

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 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
Consolidated

CONTESTED CASE NO. W1-11-2603

ORDER TO INITIATE A CONTESTED CASE

AND

ORDER SETTING TELEPHONIC STATUS
CONFERENCE

CONTESTED CASE NAME: *In re ASLD - Bingham Sacaton Ranch II*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Case initiated to adjudicate claims for rights to water for irrigation, domestic, and stockpond uses investigated in Watershed File Report 113-09-CB-008. A telephonic status conference is set for 2:30 p.m. on **July 13, 2020**.

NUMBER OF PAGES: 12

DATE OF FILING: May 4, 2020

1 This Order initiates a contested case to consider the claims for water rights filed by
2 Bingham Sacaton Ranch and the Arizona State Land Department for irrigation, domestic, and
3 stockpond uses and to resolve objections to Watershed File Report 113-09-CB-008 ("WFR")
4 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The
5 WFR identified potential water rights on land located in Sections 16 and 17 T10S R18E. The
6 identified sources of water are surface water from the San Pedro River and three wells. The
7 Arizona Department of Water Resources has determined that the three wells are located within
8 the subflow zone. A copy of the WFR is attached as Attachment A. A copy of the map prepared
9 for the WFR is attached as Attachment B on which the land is labelled as "(8)".
10

11 On July 13, 1984, Bingham Sacaton Ranch filed Statements of Claimant 39-4961, 39-
12 4971, and 39-4972 for water rights for irrigation, domestic and stock watering. According to the
13 maps maintained as public records by the Arizona State Land Department, the land included
14 within the boundaries of the WFR is owned by the State of Arizona and leased to Jim Bigham
15 and Bingham Sacaton Ranch. A map of the leased property is attached as Attachment C.
16

17 The Arizona State Land Department filed Statements of Claimant 39-7161, 39-7162, and
18 39-7163, which it subsequently amended.
19
20

21 **IT IS ORDERED:**

22
23 1. Contested Case. This contested case shall be known as *In re ASLD - Bingham*
24 *Sacaton Ranch II* and it will address Statements of Claimant listed in and the objections to
25 Watershed File Report 113-09-CB-008 published in the Final San Pedro River Watershed
26 Hydrographic Survey Report (1991). Copies of objections can be found under the case name and
27
28

1 number on the following website:

2 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

3 2. Litigants. The litigants in this contested case are the Claimants and all persons who
4 filed objections to Watershed File Report 113-09-CB-008, who are included on Attachment D, and
5 claimants who are allowed to intervene by order.

6
7 3. Court-Approved Mailing List.

8 A. The initial Court-approved mailing list for this case shall include all persons
9 listed on Attachment D to this order. The list may be modified only by filing a
10 motion with the Special Master to amend the Court-approved mailing list. Litigants
11 are responsible for using the current Court-approved mailing list.
12

13 B. A copy of any pleading filed with the Clerk of the Maricopa County
14 Superior Court in this case shall be served upon each person listed on the Court-
15 approved mailing list.
16

17 C. Claimants wishing to be added or removed from the mailing list shall file a
18 motion with the Special Master. Parties allowed to intervene will be automatically
19 added to the mailing list.

20 4. Courtesy Email List.

21 The Special Master's office will email courtesy copies of orders and minute entries
22 entered in this case to persons listed on Attachment D. Requests for inclusions on
23 the email list should be sent to Barbara Brown at
24

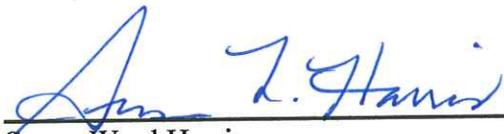
25 brownb099@superiorcourt.maricopa.gov.

26 5. Arizona State Land Department. The Arizona State Land Department shall be
27 prepared at the Telephonic Status Conference to state that it has spoken with its lessees about the
28

1 ownership of the claimed water rights and whether the parties are in agreement regarding the
2 ownership of the proposed water rights. The Arizona State Land Department shall identify any
3 disputes about ownership of water rights and shall list the claims for water rights that will be
4 pursued in this case. Bingham Sacaton Ranch shall also identify any dispute about ownership of
5 water rights and shall be prepared to list the claims for water rights that it intends to pursue in this
6 case.
7

8 6. Telephonic Status Conference. The Status Conference shall be held on **July 13,**
9 **2019,** at 2:30 p.m. Following the telephonic status conference, proposed abstracts for water rights
10 shall be prepared for review by Arizona Department of Water Resources (ADWR) for any claims
11 that the Claimants intend to pursue that constitute *de minimis* water uses for which both a
12 Statement of Claimant has been filed and ADWR has identified a legal basis for the claimed right
13 in the Watershed File Report.
14

15 Instructions for telephonic appearance:
16 Dial: 602-506-9695 (local)
17 1-855-506-9695 (toll free long distance)
18 Dial Participant Pass Code 357264#
19

20 
21 _____
22 Susan Ward Harris
Special Master

23 The original of the foregoing was delivered to the Clerk of
24 the Maricopa County Superior Court on May 4, 2020, for
25 filing and distributing a copy to all persons listed on the
26 Court approved mailing list for this contested case which is
27 attached as Attachment D and to all persons listed on the
28 Court-approved mailing list for W-1, W-2, W-3, and W-4
(Consolidated).

1

2

3

4

5

6

7

8

9

ATTACHMENT A

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

LAND OWNER	WATERSHED FILE	LESSEE/ALLOTTEE	LEASE-PERMIT ID
SLD	REPORT NUMBER	BINGHAM SACATON RANCH	01-2093
	113-09-CB-008		

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-2603

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1103235.1100		IRRIGATION STOCK		09	100S	180E	1885		100S	180E
10-1104317.1100		IRRIGATION STOCK		NE08	100S	180E	1893	NW16	100S	180E
36-0027330		IRRIGATION STOCK	800.00	NESW16	100S	180E	1917	NESW16	100S	180E
36-0027331		DOMESTIC STOCK	1.23	NWNW16	100S	180E	1890	NWNW16	100S	180E
39-0004961		DOMESTIC STOCK	.02	NWNW16	100S	180E	1970	NENWNW16	100S	180E
39-0004971		DOMESTIC STOCK	1.12	NWNW16	100S	180E	1890	NWNWNW16	100S	180E
39-0004972		IRRIGATION STOCK	1000.00	16	100S	180E	1953	SENE16	100S	180E
39-0007161	AMENDED	DOMESTIC STOCK	.85	NENE17	100S	180E	1900	NWNW16	100S	180E
39-0007162	AMENDED	REC/FISH/WLDF STOCK	.39	NWNW16	100S	180E	1900	NENWNW16	100S	180E
39-0007163	AMENDED	REC/FISH/WLDF IRRIGATION	.04	16	060S	180E	1945	SENE16	100S	180E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1103235.1100	IRRIGATION STOCK	DISCONTINUED INCIDENTAL		IR090, IR091, IR092
10-1104317.1100	IRRIGATION STOCK	NOT APPLICABLE		
36-0027330	IRRIGATION STOCK	DISCONTINUED INCIDENTAL	WO1	IR090, IR091, IR092
36-0027331	DOMESTIC STOCK	DOMESTIC INCIDENTAL	WO2	DMO01
39-0004961	DOMESTIC STOCK	DOMESTIC INCIDENTAL	WO3	DMO01
39-0004971	DOMESTIC STOCK	DOMESTIC INCIDENTAL	WO2	DMO01
39-0004972	IRRIGATION STOCK	DISCONTINUED INCIDENTAL	WO1	IR090, IR091, IR092
39-0007161	DOMESTIC STOCK	DOMESTIC INCIDENTAL	WO2	DMO01
39-0007162	WILDLIFE STOCK	INCIDENTAL	WO3	
39-0007163	WILDLIFE IRRIGATION	INCIDENTAL DISCONTINUED	WO1	IR090, IR091, IR092

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NENESW16	100S	180E	BIG PUMP	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
WO2	NWNWNW16	100S	180E	HOME WELL	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
WO3	SWSWSW09	100S	180E	DUG WELL	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

PWR #	LOCATION			SUPPLIED BY		WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
	SECTION	TWNP	RNGE	DIVERSIONS					
DMOO1	NWNWNW16	100S	180E	WO2,WO3		GROUNDWATER : ZONE 1		NO	
IRO90	NWNW16	100S	180E	WO1		GROUNDWATER : ZONE 1	1945	NO	
IRO91	NE16	100S	180E	WO1		GROUNDWATER : ZONE 1	1955	NO	
	NE17	100S	180E						
	NW16	100S	180E						
	SE16	100S	180E						
	SW16	100S	180E						
IRO92	NENE17	100S	180E	WO1		GROUNDWATER : ZONE 1	1984	NO	
	NESW16	100S	180E						
	SENE16	100S	180E						
	SENW16	100S	180E						

RESERVOIRS

PWR #	LOCATION			SUPPLIED BY		WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
	SECTION	TWNP	RNGE	DIVERSIONS					
SPOO1	SWSWSE17	100S	180E			SURFACE WATER	1979	STRATTON WASH	STOCKWATERING
SROO1	SENWNW16	100S	180E	WO1		GRNDWTR : ZONE 1	1945	UNNAMED	STOCKWATERING

SHARED USES AND DIVERSIONS

** WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:
 113-09-CB-3
 ** WATER FROM WO3 FOUND IN FILE (113-09-CB-3) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS	FOR DATE	
DMOO1	39-0004961 39-0004971 39-0007161 39-0007162	36-0027331			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO90	39-0004972 39-0007163	10-1103235.1100 36-0027330	1945	1945 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO91	39-0004972 39-0007163	10-1103235.1100 36-0027330 36-0027330	1955	1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO92	39-0004972 39-0007163	10-1103235.1100 36-0027330	1984	1984 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
SPOO1	NONE	NONE	1979	1979 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER
SROO1	39-0004972 39-0007163	36-0027330	1945	1945 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	NONE	10-1104317.1100			

QUANTITIES OF USE

PWR #	QUANTIFICATION		CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
	TYPE	ACRES					
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT DISCONTINUED IRRG.
IRO90	REGIONAL	12.1	NO CROP				DISCONTINUED IRRG.
IRO91	REGIONAL	95.3	NO CROP				DISCONTINUED IRRG.
IRO92	REGIONAL	18.9	NO CROP				DISCONTINUED IRRG.
SPOO1	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SROO1	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

EXPLANATION

FILINGS AND DECREES
 FILING 10-1104317-11 - CLAIMS IRRIGATION USES FROM THE SAN PEDRO RIVER. THE CLAIMED USES DO NOT APPLY TO THIS W.F.R.

DIVERSIONS

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

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

IR90-IR92 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

SP1 - STRATTON WASH STOCKPOND.

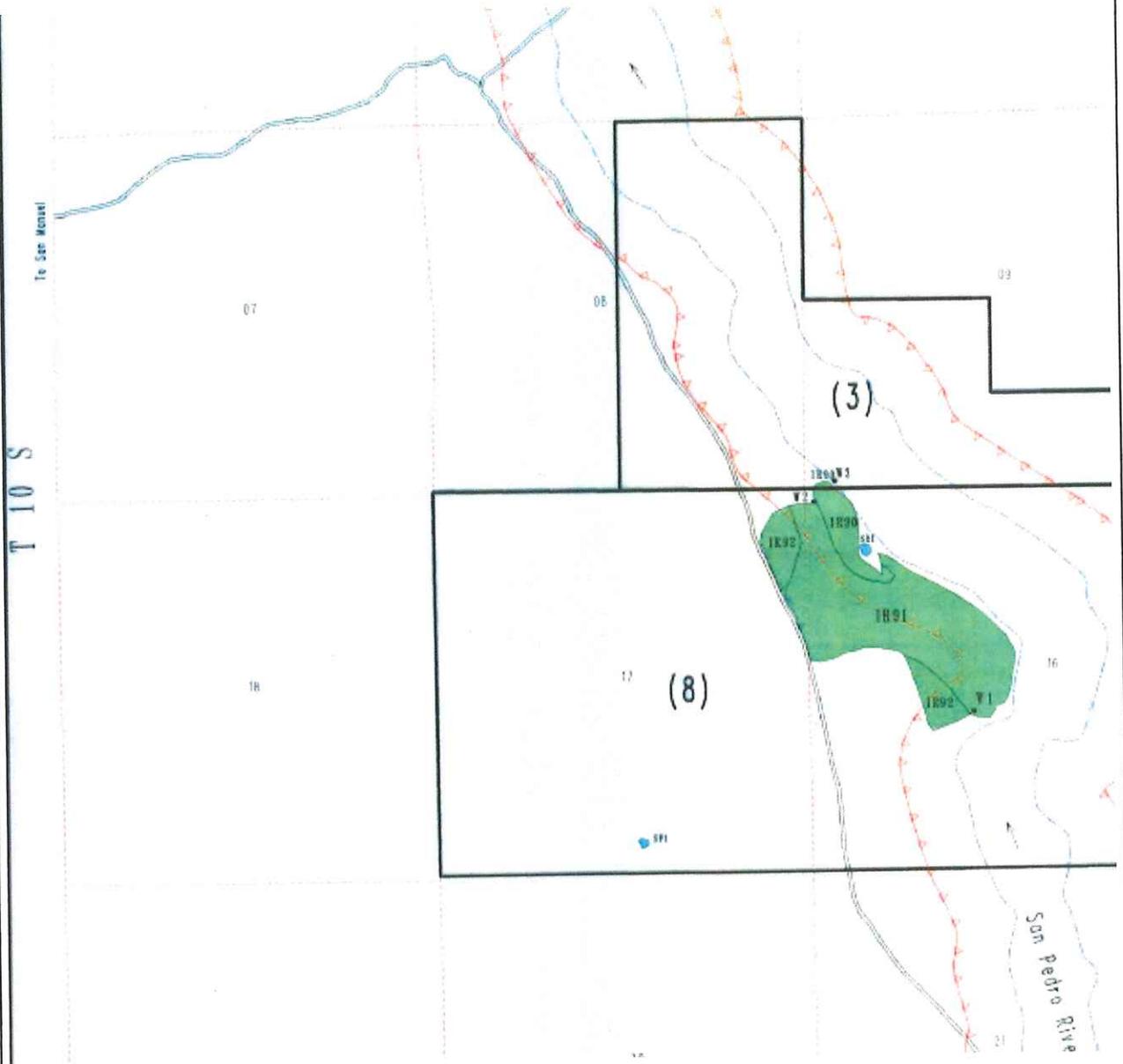
SR1 - SMALL RESERVOIR, SUPPLIED BY WELL W1, IS USED FOR STOCKWATERING PURPOSES.

SHARED USES AND DIVERSIONS

W1 & W3 - WELLS ARE SHARED WITH W.F.R. #113-09-CB-3.

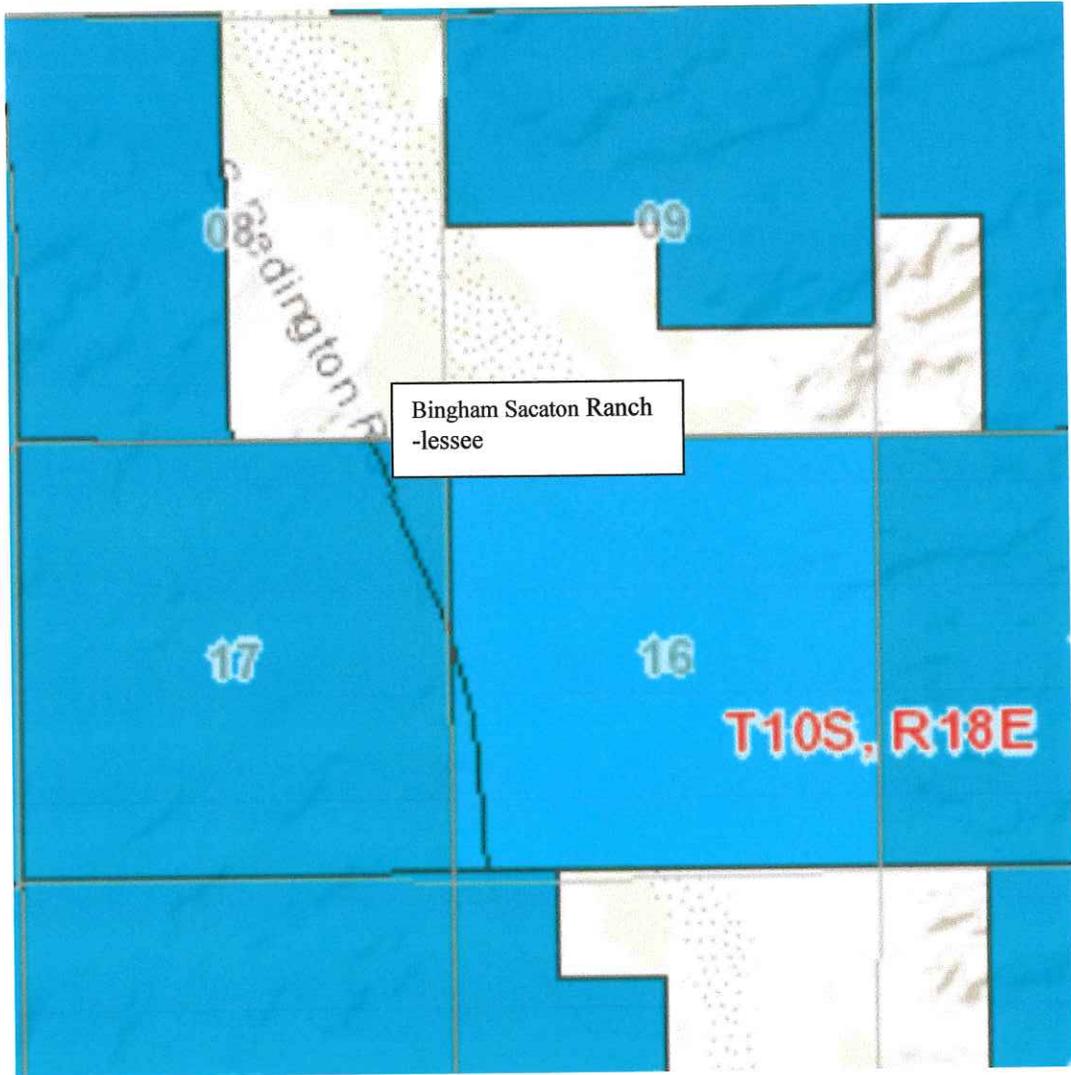
ATTACHMENT B

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 C

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

1
2
3 Carrie Brennan and Kevin Crestin
4 Arizona Attorney General
5 Natural Resources Section
6 2005 North Central
7 Phoenix, AZ 85004

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

13 Bingham Sacaton Ranch, Inc.
14 Gail Williams, statutory agent
15 4849 East 12th St.
16 Tucson, Arizona 85711

17 Jim & Janet Bingham Successor Trustees
18 P.O. Box 675
19 San Manuel, Az 85631

20 Joe P. Sparks and Laurel A. Herrmann
21 The Sparks Law Firm, P.C.
22 7503 First Street
23 Scottsdale, Az 85251-4573

24 John B. Weldon, Jr. and Mark A. McGinnis
25 Salmon, Lewis & Weldon PLC
26 2850 E Camelback Rd, Ste 200
27 Phoenix, AZ 85016

28 Kimberly R. Parks
Arizona Department Of Water Resources
P. O. Box 36020
Phoenix, Az 85067

L. Wm. Staudenmaier and John D. Burnside
Snell & Wilmer, L. L. P.
400 E. Van Buren Street, Ste 1900
Phoenix, AZ 85004-2202

- 1 L. J. Caster, B.J. Heiserman, B. J. Pew
Fennemore Craig, P.C.
- 2 2394 East Camelback Road Ste 600
- 3 Phoenix, AZ 85016-3429

- 4 Linus Everling and Thomas L. Murphy
Gila River Indian Community
- 5 Office Of The General Counsel
P. O. Box 97
- 6 Sacaton, Az 85147

- 7 S. Montgomery, R. Interpreter, J. Tomkus
- 8 Mia A. Montoya Hammersley
Montgomery & Interpreter, PLC
- 9 3301 E. Thunderbird Road
Phoenix, AZ 85032
- 10

- 11 Susan Ward Harris
Special Master
- 12 Central Court Building, Ste 3a
201 West Jefferson
- 13 Phoenix, Az 85003-2205

- 14 U. S. Department of Justice
- 15 Patrick Barry, Josef Negose, and Emmi Blades
Environment and Natural Resources
- 16 P. O. Box 7611
Washington, D.C. 20044-7611
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28