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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. W1-11-2600

ORDER TO INITIATE A CONTESTED CASE

AND

ORDER SETTING TELEPHONIC STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Sacaton Bingham Ranch Limited Partnership*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Case initiated to adjudicate claims for rights to water for irrigation and stock watering uses investigated in Watershed File Report 113-09-CB-003. A telephonic status conference is set for 2:30 p.m. on **July 13, 2020**.
NUMBER OF PAGES: 11
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 stock watering uses and to resolve objections to Watershed File Report 113-09-CB-003 (“WFR”)
4 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The
5 WFR identified potential water rights in the southwest quarter of Section 9 T10S R18E. The
6 identified sources of water are surface water from the San Pedro River and a well. A copy of the
7 WFR is attached as Attachment A. A copy of the map prepared for the WFR is attached as
8 Attachment B on which the land is labelled as “(3)”.

10 On June 30, 1980, Bingham Sacaton Ranch filed Statements of Claimant 39-4960, 39-
11 4961, and 39-4972 for water rights for irrigation, domestic and stock watering. The public
12 records of the Arizona Department of Water Resources do not contain an assignment of the
13 Statements of Claimant. According to the Pinal County Assessor, the land shown as irrigated on
14 Attachment B and the land described as the place of use for stock watering (SWSESW section 9
15 T10S R18E) is owned by Jim and Janet Bingham, Successor Trustees. Map of tax parcel 307-
16 31-009A is attached as Attachment C.

18 The Arizona State Land Department filed Statements of Claimant 39-7162 and 39-7163.

19
20 **IT IS ORDERED:**

21 1. Contested Case. This contested case shall be known as *In re Sacaton Bingham*
22 *Ranch Limited Partnership* and it will address Statements of Claimant listed in and the objections
23 to Watershed File Report 113-09-CB-003 published in the Final San Pedro River Watershed
24 Hydrographic Survey Report (1991). Copies of objections can be found under the case name and
25 number on the following website:
26 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>
27
28

1 2. Litigants. The litigants in this contested case are the Claimants, the current
2 landowners, all persons who filed objections to the Watershed File Report who are included in the
3 list on Attachment D, and claimants who are allowed to intervene by order.

4
5 3. Court-Approved Mailing List.

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

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

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

16
17
18 4. Courtesy Email List.

19 The Special Master's office will email courtesy copies of orders and minute entries
20 entered in this case to persons listed on Attachment D. Requests for inclusions on
21 the email list should be sent to Barbara Brown at
22 brownb099@superiorcourt.maricopa.gov.


23
24 5. Arizona State Land Department. The Arizona State Land Department shall be
25 prepared at the Status Conference to identify whether it makes any claim to water used on the
26 southwest quarter of Section 9 T10S R18E and whether it intends to assert a claim for water use in
27 this contested case.
28

1 6. Bingham Sacaton Ranch shall be prepared at the Status Conference to identify
2 whether it makes any claim to water used on the southwest quarter of Section 9 T10S R18E and
3 whether it intends to assert a claim for water use in this contested case and, if not, whether it
4 intends to assign its Statements of Claimant to the current owners.

5 7. Jim and Janet Bingham, as Successor Trustees shall be prepared at the Status
6 Conference identify whether it makes any claim to water use on the southwest quarter of Section 9
7 T10S R18E and whether it intends to assert a claim for water use in this contested case and
8 whether it intends to obtain an assignment of the Statements of Claimant filed by Bingham Sacaton
9 Ranch.
10

11 8. Telephonic Status Conference. The Status Conference shall be held on **July 13,**
12 **2019,** at 2:30 p.m.

13
14 Instructions for telephonic appearance:
15 Dial: 602-506-9695 (local)
16 1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#

17
18
19 
20 _____
Susan Ward Harris
Special Master

21
22 The original of the foregoing was delivered to the Clerk of
23 the Maricopa County Superior Court on May 4, 2020, for
24 filing and distributing a copy to all persons listed on the
25 Court approved mailing list for this contested case which is
26 attached as Attachment D and to all persons listed on the
27 Court-approved mailing list for W-1, W-2, W-3, and W-4
28 (Consolidated).

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
SACATON BINGHAM RANCH	113-09-CB-003
LIMITED PARTNERSHIP	

APPLICABLE FILINGS AND DECREES

W1-11-2600

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
10-1101395.1100		IRRIGATION	1800.00	NE08	100S	180E	1880	NE08	100S	180E
10-1103235.1100		IRRIGATION		09	100S	180E	1885	10	100S	180E
		STOCK		16	100S	180E				
10-1103243.1100		IRRIGATION	27000.00	SW09	100S	180E	< 1886		100S	180E
10-1103256.1100		IRRIGATION	27000.00	NE08	100S	180E	1886	NE08	100S	180E
10-1104317.1100		IRRIGATION		NE08	100S	180E	1893	NW16	100S	180E
36-0027330		IRRIGATION	800.00	NESW16	100S	180E	1917	NESW16	100S	180E
		STOCK								
39-0004960		STOCK	80.65	08	100S	180E	1890	SW09	100S	180E
				SW09	100S	180E				
39-0004961 /		DOMESTIC	.02	NWNW16	100S	180E	1970	NENWNW16	100S	180E
		STOCK	.15							
39-0004972 /		IRRIGATION	1000.00	16	100S	180E	1953	SENE08	100S	180E
		STOCK		NENE17	100S	180E				
39-0007162 /		STOCK	2.26	NWNW16	100S	180E	1853	NENWNW16	100S	180E
		OTHER	64.00							
39-0007163 /		IRRIGATION	784.00	16	060S	180E	1853	SENE08	100S	180E
		OTHER	64.00							
4A-0000452	CERTIF.	STOCK	90.33	SWSW10	100S	180E	1924	SWSW10	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
10-1101395.1100	IRRIGATION	NONE		
10-1103235.1100	IRRIGATION	DISCONTINUED		IR090
	STOCK	INCIDENTAL		
10-1103243.1100	IRRIGATION	DISCONTINUED		IR090
10-1103256.1100	IRRIGATION	NONE		
10-1104317.1100	IRRIGATION	NONE		
36-0027330	IRRIGATION	DISCONTINUED	W01	IR090
	STOCK	INCIDENTAL		
39-0004960	STOCK	STOCK		S0001
39-0004961	DOMESTIC	NOT APPLICABLE	W03	
	STOCK	NOT APPLICABLE		
39-0004972	IRRIGATION	DISCONTINUED	W01	IR090
	STOCK	INCIDENTAL		
39-0007162	STOCK	INCIDENTAL	W03	
	OTHER	NONAPPROPRIABLE		
39-0007163	IRRIGATION	DISCONTINUED	W01	IR090
	OTHER	NONAPPROPRIABLE		
4A-0000452	STOCK	SPRING		

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	NENESW16	100S	180E	BIG PUMP	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W03	SWSWSW09	100S	180E	DUG WELL	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IR090	SWSW09	100S	180E	W01	GROUNDWATER : ZONE 1	1945	NO	
S0001	SWSWSW09	100S	180E		SURFACE WATER		NO	INSTREAM USE

** WATER FROM W01 FOUND IN FILE (113-09-CB-8) IS USED IN THIS FILE
 ** WATER FROM W03 IS SHARED WITH THESE ADDITIONAL FILES:
 113-09-CB-8

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS FOR DATE	
IR090	39-0004972 39-0007163	10-1103235.1100 10-1103243.1100 36-0027330	1945 1945 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
SW001	39-0004960	NONE		SURFACE WATER: SAN PEDRO RIVER
NONE	39-0004961 39-0007162	10-1101395.1100 10-1103256.1100 10-1104317.1100 4A-0000452		

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IR090	REGIONAL	.4	NO CROP				DISCONTINUED IRRG. SEE VOLUME 1 - GENERAL ASSESSMENT
SW001							

EXPLANATION

FILINGS AND DECREES

FILINGS 10-1101395-11 & 10-1103256-11 - CLAIM IRRIGATION WATER USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATIONS.
 FILING 10-1104317-11 - CLAIMS IRRIGATION WATER USES FROM THE SAN PEDRO RIVER. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.
 FILING 39-4691 - CLAIMS DOMESTIC AND STOCKWATERING USES WHICH DO NOT APPLY TO THIS PROPERTY.
 FILINGS 39-7162 & 39-7163 - CLAIM RAINFALL RETENTION AS "OTHER" USES. RAINFALL RETENTION IS CONSIDERED TO BE A NONAPPROPRIABLE USE.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.
 W3 - WELL PROVIDES WATER FOR STOCKWATERING USE.

USES AND RESERVOIRS

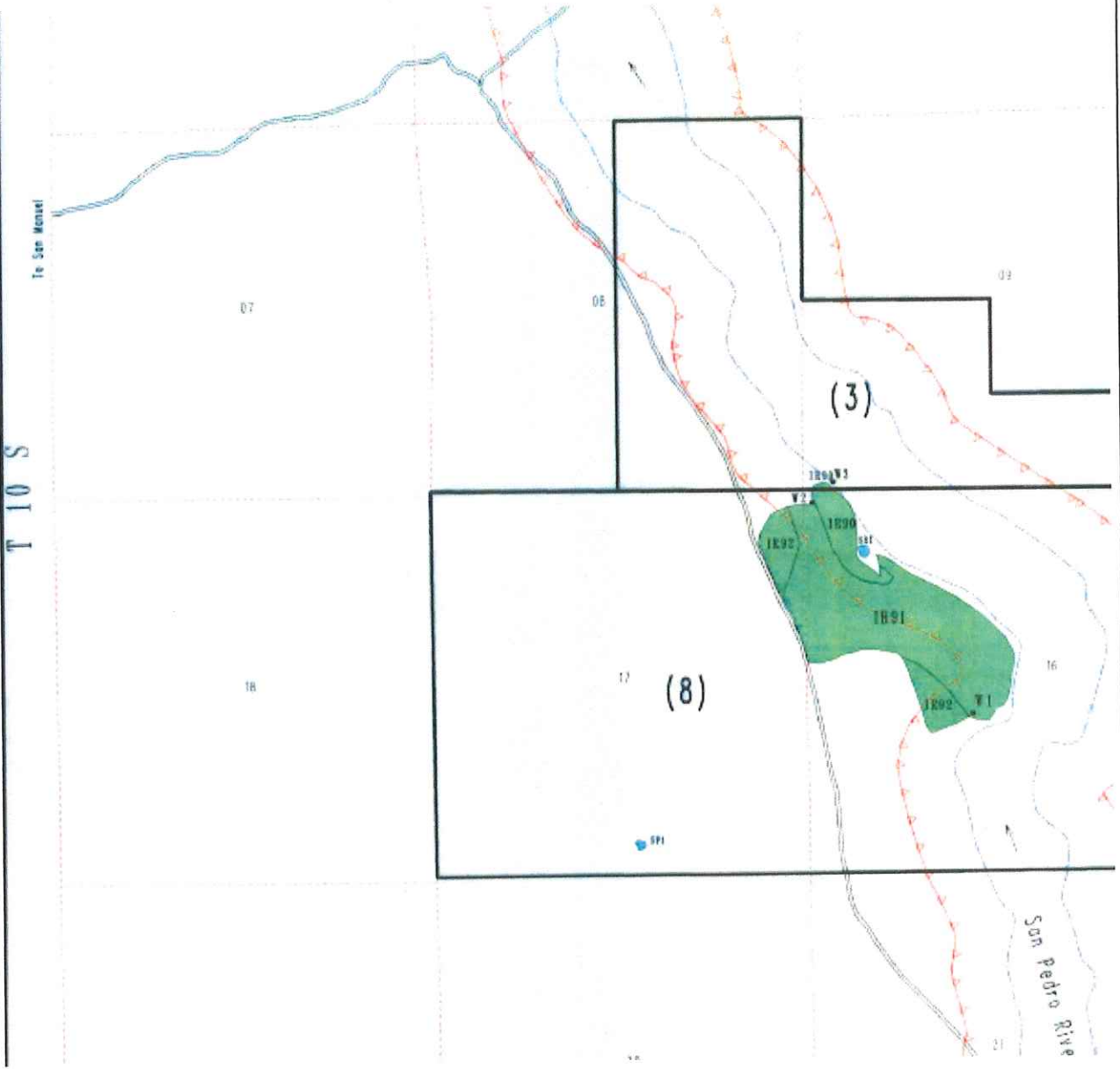
IR90 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.
 SW1 - INSTREAM STOCKWATERING USE FROM THE SAN PEDRO RIVER.

SHARED USES AND DIVERSIONS

W1 & W3 - WELLS ARE SHARED WITH W.F.R. #113-09-CB-8.

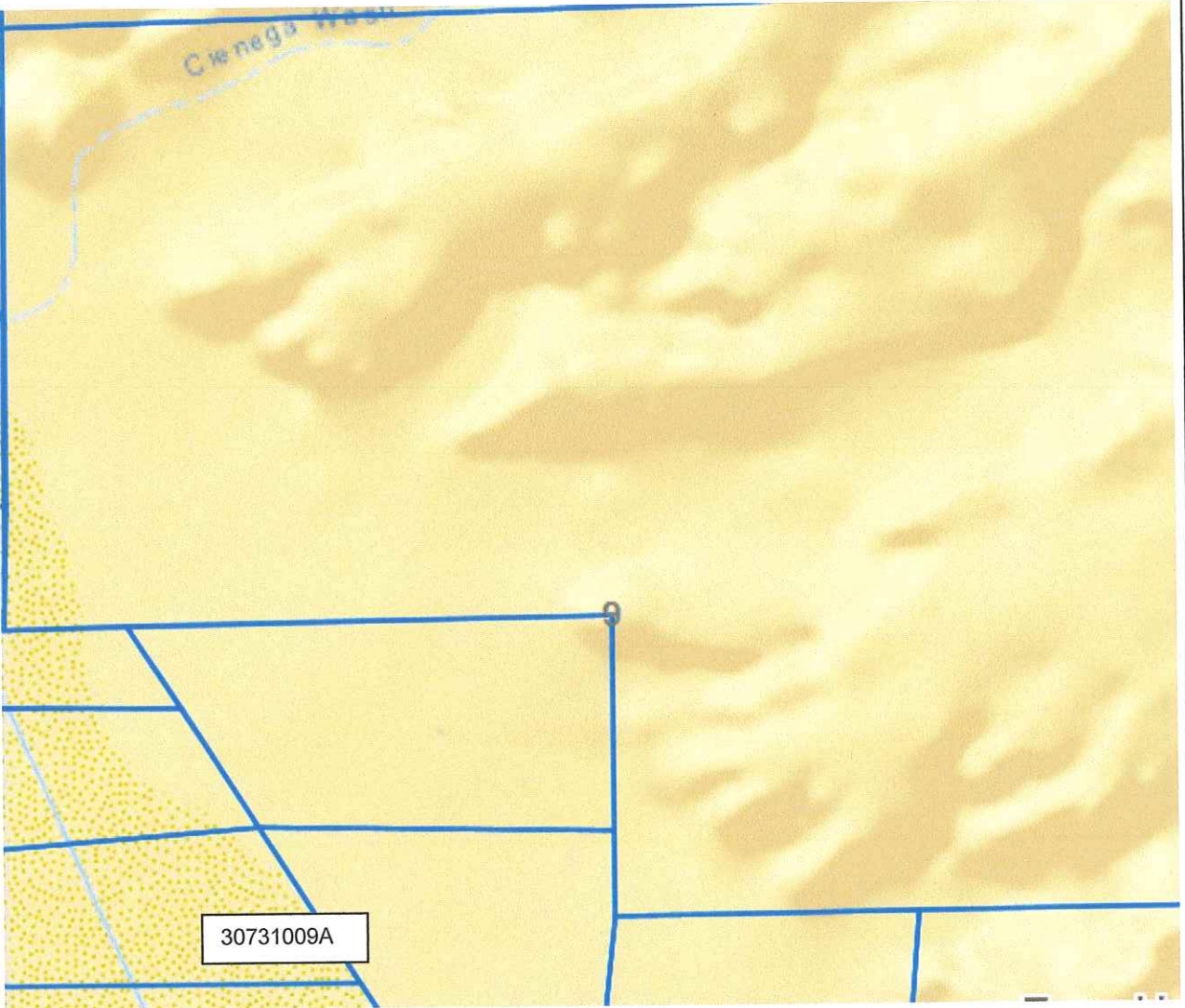
ATTACHMENT B

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ATTACHMENT C

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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

L. J. Caster, B.J. Heiserman, B. J. Pew
Fennemore Craig, P.C.

1 2394 East Camelback Road Ste 600
Phoenix, AZ 85016-3429

2
3 Linus Everling and Thomas L. Murphy
4 Gila River Indian Community
5 Office Of The General Counsel
6 P. O. Box 97
7 Sacaton, Az 85147

8 S. Montgomery, R. Interpreter, J. Tomkus
9 Mia A. Montoya Hammersley
10 Montgomery & Interpreter, PLC
11 3301 E. Thunderbird Road
12 Phoenix, AZ 85032

13
14 Susan Ward Harris
15 Special Master
16 Central Court Building, Ste 3a
17 201 West Jefferson
18 Phoenix, Az 85003-2205

19
20 U. S. Department of Justice
21 Patrick Barry, Josef Negose, and Emmi Blades
22 Environment and Natural Resources
23 P. O. Box 7611
24 Washington, D.C. 20044-7611

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