



# Arizona Department of Water Resources

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Phoenix, Arizona 85004  
(602) 255-1553

Evan Mecham, Governor  
Alan P. Kleinman, Director

November 27, 1987

Dale Douglas, Executive Director  
The Dobson Association, Inc.  
2719 South Reyes  
Mesa, Arizona 85202

RE: Your letter of November 12, 1987

Dear Mr. Douglas:

We appreciate your concern over the surface water/groundwater issues and agree on the necessity to clarify our position on this important issue.

The Department of Water Resources has regulatory authority over both surface water and groundwater. As you have pointed out, this authority is based on differing legislation.

Within the Salt River Project boundaries, surface water storage rights are allocated to the land on an acre-feet per acre basis. Consequently, surface water storage rights are equally distributed to each acre of land within the 250,000 acre Salt River Project boundaries. Through the use of a formula, normal flow rights can be determined and added to the storage rights for certain lands eligible for normal flow rights. The sum total of these rights would be the surface water right for a given segment of land. If groundwater is commingled with surface water in SRP's system in a particular year, all SRP deliveries made in excess of the amount of the surface water right in that year would be considered as groundwater deliveries, and correspondingly, subject to the Groundwater Code.

Surface water rights are allocated to particular acres of land. In some cases, Salt River Project delivers surface water to municipal providers, who in turn deliver potable surface water to each owner of land with a surface water right. In other cases, surface water deliveries are made directly to the owner of the right, such as when SRP delivers directly to Dobson Ranch.

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Our analysis indicates that the Dobson Ranch Homeowners Association owns 90.5 acres of land. The Department of Water Resources will compute the eligible surface water rights available to the Dobson Ranch Homeowners Association based on the 90.5 acres of land owned by the Association. An individual who owns a designated area of land with surface water rights can use his surface water entitlement on a portion or on all of the designated lands that he owns. Any commingled surface water and groundwater delivered by SRP to his lands would be counted by this Department as surface water until the surface water right is fully delivered. If additional commingled water is delivered to an owner after the full amount of surface water right has been delivered, this Department would count additional water as groundwater.

Preliminary estimates indicate that the Dobson Ranch Homeowners Association will be assigned a maximum annual water allotment of 534.7 acre-feet. Your surface water deliveries will be counted in determining compliance with this allotment. You can legally exceed this allotment if all water you receive is counted as surface water. However, you cannot exceed the allotment if any part of the water you receive is counted as groundwater. Any groundwater deliveries in excess of the allotment would be considered illegal and could be subject to enforcement action by this Department.

As the law is presently written, the Department of Water Resources will hold the entity or entities who deliver the water responsible for seeing that the amount of water delivered does not exceed the allotment. In your particular case, we would hold SRP responsible to see that deliveries including any portion of groundwater do not exceed the allotment of 534.7 acre-feet. This year, however, there is a proposal to change the law and to hold the land owner responsible if he uses groundwater in excess of the allotment.

In your letter, you asked if the Department of Water Resources would allow credit for recharge. The Department of Water Resources does issue permits for recharge. Consequently, you may file an application with us requesting a recharge permit for the Dobson Ranch lakes. However, it is required that the

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recharge facility be constructed primarily for the purpose of recharge. I seriously doubt that Dobson Ranch lakes would qualify.

I hope this letter has helped clarify our position on these issues. I have asked Frank Barrios, Area Director of the Phoenix Active Management Area, to attend your Board of Director's meeting on December 1, 1987 and to answer any questions.

Sincerely,



Alan P. Kleinman, Ph.D.  
Director

APK/lao

cc: Dick Jutten, Salt River Project  
Karl Kohlhoff, City of Mesa, Public Works Administration  
Bill Bates, City of Mesa, Public Works Administration