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6 **ARIZONA GENERAL STREAM ADJUDICATION**
7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 IN RE THE GENERAL
10 ADJUDICATION OF ALL RIGHTS
11 TO USE WATER IN THE GILA
12 RIVER SYSTEM AND SOURCE

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. **W1-11-2586**

13 **ORDER INITIATING CONTESTED**
14 **CASE AND SCHEDULING INITIAL**
15 **CONFERENCE HEARING**

16 CONTESTED CASE NAME: *In re Bingham Sacaton Ranch*

17 HSR INVOLVED: San Pedro Hydrographic Survey.

18 DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed
19 to initiate W1-11-2586. Parties who wish to pursue this case are ordered to attend an initial
20 conference hearing scheduled for **Thursday, March 27, 2025, at 11:30 am.**

21 NUMBER OF PAGES: 14

22 **This order opens a case to determine legal rights to use water.**

23 **This case is NOT being initiated because of any improper water use.**

24 **Failure to participate may result in dismissal of potential water rights.**

25 The State of Arizona is currently undergoing a General Stream Adjudication to
26 determine water use rights and create an accurate, enforceable record of those rights. In
27 Arizona, surface water, and water pumped from some wells,¹ belongs to the general
28 public. An enforceable right to use this “appropriable” water may be acquired after review

¹ Arizona law includes wells that may be pumping surface water in the General Stream Adjudication and subject to all requirements for surface well use.

1 and approval by Arizona’s General Stream Adjudication Court. This Court has been
2 instructed to evaluate claims to use water in much of the state of Arizona and determine
3 the date of first use, amount, and type of water use. This process, the “general stream
4 adjudication,” is currently evaluating **the Graham County Parcels listed on Attachment**
5 **E** for potential water rights to be included in the catalog of water rights for the Gila River
6 system.

7 **Current landowners as identifies on Attachment F** who intend to pursue any
8 potential water rights associated with this case must attend the initial status conference
9 scheduled for **Thursday, March 27, 2025, at 11:30 am**. Interested Parties **MUST** attend
10 the scheduled initial conference if they plan to pursue potential water rights. Failure to
11 appear at the initial conference could result in the dismissal of the case and the loss of
12 water rights associated with the property. The conference will be held virtually using the
13 Court Connect program. Instructions for Court Connect are attached as Attachment A.

15 **SUMMARY OF CASE**

16 Arizona Department of Water Resources (“ADWR”) records indicate that Bingham
17 Sacaton Ranch filed Statements of Claimant 39-4959, 39-4966, 39-4967, 39-4974, and
18 39-4975 in 1980, claiming water for stock watering and stockpond uses dating between
19 1890 and 1966. The filing of a Statement of Claimant declares an individual’s intent to
20 claim a water right and begins the process of pursuing that water right with the Court.

21 ADWR investigated the claimed water uses and issued Watershed File Report No.
22 113-09-015 in 1991. After the Watershed File Report was issued, the public was allowed
23 an opportunity to object to the findings in the report if they believed that there were errors
24 or insufficient documentation. This case will determine water rights existing on the
25 property associated with the relevant Watershed File Report and resolve the objections to
26 the Watershed File Report.

27 The Court recognizes that there has been a long delay between the filing of the
28 initial documents and the initiation of this case. Because of this delay, the property has

changed ownership and may have been subdivided. Nonetheless, current landowners may still obtain water rights. Below is a summary of the water uses found on the property at the time of the Report:

Use	SOC(s)	Source	Place of Use
Stockpond	39-4966	San Pedro River	SESESW 18 Township 10S Range 19E
Stockpond	39-4975	San Pedro River	SWSNW 26 Township 10S Range 19E
Stockpond	39-4967	San Pedro River	NENWNW 27 Township 10S Range 19E
Stock watering	39-4959, 39-4966	San Pedro River	NENENE 17 Township 10S Range 19E
Stock watering	39-4975	San Pedro River	SWSWNE 26 Township 10S Range 19E
Stock watering	39-4967	San Pedro River	NWNWNE 27 Township 10S Range 19E

ADWR public records do not contain any assignments of the Statements of Claimant listed in the Watershed File Report nor do the current landowners appear to have filed any additional Statements of Claimant since the issuance of the HSR. Arizona law requires that for parties to obtain a legal water right, they must provide proof of their right by presenting to the Court an updated and accurate Statement of Claimant claiming the relevant water use, in addition to a matching basis of right, e.g. a statement of claim, decree, stockpond registration, or water rights certificate. Landowners must present the following in order to acquire a water right:

- A. Earliest evidence of water use on their property.
- B. An accurate Statement of Claimant in their name. The current landowner may fulfill this requirement by either filing a new statement of claimant or obtaining an assignment or amendment of a preexisting statement of claimant.
- C. A basis of right accurately describing the claimed use.

If the property owner is able to provide proof to the Court showing the existence of a water right on their property, the court can recognize an enforceable water right in a "Final Decree." Ariz. Rev. Stat. § 45-257(B).

OBJECTING PARTIES

Objectors to a potential water right must present the Court with a specific statement objecting to a specific potential water right attribute. Ariz. Rev. Stat. § 45-256(B). The following entities have filed objections in this contested case:

Objector(s)	Summary of Objections
Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation (collectively “the Tribes”)	<ul style="list-style-type: none">• Claimed uses and impoundments interfere with federal and tribal rights.• Claimed water use rate absent.• Certain bases of right absent.• Quantity of water claimed absent from WFR.• WFR does not state place of use for certain pre-adjudication filings.• Certain adjudication and pre-adjudication filings are inconsistent with one another.• Certain claimed uses not found by ADWR.• HSR does not state certain claimed points of diversion.

Copies of objections in this case can be found under the respective case name and number on the following website:

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

ATTACHMENTS TO THIS ORDER:

Attachment A: Instructions on how to appear virtually or telephonically at the **March 27, 2025**, initial conference.

Attachment B: Additional information and resources on the process for determining water rights in Arizona

Attachment C: Copy of WFR No. 113-09-015.

Attachment D: ADWR map showing land investigated in WFR No. 113-09-015.

Attachment E: Map showing the relevant tax parcels

1 Attachment F. List of the current ownership for the identified relevant parcels

2 Attachment G: Initial Court Approved Mailing List

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4 **IT IS ORDERED** initiating contested case W1-11-2586, In re Bingham Sacaton
5 Ranch, and scheduling an initial conference hearing for **Thursday, March 27, 2025, at**
6 **11:30 am.** The initial Court-approved mailing list for this case shall include all parties
7 listed on Attachment E to this order. Any document filed in this case must be served on
8 all parties listed on the Court-Approved Mailing List. The list may be modified only by
9 Court order. Anyone who would like to receive courtesy copies of minute entries and
10 orders may request inclusion on an email list by sending a request to:

11 *emily.natale@jbazmc.maricopa.gov.*

12 If parties have questions regarding this Order or any of the attachments, please
13 contact the Office of the Special Water Master, at (602) 372-4115. Please note that staff
14 can only answer administrative questions and cannot provide legal advice.

15 Signed this 12th day of February 2025.

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19 Sherri L. Zendri
20 Special Water Master

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22 On February 12, 2025, the original of
23 the foregoing was delivered to the Clerk of the
24 Maricopa County Superior Court for filing and
25 distributing a copy to all persons listed on the
26 Court-approved mailing list for this contested
27 case, a copy of which is attached, and to all persons
28 listed on the Court-approved mailing list for W1,
W2, W3, and W4.

Emily Natale

ATTACHMENT A



Court Connect Hearing Notice for In re Bingham Sacaton Ranch

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 Bingham Sacaton Ranch

Contested Case No. W1-11-2586

Start Date/Time: Thursday, March 27, 2025, at 11:30 am.

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](#)

ATTACHMENT B

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 (both surface and groundwater) 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 SOC contains, 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 SOC, the Arizona Department of Water Resources (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the claims in the SOC 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.

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ATTACHMENT C
Watershed File Report

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
BINGHAM SACATON RANCH	113-09-015

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
3R-0002541.0001	CERTIF.	STOCK	.32	SESW18	100S	190E	1966	SESW18	100S	190E
3R-0002543.0001	CERTIF.	STOCK	.22	NWNW27	100S	190E	1966	NWNW27	100S	190E
36-0027322		STOCK	.32	SESW18	100S	190E	1918	SESW18	100S	190E
36-0027326.0001		STOCK	.22	SENW26	100S	190E	1918	SENW26	100S	190E
36-0027329.0001		STOCK	.21				1918	NWSW25	100S	190E
36-0027336		STOCK	.22	NWNW27	100S	190E	1918	NWNW27	100S	190E
38-0027305		STOCK	.11	NWSW25	100S	190E	1979	NWSW25	100S	190E
38-0027308		STOCK	3.00	SENW26	100S	190E	1953	SENW26	100S	190E
39-0004959		STOCK		09	100S	190E	1890		100S	190E
				10	100S	190E				
				NW16	100S	190E				
39-0004966		STOCK	.32	SESW18	100S	190E	1890	SESW18	100S	190E
39-0004967		STOCK	.22	NWNW27	100S	190E	1890	NWNW27	100S	190E
39-0004974		STOCK	.32	NWSE26	100S	190E	1890	NWSW25	100S	190E
39-0004975		STOCK	2.50	SENW26	100S	190E	1890	SENW26	100S	190E

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
3R-0002541.0001	STOCK	STOCK		SPO01
3R-0002543.0001	STOCK	STOCK		SPO03
36-0027322	STOCK	STOCK		SPO01
36-0027326.0001	STOCK	STOCK		SPO02
36-0027329.0001	STOCK	NONE		
36-0027336	STOCK	STOCK		SPO03
38-0027305	STOCK	NONE		
38-0027308	STOCK	STOCK		SPO02
39-0004959	STOCK	STOCK		SPO01
39-0004966	STOCK	STOCK		SPO01, SPO01
39-0004967	STOCK	STOCK		SPO03, SPO03
39-0004974	STOCK	NONE		
39-0004975	STOCK	STOCK		SPO02, SPO02

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
SPO01	NENENE17	100S	190E		SURFACE WATER		NO	INSTREAM USE
SPO02	SWSWNE26	100S	190E		SURFACE WATER		NO	INSTREAM USE
SPO03	NWNWNE27	100S	190E		SURFACE WATER		NO	INSTREAM USE

R E S E R V O I R S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPO01	SESESW18	100S	190E		SURFACE WATER	1972	HALL #1	STOCKWATERING
SPO02	SWSWNE26	100S	190E		SURFACE WATER	1972	BELOW STEEL TANK	STOCKWATERING
SPO03	NENWNE27	100S	190E		SURFACE WATER	1972	HALL #2	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
SPO01	39-0004966	3R-0002541.0001	1966	FILING 3R-2541	SURFACE WATER: SAN PEDRO RIVER
SPO02	39-0004975	38-0027308	1953	FILING 38-27308	SURFACE WATER: SAN PEDRO RIVER
SPO03	39-0004967	3R-0002543.0001	1966	FILING 3R-2543	SURFACE WATER: SAN PEDRO RIVER
SPO01	39-0004959	36-0027322	1918	FILING 36-27322	SURFACE WATER: SAN PEDRO RIVER

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SW001	39-0004966			
SW002	39-0004975	36-0027326.0001	1918 FILING 36-27326	SURFACE WATER: SAN PEDRO RIVER
SW003	39-0004967	36-0027336	1918 FILING 36-27336	SURFACE WATER: SAN PEDRO RIVER
NONE	39-0004974	36-0027329.0001 38-0027305		

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
SPO01	MAX. AREA/CAP	.6				3.2 AF	
SPO02	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SPO03	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SW001							SEE VOLUME 1 - GENERAL ASSESSMENT
SW002							SEE VOLUME 1 - GENERAL ASSESSMENT
SW003							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 36-27329, 38-27305 & 39-4974 - CLAIM STOCKWATERING USES. NO STOCKWATERING USES WERE FOUND AT THE CLAIMED LOCATIONS.

USES AND RESERVOIRS

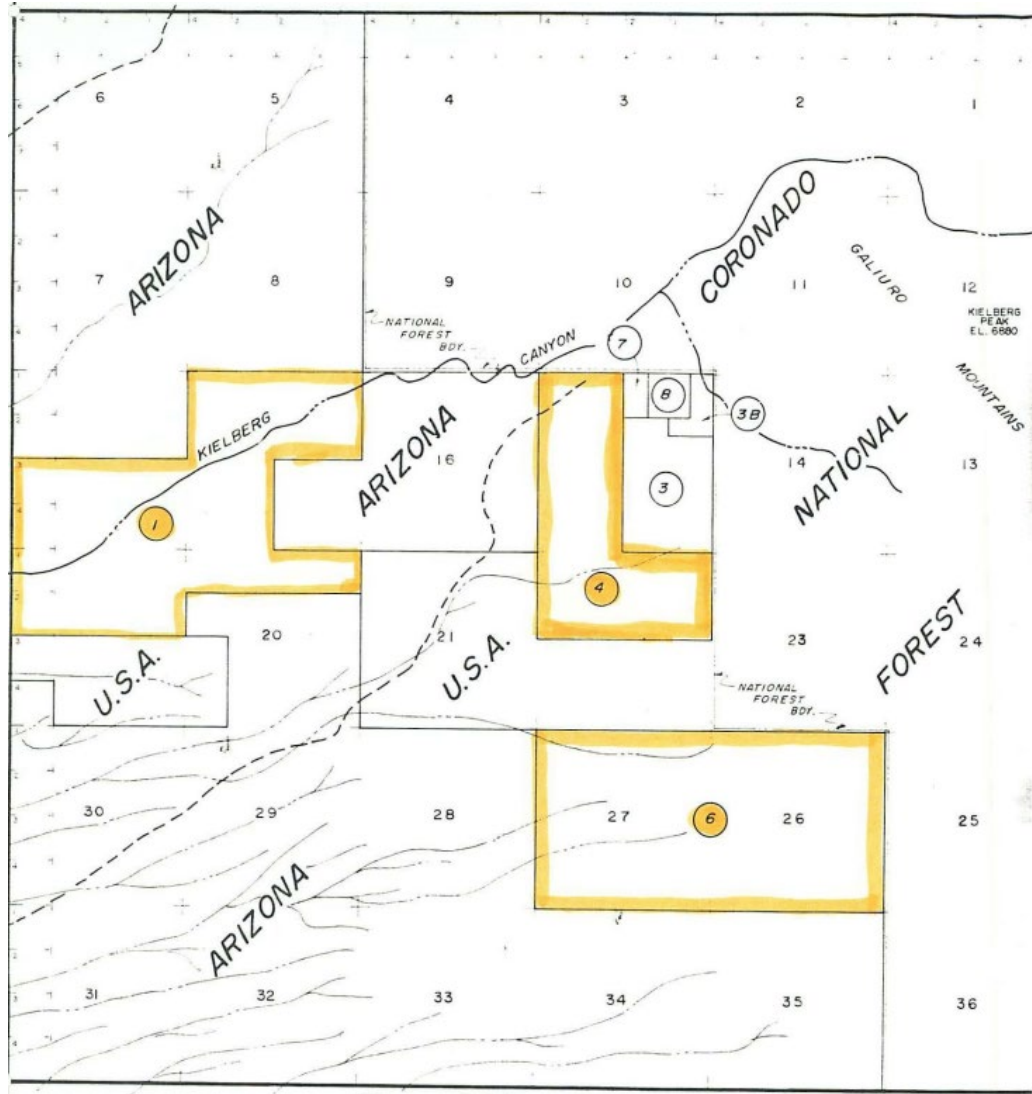
SP1 - HALL #1 STOCKPOND.
SP2 - BELOW STEEL TANK STOCKPOND.
SP3 - HALL #2 STOCKPOND.
SW1 - INSTREAM STOCKWATERING AND WILDLIFE USES FROM KIELBERG CANYON.
SW2 - INSTREAM STOCKWATERING AND WILDLIFE USES FROM BATEMAN WASH.
SW3 - INSTREAM STOCKWATERING AND WILDLIFE USES FROM HALL #2 WASH.

QUANTITIES OF USE

SP1 - FILING 3R-2541 STATES A CERTIFICATED STOCKPOND CAPACITY OF 1.64 ACRE-FEET.
SP3 - FILING 3R-2543 STATES A CERTIFICATED STOCKPOND CAPACITY OF 2.81 ACRE-FEET.

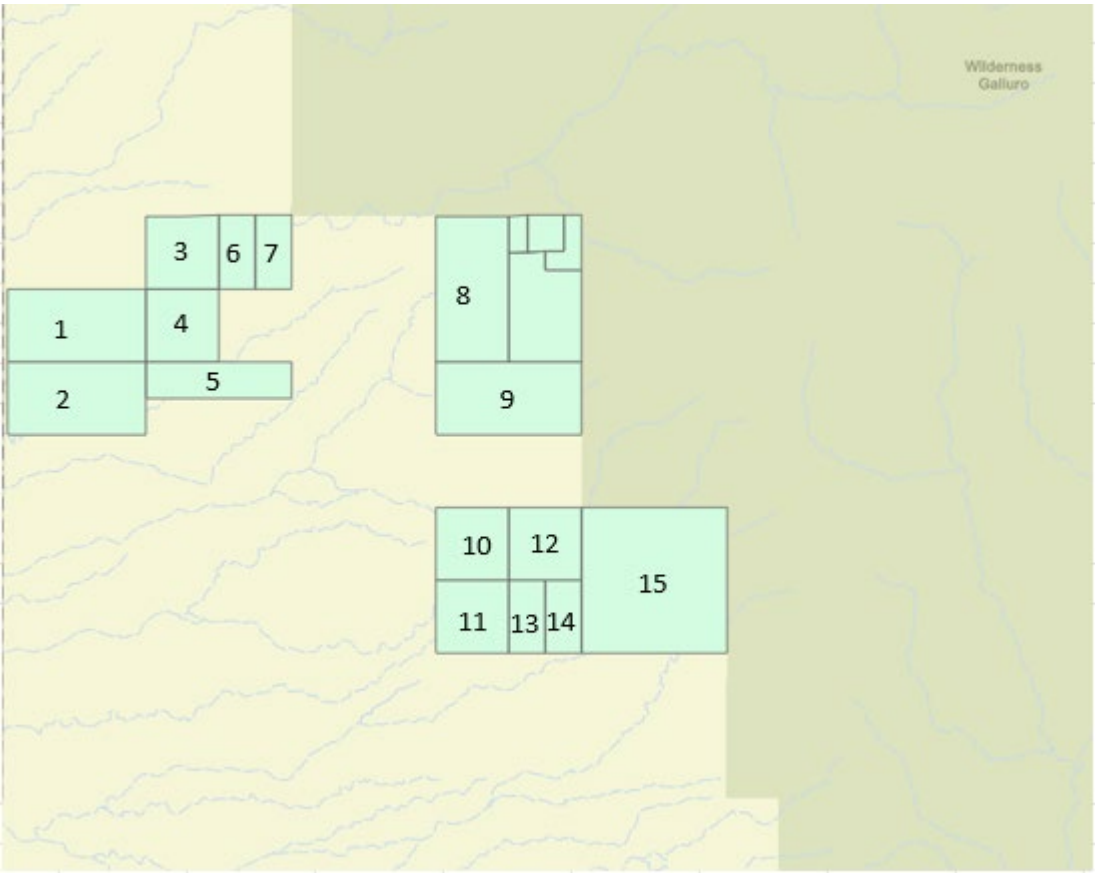
ATTACHMENT D

ADWR Map of Area Investigated



ATTACHMENT E

Graham County Assessor Map of Relevant Parcels



ATTACHMENT F

Property Owners of Relevant Parcels

#	Parcel	Name
1	11116001D	Danny Q. & Maricella M. Carrasco
2	11116001J	Danny Q. & Maricella M. Carrasco
3	11116001F	The Wilson Trust
4	11116001E	Danny Q. & Maricella M. Carrasco
5	11116001K	Danny Q. & Maricella M. Carrasco
6	11116001L	The Wilson Trust
7	11116001M	The Wilson Trust
8	11116004A	RDF Land & Cattle Company LLC
9	11116004B	Kalgoorlie LLC
10	11116006E	Lymy Beth & Mark Toenies
11	11116006G	Michelle Brobeck
12	11116006F	Jon C. & Kathleen O. Sjogren
13	11116006C	Brobeck Michelle
14	11116006B	William Jack & Marjorie Jean Lapedus
15	11116006A	Kalgoorlie LLC

ATTACHMENT G

Initial Court-Approved Mailing List

Arizona Department of Water Resources Karen J. Nielsen 1110 West Washington, Suite 310 Phoenix, AZ 85007	Merrill C. Godfrey and Brette A. Pena Akin Gump Straus Hauer & Feld LLP 2001 K Street, N.W. Washington, DC 20006
Clerk of the Superior Court Maricopa County Attn: Water Case 601 West Jackson St. Phoenix, AZ 85003	Bingham Sacaton Ranch P.O. Box 675 San Manuel, AZ 85631
Special Master Sherri Zendri Superior Court of Arizona 201 W. Jefferson Street Courtroom 301 Phoenix, AZ 85003	Danny Q & Maricella M Carrasco 1870 W Wetmore Rd Tucson, AZ 85705-2141
Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550	RDF Land and Cattle Company c/o William V. Noland 9281 N Sea Otter Pl. Tucson, AZ 85742
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	Kalgoorlie LLC c/o David A McEvoy 4560 E Camp Lowell Dr. Tucson, AZ 85712
Jeremiah Weiner, Brett J. Stavin, and Jay Lee Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281	Lymy Beth & Mark Toenies 63 Circulo Verdugo Rio Rico, AZ 85648-6001
Susan B. Montgomery, Robyn Interpreter, Montgomery & Interpreter PLC 3301 E Thunderbird Road Phoenix, AZ 85032	Michelle Brobeck 1531 W Canada Verde Dr Tucson, AZ 85704-8305
Gila River Indian Community Javier Ramos and Michael Carter Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147	Jon C & Kathleen O Sjogren 110 W Meadowbrook Dr Tucson, AZ 85704-6712
	William Jack & Marjorie Jean Lapedus 5071 N Myakka Ave Tucson, AZ 85705-1125
	The Wilson Trust 3818 E Diablo Canyon Pl Tucson, AZ 85718-23