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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 IN RE THE GENERAL ADJUDICATION  
14 OF ALL RIGHTS TO USE WATER IN  
15 THE GILA RIVER SYSTEM AND  
16 SOURCE

17 W-1 (Salt)  
18 W-2 (Verde)  
19 W-3 (Upper Gila)  
20 W-4 (San Pedro)  
21 (Consolidated)

22 Contested Case No. W1-11-1508

23 **ARIZONA DEPARTMENT OF WATER**  
24 **RESOURCES' MEETING REPORT**

25 Special Master Sherri Zendri

26 **CONTESTED CASE NAME:** *In re Chester C. Antonick*

**HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report (“HSR”)

**DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources (“ADWR”) provides the meeting report as requested by the Court in the Minute Entry Order filed June 13, 2024.

**NUMBER OF PAGES:** Six

**DATE OF FILING:** June 28, 2024

1 Pursuant to the Minute Entry Order filed June 13, 2024, ADWR hereby files its  
2 Meeting Report pursuant to Rule 8.02[1][c] of the Rules for Proceedings Before the  
3 Special Master, addressing the results of the meeting between ADWR personnel and the  
4 claimants and objectors for the above contested case. A copy of ADWR's Meeting Report  
5 is being posted to ADWR's website at: <https://www.azwater.gov/adjudications>.

#### 6 **MEETING DETAILS**

7 The meeting took place via video conference on June 26, 2024 at 10:00 a.m.  
8 Participating in the meeting were Kyli Denton, Karen Nielsen, Millicent Heffner, and  
9 Kimberly Parks representing ADWR; Katrina Wilkinson, Kyra Haas, and Rodney Held  
10 representing the Salt River Project (SRP); Mark Widerschein, Alexa Penalosa, and Jared  
11 Crum representing the United States; John Burnside representing BHP Copper; Jana  
12 Sutton observing on behalf of the San Carlos Apache Tribe; Brett Stavin representing the  
13 Tonto Apache Tribe; Rhett Billingsley representing ASARCO LLC; Sunshine Manuel  
14 representing the Gila River Indian Community; Andrew Abernathy representing  
15 landowner Heather Cantrell under a Power of Attorney; and landowners Kevin Rasch,  
16 Michelle Rasch on behalf of Colt RR LLC, Eileen Brien, and Michael Mason. Susan  
17 Montgomery representing the Yavapai Apache Nation and Laurel Hermann representing  
18 the San Carlos Apache Tribe were unable to attend but indicated their willingness to work  
19 towards resolving objections upon review of the Claimants' documentation.

#### 20 **MEETING SUMMARY**

21 This case involves claims for water use on multiple parcels within Cochise County.  
22 According to County records, the current landowners are as follows:

23 Kevin and Michelle Rasch (20826027D)  
24 Colt RR LLC (20826013F)  
25 Cemex Construction Materials South LLC (20826013M)  
26 Bruce and Erin Kelly (20826013L)  
Doreen Edwards (20826027E)

1 Brian and Jean Kelly (20826013N, 20826013P)  
2 Eileen Brien (20826026D, 20826026A, 20826029A, 20826029B, 20826026B)  
3 Joseph Regnier (20826026D)  
4 Marc Rasch (20826026C)  
5 Amber Marie Parker (20826013U)  
6 Matthew and Kristin Bidegain (20826029, 20826013Z)  
7 Wayne and Heather Cantrell (20826027B)  
8 Martin and Cathi Grove (20826027C)  
9 Michael and Emma Mason (20826013Q)  
10 Daniel and Cheri Hemenway (20826013S)

11 Pursuant to the Court's June 13, 2024 Minute Entry Order, Cemex Construction  
12 Materials South, LLC, Bruce and Erin Kelly, Brian and Jean Kelly, Daniel and Cheri  
13 Hemenway were removed from the Court Approved Mailing List for failure to appear at  
14 two status conferences. Of the landowners remaining in this case, only Kevin Rasch,  
15 Michelle Rasch on behalf of Colt RR LLC, Eileen Brien, and Michael Mason attended the  
16 meeting. Andrew Abernathy also appeared as a representative for landowner Heather  
17 Cantrell under a Power of Attorney.

18 In 1980, Josphe Pones filed Statement of Claimant (SOC) 39-6365 asserting claims  
19 to use groundwater for domestic and irrigation purposes. ADWR originally addressed  
20 those claims for water use in Watershed File Report (WFR) 112-14-DDC-001 as part of  
21 the 1991 Hydrographic Survey Report (HSR) for the San Pedro River watershed. In the  
22 1991 HSR, ADWR found that a well was being used for domestic and irrigation purposes  
23 and also found that surface water was being used to supply a stockpond. ADWR also  
24 noted that two unused wells were found on the property. Prior to the meeting, ADWR  
25 created a map to assist the parties in their discussions. The map shows that two of the  
26 wells appear to be within the subflow zone of the San Pedro River. Based on information  
currently available to ADWR, it appears that the third well is also located within the

1 subflow zone.

2 **Brien, Regnier, Bidegain and Parker Claims**

3 Ms. Brien stated that the well serving her property is registered (55-519665) and  
4 that she has a shared well agreement with the Bidegains and the Parkers. The well is  
5 located on parcel 20826029 owned by the Bidegains. The well registration is currently  
6 filed under the name of Chester Antonick. ADWR provided the contact information for  
7 its Wells and Permitting Division so that the registration can be updated.<sup>1</sup> Mr. Abernathy  
8 disputed the location and ownership of the well, stating that he believed the well is located  
9 on the Cantrell property.

10 Three SOC's have been filed claiming water uses from this well:

- 11 - 39-179682 (filed by Eileen Brien and Joseph Regnier) showing the places of  
12 use as 20826026D, 20826026A, 20826029A, 20826029B, 20826026B (Brien  
13 and Regnier properties), and claiming water use for domestic purposes in the  
14 quantity of 0.5 AFA with a priority date of 1954. Ms. Brien reported that the  
15 claimed priority date was based on the date Chester Antonick registered the  
16 well, and that the quantity was based on the average use for two people in a  
17 single dwelling.
- 18 - 39-179691 (filed by Amber Parker) showing the place of use as 20826013U  
19 (Parker property), and claiming water use for domestic purposes in the quantity  
20 of 0.5 Acre Feet Annually (AFA) with a priority date of 1954.
- 21 - 39-179687 (filed by Matthew and Kristin Bidegain) showing the places of use  
22 as 20826013Z and 20826029 (Bidegain properties), and claiming water use for  
23 domestic purposes in the quantity of 0.5 AFA with a priority date of 1954.

24 Ms. Brien indicated that she needs additional time to research a basis of claim. All  
25 of the objecting parties represented at the meeting indicated that they would be willing to  
26 work to resolve the objections in this case once they have more information on the Brien  
and Regnier claims. Amber Parker and Matthew and Kristin Bidegain were provided

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<sup>1</sup> The contact information provided by ADWR was for an email: [permit-wells@azwater.gov](mailto:permit-wells@azwater.gov) and for a phone number: 602-771-8527.

1 notice of the meeting, but failed to attend; therefore, the parties were unable to address  
2 their claims.

### 3 Mason Claims

4 Mr. Mason indicated that he has a well (55-505289) on parcel 20826013Q. The  
5 well registration is up to date. Mr. Mason stated that he filed an amendment to the  
6 original SOC, but it was missing some information and returned to him for completion.  
7 Mr. Mason is currently working to correct the amendment. He also indicated that he  
8 intends to pursue claims for domestic use in the amount of 1 AFA and irrigation in the  
9 amount of 3 AFA. He stated that the quantities are estimated based on information he has  
10 gathered. He intends to claim a priority date based on the apparent first use date listed in  
11 the WFR.

12 Mr. Mason stated that he has researched several land patents that apply to his  
13 parcel dating back to the late 1800s that may provide a basis of right. SRP provided a  
14 BLM serial number for a patent issued May 31, 1884 that may apply to this property.<sup>2</sup>  
15 Mr. Mason intends to do further research through the National Archives and to include  
16 any applicable land patents with his filings.

17 All of the objecting parties represented at the meeting indicated that they would be  
18 willing to work to resolve the objections in this case once they have more information on  
19 the Mason claims.

### 20 NEXT STEPS

21 The claimants need additional time to determine whether they have a legal basis for  
22 their claims and, if not, whether they want to take the necessary steps to legally  
23 appropriate water. ADWR recommends that the Court set a status conference in 60 days  
24 to allow the claimants to provide an update on their progress and to determine next steps.

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25 <sup>2</sup> SRP indicated that the BLM serial number was AZAZAA011894, document #219 and  
26 may apply to the E ½ E ½ of Section 17 T16N R20E before the parcel was subdivided.

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**DATED** this 28th day of June, 2024.

ARIZONA DEPARTMENT OF WATER  
RESOURCES



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Kimberly R. Parks, Deputy Counsel  
Karen J. Nielsen, Deputy Counsel

**ORIGINAL** of the foregoing sent by  
first-class mail on June 28, 2024, to:

Clerk of the Maricopa Superior Court  
Attn: Water Case  
601 W. Jackson Street  
Phoenix, Arizona 85003

**COPIES** of the foregoing sent by  
first-class mail on June 28, 2024, to:

Special Master Sherri Zendri  
Maricopa County Superior Court  
Central Court Building  
201 West Jefferson Street, Suite 3A  
Phoenix, AZ 85003-2205

**COPIES** of the foregoing sent by  
first-class mail on June 28, 2024 to all  
parties on the court-approved mailing list  
for Contested Case No. W1-11-1508.



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