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September 18, 2020

The Honorable Russell W. "Rusty" Bowers
Speaker of the House
Arizona House of Representatives

The Honorable Sine Kerr
Arizona State Senate

The Honorable Gail Griffin
Arizona House of Representatives

Re: Adoption of the Fourth Management Plan for the Pinal Active Management Area

Dear Speaker Bowers, Senator Kerr and Representative Griffin:

I am in receipt of your letter to me dated September 17, 2020 requesting a 60-day extension before the Arizona Department of Water Resources (ADWR) issues its findings following the public hearing on the proposed fourth management plan for the Pinal Active Management Area (Pinal 4MP). As explained below, because I am required by statute to issue the findings and adopt the Pinal 4MP by September 18, 2020, I am unable to fulfill your request. However, the relevant statutes allow any person to file a request for rehearing or review of the order of adoption and empower me to make modifications to the plan in response to such requests, with or without holding a rehearing. Persons will have until October 25, 2020 to file a request for rehearing or review of the Pinal 4MP, and I will have 60 days after receiving a request to issue a decision on the request. If agricultural stakeholders file a timely request for rehearing or review, the rehearing and review process will provide time for ADWR to meet with those stakeholders and have the key conversations mentioned in your letter before I issue a decision on the request.

A.R.S. § 45-571(A) provides that "[w]ithin thirty days after the hearing [on a proposed management plan], the director shall make and file in the department a written summary and findings with respect to matters considered during the hearing." A.R.S. § 45-571(B) provides that "[i]f in the findings the director decides to adopt the management plan, the director shall make and file an order adopting the plan pursuant to the findings. If the director determines that modifications in the management plan are necessary, the director shall make such modifications and make and file an order adopting the modified plan and include the director's reasons for the

modifications.” The Director has no discretion under this statute to extend the 30-day period in which the findings must be issued.

ADWR held a public hearing on the proposed Pinal 4MP in Florence, Arizona on August 20, 2020. Under the statutory provisions cited above, I am required to issue findings on the matters considered during the hearing and an order of adoption no later than September 18, 2020. However, the order of adoption will not become final at that because, pursuant to A.R.S. § 45-571(D), the findings and order of adoption will be subject to requests for rehearing or review as provided in A.R.S. § 45-114(C).

Pursuant to A.R.S. § 45-114(C), any person will have until October 25, 2020 to request a rehearing or review of the findings and order of adoption. If a person files a timely request for rehearing or review, I must issue a decision on the request within 60 days after the request is filed. The statutes allow me to make changes to the plan in response to requests for rehearing or review, with or without holding a rehearing. The process for requesting rehearing or review will provide agricultural stakeholders an opportunity to request modifications to the Pinal 4MP after the findings and order of adoption are issued and before the plan becomes final. As stated above, the process will also provide time for ADWR to meet with stakeholders and have the key conversations mentioned in your letter.

Sincerely,



Tom Buschatzke
Director