



**Water Quality Appeals Board**

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**BEFORE THE ARIZONA WATER QUALITY APPEALS BOARD**

In the Matter of

Case No. 21-004-WQAB  
21-006-WQAB

CHRIS WERKHOVEN,

and

PATAGONIA AREA RESOURCE  
ALLIANCE

Appellants,  
vs.

STATE OF ARIZONA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

Respondent,

ARIZONA MINERALS INC.

Intervenor

**ARIZONA WATER QUALITY APPEALS  
BOARD FINAL ORDER**

On July 7, 2022, this matter came before the Arizona Water Quality Appeals Board (“Board”) for consideration of Administrative Law Judge (“ALJ”) Thomas Shedden’s proposed Findings of Fact, Conclusions of Law and Recommended Decision (collectively, the “ALJ Decision”). Parties that appeared were: Carolyn Shafer for Patagonia Area

1 Resource Alliance; Jothi Beljan, Esq., for the Department of Environmental Quality  
2 (“ADEQ”); and Christopher D. Thomas, Esq. for Arizona Minerals, Inc. (“AMI”).

3 The Board having reviewed and considered the ALJ Decision and the entire record  
4 in this matter:

5 **FINDINGS OF FACT**

6 The Board adopts Findings of Fact No. 1 through 205 in their entirety.

7 **CONCLUSIONS OF LAW**

8 The Board adopts Conclusions of Law No. 1 through 58 in their entirety.

9 **ORDER**

10 The Board adopts the recommended Order of the ALJ.

11 **IT IS ORDERED** that ADEQ’s Decision to Grant [to Intervenor Arizona Minerals  
12 Inc.] an Aquifer Protection Permit (APP) Significant Amendment Hermosa Project –  
13 Trench Camp Property; Inventory Number: 512235 LTF ID: 83040 is affirmed.

14 **NOTICE: RIGHT TO PETITION FOR REHEARING OR REVIEW**

15 This is a final administrative decision of the Water Quality Appeals Board, made  
16 according to A.R.S. § 49-323. You may file a motion for rehearing or review of this decision  
17 under R2-17-126. If you file a motion for rehearing or review, you shall file your motion  
18 within 30 days after service of this decision. You are not required to file a motion for  
19 rehearing or review before seeking judicial review. This decision may be reviewed by the  
20 Superior Court if you file a complaint in the manner prescribed in A.R.S. §§ 41-1092.10 and  
21 41-1092.11. ARIZ. ADMIN. CODE § R2-17-125(C).

22 **DATED** this 8th day of July 2022.

23 Arizona Water Quality Appeals Board

24 

25 Michele Van Quathem, Chair

1  
2 Copy of the foregoing Order, together with Adopted Findings of Fact and Conclusions of  
3 Law, and Recommended Decision, filed this 8th day of July, 2022 with:

4 Greg Hanchett, Director  
5 Office of Administrative Hearings  
6 1740 W. Adams Street  
7 Phoenix, Arizona 85007

8 Executed copy of the foregoing  
9 mailed by U.S. Mail and emailed this 8th day of July, 2022 to:

10 ARIZONA WATER QUALITY APPEALS BOARD  
11 Michele Van Quathem, Chair  
12 Fred E. Brinker,  
13 P.E. Keith Bowers

14 Carolyn Shafer  
15 Patagonia Area Resource Alliance, Inc.  
16 (Nonprofit, incorporated under Arizona law)  
17 P.O. Box 1044  
18 Patagonia, AZ 85624  
19 Ph: (520) 477-2308  
20 Email: [parawatchdogs@gmail.com](mailto:parawatchdogs@gmail.com)  
21 *Board Member*

22 Billy Peard  
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21 *Appellant*

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26 *Connie Castillo*  
27 \_\_\_\_\_  
28 By: Connie Castillo  
29 Clerk, Water Quality Appeals Board  
30 [Connie.Castillo@azdoa.gov](mailto:Connie.Castillo@azdoa.gov)