

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

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, W-2, W-3, W-4 (Consolidated)
Contested Case No. W1-11-0384

ORDER FOR ARIZONA DEPARTMENT OF
WATER RESOURCES TO CREATE MAP

CONTESTED CASE NAME: *In re Ruth M. Ryan*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR
DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources is ordered to create a map and submit it to the Court by **November 3, 2023**.
NUMBER OF PAGES: 6

General Explanation

This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River watershed to determine legal rights to water. The purpose of the General Adjudication is to determine the rights of those persons who filed statement of claimants for rights to use appropriable water in the San Pedro River Watershed.

1 “Appropriable” water refers to water that may be allocated to an owner that has perfected
2 the potential water right through proper regulatory actions.

3 This contested case was initiated based upon Watershed File Report (WFR) 111-
4 20-CA-006 and Statement of Claimant (SOC) #39-11856 filed on January 2, 1985, by
5 Ruth M. Ryan, for rights to use water for irrigation on land that she described as 23.033
6 acres of land in Section 32 Township 20S Range 20E, consisting of two tax parcels: 106-
7 47-032-4 and 106-47-032A-3 encompassing 21.033 and 2 acres, respectively. Mrs. Ryan
8 listed the source of water as well #55-612340, however that well does not appear to be
9 located within either of the referenced parcels.

10 **Parcel 106-47-032-4**

11 According to the Cochise Country Treasurer, tax parcel 106-47-032-4 was
12 combined in 2020 with tax parcel 106-47-06706 to create tax parcel 106-47-032H. Terry
13 Filloon is listed as the current owner of tax parcel 106-47-032H that consists of 21.033
14 acres. According to the Arizona Department of Water Recourses (“ADWR”) records,
15 Ms. Filloon has filed two SOCs; claiming water rights based upon two wells located on
16 the former tax parcel 106-47-06706, # 55-529189 and 55-806425. Neither of these wells
17 are included in WFR 111-20-CA-006.

18 **Parcel 106-47-032A-3**

19 The Cochise County Treasurer no longer lists a tax parcel 106-47-032A-3. The
20 legal description for tax parcel 106-47-032A-3 provided by Mrs. Ryan was for a two-acre
21 parcel in section 32 T20 S R20 E. On May 7, 1996, a Community Property with the
22 Right of Survivorship Deed was recorded with the Cochise County Recorder naming
23

1 Ruth M. Ryan as the grantor and Thomas W. Manteufel and Doris J. Manteufel as the
2 grantees of that two-acre parcel of land in Section 32 Township 20 S Range 20E with a
3 legal description found on the tax bill submitted by Mrs. Ryan with the SOC. Thereafter,
4 Thomas and Doris Manteufel signed a Joint Tenancy Deed in favor of Robert and Janice
5 Manteufel that appears to include land received in the Community Property with the Right
6 of Survivorship Deed. *See* Joint Tenancy Deed filed with the Cochise County Recorder
7 on April 17, 1997, at document #1997-09702. Currently the Cochise County Treasurer
8 lists tax parcels 106-47-032D and 106-47-032G for the legal description previously
9 recorded as 106-47-032A-3. Thomas Manteufel and Robert Manteufel as the owners of
10 tax parcels, 106-47-032D and 106-47-032G respectively. According to ADWR online
11 records, there does not appear to be any wells located on either of these parcels.

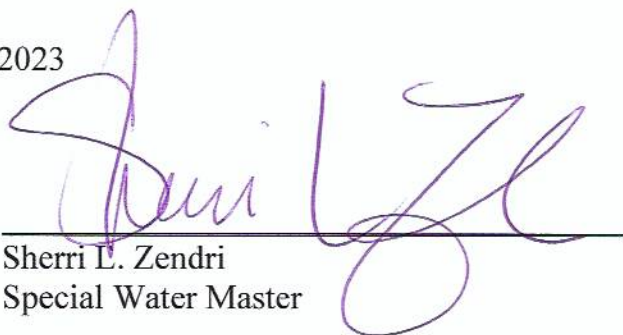
12 On April 10, 1980, Thomas Manteufel filed SOC #39-2997 claiming an
13 undesignated well as the water source. WFR 111-20-CA-003 appears to have been
14 completed by ADWR when researching SOC #39-2997; however, that WFR was not
15 included in the San Pedro Hydrographic Survey Report. A well registered to Thomas
16 Manteufel as # 55-0640633 does appear in the San Pedro well catalog. The location of
17 well # 55-0640633 appears to be similar to the location of the Ryan well #55-612340,
18 with neither well appearing to be within the property boundaries of the current parcel
19 106-47-032H or parcels 106-47-032D or 106-47-032G.

20 On October 27, 2022, Robert Manteufel stated that he and Thomas Manteufel
21 share water from well #55-640633 for use on their parcels 106-47-032D and 106-47-
22
23

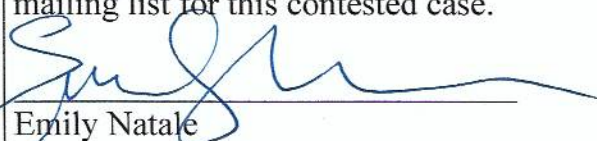
1 032G. On February 4, 2023, Thomas Manteufel filed Statement of Claimant 39-
2 175991, claiming such use of well#55-640633.

3 **IT IS ORDERED** that by **November 3, 2023**, the ADWR shall prepare maps
4 for parcels 106-47-032H, 106-47-032D, and 106-47-032G that accurately depicts the
5 location of any wells within the property boundaries, as well as the locations of wells
6 #55-612340 and 55-640633 relative to parcels 106-47-032H, 106-47-032D, and 106-47-
7 032G and the lateral boundaries of the subflow zone. Additionally, ADWR shall
8 determine why WFR 111-20-CA-003 was not included in the San Pedro HSR and
9 recommend to the Court if claims within WFR 111-20-CA-003 should be consolidated
10 with the WFR 111-20-CA-006 and this contested case.

11
12 Signed this 4 day of August 2023

13
14 
15 _____
16 Sherri L. Zendri
Special Water Master

17 On Aug 4, 2023, the original of the
18 foregoing was delivered to the Clerk of the Maricopa
19 County Superior Court for filing and distributing a
20 copy to all persons listed on the Court-approved
21 mailing list for this contested case.

22 
23 _____
Emily Natale

Court Approved Mailing List
In re Ruth M. Ryan, Contested Case No. W1-11-0384
W1-11-0384 (13 Names)
Prepared by the Special Master
8/4/2023

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

Jeremiah Weiner, Kent
Millward,
Anthony Proano, & Lauren
Mulhern
ROSETTE, LLP.
120 S. Ash Avenue, Suite 201
Tempe, AZ 85281

Joe P. Sparks and Laurel A.
Herrmann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

Josh Edelstein Phoenix Field
Solicitor
Office of the Solicitor
U.S. Department of the Interior
Sandra Day O'Connor U.S.
Courthouse
401 W. Washington St., Ste.
404, SPC 44
Phoenix, AZ 85003

Kimberly R. Parks and Karen J.
Nielsen
Arizona Department of Water
Resources
1110 West Washington, Suite
310
Phoenix, AZ 85007

Laura Boyer & Maggie
Woodward
United States Department of
Justice
Environment & Natural
Resources Division
P.O. Box 7611, Ben Franklin
Station
Washington, DC 20044

Robert Manteufel
607 E. Yuma Street
Huachuca City, AZ 85616

S. Montgomery, R. Interpreter,
J. Tomkus,
Montgomery & Interpreter PLC
3301 E. Thunderbird Road
Phoenix, AZ 85032

Sherri L. Zendri
Special Master
Central Court Building, Ste 3A
201 West Jefferson
Phoenix, AZ 85003-2205

Terry Filloon
713 E. Hunt Rd.
Huachuca City, AZ 85616

Thomas L. Murphy
Gila River Indian Community
Office of the General Counsel
P. O. Box 97
Sacaton, AZ 85147

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

Weldon, McGinnis, Foy, &
Wilkinson
Salmon, Lewis & Weldon,
P.L.C.
2850 East Camelback Road,
Suite 200
Phoenix, AZ 85016