

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. W1-11-0381

ORDER TO SHOW CAUSE

CONTESTED CASE NAME: *In re T.W. Manteufel*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Order for claimant to provide written explanation by June 15, 2024, for the failure to attend the April 15, 2024, hearing and to submit a surface water permit application to ADWR.
NUMBER OF PAGES: 4

Parties wishing to move forward with historical water rights claims on their property must ensure Statements of Claimant (“SOC”) 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 pumping appropriable water, including subflow, must provide a “basis of right” filed with ADWR either registering a water right or applying for a permit to appropriate water. See Arizona Revised Statutes (“Ariz. Rev. Stat.”) §§ 45-182(A), 45-152(A). If a claimant can prove that the water right claimed was initiated prior to June 12, 1919, they do not need to file an “application for a

1 permit to appropriate,” but must present a timely-filed statement of claim registering their
2 claimed water right. See Ariz. Rev. Stat. §§ 45-171, 45-182(A).

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


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

18 A status conference was set for April 15, 2024, and notice was sent to the last known
19 address for Messrs. Thomas Manteufel and Robert Manteufel. Neither Thomas Manteufel
20 nor Robert Manteufel appeared at the conference.

21
22 **IT IS ORDERED** that by **June 15, 2024**, the Manteufels shall file with the Court a
23 written statement explaining their failure to appear at the April 15, 2024, conference and
24 provide to the Court evidence of filing with ADWR an updated SOC and a surface water
25 permit application for their well. Failure to provide documentation shall result in the
26 dismissal of Statements of Claimant 39-2997 and 39-175991 and termination of all
27 proceedings in this contested case.
28

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

4
5 Signed this 19th day of April 2024

6
7
8 
9 Sherri L. Zendri
Special Water Master

10
11
12 The original of the foregoing was delivered to the
13 Clerk of the Maricopa County Superior Court on
14 April 19, 2024 for filing and distributing a copy
15 to all persons listed on the Court approved mailing
16 list for this Contested Case.

17 
18 Emily Natale
19
20
21
22
23
24
25
26
27
28

Court Approved Mailing List
In re T.W. Manteufel
W1-11-0381 (6 Names)
Prepared by the Special Master
4/19/2024

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

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

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

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

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

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