

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: Chester C. Antonick  
Contested Case No. W1-11-1508

**MINUTE ENTRY**

Courtroom 301 – Central Court Building

10:00 a.m. This is the time set for a Status Conference to determine the status of the applications that ADWR is processing 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 Hunter, is present on her own behalf
- Mark McGinnis on behalf of Salt River Project (“SRP”)
- Laurel Herrmann and Jana Sutton (of the San Carlos Apache Tribe’s Attorney General’s Office) on behalf of the San Carlos Apache Tribe
- William Crum and Maggie Woodward on behalf of the United States
- Brette Pena on behalf of the Gila River Indian Community
- Jay Lee on behalf of the Tonto Apache Tribe
- Alexandra Corcoran-Shannon (paralegal for Susan Montgomery) observing on

- behalf of the Yavapai Apache Nation
- John Burnside on behalf of BHP Copper
- Candace French observing on behalf of the Navajo Nation
- Rhett Billingsley on behalf of American Smelting and Refining Company (“ASARCO”)
- Karen J. Nielsen on behalf of Arizona Department of Water Resources (“ADWR”)
- Steve Titla observing on behalf of the San Carlos Apache Tribe

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

The Court notes that the parties were ordered to submit their claims by October 14, 2024 and inquires if any of the parties had any issues meeting that deadline. No issues are stated.

Counsel Nielsen addresses the Court. She has checked the mail log for 2024 and 2025 and was only able to see a Statement of Claim for Amber Parker submitted in October 2024. She notes that the process for the 36 fillings are fairly limited and should be processed at this point. She inquires if the parties have any numbers for her to check.

Eileen Brien indicates that she has a return/received Statement of Claim form. The numbers on the form are 39-179682 and a handwritten number of 114454.

Michael Mason asks for clarification regarding Statement of Claim and Statement of Claimant. The Court indicates that both are required, however it depends on the particular historical records for the property. Landowners are required to check the historical documents to check what is required for a particular property.

Mr. Mason states that he submitted a Statement of Claimant with his land patent document attached for his basis of claim. Without looking at the documents, the Court can’t determine if all requirements have been satisfied but it does appear that he has satisfied the requirements based on his statements today.

Kristen Bidegain indicates that she submitted her claim and provides a number of 79687. She also provides a SOC number for a stock pond, 39-179683.

Mr. Mason provides filing numbers for his Statements of Claim for domestic, 39-179942 and irrigation, 39-179943.

Discussion is held regarding the locations of the wells and which landowners are using each well. Ms. Brien and Ms. Bidegain affirm that there are two wells.

Ms. Bidegain indicates there is a well on her property that is used by the Bidegains, Briens, and the Parkers. Mr. Mason states the other well is on his property and he is the only landowner using it. Ms. Bidegain and Ms. Brien indicate that Kevin and Mark Rasch have properties in the subdivision with a well agreement. They have filed their claims but there is no current use as they do not have homes built on the parcels at this time.

The Court will double check if the claims for domestic uses fall under the de minimis procedures. The irrigation claims will likely fall under the longer process. The objections will need to be reevaluated and resolved for irrigation use. The Court will provide a summary of the objections as a “LATER” in today’s Minute Entry.

**IT IS ORDERED** that ADWR file a brief update with the Court detailing an estimated timeframe to process the claims as well as any additional work needed in regard to Mr. Mason’s land patent by **March 4, 2025**. Once the update is received, the Court will set another Status Conference by separate order.

10:20 a.m. Matter concludes.

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

**LATER:**

**Objections**

Objections to the watershed file report for this contested case are the United States, ASARCO, the Gila River Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, the Yavapai-Apache Tribe, the Camp Verde Reservation, the Salt River Project, and Chester C. Antonick. A copy of all objections can be found on the Adjudications Website at:

<https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/W1-11-1508-Combined-Objs-for-web.pdf>

While these objections were specifically related to different SOC’s than recently filed by the current landowners, the objections are still relevant and current SOC should address the following:

1. Correct land ownership
2. Clearly identified points of diversion (where the water is being withdrawn)
3. Clearly identified point of use (where the water is being used, applied, stored, etc.)
4. Clearly identified and substantiated quantities of use for irrigation. Domestic and stockpond uses may be summarily adjudicated with standard quantities of use previously approved by the Court for the San Pedro watershed. However, irrigation uses must provide a detailed explanation/calculation of the quantities claimed.

Note that under the current law regarding subflow in Arizona, wells within the subflow zone are presumed to be pumping appropriable water.

**Update to the Court Approved Mailing**

On June 5, 2025, the Court indicated that property owners interested in pursuing

potential water rights must make every effort to attend all the court proceedings. Kevin and Michelle Rasch and Colt Railroad LLC have failed to attend June 5, 2024, and this February 13, 2025, conference without any notice to the Court. Mark Rasch has failed to attend any of the three conferences, as well as the June 2024 meeting with ADWR, without any notice to the Court.

**THEREFORE, IT IS ORDERED** that Kevin and Michelle Rasch, Colt Railroad LLC, and Mark Rasch will be removed from the Court Approved Mailing list, and any potential water rights they may have under the statement of claimant #39-6365 are dismissed. A courtesy copy of this minute entry will be sent Kevin and Michelle Rasch, Colt Railroad LLC, and Mark Rasch.