

Pima-Maricopa Irrigation Project

Education Initiative

2002-2003



Restoring water to ensure the continuity of the Akimel O’otham and Pee Posh tradition of agriculture

The Florence-Casa Grande Project

Part 30

When Congress authorized the construction of Ashurst-Hayden and Sacaton diversion dams, it also created the Florence-Casa Grande Project. This project was to be for the primary benefit of the Pima Reservation by harnessing the floodwaters of the Gila River and making them available to Pima farmers. But, while the Senate debate on the project clearly indicated a desire to provide the Pimas with “all the water they needed,” the law creating the Florence-Casa Grande Project gave the Secretary of the Interior the authority to negotiate a water division agreement with non-Indian water users in the Florence-Casa Grande Valley. As Arizona Representative Carl Hayden had long argued, a joint-use system would provide the Pimas with water, off reservation farmers with better diversion works, and both groups with a means of lessening the costs of construction and operation and maintenance by sharing them.

Such a joint-use system diverted the natural flow of the Gila River between Indian and non-Indian lands. To reduce costs, the Casa Grande Canal, running parallel to the old Florence Canal and partially constructed by the Casa Grande Water User’s Association before it went bankrupt in 1915, was purchased, extended and projected as the mechanism to supplement the supply of water on the reservation. The construction of the diversion dams and the Florence-Casa Grande Project, however, were conditioned on the ability of the Secretary to make “satisfactory adjustments” to existing water rights and the water that would be distributed by the project. Without a landowner’s agreement, there would be no diversion dams.

Negotiations between the Interior Department and off-reservation landowners in the Florence-Casa Grande area began almost immediately. While the Secretary negotiated directly with non-Indian landowners, he did not do so with the Indians. Based on legal interpretations of the day and the guardian-ward relationship, the Secretary simply negotiated on behalf of the Indians. The Pima and Maricopa did not have an opportunity to participate in the process and were ultimately subject to whatever agreement the Secretary might make on their behalf.

The off-reservation landowners “insisted on a division of the available waters,” a proposition that ignored the original Congressional intent of providing the Pimas with all the water they might need. Hayden and Assistant Indian Commissioner Edgar Merritt opposed what they considered to be a limitation on the Indian Service’s ability to “do what was best.” Senator Joseph Robinson had prophesied such an omission would limit the water rights of the Indians. Robinson had been vocal in his support of the law guaranteeing Pima water rights, arguing that if Congress agreed the Pimas had priority water rights then “Why should it not be incorporated in the bill?”

Hayden opposed a legislative limitation, fearing non-Indian landowners would not consent to government acquisition of the canal if their rights and interests were not protected. Hayden acknowledged that the irrigation project could have been built similar to Reclamation Service projects in that the entire cost could have been charged to the Indian lands with any surplus water furnished to private landowners “on a rental basis.” Hayden did not see this as feasible. The only other option, according to Hayden, was to authorize the Secretary to enter into an agreement with private landowners to pay their share of the project. This would protect the rights of non-Indian landowners who were then using the water as well as those whose rights were prioritized by the Lockwood Decree of 1916.

The Florence-Casa Grande Project was designed to provide water to 62,000 acres of land, 35,000 acres on the reservation and 27,000 acres in the Florence-Casa Grande area. The original plan was to allow water for Pima farmlands to continue down the Gila River to be diverted by Sacaton Dam into the Santan Floodwater and Little Gila (Casa Blanca) Canals. In times of low flow, when water seepage would prevent an adequate amount from continuing downstream, water for the Pimas would be diverted through the government-controlled Florence-Casa Grande Canal and carried over a newly constructed Pima Lateral to the reservation. The 1916 legislation gave the Secretary authority to designate which lands would be eligible for the project and which would not. The cost of the project was to be divided according to the division of the water. Indian farmers would be responsible for 35/62 of the project costs with non-Indian farmers being assessed 27/62 of the cost.

When the Secretary negotiated the landowners' agreement, it included language that was not found in the 1916 legislation. The agreement divided the natural flow of Gila River water between Pima farmers on the reservation and non-Indian farmers in the Florence-Casa Grande Valley. Of the first 300 cubic feet per second (cfs) of water, the Indian share would be 60.6% of the water, with non-Indians receiving 39.4%. The reservation would receive 51.7% of any flow between 301-600 cfs, with off-reservation lands in the Florence-Casa Grande area receiving 48.3%. The Indians were to receive 56.1% of any flow above 600 cfs, with non-Indians receiving the remaining 43.9% of the water.

The agreement also included an interesting provision that denied the Pimas water during times of insufficient flow, raising old arguments from the 1890s that even if Florence farmers turned back into the river the flow of the water it would not reach the reservation due to its absorption into the sandy riverbed. Consequently, the agreement included a provision that in times of diminished flow, if the Indian share was "too small to reach the Indian reservation," the Secretary or his designated agent, "shall permit all of the said water to be applied to the irrigation of privately owned lands in accordance with their priorities." By so dividing the water, the time immemorial rights of the Pima were again denied, weakening the foundation of the agreement from the beginning.

While the Indian Service selected the lands to be irrigated on the reservation (generally the primary or A allotments on the eastern half of the reservation) farmers off the reservation had to convince the Secretary as to the merit and priority of their lands being irrigated. By May 1919, the Secretary had contracts for more than 80,000 acres of land off the reservation. These parcels were anywhere from 5 acres to as many as 4,145 acres in size and represented land that eligible non-Indian landowners were willing to include in the project.

By late summer, John T. Reeves of the Indian Service hammered out an agreement between the landowners and the Interior Department, with 85-90% of the eligible land signed up under contract. Reeves, who was in charge of contacting landowners off the reservation, gave priority to previously irrigated and farmed land. Commissioner of Indian Affairs Cato Sells estimated there was between 12,000 and 13,000 acres of non-Indian lands with "vested water rights." In May of 1920, Interior Secretary John Barton Payne accepted the agreement and declared the Florence-Casa Grande Project feasible. The agreement included 26,304.50 acres of land that had priority rights to water under the Florence-Casa Grande Project.

The landowner's agreement was less than beneficial to reservation interests. In 1919, Sells admitted that the division of the water was "manifestly unfair to the Indians." The Indian Rights Association argued the project "resulted disastrously" to the Pimas. "The outside settlers control the only canal available to carry water," the Association concluded, "so that, during the past two years, very little water has been allowed to reach the Pima land." The sinking of new wells off the reservation compounded the matter and was "directly depriving the Pimas of water for irrigation."

William Alexander Brown, Vice President of the Indian Rights Association, informed H.M. Lord, director of the Bureau of the Budget, that the Pimas were "now more helpless" than ever. Brown admonished Lord to consider a \$500,000 appropriation to immediately begin building the necessary

canals to deliver water to the reservation. Not less than \$250,000, Brown reasoned, should be immediately appropriated to begin the construction of a delivery system.

The Florence-Casa Grande Project was given official approval to move forward in May of 1919. With it, Carl Hayden gained an important victory for the larger San Carlos Irrigation Project. Congress had now committed substantial financial resources towards the construction of a reclamation project that was to first and foremost convey water to Pima allottees farming the land. Yet, when all was said and done, the landowners' agreement circumscribed the intent of Congress and did little to protect Pima rights to the water. Having water rights to 35,000 acres of land, the Pimas struggled to farm 15,000 acres.

The Florence-Casa Grande Project Word Search

N	V	C	A	S	A	G	R	A	N	D	E	X
L	V	R	N	F	T	M	G	T	E	N	L	H
V	M	M	E	V	L	R	N	S	P	L	C	W
X	R	M	M	V	E	O	U	R	F	K	Z	A
F	T	M	P	E	I	-	R	H	Z	A	K	B
T	V	L	M	Y	T	R	V	E	P	N	D	S
G	K	E	W	N	C	D	A	O	N	G	K	O
Y	N	Y	I	E	C	K	C	L	Y	C	M	R
T	L	O	V	D	Y	I	Y	W	I	T	E	P
Z	J	Q	X	Y	R	R	X	C	Y	G	A	T
V	P	K	M	A	K	D	C	X	C	K	M	I
G	G	R	M	H	L	M	Y	L	V	K	I	O
S	T	N	E	M	T	S	U	J	D	A	P	N

Read the sentences below and then find the words found in CAPITAL LETTERS and in **bold** print.

1. When water sinks into the sand it is an example of **ABSORPTION**.
2. When one makes changes to a document they are called **ADJUSTMENTS**.
3. The Florence-Casa Grande Project required a landowners' **AGREEMENT**.
4. The **CASAGRANDE** Canal was purchased by the federal government to carry water.
5. The project of 1916 was called the **FLORENCE**-Casa Grande Project.
6. The water of the **GILA RIVER** was diverted into the canals of the project.
7. Arizona Representative Carl **HAYDEN** supported this project.
8. The project was to benefit both Indian and non-Indian farmers and was therefore called a **JOINT-USE** project.
9. The **MARICOPA** tribe didn't benefit much from this project, as it did not affect the west end of the reservation.
10. The **PIMA** living on the eastern half of the reservation would benefit the most with this project.

Teacher Plan for “Florence-Casa Grande Project”

Terms to know and understand

- Joint-use
- Adjustments
- Negotiate
- Guardian-ward
- Debate
- Absorption

Critical Thinking:

- Most people considered Carl Hayden a friend of the Pima. He wanted Pima water restored, but he also wanted to find a way to protect the rights of non-Indians living east and south of the reservation. Hence, he proposed a joint-use irrigation project. To get Congressional support for the Florence-Casa Grande Project (which was really just a small part of the San Carlos Irrigation Project), Hayden had to sell the bill as benefiting the Pima and Maricopa on Pima Reservation. Was it appropriate for Hayden to “use the Pimas” to gain Congressional support for the bill? Think about the benefit (if any) the Pimas would receive from the bill.

Activities

- As students read the selection, have them identify issues Congress intended to address with the 1916 legislation creating the Florence-Casa Grande Project. What did Congress believe the bill would do? Then have the students identify what the Florence-Casa Grande landowners’ agreement actually included. How were the two similar? How were they different? Which one appeared to better protect Pima rights to the water?
- By the latter 19th century, the federal courts had carefully crafted the legal doctrine of the guardian-ward relationship. Under this relationship, American Indians were classified as wards of the government. The government itself—through the Bureau of Indian Affairs—was the guardian. What rights does a guardian have? What about the ward?
- Have one group of students choose a water related issue. Then have one group of students determine an appropriate (or desired) use of the water. Have the students debate the pros and cons of the proposal. Allow them time to debate the issues and make compromises (if necessary). Then have them vote on the bill. Does the final bill look any different than the original one? Why?

About P-MIP

The Pima-Maricopa Irrigation Project is authorized by the Gila River Indian Community to construct all irrigation systems for the Community. When fully completed, P-MIP will provide irrigation for up to 146,330 acres of farmland. P-MIP is dedicated to three long-range goals:

- Restoring water to the Akimel O’otham and Pee Posh.
- Putting Akimel O’otham and Pee Posh rights to the use of water to beneficial use.
- Demonstrating and exercising sound management to ensure continuity of the Community’s traditional economy of agriculture.

Students will be able to:

1. Compare and contrast the Congressional intent of the Florence-Casa Grande Project bill and the actual implementation of the law.
2. Debate the pros and cons of a particular issue and then reach a decision through majority vote.

Objectives