

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

February 13, 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: February 14, 2025

In re: James K. and Wanda L. Bell  
Contested Case No. W1-11-1506

**MINUTE ENTRY**

Courtroom 301 – Central Court Building

10:31 a.m. This is the time set for a Status Conference for all parties to give the Court an update on how they plan to proceed with their potential claims before Special Water Master Sherri Zendri.

The following parties/attorneys appear virtually through Court Connect:

- Landowner, Arnulfo A. Baeurlen, is present on his own behalf with his Daughter in Law, Laura Baeurlen.
- Laurel Herrmann and Jana Sutton (of the San Carlos Apache Tribe's Attorney General's Office) on behalf of the San Carlos Apache Tribe
- Brette Pena on behalf of the Gila River Indian Community
- Susan B. Montgomery on behalf of the Yavapai Apache Nation (and observing on behalf of Pascua Yaqui Tribe)
- John Burnside on behalf of BHP Copper

- Rhett Billingsley on behalf of American Smelting and Refining Company (“ASARCO”)
- Mark McGinnis on behalf of Salt River Project (“SRP”)
- Laura Boyer and Maggie Woodward on behalf of the United States
- Karen J. Nielsen on behalf of Arizona Department of Water Resources (“ADWR”)
- Jay Lee on behalf of Tonto Apache Tribe
- Garrett Perkins on behalf of St. David Irrigation District

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

The Court notes that property owners Nancy Luyten, Caleb David and Kimberly Barajas, and the Weaver Family Trust failed to attend today’s conference.

Laura Baeurlen provides an update on behalf of Arnulfo Baeurlen. She informs the Court that Suzan Baeurlen recently passed and they will be updating the deed to reflect Arnulfo’s name only. The well has been registered in his sole name and the Statement of Claimant was filed in his sole name as well. She indicates that the Statement of Claimant has been updated and mailed for domestic use.

The Court inquires if the parties have provided the basis of right for the claim. Ms. Baeurlen states she was unaware of that requirement but will work towards resolving that. The Court notes that information regarding the Basis of Right was provided on page 4 of the Court’s Minute Entry dated October 8, 2024, filed October 10, 2024.

The Court will provide additional information for Ms. Baeurlen as a “LATER” section in today’s Minute Entry so she has more direction once she contacts ADWR to complete her basis of right form.

**LET THE RECORD REFLECT** that Ms. Baeurlen provides her email to the Court to receive a courtesy copy of the form and information: [L.Baeurlen@gmail.com](mailto:L.Baeurlen@gmail.com).

The Court will address the objections once the basis of right has been provided.

**IT IS ORDERED** setting a Status Conference to receive an update from the Baeurlen family regarding the basis of right and her progress with ADWR on **May 15, 2025 at 10:00 a.m.** before Special Water Master Sherri Zendri.

The Status Conference will be held using the Court Connect program. Instructions for Court Connect are attached as Attachment A. If you receive this Order by email, click on the red box “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect.

10:45 a.m. Matter concludes.

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

**LATER:**

Property owners Nancy Luyten, Caleb David and Kimberly Barajas, and the Weaver Family Trust failed to attend today's conference without notice to the Court. Should these property owners fail to attend any further conferences without notice to the Court they will be removed from the Court-approved mailing list and any potential water rights associated with this contested case will be forfeit for lack of interest.

**Basis of Right**

To pursue water rights, a property owner must both file a Statement of Claimant, and present to the Court evidence of a legal right to the water they claimed on the Statement of Claimant – the “basis of right.” If the property owner proves to the Court the existence of a legal water right on their property, the Court will recognize enforceable water rights in a “Final Decree.” ARS § 45-257(B).

A basis of right is a document filed with ADWR either registering a water right, applying for a permit to appropriate water, or applying for a stockpond claim of right. See Arizona Revised Statutes (“Ariz. Rev. Stat.”) §§ 45-182(A), 45-152(A), 45-273.

If a claimant proves that the water right claimed was initiated prior to June 12, 1919, they do not need to file an “application for a permit to appropriate,” but must present a statement of claim registering their claimed water right. See Ariz. Rev. Stat. §§ 45-171, 45-182(A). *Note that a statement of claim is a different document than a statement of claimant.*

If a claimant either cannot prove that the water right claimed was initiated prior to June 12, 1919, the claimant must file either an “application for a permit to appropriate public water” or an “application for a stockpond claim of right.” Ariz. Rev. Stat. §§ 45-152(A), 45-272(C).

Because of the time and cost involved in pursuing an “application for a permit to appropriate public water” or an “application for a stockpond claim of right,” claimants should first gather as much evidence as possible to determine which, if any, of their water rights claims are for water uses initiated prior to June 12, 1919, and described in a timely filed statement of *claim*.

Federal land entry case files (e.g. homestead proofs and affidavits) may be useful for proving historical farming and grazing activity on your land. Resources for finding land entry filings are listed below:

- Federal land patents may be found here:  
<https://glorerecords.blm.gov/search/default.aspx>
- Pre-1908 homestead proofs may be accessed from a physical FamilySearch location. See <https://locations.familysearch.org/en/search> for more information.
- Any other land entry case files can be ordered using the following form:  
<https://www.archives.gov/forms/pdf/natf-84.pdf>.

To assist in discussions with ADWR regarding what basis of right may be most appropriate, consider the following:

1. When was the water first used?
2. Is there documentation of this first use?
3. Is there any evidence of water use prior to June 12, 1919?



## Court Connect Hearing Notice for In re James K. and Wanda L. Bell

*This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.*

*All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.*

**Participants:** Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

**Case Name:** In re James K. and Wanda L. Bell

**Contested Case No.** W1-11-1506

**Start Date/Time:** May 15, 2025 at 10:00 a.m.

**JOIN COURT CONNECT HEARING**

**Dial-in Information:** +1 917-781-4590

**Private Dial-in Information:** for privacy purposes, you can block your phone number by dialing \*67 +1 917-781-4590

**Dial-in Access Code:** 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)