

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

February 28, 2024

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

T. DeRaddo
Deputy

Contested Case Nos: W1-11-0384, W1-11-0381

In re Ruth M. Ryan, In re T.W. Manteufel

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)

FILED: 03/06/24

Virtual Status Conference

MINUTE ENTRY

Courtroom CCB - 301

10:01 a.m. This is the time set for a virtual/telephonic Status Conference before Special Water Master, Sherri Zendri.

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

- Kimberly Parks and Karen Nielsen on behalf of ADWR
- Kent Milliwad 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
- Robert and Thomas Manteufel, Landowners
- Katrina Wilkinson observing on behalf of SRP
- Maggie Woodward on behalf of the United States Proprietary Agencies
- Laura Boyer for the United States Trust Interest
- Laurel Herrmann on behalf of the San Carlos Apache Tribe
- Katya Lancero on behalf of the Navajo Nation

A record of the proceedings is made digitally in lieu of a court reporter.

Discussion is held regarding clarifying the locations of wells and whether certain parties will be able to move forward.

Kimberly Parks states that ADWR filed a report and a map in October 2023.

The Court states that there are potential issues regarding the “basis of right” and potential permitting issues, which was not addressed in ADWR’s report.

Ms. Parks states that she has no update on appropriate permitting. Several proposals and options were discussed by ADWR regarding assisting with the fees associated with filing an application to appropriate water. Ms. Parks states that anything that ADWR proposes would then have to be approved by another entity, whether it’s a change to the code from which the fees come, or if it is a legislative “fix.” ADWR cannot complete this process on its own.

The Court informs the parties that to move forward with these water rights at issue, the wells would have to have a permit to appropriate water.

Robert Manteufel states that he filed the appropriate papers. He states that he and his father have been in this location for over 40 years, he has no cattle and does not use the land for agricultural purposes. He states again that he and his father share one well. He believes that this process is taking a long time. Mr. Manteufel states that he filed a Statement of Claimant form for domestic use several years ago.

The Court states that good cause is necessary for the Court to make an exception. The Court further states that a “basis of right” issue may not be able to be resolved in a fiscally rational way, given the current participants in this matter. The Court shall review the record and decide the best way to move forward with this case.

10:20 a.m. Matter concludes.

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.

LATER:

Initiation and Deconsolidation of W1-11-381

A March 6, 2024 an order initiating contested case W1-11-0381 and deconsolidating it from W1-11-0384 was issued. A copy of that order is attached to this minute entry. Any papers addressing the claims in SOCs 39-2997 and 39-175991 shall be filed in W1-11-0381 and served on the Court-approved mailing list for that contested case.

Report on Application Fees

In order obtain a right to appropriable water, a landowner **must** present to the Adjudication Court a valid basis of right. If beneficial use of water was initiated after 1919, the claimant must, at minimum, present an “Application for a Permit to Appropriate Public Water” approved by ADWR.

An individual submitting such an application must also submit an “initial fee.” R12-15-103(C). By default, the initial fee is \$1000, but ADWR may lower the initial fee if it determines that the total fee accrued in reviewing the application will be less than \$1000. R12-15-103(C). To the extent that the total fee is less than the initial fee, ADWR shall “refund the difference to the applicant.” Ariz. Admin. Code. R12-15-103(F)(2). The total fee is calculated according to the “number of review hours for the application [multiplied] by an hourly rate of \$118.00, plus any mileage expenses and the actual cost of mailing or publishing any legal notice of the application.” Ariz. Admin. Code. R12-15-103(A).

IT IS ORDERED that by **April 8, 2024**, ADWR shall file a report:

- Estimating the total fee that will be incurred in reviewing a potential application for each claim in the following Statements of Claimant: 39-175987, 39-175988, 39-175991, and 39-175992. Where assumptions must be made regarding potential applicant information, please include an explanation of the assumptions.
- Estimating the timeframe for a refund of excess fees in the event that a refund is due.
- Describing the extent of ADWR’s discretion to lower initial fees under R12-15-103.

IT IS FURTHER ORDERED that a status conference for both W1-11-0381 and W1-11-0384 shall be held simultaneously on **April 15, 2024, at 10:00am** where each claimant will state whether they intend to file an Application for a Permit to Appropriate Public Water.

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ATTACHMENT A



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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 OF ALL**
11 **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. W1-11-0381**
15 **Contested Case No. W1-11-0384**

16 **ORDER TO DECONSOLIDATE &**
17 **INITIATE**

18 **CONTESTED CASE NAMES:** *In re Ruth M. Ryan*
In re T.W. Manteufel

19 **HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report.

20 **DESCRIPTIVE SUMMARY:** Contested Case No. W1-11-0381 is initiated and
21 deconsolidated from W1-11-0384.

22 **NUMBER OF PAGES:** 4

23 On September 15, 2022, the Special Master issued an order initiating W1-11-0384. In
24 this order, the Special Master began consideration of claims to water rights on land investigated
25 in Watershed File Reports (“WFRs”) 111-20-CA-006 and 111-20-CA-003. While WFR 111-20-
26 CA-006 is the proper subject of W1-11-0384, 111-20-CA-003 should have been considered
27 separately, in W1-11-0381.
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3 **Attachment A**
4 **Map Illustrating Parcels Considered in W1-11-0381 and W1-11-0384**



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21 **Parcel No: 106-47-032D.**
22 **Contested Case #: W1-11-381**
23 **WFR: 111-20-CA-003.**
24 **SOCs: 39-2997, 39-175991**

25 **Contested Case #: W1-11-384**
26 **WFR: 111-20-CA-006.**
27 **Parcel No: 106-47-032G.**
28 **SOCs: 39-11856, 39-175992**

Contested Case #: W1-11-384
WFR: 111-20-CA-006.
Parcel No: 106-47-032H.
SOCs: 39-11856, 39-175987,
39-175988

1 Attachment A to this order, assembled from a report filed by the Arizona Department of
2 Water Resources (“ADWR”), illustrates the parcels that are the subject of W1-11-381 and those
3 that should be separately considered in W1-11-0384. *See* W1-11-0384, *ADWR Notice of Map and*
4 *Report* (October 25, 2023). Accordingly, claims on Cochise County Parcel 106-47-032D (owned
5 by Thomas W. Manteufel) will be the subject of W1-11-0381, while claims on 106-47-032G
6 (owned by Robert Manteufel) and 106-47-032H (owned by Terry Filloon) will be the subjects of
7 W1-11-0384.

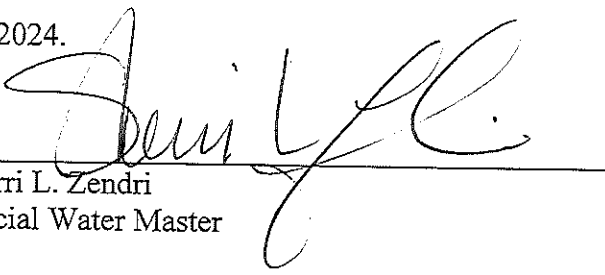
8 **IT IS ORDERED** formally initiating contested case *In re T.W. Manteufel*, contested case
9 W1-11-0381.

10 **IT IS ORDERED** that W1-11-0384 will consider only claims on the land investigated in
11 111-20-CA-006 (39-11856, 39-175987, 39-175988, and 39-175992), and that W1-11-0381 will
12 consider only claims on the land investigated in 111-20-CA-003 (39-2997 and 39-175991).

13 **IT IS ORDERED** removing Thomas W. Manteufel from the Court Approved Mailing
14 List for W1-11-0384.

15 **IT IS ORDERED** that a copy of any pleading filed with the Clerk of the Maricopa County
16 Superior Court in W1-11-0381 shall be served upon each person listed on the Court-approved
17 mailing list attached to this order.

18 Signed this 6th day of March, 2024.

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22 Sherri L. Zendri
Special Water Master

23 The original of the foregoing was delivered to the Clerk
24 of the Maricopa County Superior Court on March 6,
25 2024, for filing and distributing a copy to all persons
26 listed on the Court approved mailing list for W1, W-2,
W-3, W-4, W1-11-0381, and W1-11-0384.

27 
28 Emily Natale

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2 **Attachment B**
3 **Court-Approved Mailing List for W1-11-0381**

4 Arizona Department of Water Resources
5 Kimberly R. Parks and Karen Nielsen
6 1110 West Washington, Suite 310
7 Phoenix, AZ 850007

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

13 Special Master Sherri L. Zendri
14 Superior Court of Arizona
15 201 W. Jefferson Street
16 Courtroom 301
17 Phoenix, AZ 85003

18 Gila River Indian Community
19 Javier Ramos & Sunshine Manuel
20 Office of the General Counsel
21 P. O. Box 97
22 Sacaton, AZ 85147

23 Thomas W. Manteufel
24 607 E. Yuma St. Unit B
25 Huachuca City, AZ 85616
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