SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

September 18, 2025

CLERK OF THE COURT
A. Parmar
Deputy

SPECIAL WATER MASTER SHERRI ZENDRI

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)

In re: Chester C. Antonick

Contested Case No. W1-11-001508

FILED: 10/02/25

MINUTE ENTRY

Courtroom 301 – Central Court Building

11:00 a.m. This is the time set for a Status Conference to receive an update from the landowners and discuss how to proceed before Special Water Master Sherri Zendri.

The following parties/attorneys appear virtually through Court Connect:

- Landowner, Eileen M. Brien, is present on her own behalf
- Landowner, Kristin B. Bidegain, is present on her own behalf
- Landowners, Michael J. Mason and Emma Mason, are present on their own behalf
- Landowner, Amber Parker, is present on her own behalf
- Landowner, Heather Cantrell, is present on her own behalf
- Landowner, Kevin Rasch, is present on his own behalf
- Landowner, Marc Rasch, is present on his own behalf
- Katrina Wilkinson on behalf of Salt River Project ("SRP")
- Laurel Herrmann on behalf of the San Carlos Apache Tribe

- Michael Carter on behalf of the Gila River Indian Community ("GRIC")
- Margaret Hirchak on behalf of the Tonto Apache Tribe
- Sue Montgomery on behalf of the Yavapai Apache Nation and observing for the Pascua Yaqui Tribe
- Mark Widerschein on behalf of the United States Department of Justice
- John Burnside on behalf of BHP Copper
- Rhett Billingsley on behalf of American Smelting and Refining Company ("ASARCO")
- Karen J. Nielsen on behalf of Arizona Department of Water Resources ("ADWR")
- Bradley Pew observing on behalf of the St. David Irrigation District

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

The Special Master addresses the parties regarding a small administrative change in the contested case numbers. The parties are advised that moving forward, all contested cases in regards to the general adjudication of all rights to use water in the Gila River System and Source will have two leading zeros, i.e. W1-11-1508 will become W1-11-001508.

The Special Master notes that it received a packet of information from Mr. Mason. He confirms that he only provided the information to ADWR and the Special Master's office. The information will be provided as an attachment to today's Minute Entry, however Mr. Mason is advised that he must copy everyone on the Court Approved Mailing List ("CAML") for this contested case in the future.

Counsel Nielsen indicates that she did not receive an email regarding Mr. Mason's application and will research it further.

Ms. Brien states that she sent in her Basis of Right application and is waiting for receipt confirmation from ADWR.

Ms. Bidegain states that she sent additional historical information to ADWR for pre-1919 use but has not sent in her 36 filing yet.

Ms. Parker states that she sent in an updated Application with more historical information.

Mr. Rasch (Marc) states that he submitted and got approved for a building permit for his property that includes water. The Special Master clarifies that he will still need to go through this process as he is getting his water from the well.

Mr. Rasch (Kevin) states that he submitted a Statement of Claimant but not the Basis of Right form.

Discussion is held regarding the well share.

Counsel Nielsen adds that she has not received any surface water filings for Ms. Bidegain and Ms. Cantrell.

IT IS ORDERED that all parties must submit his or her Statement of Claim or Application for Permit to ADWR on or before **November 21, 2025.** This includes Marc and Kevin Rasch, as well as any other landowners who have not submitted their documents to ADWR.

IT IS FURTHER ORDERED that Marc and Kevin Rasch (and any other landowner that has submitted something to ADWR after today's hearing) file with the Court notice that everything has been submitted to ADWR on or before **December 1, 2025.** The Notice must be copied to all parties on the Court Approved Mailing List for this contested case.

IT IS FURTHER ORDERED that ADWR provide an update regarding processing and if any additional information has been requested of the landowners on or before January 30, 2026.

11:25 a.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court-approved mailing list.

ATTACHMENT A

Special Master Sherri Zendri

Superior Court of Arizona

201 W. Jefferson Street

Courtroom 301

Phoenix, AZ 85003

July 29, 2025

Water Master of the Superior Court SHERRI ZENDRI

Contested Case: In re Chester C. Antonick, W1-11-1508

In the event that ADWR is unable to process this filing in a timely manner for our August 21, 2025 status conference, I am providing you with a courtesy copy of legal basis for the claim of right to use public waters in the State of Arizona. I have sent an official notarized copy with deed and filing fee to the ADWR surface water permitting section.

Thank You,

Michael Mason

ARIZONA DEPARTMENT OF WATER RESOURCES SURFACE WATER PERMITTING SECTION

MAIL TO: 1110 W. Washington St., Ste. 310

Phoenix, Arizona 85007 Telephone: (602) 771-8621

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Fax:	(602)	771	-86	89	

:	(For office use only)
Registry No	
Date Filed:	

	STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE OF ARIZONA
1.	Claimant Michael Mason & Emma H. Mason Telephone
	Address 1055 W. Del Lago Way City Benson State 12 Zip 85602
2.	Type of water source and name San Redro
3.	a tributary to within the watershed watershed
	Type of Water Use(s) (e.g., irrigation, domestic, stock) Annual Use (list use amount for each type) Acres Irrigated (irrigation use only) Specific Months of Use (if not for entire year)
	Domestic .99 AFA
4.	Date the water was first used beneficially (month/day/year): May 31, 1884
5.	Location of point of water diversion: County <u>Cochise</u>
	Parcel I.D. No. 20826013 and/or Lot No. and NE 1/4 SE 1/4, Section 17, Township 16 N/S Range 20 (1)/W
6.	Location of place(s) of water use: County Cochise
	Parcel D. No. 20826013Q and/or Lot No and SE 1/4 NE 1/4, Section 17, Township 16 NS Range 20 6W
	Parcel I.D. No. <u>20826013@</u> and/or Lot No and <u>NE 1/4 SE 1/4</u> , Section <u>17</u> , Township <u>I/6 N/S</u> , Range <u>20 (E)</u> W
_	
7.	Legal basis for the claim (attach any documents being filed in support of claim): SEE Attachments
The	e information contained herein is true and correct to the best of my (our) knowledge.
ST	ATE OF ARIZONA)
Co	unty of)
	Signature(s)
SU	BSCRIBED AND SWORN to before me this day of, 20
Му	commission expires
	Notary Public

The legal basis for the claim, is as follows for Parcel # 208-26-013Q:

Local Arizona custom and the doctrine of prior appropriation before June 12, 1919, was that a person who first puts water to a beneficial use acquires a right that is senior to later appropriators of water.

Arizona Revised Statute § 45-151(A) defines beneficial uses as "...domestic, municipal, irrigation, stock watering, water power, recreation, wildlife, including fish, nonrecoverable water storage pursuant to section 45-833.01 or mining uses."

A portion of land now in Cochise County was sold to Mr. Romualdo Torres in 1884, consisting of 160 acres of the E½ of the NE¼, and the E½ of the SE¼, of section 17 in township 16S, range 20E of The Gila and Salt River Meridian, in Arizona Territory. Federal Land Patent # AZAZAA011894 (Attachment A, pages 1 & 2).

Mr. Romualdo Torres, was present in and settled the Tres Alamos /Benson region of Cochise County dating back at least as far back as 1880 with wife and son, as listed in the 1880 Census (Attachement A, page 3), and the 1900 United States Census (Attachment A, pages 14 & 15) of the area of Tres Alamos region along the San Pedro River, describing Mr. Torres' occupations as a Farmer and Cattle Raising respectively. Additional supporting documents included are the Great Registers of Cochise County, Arizona, dating from 1882 through 1904 (Attachment A, pages 4, 7-13, & 16-18), demonstrating Mr. Torres as residing in the Tres Alamos/Benson area and his occupation as a Rancher and Farmer respectively. These historical documents establish that Mr. Torres had put water to beneficial use through domestic, irrigation, and stock watering application by occupation as a rancher and farmer, on said land, and became married to and resided with Jacinta Corunna there in Tres Alamos as documented in "Arizona, Marriages, 1865-1949", (Attachment A, pages 5 & 6).

Additional historical articles describe Mr. Torres residing in the area including the "Notice of Transmuted Homestead Proof," *Tombstone Epitaph*, October 8, 1887 (Attachment A, page 15), where he is named as a witness for proof of claim for a fellow Tres Alamos resident. Another news article "Benson Races," *Arizona Range News*, November 16, 1897 (Attachment A, page 16), describes that Mr. Torres' palomino pony won a local horse race, indicating that he owned at least one horse as well, another type of livestock requiring beneficial use of water to maintain.

Parcel # 208-26-013Q consists of a portion of the 160 acres previously owned and settled by Mr. Romualdo Torres. See Attachment B, pages 1, 2 & 3.

Historical date considerations: Arizona became a state in 1912, prior to this it was Arizona Territory. Cochise County was established in 1881, and was formerly part of Pima County, with land documents recorded in Tucson Arizona Territory. The Tres Alamos area near Benson, described in these historical documents, was settled by Mexican farmers and ranchers in the 1800s and is located just north of Benson along the San Pedro River. (see map, Attatchment B, page 4).

Also of note are the remnants of an all wood livestock corral, typical of the 1800's southwest, and a very old stock watering tank, located on the property formerly owned by Mr. Romualdo Torres, just adjecent to Parcel #208-26-013Q (Attachment B, pages 5,6 & 7)

Legend for maps in Attachment B:

- 160 acre plot formerly owned, farmed and ranched by Mr. Romualdo Torres.
- Subject parcel # 208-26-013Q
- Tres Alamos area
- Historic wooden livestock corral
- Historic stock watering tank

	United States of America,
GERTIFICATE)	all to whom these presents shall come, Greeting: Nomwolds Forres of Cochise County
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	By THE PRESIDENT: Notation II. JAMES Williams Const. Secretary. By Clark, Recorder of the General Land Office.

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

CERTIFICATE

NO. 219

WHEREAS Romualdo Torres of Cochise County Arizona, Arizona Territory

Has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office of Tucson Arizona Territory, whereby it appears that full payment has been made by the said Romualdo Torres according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands"

For the east half of the northeast quarter and the east half of the south east quarter of section seventeen in township sixteen south, of range twenty east of Gila and Salt River Meridian in Arizona Territory, containing one hundred and sixty acres.

According to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Romualdo Torres.

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents, do give and grant unto the said Romualdo Torres

And to his heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Romualdo Torres and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises herby granted as provided by law.

Testimony whereof, *I*, *Chester A. Arthur*, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the thirty first day of May, in the year of our Lord one thousand eight hundred and eighty four, and of the Independence of the United States the one hundred and eighth.

BY THE PRESIDENT: Chester A. Arthur

Brook: Secretary

Clark, Recorder of the General Land Office

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https://www.familysearch.org/ark:/61903/3:1:33S7-9YY1-9TSG?view=index Citation: "Arizona, United States records," United States National Archives and Records Administration. Image Group Number: 005157254 United States Census 1880. Inhabitants in the San Padro River near Tres Alamos, in the County of Pima, State of Arizona.

Great Register, Cochise County, Arizona, 1882. Torres, Romaldo, Rancher, Benson.

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Attachment A- Page 6, Enlarged detail of Attachment A- page 5

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Great Register, Cochise County, Arizona Territory, 1890. Torres, Romualdo, Rancher, Benson.

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Great Register of Cochise County, Arizona, 1896. Torres, Romualdo, Rancher, Tres Alamos.

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GREAT REGISTER OF COCHISE COUNTY, ARIZONA; 1900.

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Voted.	No.	Name.	Age.	Country of Naty.	Occupation.	Local Residence.	Date. NATURALIZED.	By What Court. Date of Ragiste. Swn.	Date	of Ragists.	-
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	855	1558 Tarin, Guadalupe 29 Sonora, Mex. laborer	298		laborer	•			ဂ္ဂ	10,	
	1880	reso Tarin, A Ao United States freighter	0	Jnited States	freighter				:		_
	66	Tippil, I. H.	2.5	ingland	miner	Carr's Canyon	1560 Tippil. I. H	lev	:	.12.	
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	1562	1 562 Tilleman, H	38	Jnited States	miner				:	15,	-
	1 563	1 563 Thurman, Albert 28	28	:	carpenter	carpenter Tombstone			=	11,	
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	1572	1572 Toland, J. W	2	\$:	:			:	11,	:
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	1574	1574 Toland, J. T	25	=	miner	=			=	13,	-
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	242	578 Thornanist F. A2 Sweden	Sich	weden	:	:	May 17, 1898Leander Co., Nev. Dist. Court "	vDist. Court	:	1	_

Great Register of Cochise County, Arizona, 1900. Mr. Torres, rancher, Benson.

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United States Census, 1900, Cochise County Arizona. Torres, Romualdo, cattle raising, with wife Jacinta and family.

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Great Register, Cochise County, 1902. Torres, Romualdo, Rancher, Benson.

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Attachment A – Page 18, Enlarged detail of Attachment A – Page 17

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Great Register, Cochise County, 1904. Torres, Romualdo, Farmer, Benson.

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Notice of Transmuted Homestead Proof.

(Homestead Application No. 213.)

UNITED STATES LAND OFFICE, } Tucson, Arizona, Sept. 20, 1887. }

Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the Register and Receiver of the U. S. land office at Tucson, Arizona, on the 19th day of November, 1887, viz: Simon Madrid of Tres Alamos, Arizona, for the W % of the N P % and E % N W % Sec 21, Twp 16 S R 20 E, Gila, and Salt River meridian.

He names the tellowing witnesses to prove his continuous residence upon, and cultivation of, said land, viz: Romaldo Torres, Pablo Horcasitas, Miguel Rosas, Feliz Ruis, all of Tres Alamos, Arizona.

A. D. DUFF, Register.

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In the race at Benson, Sunday, ed between Louis Marion's sorrel and es Pacheco's stallion, one-fourth mile est for \$150, the Pacheco horse took the M. purse.

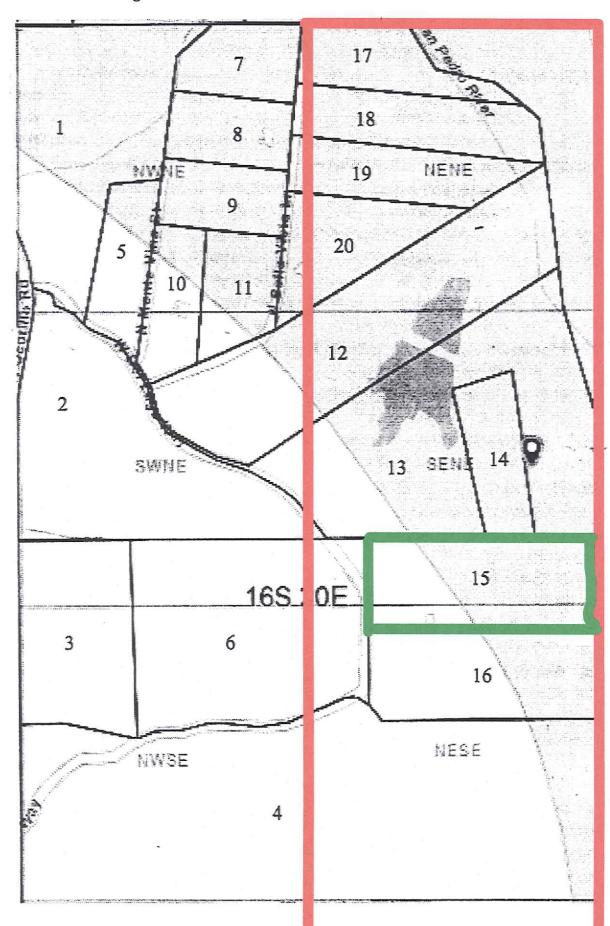
Another race was arranged bean tween Romaldo Torres' palomino pony and Sisto Gastello's buckskin. nd and resulted in a victory for the its former. Pursa \$25

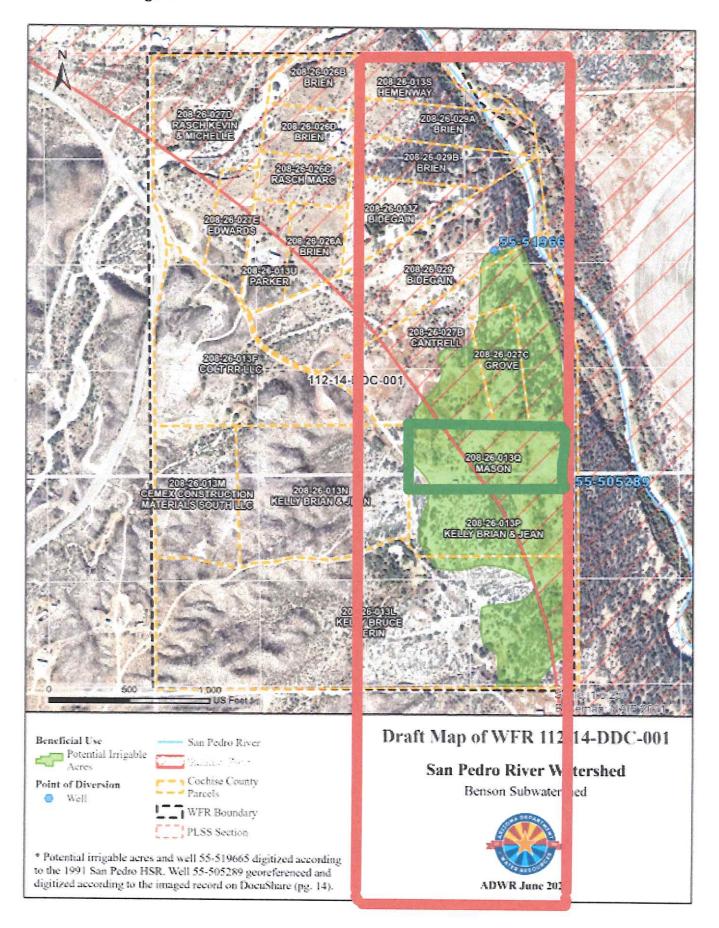
Marion's sorrel and Chino Orossh co's palomino mare, were billed to his contest today for a purse of \$150.

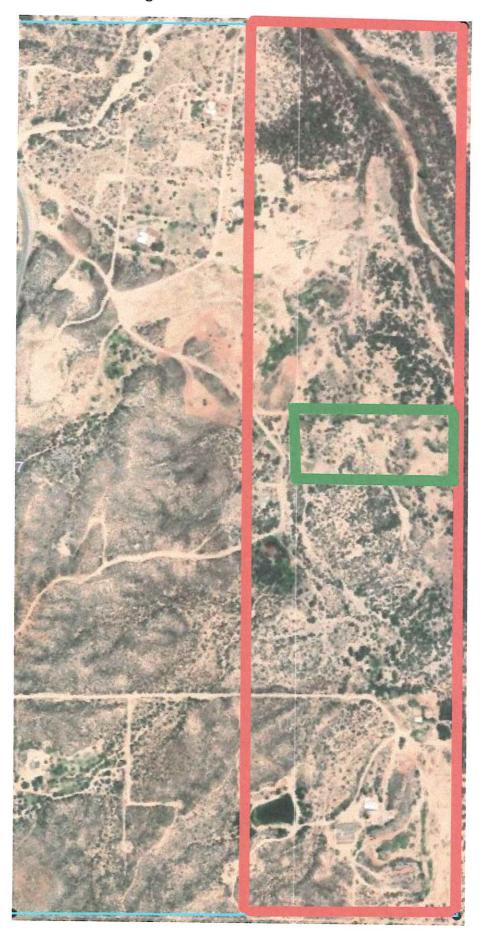
Another important race is set for

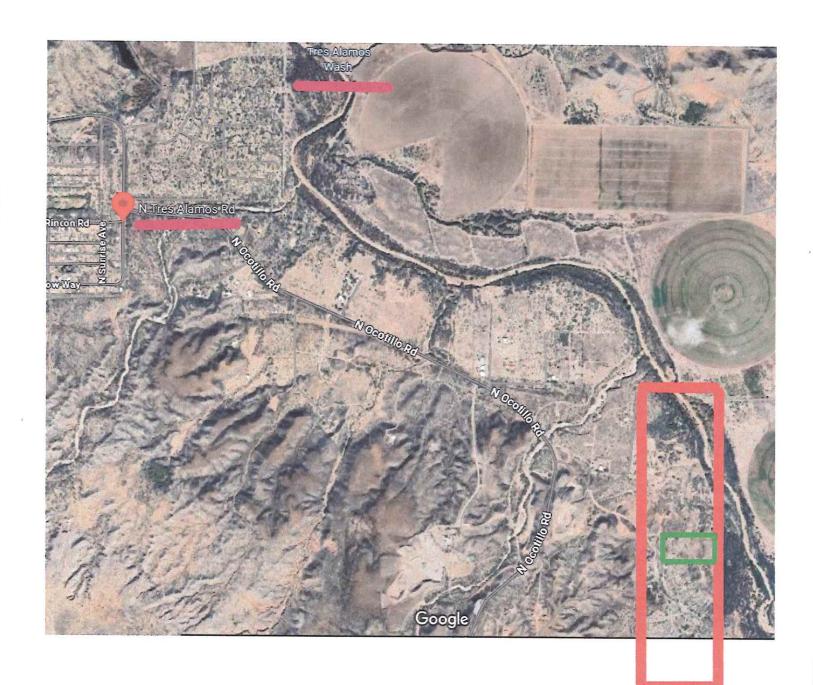
Nov. 25, Thanksgiving day.

Advices from Benson state that lar the town is full of race horses and er- stable accomodations are at a premon lium. Considerable money has nd changed hands and when that fails ble cattle are freely staked on the issue ar- of a short race. Jas. J. Kennedy has a string of four horses which he as- is willing to back, and there are a ac- number of speedy animals from outside points. Most of our valley th. sporting men who went over placed their money on the Marion colt and made a losing.











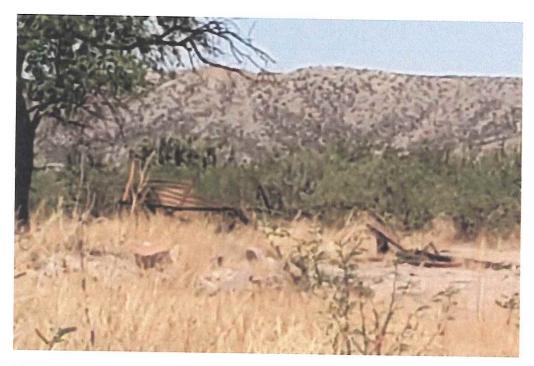
- Subject Parcel 208-26-013Q
- Historic wooden livestock corral
- Historic stock tank



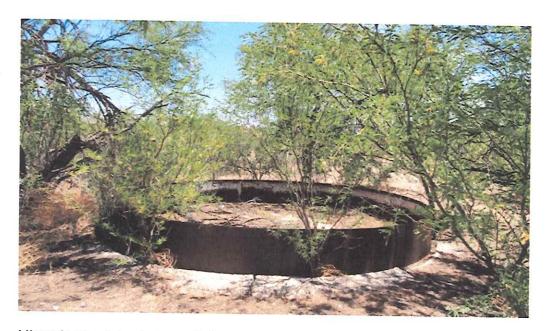
Historic wooden livestock corral aerial view



Historic stock tank aerial view



Historic wooden livestock corral ground view



Historic stock tank ground view