

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

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)
Case: **W1-11-1508**

**ORDER INITIATING CONTESTED
CASE AND SETTING INITIAL
CONFERENCE**

CONTESTED CASE NAME: *In re Chester C. Antonick*
HSR INVOLVED: San Pedro Hydrographic Survey.
DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-1508. Initial conference set for **April 3, 2024, at 10:00 a.m.**
NUMBER OF PAGES: 15

General Explanation

This order opens a case to determine rights to use water on land owned by the individuals and entities listed in Attachment E to this order. The first step in this case is an initial conference with the Court, scheduled for **April 3, 2024, at 10:00 a.m.** to determine if landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial conference if they plan to pursue potential water rights. Failure to appear at the initial conference

1 could result in the dismissal of the case and the loss of water rights associated with the properties.

2 In this case, Joseph Pones filed Statement of Claimant (“SOC”) 39-6365 on July 1, 1980,
3 to assert claims to use water on land in Section 17 Township 16 South, Range 20 East.

4 The first step in this case will be an initial conference, where landowners will state
5 whether they intend to pursue water rights.

6
7 **Additional background information on the process for determining water rights in**
8 **Arizona can be found on Attachment A.**
9

10 **Details of the Case**

11 On July 1, 1980, Joseph Pones filed Statement of Claimant (“SOC”) 39-6365, which
12 claimed rights to use groundwater for domestic and irrigation purposes.

13 The Arizona Department of Water Resources (“ADWR”) investigated the claims made
14 by Joseph Pones (“Claimant”) and prepared Watershed File Report No. 112-14-DDC-001
15 (“WFR”), published in the Final San Pedro Watershed Hydrographic Survey Report (1991) (“San
16 Pedro HSR”). The WFR recorded that a well in SESENE Section 17 Township 16 South, Range
17 20 East was being used for domestic and irrigation purposes. The WFR also recorded that surface
18 water was being used for stockpond purposes. ADWR also published a map of the area
19 investigated, denoted by “(1).” A copy of the WFR is attached as Attachment B, and a copy of
20 the map is attached as Attachment C.

21 After ADWR issued the WFR, objections were filed to the findings made in the WFR by
22 the United States, ASARCO, the Gila River Indian Community, San Carlos Apache Tribe, Tonto
23 Apache Tribe, the Yavapai-Apache Tribe, the Camp Verde Reservation, the Salt River Project,
24 and Chester C. Antonick.
25
26
27
28

1 **Claimant and Landowners**

2 The WFR lists Chester C. Antonick as the owner of the property investigated. According
3 to maps obtained from the Navajo County Assessor (“Assessor”), the land investigated appears
4 to comprise the tax parcels listed in Attachment E.

5 A map showing the relevant tax parcels, the San Pedro River subflow zone, and the
6 approximate location of the well supplying the domestic and irrigation uses detailed in the WFR
7 is attached as Attachment D.

8 The public records of the Arizona Department of Water Resources do not contain any
9 assignments of the SOC listed in the WFR, and the current landowners do not appear to have
10 filed any additional SOCs.

11 To pursue water rights, a property owner must file a Statement of Claimant and present
12 to the Court evidence of the existence of a water right on their property. This evidence may
13 include the WFR. If either the property owner proves to the Court the existence of water rights
14 on their property or enters into a valid settlement approved by the Court, the Court will recognize
15 enforceable water rights in a “Final Decree.” Ariz. Rev. Stat. § 45-257(B).

16 This is an Order from the Court. All parties must comply with the following instructions.
17 The failure to obey this, or any, court order may result in the dismissal of this case and the loss
18 of any potential water rights associated with the properties mentioned in this Order. If you have
19 questions regarding this order or any of the attachments, please contact the General Stream
20 Adjudication, Office of the Special Water Master, at (602) 372-4115. Please note that staff can
21 only answer administrative questions and cannot provide legal advice.

22 **IT IS ORDERED:**

- 23 1. Case Initiation. This contested case shall be known as *In re Chester C.*
24 *Antonick*, and it will resolve claims to appropriable water asserted in Statement of
25 Claimant 39-6365 and objections that were filed to Watershed File Report No. 112-
26 14-DDC-001.

27
28

1 2. Initial Conference. An initial conference shall be held on **April 3, 2024 at 10:00**
2 **a.m.** to determine whether current landowners intend to pursue claims for water
3 rights. The conference will be held using the Court Connect program. Instructions
4 for Court Connect are attached as Attachment G. If you receive this order by email,
5 click on the red box “Join Court Connect Hearing” on the attached instructions to
6 make an appearance. If you do not receive this order by email, log into the Court
7 Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If
8 you do not have access to the internet, you may attend telephonically using the
9 telephone number and access code included in the instructions for Court Connect.

10 3. Parties. The litigants in this contested case are the Claimant, the current landowners,
11 and any party who filed an objection to the Watershed File Report. The objectors in
12 this case are the United States, ASARCO, the Gila River Indian Community, San
13 Carlos Apache Tribe, Tonto Apache Tribe, the Yavapai-Apache Tribe, the Camp
14 Verde Reservation, the Salt River Project, and Chester C. Antonick

15 4. Objections. Copies of the objection filed to WFR No. 112-14-DDC-001 can be found
16 under the case number W1-11-1508 on the following website:
17 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
18 [whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).

19 5. Court-Approved Mailing List.

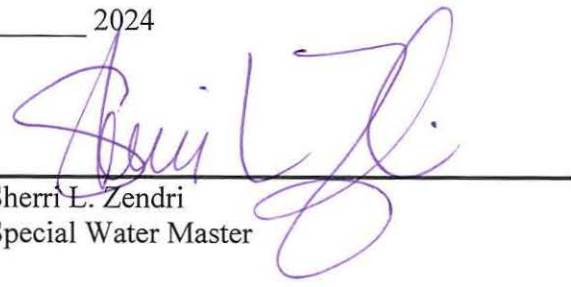
20 A. The initial Court-approved mailing list for this case shall include all
21 persons listed on Attachment F to this order. The list may be modified
22 only by filing a motion with the Special Master to amend the Court-
23 approved mailing list. Litigants are responsible for using the current
24 Court-approved mailing list.

25 B. A copy of any pleading filed with the Clerk of the Maricopa County
26 Superior Court in this case shall be served upon each person listed on the
27 Court-approved mailing list.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

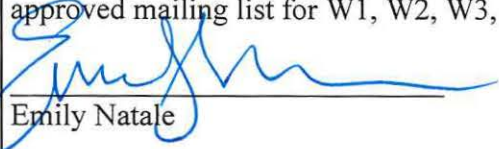
- C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the Court-approved mailing list.
- D. The Clerk of the Court will send copies of all minute entries and orders issued in this case to the parties listed on the Court-approved mailing list.
- E. Claimants who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to emily.natale@jbAZmc.maricopa.gov.

Signed this 5th day of March 2024



Sherri L. Zendri
Special Water Master

On March 5, 2024, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached, and to all persons listed on the Court-approved mailing list for W1, W2, W3, and W4.



Emily Natale

ATTACHMENT A

General Background on the Water Rights Determination Process in Arizona

A general stream adjudication is a judicial proceeding to determine the quantity and priority of all water rights in a river system. Arizona is undertaking general stream adjudications of both the Gila River and the Little Colorado River systems. A river system includes surface water flowing “in streams or other natural channels”, groundwater sufficiently connected to that surface water, and water subject to claims by the federal government. Ariz. Rev. Stat. § 45-251(7). Recognizing and respecting water rights and the priority of such rights is important in Arizona where times of drought or water scarcity can occur.

All cases begin with the filing of a “Statement of Claimant,” (“SOC”) in which a property owner makes a claim for a right to use surface water on their property. Ariz. Rev. Stat. § 45-254(A). This person is the “claimant.” The SOCs contain, among other characteristics, a description of the source and quantity of the water used, the location of use, the location from which the water was diverted, and the date when the water was first put to use. *Id.* § 45-254(C).

After the property owner files the SOCs, the Arizona Department of Water Resources (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the claims in the SOCs and recommends water rights associated with the property. *Id.* § 45-256(B). ADWR compiles all WFRs for a watershed into a comprehensive Hydrographic Survey Report (“HSR”) and publishes the report for public review and comment. In response, other claimants in the Adjudication may file “objections” disputing the information or recommendations in the WFR. The individuals who file objections are called “objectors.”

This “contested case”, one of thousands in the Gila River System, will evaluate claims asserted in specific Statements of Claimant while considering objections to the WFR that reported ADWR’s initial inspection of those claims.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT B
Watershed File Report

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
ANTONICK, CHESTER C.	112-14-DDC-001

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0006365		IRRIGATION DOMESTIC			17	160S 200E	1954			

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0006365	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	WO1,WO2,WO3	DMOO1,IROO1

D I V E R S I O N S

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	LOCATION	WATER SOURCE AND CLASSIFICATION
WO1	SESENE17	160S	200E	UNNAMED	SENESE17 160S 200E	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO2	SESENE17	160S	200E	UNNAMED	SENESE17 160S 200E	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO3	SENESE17	160S	200E	UNNAMED	SENESE17 160S 200E	UNUSED GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

U S E S

PWR #	SECTION	TWNP	RNGE	LOCATION	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SWSENE17	160S	200E	WO1	GROUNDWATER	: ZONE 1		NO	
IROO1	NE17	160S	200E	WO1	GROUNDWATER	: ZONE 1	1964	NO	
	SE17	160S	200E						

R E S E R V O I R S

PWR #	SECTION	TWNP	RNGE	LOCATION	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPOO1	NWSENE17	160S	200E			SURFACE WATER	1967	UNNAMED	STOCKWATERING
SPOO2	NESENE17	160S	200E			SURFACE WATER	1967	UNNAMED	STOCKWATERING

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0006365	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0006365	NONE	1964 1964 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
SPOO1	NONE	NONE	1967 1967 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER
SPOO2	NONE	NONE	1967 1967 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED REGIONAL	34.4	MULTI.-DBL.	43%	5.9 AF/AC	203.0 AFA	
	MAX. POTENTIAL	40.6	AVE. CROP	50%	5.4 AF/AC	219.2 AFA	
		40.6	ALFALFA	43%	7.8 AF/AC	316.7 AFA	

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SPOO1	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SPOO2	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

E X P L A N A T I O N

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.
 W2 & W3 - UNUSED WELLS.

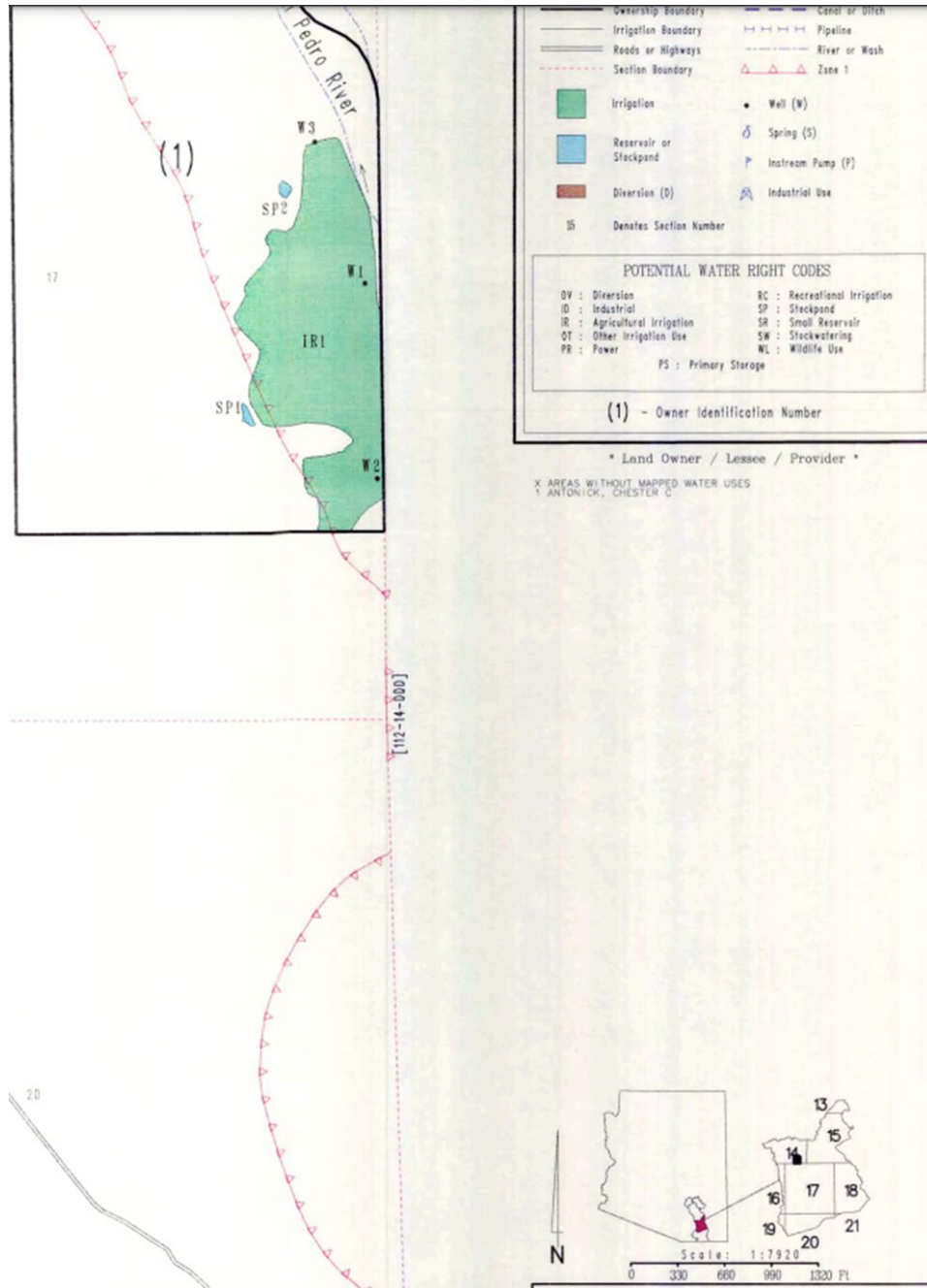
USES AND RESERVOIRS

DM1 - DOMESTIC USE.
 IR1 - IRRIGATED MULTIPLE-DOUBLE CROPS.
 SP1 & SP2 - UNNAMED STOCKPONDS.
 ANOTHER RESERVOIR WAS LOCATED WHICH IS SUPPLIED BY SHEET FLOW. THIS IS CONSIDERED TO BE A
 NONAPPROPRIABLE WATER SOURCE.

ATTACHMENT C

WFR Map

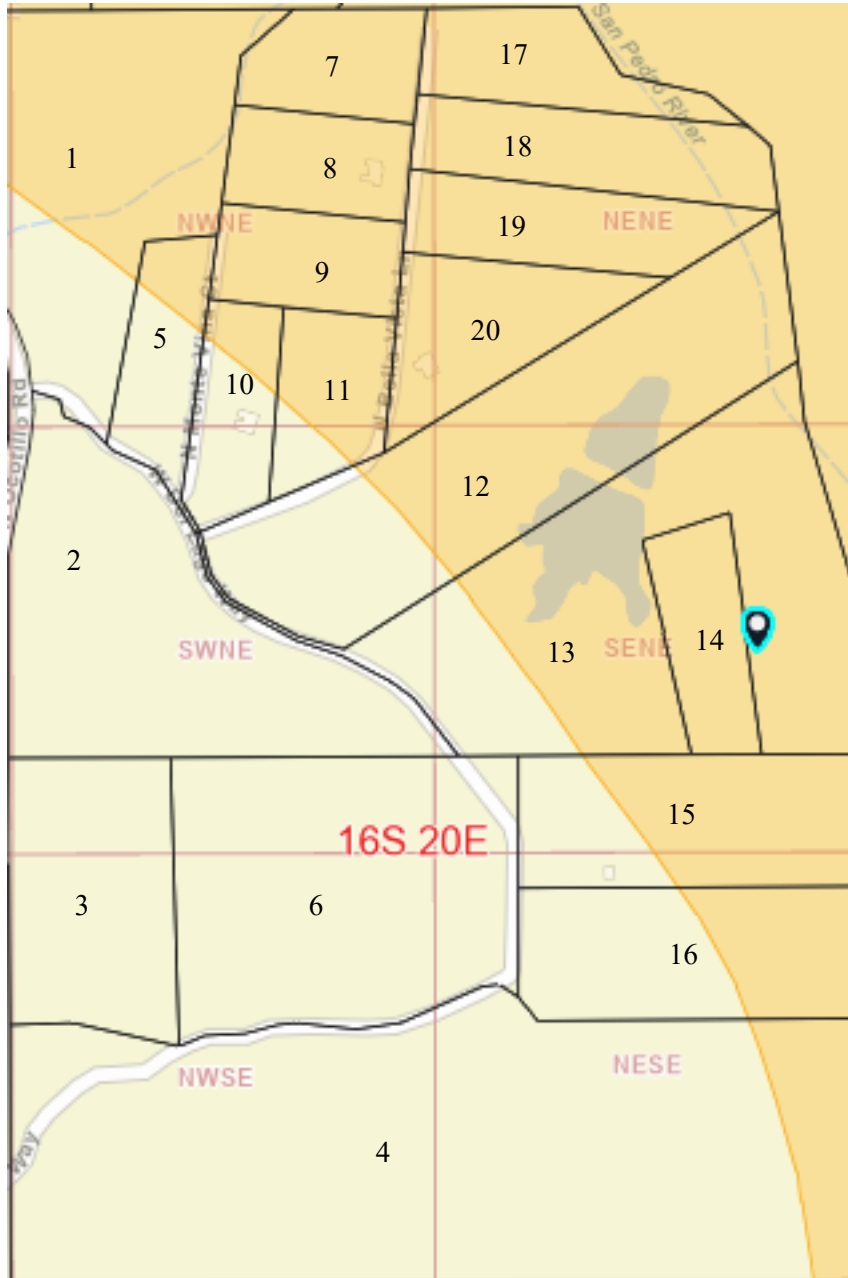
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT D

Assessor Map



Subflow zone

Approximate well location

Attachment E
List of Landowners

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

	Parcel Number	Owner Name
1	20826027D	Kevin T & Michelle M Rasch
2	20826013F	Colt RR LLC
3	20826013M	Cemex Construction Materials South LLC
4	20826013L	Bruce & Erin Kelly
5	20826027E	Doreen Edwards
6	20826013N	Brian E & Jean M Kelly
7	20826026B	Shirley Brien
8	20826026D	Eileen M Brien
9	20826026C	Marc Rasch
10	20826013U	Amber Marie Parker
11	20826026A	Eileen M Brien
12	20826029	Matthew J & Kristin B Bidegain
13	20826027B	Wayne & Heather Cantrell
14	20826027C	Martin & Cathi Grove
15	20826013Q	Michael J & Emma Huang Mason
16	20826013P	Brian E & Jean M Kelly
17	20826013S	Daniel & Cheri Hemenway
18	20826029A	Eileen M Brien
19	20826029B	Eileen M Brien
20	20826013Z	Matthew J & Kristin B Bidegain

1
2 **ATTACHMENT F**

3 **Initial Court-Approved Mailing List**

4 Arizona Department of Water Resources
5 Kimberly R. Parks and Karen J. Nielsen
6 1110 West Washington, Suite 310
7 Phoenix, AZ 85007

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

8 Clerk of the Superior Court
9 Maricopa County
10 Attn: Water Case
11 601 West Jackson St.
12 Phoenix, AZ 85003

Jeremiah Weiner, Kent Millward, Brett J.
Stavin, and Lauren Mulhern
Rosette, LLP.
120 S. Ash Avenue, Suite 201
Tempe, AZ 85281

13 Special Master Sherri Zendri
14 Superior Court of Arizona
15 201 W. Jefferson Street
16 Courtroom 301
17 Phoenix, AZ 85003

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

18 Salt River Project
19 J.B. Weldon, M.A. McGinnis, M.K. Foy
20 Salmon, Lewis, and Weldon
21 2850 E. Camelback Rd. Suite 200
22 Phoenix, AZ 85016

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

23 Maggie Woodward & Alexa Penalosa
24 US Dept of Justice - ENRD
25 Natural Resources Section
26 PO Box 7611, Ben Franklin Station
27 Washington, DC 20044

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

28 Yosef Negose & Laura Boyer
US Dept of Justice - ENRD
Indian Resources Section
PO Box 7611, Ben Franklin Station
Washington, DC 20044

Doreen Edwards
PO Box 1763
Bisbee, AZ 85603

Chester C. Antonick
Route 16, Box 609
Tucson, AZ 85701

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

Bruce & Erin Kelly
11770 E Spanish Rdg Pl
Tucson, AZ 85730

1 Brian E & Jean M Kelly
2 925 E Old Pomerene Rd
3 Benson, AZ 85602
4
5 Shirley Brien
6 2152 N Bella Vista Ln
7 Benson, AZ 85602
8
9 Amber Marie Parker
10 2137 N Monte Vista Ct
11 Benson, AZ 85602
12
13 Eileen M Brien
14 2152 N Bella Vista Ln
15 Benson, AZ 85602
16
17 Matthew J & Kristin B Bidegain
18 2127 N Bella Vista Ln
19 Benson, AZ 85602
20
21 Wayne & Heather Cantrell
22 4851 Kokomo Dr Apt 6212
23 Sacramento, CA 95835
24
25 Martin & Cathi Grove
26 2704 Ripon Ct
27 Sacramento, CA 95826
28

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

Daniel & Cheri Hemenway
5418 Jade Creek Way
Elk Grove, CA 95758

Marc Rasch
9701 E Paseo Del Tornasol
Tucson, AZ 85747

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

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

Corporate Creations Network
C/O Cemex Construction Materials South
3260 N Hayden Road #210
Scottsdale, AZ 85251

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT G



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: April 3, 2024, 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](#)