearing Notice for In re Ruth M. Ryan

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 Name: In re Ruth M. Ryan, Contested Case No. W1-11-0384

Start Date/Time: February 2, 2023 at 2:00 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](#)

