

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)

FILED: 10/02/25

In re: F.J. Muhlfeld
Contested Case No. W1-11-001538
&
In re: Elizabeth Muhlfeld
Contested Case No. W1-11-001540

MINUTE ENTRY

Courtroom 301 – Central Court Building

11:30 a.m. This is the time set for a Status Conference to determine if the landowners are interested in pursuing potential water rights before Special Water Master Sherri Zendri.

The following parties/attorneys appear virtually through Court Connect:

- Property Owners, Gerald and Phyllis Nelson, are present on their own behalf
- Property Owner, Tracy S. Bays, is present on her own behalf
- Property Owner, Augustine Vargas, is present on his own behalf
- Katrina Wilkinson observing on behalf of the Salt River Project (“SRP”)
- Michael Carter on behalf of the Gila River Indian Community (“GRIC”)
- Margaret Hirschak observing on behalf of the Tonto Apache Tribe

- Susan Montgomery on behalf of the Yavapai Apache Nation and observing for the Pascua Yaqui Tribe
- Bradley Pew observing on behalf of the St. David Irrigation District
- John Burnside observing on behalf of BHP Copper
- Karen J. Nielsen on behalf of Arizona Department of Water Resources (“ADWR”)
- Property Owners, Jesse G. and Catherine Ochoa, are present on their own behalf
- Laurel Herrmann on behalf of the San Carlos Apache Tribe
- Property Owner, Alicia Mendoza (Alicia Bell Mendoza Separate Property Trust), is present on her own behalf
- Property Owner, David M. Rabb of R Family Ranch, is present on his own behalf

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

Discussion is held regarding Mr. Vargas and Ms. Mendoza’s letters of interest.

IT IS ORDERED adding Alicia Bell Mendoza, Augustine E. Vargas, and David M. Rabb, as representative of R Family Ranch, to the Court Approved Mailing List (“CAML”).

The Special Master inquires if there is a stockpond.

Ms. Nelson states that there is half of a stockpond on their property and the other half is on Mr. Madsen’s property, but it is dried up and not in use. She further clarifies that they use a water company and not a well.

Mr. Rabb states that he has two full stockponds (centrally located, slightly to the North) and a well on his property. He does not know if the stockponds are registered.

Ms. Mendoza and Mr. Vargas state that they are on a split well share with Ms. Bays, the Castagnos and the Ochoas. They believe the well was drilled in 2021.

The Special Master advises the parties that since the well is out of the subflow zone, these parties will not be required to actively participate in this particular adjudication. Ms. Nelson will remain on the list for this adjudication due to the stockpond on her property.

Counsel Wilkinson inquires if this matter will be stayed pending the completion of the depletion test. The case will not be stayed due to R Family Ranch and possibly Ms. Nelson’s half of the stockpond.

Discussion is held regarding the San Pedro HSR. The Special Master has not made a final determination as to wells out of the subflow zone and anticipates having a larger discussion at a later time.

Mr. Rabb clarifies that he really only has one stockpond and not two but it is pinched in the middle.

The Special Master addresses Mr. Rabb regarding pre-1919 use. He is encouraged to schedule a meeting with ADWR to discuss his options:

- **Surface Water Section:** (602) 771-8621 (for Basis of Right information)
- **Adjudications Division:** (866) 246-1414 (for Statement of Claimant information)

LET THE RECORD REFLECT that Mr. Rabb provides his email to Counsel Nielsen so she may research his parcel to see if there any existing claims.

IT IS ORDERED that ADWR file an update as to the stockponds on the Nelson/Madsen and Rabb properties on or before **January 30, 2025**. The Court will provide further instruction to the parties as to any deadlines, next hearings dates, etc. once the update is received.

12:05 p.m. Matter concludes.

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

LATER:

The current property owners on the mailing list for W1-11-001538 after this Status Conference are:

Tracy S. Bays
Alicia Bell Mendoza
Julius M. Redey
Augustine E. Vargas

Steven C. and Dorothy M. Castagno
Jesse G. and Catherine Ochoa
David M. Rabb R Family Ranch

The Mendoza, Mr. Vargas, Bays, Castagnos, Ochoas are using a well drilled around 2021. Given the distance of this well from the subflow zone, and the late date at which it was drilled, any potential water rights associated with this well cannot be adjudicated until a subflow depletion test is completed and ADWR investigates water uses initiated after 1991. Mr. Redey currently has no well or surface water sources on his property. Accordingly,

IT IS ORDERED removing the Mendozas, Mr. Vargas, the Bays, the Castagnos, the Ochoas, and Mr. Redey from the Court-approved mailing list for this contested case.

David M. Rabb of R Family Ranch is the remaining claimant for W1-11-001538. Gerald and Phyllis Nelson are claimants for W1-11-001540. Because each contested case still has one active claimant, the cases will continue to proceed concurrently.