

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

September 12, 2024

CLERK OF THE COURT
T. DeRaddo
Deputy

SPECIAL WATER MASTER
SHERRI ZENDRI

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

In re the General Adjudication of
All Water Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3, and W-4 (Consolidated)

FILED: 9/17/24

In re: Status Conference
HSR: San Pedro Hydrographic Survey

MINUTE ENTRY

Courtroom CCB - 301

11:01 a.m. This is the time set for a virtual/telephonic Status Conference before
Special Water Master, Sherri Zendri.

The following attorneys appear virtually/telephonically via Court Connect/Teams.

- Kevin T. and Michelle M. Rasch, property owners
- Kevin T. Rasch who owns Colt Railroad, LLC
- Eileen Brien, property owner
- Joseph Regnier – Eileen Brien states that she and Mr. Regnier, who is unable to attend, are joint property owners
- Kristen Bidegain, property owner
- Michael and Emma Mason, property owners
- Amber Parker (joined later in the hearing)
- Katrina Wilkinson on behalf of SRP
- Laurel Herrmann and Joseph Sparks on behalf of the San Carlos Apache Tribe
- Alexander Ritchie on behalf of the San Carlos Apache Tribe

- William Crum and Alexa Penalosa on behalf of the United States
- Michael Carter on behalf of the Gila River Indian Community
- Jay Lee on behalf of the Tonto Apache Tribe
- Sue Montgomery on behalf of the Yavapai Apache Nation and observing on behalf of the Pasqua Yaqui Tribe
- John Burnside on behalf of BHP Copper
- Kimberly Parks on behalf of ADWR
- Candace French on behalf of the Navajo Nation
- Kaitlin Smith on behalf of ASARCO
- Katya Lancero and Jennifer Wendel are also present

Discussion is held regarding the reason why certain people did not appear and attend the ADWR meeting that was scheduled in June. Kristin Bidegain states that she was not informed of this particular meeting. Eileen Brian, stated that she attended the meeting and conveyed the information to her daughter, Amber Parker, who did not attend, and did not have notice of the meeting. Kevin Rasch states that his son, Mark Rasch is traveling on the road, but Kevin Rasch attended the meeting and conveyed the information to his son.

The Court states that Mark Rasch and Amber Parker must inform the Court directly stating whether they intend to move forward with their claims for water. Eileen Brien stated that her daughter filed a Statement of Claimant, works full time and has not been able to attend the meetings.

The Court informs the parties that those parties who have missed two meetings will be taken off the mailing list and will be presumed disinterested in moving forward with claims for water.

Ms. Parks from ADWR, had discussions with the attendees of the meeting regarding the next steps that the parties need to do to move forward with their claims.

Kevin and Michelle Rasch are interested in pursuing the water rights and want to protect their claim and use of water.

Kimberly Parks states that there was quite a bit of confusion during the meeting. She states that the claims are related because multiple people are sharing the wells. She states the bulk of the meeting was spent talking about where the wells were located, which parties are sharing which wells, and the fact that the well registrations need to be updated.

Ms. Parks states that Ms. Brien, Mr. Regnier, Ms. Bidegain and Ms. Parker filed SOC's. Ms. Bidegain needs additional time to research the basis of claim. Mr. Mason indicated that he had researched several historical documents to support his basis of right to the water claims.

ADWR created a map that was sent to the parties. The map outlines the sub flow zones for the San Pedro River. Wells that are located within this sub flow zone are considered to be pumping surface water from the San Pedro River. Water from the San Pedro River is surface water. Those wells need to have a basis of right to use surface water. The parties are instructed to review this map in order to assist the parties figure out what the basis of right to the surface water would be.

Katrina Wilkinson informs the Court that during the meeting that was held on June 26, 2024, someone from SRP's water rights and contract section found a reference number for a land patent that might apply to some of the land in this WFR. The BLM serial number for that patent was provided to those in attendance of the meeting.

The Court notes that the information in this map may assist many landowners in pursuing their water rights.

Ms. Bidigain informs the Court that she had the well registration updated on July 30, 2024 to reflect the correct ownership. She also has the land patent document, dated May 31, 1884, and sent her statement of claimant to ADWR.

Eileen Brien states that she is similarly situated as Ms. Bidigain with respect to getting her documents together.

The Court refers to a well near the edge of the boundary of the Masons' property. The Masons have updated ownership of the well. Amber Parker states that the Rasches and the Parkers are using the same well that is on the Bidigain property.

LET THE RECORD REFLECT that Ms. Parker has joined the conference.

Mr. Rasch states that several parties have a shared well agreement as landowners. He states that it is an aggregate agreement and because it is for domestic use, one landowner cannot break an agreement with another landowner. The well may have been set up as an irrigation well, but now it is being used for shared domestic use.

The Court states that everyone who is using the water that is coming out of that shared well is distributed to people who have the appropriate documentation for the use of the well. The law has limits on how surface water can be appropriated.

IT IS ORDERED that the parties shall have their documents, Statement of Claims, Statement of Claimants, submitted by **October 14, 2024**.

IT IS FURTHER ORDERED setting a Status Conference on **February 13, 2025 at 10:00 a.m.** The purpose of this Status Conference will be to determine the status of the applications that ADWR is processing. All parties shall appear virtually. 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.

Court Connect Info:

Dial in: 1-917-781-4590

Access Code: 688 970 203#

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

NOTE: All court proceedings are recorded digitally and not by a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100, or order online at ERS@superiorcourt.maricopa.gov.**

11:39 a.m. Matter concludes.

LATER:

Ms. Doreen Edward indicated during the case initiation conference on April 3, 2024, that she was interested in pursuing a potential water right. Since that date, Ms. Edwards has not made an appearance in the subsequent status conferences or in the meeting scheduled by ADWR to assist the landowners.

THEREFORE, IT IS ORDERED removing Ms. Edwards from the court approved mailing list (CAML) and any potential water rights she may have will be forfeit.

Also during the April 3, 2024, case initiation conference, Mr. Andrew Abernathy represented to the Court he was representing Ms. Heather Cantrell. Subsequent filings by Mr. Abernathy to the Court were insufficient to appropriately establish Mr. Abernathy as a proper representative for Ms. Cantrell before the General Stream Adjudication Court. Ms. Cantrell has not herself made an appearance at any status conference or the ADWR meeting.

THEREFORE, IT IS ORDERED removing Wayne & Heather Cantrell from the court approved mailing list (CAML) and any potential water rights they may have will be forfeit.

In the May 20, 2024, Order updating the CAML, Mr. Mark Rasch was removed for failure to demonstrate interest and returned mail. Mr. Kevin Rasch has since noted to the Court that Mark is his son and is interested in any potential water rights available.

THEREFORE, IT IS ORDERED that if Mr. Mark Rasch is interested in the water rights he must file documentation with the Court indicating as such. A courtesy copy of this minute entry will be provided to him; however, he will not be added to the CAML until he demonstrates to the court his interest in these proceedings. Additional Mr. Mark Rasch must file any documents necessary with ADWR by October 14, 2024, along with all

A copy of this minute entry will be sent to all people on the court-approved mailing list for this matter.



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: February 13, 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](#)

Court Approved Mailing List
In re Chester C. Antonick
W1-11-1508 (22 Names)
Prepared by the Special Master
9/17/2024

Alexander B. Ritchie
San Carlos Apache Tribe
Office of the Attorney General
PO Box 40
San Carlos, AZ 85550

Javier Ramos & Sunshine
Manuel
Gila River Indian Community
Office of the General Counsel
P. O. Box 97
Sacaton, AZ 85147

Amber Marie Parker
2137 N Monte Vina Ct
Benson, AZ 85602

Jeremiah Weiner, Brett Stavin,
Jay Lee
ROSETTE, LLP.
120 S. Ash Avenue, Suite 201
Tempe, AZ 85281

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

Joe P. Sparks and Laurel A.
Herrmann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

Eileen M Brien & Joseph
Regnier
2152 N Bella Vista Ln
Benson, AZ 85602

John D. Burnside
Snell & Wilmer, L. L. P.
One E. Washington Street,
Suite 2700
Phoenix, AZ 85004-2556

J. B. Weldon, M. A. McGinnis,
M. K. Foy
Salmon, Lewis & Weldon
2850 E. Camelback Rd. Suite
200
Phoenix, AZ 85016

Kevin T & Michelle M Rasch
2248 N Ocotillo Rd
Benson, AZ 85602

Kimberly R. Parks and Karen J.
Nielsen
Arizona Department of Water
Resources
1110 West Washington
Suite 310
Phoenix, AZ 85007

Lauren Caster & Bradley Pew
Fennemore Craig, P.C.
2394 East Camelback Road Ste 600
Phoenix, AZ 85016-3429

Maggie Woodward & Alexa Penalosa
United States Dept. of Justice -
ENRD
Natural Resources Section PO Box
7611, Ben Franklin Station
Washington, DC 20044

Matthew J & Kristin B Bidegain
2127 N Bella Vista Ln
Benson, AZ 85602

Merrill C. Godfrey and Brette A. Pena
Akin Gump Straus Hauer & Feld LLP
2001 K Street, N.W.
Washington, DC 20006

Michael J Mason & Emma Huang
446 S Star Ave
Tucson, AZ 85719

Michelle Rasch
C/O Colt Rr LLC
2248 N Ocotillo Rd
Benson, AZ 85602

Susan B. Montgomery, Robyn
Interpreter
Montgomery & Interpreter PLC
3301 E. Thunderbird Road
Phoenix, AZ 85032

Sherri L. Zendri
Special Master
Central Court Building, Ste 3A 201
West Jefferson
Phoenix, AZ 85003-2205

William J.W. Crum
United States Dept. of Justice -
ENRD
Indian Resources Section
PO Box 7611, Ben Franklin
Station
Washington, DC 20044

Last order
Doreen Edwards
PO Box 1763
Bisbee, AZ 85603

Last order
Wayne & Heather Cantrell
2196 Bidwell Bar Dr
Plumas Lake, CA 95961

Courtesy Copy (This order only)
Marc Rasch
9701 E Paseo Del Tornasol
Tucson, AZ 85747