

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

April 22, 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: April 29, 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 discuss appropriate documents for claimants' basis of right and the quantification issues on the submitted Statements of Claimants 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
- Mark McGinnis on behalf of Salt River Project ("SRP")
- Laurel Herrmann and Joe Sparks on behalf of the San Carlos Apache Tribe
- Merrill C. Godfrey on behalf of the Gila River Indian Community ("GRIC")

- Jay Lee on behalf of the Tonto Apache Tribe
- Sue Montgomery on behalf of the Yavapai Apache Nation and observing for the Pascua Yaqui Tribe
- William Crum and Alexa Penalosa on behalf of the United States Department of Justice
- John Burnside on behalf of BHP Copper
- Karen J. Nielsen on behalf of Arizona Department of Water Resources (“ADWR”)
- Landowner, Kevin Rasch, is present on his own behalf
- Landowner, Marc Rasch, is present on his own behalf

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

The Court notes that the Raschs had been removed from the case and Court-approved mailing list due to their sporadic attendance in this matter.

Kevin Rasch informs the Court that he was unable to attend due to medical issues and the passing of his wife. He does wish to participate in this matter.

Marc Rasch indicates that he was not receiving mail from the Court. He has changed his address to his Father’s (Kevin Rasch) and also wishes to participate in this matter.

The Court addresses the parties regarding some of the deficiencies in the documents provided by the landowners. The Court notes that all of the Statements of Claimants have been filed and processed. However, they have not been able to process the basis of right. Mr. Mason provided a land patent; however, it does not specifically address water rights or establish a priority date. Some the Statements of Claimants are not complete. The Court will need more information regarding the stock pond claims, including size, location, etc. There are also some issues of domestic claims requesting a large number of acre feet per year.

Discussion is held regarding the landowners’ inquiries. With respect to accurately calculating water usage, the Court will provide a link as a “LATER” in today’s Minute Entry so the Claimants can adjust their claims accordingly.

The Court provides the purpose and background for these proceedings to the Raschs.

Discussion is held regarding Ms. Brien’s filings. Ms. Nielsen clarifies that the Statement of Claim of Right Forms are sent to a different address than the Statement of Claimant forms. The addresses will be provided in the LATER.

Ms. Bidegain asks for clarification on her stock pond claim and the well. She indicates that she does not fill it up herself but it does collect water during the monsoon. The Court will include additional guidance on the stock pond issue in the LATER.

Discussion is held regarding the use of the wells. Ms. Bidegain explains that the well is located on her property (registered in her and her husband's name) and provides water to Ms. Brien's and Ms. Parker's properties but the Raschs' claims correspond to her well. Marc Rasch explains that there is a stock tank and booster pump on his property and a pipe that leads to his Father's property as well. There was a shared well agreement listing Marc Rasch as the grantor in 2006 signed by a homeowner that did not own Ms. Bidegain's property. The agreement is now in dispute.

The Court will provide additional information and guidance regarding the next steps in the LATER.

Based on the matters presented,

IT IS ORDERED adding Kevin Rasch and Marc Rasch to the Court-approved mailing list.

IT IS FURTHER ORDERED setting a Status Conference to receive an update and discuss how to proceed on **Thursday, August 21, 2025 at 10:00 a.m.** before Special Water Master Sherri Zendri.

The Status Conference shall be held using the Court Connect program. Instructions for Court Connect are attached to this Order. 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.

10:51 a.m. Matter concludes.

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

LATER:

To pursue water rights, a property owner 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. This "legal right" to use the water is also called a "basis of right." If the property owner proves to the Court the existence of a legal water right on their property, the Court can recognize enforceable water rights in a "Final Decree." ARS § 45-257(B).

IT IS ORDERED that prior to the August 21, 2025 Status Conference, any landowner who is interested in pursuing legal water rights research historic water use on their property and be prepared to present to the Special Water Master what information is found. Based on that information property owners should also come prepared to discuss what basis of right they intended to use to support their water claim.

IT IS FURTHER ORDERED that property owners who intend to pursue legal water rights be prepared to discuss quantities of water being used as well as the size of any stock pond located on the property.

More information regarding SOC's and basis of right is included below.

1) Statement of Claimants (SOCs)

The SOC is a landowner's written statement to the Court that provides details about their water right claim. This claim must reflect the current claimant's name and contact information as well as details about the claimed water usage such the location the water is being withdrawn, location where the water is being used, the area and depth of stockponds, and the total acreage of any irrigated fields. To update an SOC, parties may make an SOC amendment using forms on ADWR's website at:

<https://www.azwater.gov/adjudications/statement-claimant-new-use-summons-forms>

2) Basis of Right

To obtain a water right, a claimant must also provide a "basis of right." Claimants must file a document 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 filed prior to August 22, 1991. 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, or cannot present a statement of *claim* filed prior to August 22, 1991, 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). If the claimed water right is for a pond constructed before 1977, less than 15 acre-feet, and used solely for watering livestock or wildlife (but not primarily for fishing or culturing of fish), the claimant should file an "application for a stockpond claim of right." Ariz. Rev. Stat. §§ 45-271, 45-272.

If the claimed water right is for any other use, the claimant must file an "application for a permit to appropriate public water." Blank forms for either application may be found on the ADWR website at: <https://www.azwater.gov/surface-water/surface-water-forms-and-documents>.

When evaluating historical documents, claimants should remember the Court needs evidence of *beneficial use of water*. Federal land entry case files (e.g. homestead proofs and affidavits) may be useful for proving historical farming and grazing activity. 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>.

3) Accurate calculations for water usage:

The annual volume in acre-feet per year for a full-time residence can be estimated by multiplying the number of persons served by 0.17. This estimate is based on an average use of 150 gallons per person per day, which is close to the statewide average. You may need to adjust these standards to accommodate your particular situation. For reference, one acre-foot of water is about 325,851 gallons.

4) Beneficial Use Required

Beneficial use of water is the measure for all potential water rights in Arizona pursuant to Arizona Revised Statutes (A.R.S.) §45-141(B) and §45-181. Where there is no water use, no water right can be obtained. For property owners that are not currently using water for domestic, or other beneficial purposes, no water right can be granted until a beneficial use begins. Water usage that terminates for five years or longer may be subject to forfeiture or abandonment.

5) Stockpond Registration Required

Where water is being impounded or stored in a natural channel, lake, or pond, the water is being appropriated as defined in A.R.S. § 45-141 (A). Therefore, the water user must abide by Arizona law and register the use or get a permit, even if the water is only available for short periods of time.

6) ADWR Contact information

Statements of Claimant:

AZ Dept of Water Resources
ATTN: Adjudications
1802 W. Jackson St., Box 79
Phoenix, AZ 85007
socadmin@azwater.gov
(866) 246-1414

Statement of Claim of Right
Permit Applications
Stockpond Registration Forms

AZ Dept of Water Resources
Surface Water Permitting Section
1110 W. Washington St., Ste. 310
Phoenix, AZ 85007
surfacewater@azwater.gov
(602) 771-8621

To contact the Office of the Special Water Master please call (602) 372-4115 or email water@jbazmc.maricopa.gov .

Attachment A



Court Connect Hearing Notice for In re Chester C. Antonick

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

Start Date/Time: Thursday, August 21, 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](#)