

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

October 1, 2026

CLERK OF THE COURT
E. Valadez
Deputy

SPECIAL WATER MASTER
SHERRI ZENDRI

In re The General Adjudication of
All Rights to Use Water in the Gila
River System and Source
W1-00-001234 (Consolidated)

FILED: October 9, 2026

In Re: Chester C. Antonick
Contested Case No. W1-11-001508

MINUTE ENTRY

Courtroom 301 – Central Court Building

10:30 a.m. This is the time set for a status conference to discuss any comments on the draft abstracts and determine the next steps before Special Water Master Sherri Zendri.

The following parties/attorneys appear virtually through Court Connect:

- Landowners, Michael J. Mason and Emma Mason, are present on their own behalf
- Landowner, Amber Parker, is present on her own behalf
- Katrina Wilkinson on behalf of Salt River Project (“SRP”)
- Laurel Herrmann and Jana Sutton on behalf of the San Carlos Apache Tribe
- Michael Carter on behalf of the Gila River Indian Community (“GRIC”)
- Sue Montgomery on behalf of the Yavapai Apache Nation and observing for the Pascua Yaqui Tribe
- Alexa Penalosa on behalf of the United States Department of Justice
- John Burnside on behalf of BHP Copper

- Kaitlyn Smith on behalf of American Smelting and Refining Company (“ASARCO”)
- Karen J. Nielsen on behalf of Arizona Department of Water Resources (“ADWR”)
- Garrett Perkins observing on behalf of the St. David Irrigation District
- No other parties appear

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

The Special Master informs the parties that ADWR put together draft abstracts. Mr. Mason and Ms. Parker inform the Special Master that they have reviewed the abstracts. The draft abstracts have missing information and show what information is needed to move forward.

The Special Master inquires from the landowners regarding any questions they may have regarding the abstracts ADWR put together. Ms. Parker inquires on how to correct the red typing and missing information in the draft abstracts. The Special Master advises the landowners to have a call or meeting with ADWR to review the redlined document to clarify what the document may mean or what is needed to move forward for the water rights. The documents must match each other and match the original watershed file report. The original watershed file report may be updated if need be.

Ms. Parker informs the Court that her name does not match on the documents. The Special Master and Counsel Nielsen inform Ms. Parker that ADWR can fix her name on their own.

The Special Master addresses Mr. Mason and Mr. Mason informs the Special Master regarding the statement of claimant ending in 42. Mr. Mason submitted documents as a basis of right, however, it was deemed to not be enough information. Mr. Mason then submitted additional supporting documentation. Mr. Mason was then provided a statement of claimant that was forwarded to the Special Master and ADWR.

ADWR confirms that they did receive the patent, however the patent included pertains to legal location but is not specific to the beneficial domestic use of land, while the other documentation refers to the beneficial use but not the specific location. ADWR requests that the Special Master intervene with this issue. The Special Master again emphasizes that all the documents must match.

The Special Master informs Mr. Mason that for the irrigation claims, the claims are not subject to the adjudication processes. Again, the Special Master emphasizes that the first step is for the landowners to meet with ADWR and correct the documents to ensure the statements reference the basis of right.

ADWR and Mr. Mason discuss the comments made regarding the information that does not match and what would need to be amended through an amendment form.

The Special Master clarifies the meaning between the location of the use and the description of the use. The Special Master further clarifies that the parties must be able to show that if they are going to claim a water right for specific reason, they must be able to demonstrate that water was being used for that reason at the location claimed. Individual uses matter and documentation is necessary. The Special Master will review the supporting evidence and provide additional clarification.

10:48 a.m. Landowner, Eileen M. Brien states her appearance and is present on her own behalf.

Ms. Brien inquires regarding the amended SOC that was submitted. ADWR informs Ms. Brien that an amendment was received on July 15, 2026. The corrections should be incorporated in the abstracts. Counsel Nielsen will meet with Ms. Brien to confer regarding the abstracts and corrections.

Counsel Nielsen provides the following email to the Special Master for further communication with the parties: knielsen@azwater.gov.

10:52 a.m. Landowner, Kristin B. Bidegain states her appearance and is present on her own behalf.

Ms. Bidegain informs the Special Master that she is requesting clarification on a few errors with the abstract with ADWR. Ms. Bidegain is encouraged to contact Counsel Nielsen to meet with ADWR.

The Special Master addresses Counsel Nielsen regarding the numbering and the use of "X." Counsel Nielsen informs the Special Master that it is likely because ADWR did not find evidence of any stockponds included in the WFR.

Counsel Nielsen will help coordinate meetings with ADWR to figure out what to do regarding the draft abstracts.

IT IS ORDERED that Counsel Nielsen provide the Court with revised abstracts by **April 1, 2027**. The parties shall make comments on the abstracts by **April 16, 2027**.

IT IS FURTHER ORDERED that if Mr. Rasch has current water uses he intends to claim, he shall file a status report by **October 30, 2026**, informing the Court of his intent and his progress with filing all documentation.

Counsel Wilkinson informs the Special Master that she was unable to retrieve the statement of claim filed by Ms. Parker on ADWR's image records. Counsel Nielsen informs Counsel Wilkinson that she will figure out the issue and send a copy of the statement to counsel.

10:57 a.m. Counsel Guss Guarino states his appearance on behalf of the U. S. Department of Justice, Environment and Natural Resources Division.

The Special Master informs counsel and the parties that she will review the additional evidence submitted by Mr. Mason

10:59 a.m. Matter concludes.

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

LATER:

In order for the Court to recognize an appropriative right, the claimant must establish certain facts concerning the right. These facts include, but are not limited to, the extent of the beneficial use, e.g. quantity of irrigated acreage; the quantity of water necessary for the beneficial use; the particular lands to which the water was applied; the date of the initiation of the beneficial use, to the extent that the claimant seeks application of the relation-back doctrine; and the date of the perfection of the beneficial use.¹

Mr. Mason endeavors to establish these key facts using the historical documents submitted to ADWR on August 4, 2025, including the Certificate No. 219 (Arizona Land Patent No. 311233), U.S. census and Cochise County Register documents between the 1880s and early 1900s; and newspaper notices from the late 1880s and 1890s. The case most relevant to the review of Mr. Mason's material is *Gillespie Land and Irrigation Company v. Buckeye Irrigation Company*, which requires that claimants demonstrate the "particular lands upon which [water was] used."² Certificate No. 219 establishes property ownership and a likely domestic water use. A domestic use of less than 1 acre-foot/year in the San Pedro watershed is considered a *de minimis* use eligible for summary adjudication. The patent and certificate may be sufficient to establish a priority date and location for the beneficial use as domestic use can be reasonably understood to occur where the landowners were domiciled.

Mr. Mason's irrigation claim, on the other hand, is not eligible for summary adjudication and must therefore demonstrate with particularity the number of acres irrigated, the location of those acres within a 40-acre parcel³, and the quantity of water used for that irrigation.

IT IS ORDERED that all parties attend a settlement conference on **Tuesday, February 9, 2027, at 1:30 pm**, hosted by ADWR at 1110 W. Washington Street, Suite 310, Phoenix, Arizona 85007. ADWR shall file a notice indicating the outcome of the conference by **April 1, 2027**. In this notice, ADWR shall attach an abstract for each claim. For each settled claim, parties may provide comment on the associated abstract regarding only consistency with settlement, no later than **April 16, 2027**.

Resolution of claims that have not been settled shall follow "Track 1 Procedures," as set out in Section 8.02 of the Rules for Proceedings Before the Special Master.⁴ By **April 16, 2027**, parties must disclose the information that they intend to use to support or object

to unsettled claims in a disclosure statement. After disclosure, the Court will hold a “readiness conference,” followed by a hearing. At the readiness conference, the Court will schedule the hearing and ensure that all parties are prepared to participate in the hearing.

IT IS ORDERED that parties must email, mail, or physically deliver any disclosure statement no later than **April 16, 2027**, to the Court-approved mailing list, included as Attachment A, for this contested case. Disclosure statements must:

- 1) List the names, addresses, and telephone numbers of witnesses that the party will present at the hearing and a brief description of what the party expects the witness will say.
- 2) Contain copies of any documents or exhibits that the party will use to support a claim or defense at the hearing.

¹ *In re Determination of Relative Rts., to Use of Waters of Pantano Creek in Pima Cnty.*, 45 Ariz. 156, 171 (1935).

² *Gillespie Land and Irrigation Company v. Buckeye Irrigation Company*, 75 Ariz. 377, 384 (1953).

³ Arizona Revised Statutes § 45-254(C) (6)

⁴ The following is a URL that links to the Rules:

<https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/pdfs-RulesRev053105.pdf>

Attachment A

Court Approved Mailing List In re Chester C. Antonick
W1-11-001508 (21 Names)
Prepared by the Special Master 10/9/2026

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