ARIZONA DEPARTMENT OF WATER RESOURCES

PUBLIC COMMENT MEETING ON

PROPOSED TRANSFER OF ARIZONA 4th PRIORITY
COLORADO RIVER WATER:
GSC FARM LLC TO THE TOWN OF QUEEN CREEK

* * *

Parker, Arizona
November 20, 2019
(Transcribed from audio recording.)

Prepared by:
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PROCEEDINGS

MS. KARThA: Good afternoon. For the record, today is Tuesday(sic), November 20th, 2019, and the time is 4:00 p.m. We are at the Parker Public Library at Parker, Arizona.

My name is Vineetha Kartha. I am the Manager for the Colorado River Section at the Arizona Department of Water Resources, and I will be facilitating today’s meeting.

With me are Clint Chandler, Assistant Director; Douglas McEachern, Communications Administrator; Kelly Brown, Deputy Counsel; Sharon Scantlebury, Docket Supervisor; and Amy Levy, Water Resources Specialist. Also with me today from the Department is Tom Buschatzke, Director of the Department of Water Resources.

Because the ADWR is the entity that makes the recommendation to the Secretary of the Interior, the Director is here to listen to your comments and observe the proceedings but will not be making any comments or responding to any inquiries.

We are using an audio recorder to record your comments today. As such, it is important for speakers
to please speak up and speak slowly so that the audio
recorder can accurately record your comments. If
anyone has difficulty hearing me or a speaker, please
let me know.

If you haven't already done so, please sign
the sign-in sheet on the table near the entrance.
There are also speaker cards available on the table.
If you desire to speak today, please fill out a speaker
card and submit your card to Sharon Scantlebury or Amy
Levy. If you would like a speaker card at this time,
please raise your hand and Amy can bring one over to
you.

The purpose of today's meeting is to provide
members of the public with the opportunity to make oral
or written comments on the pending application for the
proposed transfer of GSC Farm LLC's 4th Priority
Colorado River Entitlement to the Town of Queen Creek.

Pursuant to the Department's substantive
policy statement entitled "Policy and Procedure for
Transferring an Entitlement of Colorado River Water,"
the Department advertised the proposed transfer on
November 7th and November 14th, 2019, in Arizona
Republic, a newspaper of general circulation within the
state of Arizona.

The application is also available on the
Department's website at: Azwater.gov. When you get to our home page, please scroll down to the current initiatives or hot topics, click on the link to Proposed Transfer of GSC Water to get to the web page.

The Department's substantive policy statement states that the Department will accept comments on a proposed transfer for 30 days following the second advertisement of the proposed transfer. Because the 30th day following the second advertisement of this proposed transfer is a Sunday comment -- is a Saturday -- excuse me -- comments will be accepted until 5 p.m. on the following Monday, which is Monday, December 16th, 2019.

The Department held a public meeting at the ADWR offices yesterday and Bullhead City Council Chambers this morning and will also be holding meetings at the City of Yuma, City Council Chambers, tomorrow to provide members of the public additional opportunities to make oral or written comments on the proposed transfer. The times and locations of those meetings are shown on the Department's website at the address mentioned previously.

Today's meeting will be conducted in a formal manner. As I mentioned previously, an audio recorder is recording all of the statements. A copy of the
transcript will be available for review at the Department's office and will also be posted on the Department's website when it is available. Please be aware that the Department will not respond to questions or comments at today's meeting. If anyone has any questions or comments on issues or programs that are outside the scope of today's meeting, you can contact either me or one of our staff members after the meeting.

At the conclusion of the meeting, I will be accepting any written comments or documentary evidence that anyone may wish to submit to the Department regarding the pending application. The Department will also accept written comments until 5 p.m., December 16th, 2019.

The written documents should be submitted to the Department's Docket Supervisor, Sharon Scantlebury by email to sscantlebury@azwater.gov or fax at 602-771-8686. I will have a slide with Sharon's information as soon as I explain or go through with the proposed transfer. Sharon's business cards with her contact information are also available at the sign-in desk if you would like one.

Within 60 days from December 16th, 2019, the Director of ADWR will issue a recommendation regarding
the proposed transfer to the United States Secretary of the Interior, unless additional time is needed to resolve claims of negative impacts to third parties.

Some entities or individuals may claim that they will be negatively impacted if the proposed transfer is approved. If potential negative impacts are claimed, the Department will notify GSC Farm, LLC, and the Town of Queen Creek about the claimed impacts.

Upon notification of the claims, the Department will provide up to 90 days for all parties to attempt to resolve or mitigate the claimed impacts and to provide information to the Secretary. If agreed by all parties, an extension may be granted if more time is needed to resolve outstanding issues.

I will now describe the proposed transfer in greater detail.

My presentation today is roughly divided into three sections. I will start with a broad overview of the Department's authorities, followed by key points of the Substantive Policy Statement, the policy that guides mainstream Colorado River transfers.

Finally, I will go over the key details of the proposed transfer from GSC Farm, LLC, to the Town of Queen Creek.

Pursuant to State Statute at 45-105, the
Director is generally responsible for the management of and for formulating plans and programs for the development, conservation and use of surface and groundwater throughout the state.

Pursuant to State Statute at 45-107, the Director is to serve as the State's representative in matters relating to the State's interests in Colorado River, specifically the Director is authorized on behalf of the state of Arizona to consult, advise and cooperate with the Secretary of Interior of the United States.

In that regard, the Department of Water Resources is the entity charged with promoting, protecting and comprehensively managing Arizona's annual apportionment of 2.8 million acre-feet per year.

Consistent with these responsibilities under State Statute at 45-107, entities that contemplate the transfer of their entitlements are required to cooperate, confer and obtain the advice of the Director of the Department.

Due to the importance of the distribution of Colorado River water to the welfare and economy of the state and because in most cases mainstream water is the only dependable supply of water for urban, industrial and agricultural water users, Substantive Policy
Statement was adopted to ensure adequate and consistent evaluation of any proposed transfer of a Colorado River entitlement.

The policy statement establishes the policy and procedure for transferring an entitlement of Colorado River water, including leases. The policy statement also describes the criteria and analysis the Department will utilize to evaluate proposed transfers, including conveyances, leases or assignments, of mainstream Colorado River water.

After all the necessary documents have been submitted, conveyance and lease actions are subject to a public notice process. The public notice process includes advertising the proposed transfer once a week for two consecutive weeks in a newspaper of general circulation within the state.

The Department will also provide notice to the County Planning and Zoning Department office within the county of origin. In this case, for GSC Farms to Queen Creek, an advertisement was published in the Arizona Republic on November 7th and 14th, and a notice was sent to the La Paz County Planning and Zoning Department.

The contractor conveying its entitlement must provide notice to all water users within its contract
service area. The Department also maintains a list of interested parties, and notices are sent to those entities as well.

   The Director will review any proposed transfer by a non-Federal Arizona contractor of the Colorado River entitlement for the purpose of determining the potential impacts caused by the redistribution of water.

   During the review of an application, the Director will consider several factors including potential negative impacts to the water supplies of other Colorado River entitlement holders, water quality impacts to the water supplies of other Colorado River entitlement holders, and water quality impacts related to return flows and other pertinent impacts that could occur as a result of the proposed transfer.

   Public comment is also considered during the Department's review. The Director will issue a recommendation within 60 days from the end of the comment period unless additional time is needed to resolve claims of negative impacts to third parties. If there are claims of negative impacts, the Department will provide up to 90 days for all parties to resolve or mitigate claimed impacts. An extension may be requested.
This slide provides a snapshot of the transferring entity, GSC Farm, LLC. GSC Farm, LLC, is located within La Paz County. GSC Farm currently holds a Section 5 contract with the U.S. Bureau of Reclamation for a Colorado River Arizona 4th Priority Diversion Entitlement of 2,913.3 acre-feet per year.

GSC Farm owns around 504 gross acres of land, out of which 485.5 acres are irrigable. Based on the information provided to the Department by the GSC Farm, all the irrigable acres are being irrigated annually.

GSC Farm is proposing to transfer a consumptive use volume of 2,083.1 acre-feet. This quantification is based on an unmeasured return flow factor of 28.5 percent. If the Colorado River water entitlement is transferred from GSC Farm, these lands will be retired from agricultural production.

Future water supplies that may be available to these lands include Cibola Valley Irrigation and Drainage District, which holds 300 acre-feet per year of 4th priority entitlement for domestic use, which could serve as a water supply for potential development of the land.

The Town of Queen Creek is a receiving entity located within Maricopa and Pinal Counties. The request for consultation states that the Town of Queen
Creek's current annual demand is 15,100 acre-feet. Queen Creek fulfills these demands through a groundwater supply of 42,421 acre-feet, a CAP supply of 495 acre-feet and an effluent supply of 2,000 acre-feet. Queen Creek's future demand is expected to be 43,500 acre-feet.

In addition to the proposed transfer of the Colorado River water, the request for consultation states that Queen Creek's foreseeable future water sources include an additional 4,100 acre-feet of CAP water and 8,000 acre-feet of effluent supplies.

Queen Creek proposes to store the transferred water within the Roosevelt Water Conservation District and recover water within Queen Creek's service area. The proposed transfer will change the place of use, type of use and the point of diversion.

The request for consultation that was submitted by GSC and Queen Creek also include other supporting documents such as Section 5 contracts and a purchase agreement between GSC and Queen Creek. These documents are available for viewing and downloading on the Department's website.

This concludes my presentation on the proposed transfer. This presentation is also posted on our website. The ADWR presentation was already posted
yesterday, the Bullhead City presentation from this morning is already on the website as well, and this will be posted as soon as this meeting is over.

We shall now move on to the public comment segment of the agenda.

As I mentioned earlier -- as I mentioned earlier, the purpose of today's meeting is to provide members of the public with the opportunity to make oral or written comments on the pending application for the proposed transfer of GSC Farm LLC's 4th Priority Colorado River Water Entitlement to the Town of Queen Creek.

We, therefore, want to ensure that every person who wishes to speak today has an opportunity to be heard, so I will ask that only one person speak at a time. All speakers should use a microphone and give their name and affiliation.

All comments should be addressed to the Arizona Department of Water Resources, should be relevant to the application, and should be respectful of the process.

Each speaker will be allowed no more than three minutes so that everyone has an opportunity to speak. Time allotted for public comments can be used most efficiently by selecting a single representative
to speak on behalf of a group or organization.

Please be respectful and allow the speaker to proceed without interruptions. This will allow us all to hear and listen to each other's comments and for the recorder to accurately capture today's dialogue.

I will now begin calling names of the individuals who submitted speaker cards. If you wish to speak and have not filled out a speaker card, please fill out one of the cards on the table near the entrance and provide your card to either Sharon or Amy.

When I call your name, please come up to the podium -- or please come up here, state your name, identify any person or entity that you represent and then give your comments.

The first speaker is State Representative Regina Cobb.

MS. COBB: Thank you. For the record, Regina Cobb, State Representative, District 5. I represent La Paz County and Mohave County. This is my third meeting in the last two days on this. So I -- on the first meeting, I told them they're going to get tired of looking at this mug, and they probably are at this point.

The first meeting we -- I spoke to all of -- all of the -- the members at ADWR and in the room in
Phoenix about a lot of facts, and I had some really
great people come behind me and actually explain the
facts even in more detail and then listened to all of
the comments that we had during that meeting, and then
this morning we were in Bullhead City, heard some more
facts.

And one of the things that I said when I was
in this morning's meeting was is that when I left the
ADWR meeting, I had a reporter ask me who Greenstone
was, and I had a really difficult time finding them.
And so I found them. They're a Delaware company. And
to make no mistake they are a water broker.

Later on during the meeting this morning,
Mr. -- Mr. Wade Noble had came out and said have no
mistakes they are a water broker. They're going to be
making a lot of money off of this. And what he
announced was that the proponents of this water bill is
going to make 20 million dollars on this, 20 plus
million if I calculated right. It was over 20 million.
Yeah, I don't want -- I'll try not to back into this.
And then what's Cibola going to make out of this?
12,000. Who do you think is the winner in this -- in
this factor?

The other thing that he also pointed out is
is that they will tell you it's not going to open up
the floodgates. Who do you think is going to come in
and who do you think is going to want to -- to not want
to try to get their 4th priority rights taken off of
the Colorado River and going into Central Phoenix or
Central Maricopa County. They're all going to want to
do that.

Today earlier I thought it was disingenuous
of a couple of speakers that came out and said that
they were simply farmers, that they weren't board
members of the MVIDD. They didn't say they weren't
board members but they are board members. That was the
group that came out against us and wanted the water
first and the ones we fought for the last two years.

But yet they come today and say that we're
just farmers here, talking just as farmers, and we're
representing ourselves, and that's not true because as
soon as they get up, guess what they're going to go
back and do. They're going to do the same thing.

I just wanted to say thank you to Director
Buschatzke and to all of the group that came for the
last three days to all the communities, and they will
be in Yuma tomorrow, and I just think it's so important
that they listen to the community members, our
community leaders, our mayors, all our people here. I
just am so glad that they came out and gave you the
opportunity to speak on yourself.

And thank you today for coming again, and I won't see you tomorrow, and I know you'll miss me, so...

MS. KARTHA: Could I please have Holly Irwin, La Paz County Supervisor, please.

MS. IRWIN: Good afternoon. My name is Holly Irwin, and I'm with La Paz County Board of Supervisors representing -- I was going to do the same thing -- District 3 -- and thank you Representative Cobb for being here and Mr. Director Buschatzke for putting this on today, having everybody here.

Representative Cobb said it well. I don't want to duplicate exactly what she had said, but water is a very important natural resource, not only for La Paz County but for the state of Arizona, and we're finding that it's becoming more and more scarce in certain areas, the bigger counties, and they will continue to reach out to the smaller communities and try to, you know, transfer water down to the bigger counties, and the amount of money that we are not going to be receiving, if this does go through, is -- is devastating.

You know, you're going to have a bunch of water that's going to be diverted. They're going to
make millions, and it's going to be at La Paz County's expense again. And at some point this needs to stop.

So I'm here representing the county. The Board of Supervisors this past Monday just passed a resolution opposing this transfer, and you will be receiving a signed copy of that as well to -- to submit to you, and I just wanted to state our position as a county, and, you know, we need to keep the water here and we need to keep it for our future, not for Maricopa, not for Pinal and not for Pima.

So thank you very much, and I'll end it with that.

MS. KARTHA: Could we have Gary Watson, Mohave County Supervisor also, please.

I'm just going to stand. It's easier than passing the mic around.

MR. WATSON: You're more than welcome to stand with me. How's that?

I'd like to thank the Department and Director Buschatzke for having these field operations and these hearings. It's really important to all the people in Mohave County and La Paz County and to Parker. Thank you for hosting these three out of four here on the river, and we really appreciate that.

The only thing I have for you this morning or
this afternoon is one is a resolution from the County
Supervisors Association. That association represents
every county in Arizona, and the other resolution I
have is from Mohave County, which unanimously adopted a
resolution that will be opposing the permanent transfer
of 4th priority Colorado River water and transferring
it to the -- Maricopa, Pinal and Pima, and with that
I'd like to thank you very much.

MS. KARThA: Could we have Cal Sheehy,
Mayor of Lake Havasu City.

MAYOR SHEEHY: Good afternoon everyone.
My name is Cal Sheehy, and I'm the Mayor of Lake Havasu
City. I would like to thank the Director and the
Arizona Department of Water Resources for joining us in
rural Arizona, specifically in the Colorado River
cities today.

Water is vitally important to our Arizona
communities, all of them, and Colorado River water is
paramount to the further growth of our communities. We
thank you for taking this issue seriously and listening
to our comments.

We have shared interests in protecting the
water for all Arizona communities.

Lake Havasu City has plans for growth and
development that are 5 years, 10 years, 25 years, and
50 years out, and they're outlined in our Lake Havasu City General Plan that was adopted by our voters in 2016.

We need to protect our water entitlements to see if these plans come to fruition. Unlike the Central Arizona communities, Lake Havasu City and the river communities lack alternate sources of water.

Water is essential for our continued economic vitality and growth. We cannot afford to be hindered because other communities need additional water resources.

Lake Havasu City is only 50 years old, and we are in the process of growing our economic base and our community. We cannot allow permanent water transfers out of the Colorado River area to impact our future.

Lake Havasu City is opposed to any permanent water transfers from the Colorado River.

Again, thank you for visiting us and listening to our comments.

MS. KARTHA: Our next speaker is Wade Noble.

MR. NOBLE: My name is Wade Noble. I represent Yuma Irrigation District, Wellton-Mohawk Irrigation and Drainage District, North Gila Valley Irrigation District, and Unit B Irrigation and Drainage
District, all located within Yuma County.

Yuma Irrigation District and North Gila Valley Irrigation Drainage District oppose this particular proposal. Wellton-Mohawk is seriously concerned about it and Unit B has some of the same concerns.

This is a question of policy, solely of policy. Mr. Director, you're going to hear lots of things on legitimate items concerning legalities, the contract, what it means, interpretation of the contract, but in many ways for us the main decision is a policy because it's an attempt to move water off the river, take it out of agriculture, and so that causes us some concerns.

For those of you who haven't been at the previous two hearings, our apologies because we probably aren't going to repeat what we said there. It just bores us.

At any rate, what we have heard today is you don't need to fear this transfer. It's not that much water. Probably can't put any more water, not much more water in the CAP canal. It's at capacity. And besides other things, we're not going to be able to -- well, it's isolated.

Let me address each of those. This is a
proposal by GSC Farm, LLC to move water off of their 458 acres or something of that nature where they're going to move water off of the river and agriculture. This is not isolated. This is not a small amount of water.

You need to understand that -- commonly known as Greenstone -- it's cousins, Water Asset Management, and they are the progeny of Vidler. All of those are involved in transferring water. That's what they're about. They want to market it. And when they market the water, obviously, if you don't have a right to it, then you can't keep it on the river, or you don't have the money to pay for it, then they're going to simply say we have a higher and better use. Therefore, we should be able to move it.

We are concerned because, as we look at Water Asset Management and we look at Greenstone, they are open and obvious about -- where's the green card?

VOICE: You've got 10 seconds.

MR. NOBLE: 10 seconds. I'm going to repeat this: This is the gate. We need to keep it closed.

MS. KARTHA: Next we have Mike Pearce.

MR. PEARCE: Thank you to the Department of Water Resources and to the citizens for coming out.
It's nice to be in Parker. It's one of my favorite cities in -- in the state of Arizona. I have very fond memories of being here.

In fact, one of the things I'd like to talk about today is the efforts that I've put in over the years in La Paz County. There's been a lot of talk about the evil of transfers and -- and how wrong they are.

I have worked on three individual transfers of Colorado River water entitlements, all to the benefit of La Paz County.

The first was many years ago. There was a gentleman that wanted to develop a Travel Plaza in Ehrenberg, and he needed water, and we went and bought water from a landowner in Cibola basin and transferred the water right up to the Travel Plaza.

It took a long time to get it built, but it's built. And it's the Union 76 now that's on the northwest corner of Ehrenberg Road and the I-10, and that was water that came out of Cibola Valley to the benefit of La Paz's economic development.

Shortly after that, I was approached by then County Supervisor Gene Fisher. When Mohave County came down and bought -- and, yes, I said "bought" water from La Paz County, part of the deal was that La Paz County
could option 350 acre-feet of that, and Mr. Fisher was determined that La Paz County was going to get that water.

    And as I understood it from him, he had quite a hard sell in La Paz County. People didn't think it was worth it. They didn't think they should spend the money on it, but Mr. Fisher was determined, so determined, in fact, he and I had to appear in bankruptcy court one day together to plead with the judge to get a claim release so that we could prove the transfer. And then we had to race up to then Director of Water Resources Herb Guenther's office, and plead with him to approve the transfer. Then we had to race up to Bullhead City and plead with then Regional Director Bob Johnson to approve the transfer, all before the option deadline expired, but we did it.

    And I thought it was an excellent idea at the time. And I think it was an excellent idea today and because of that there's that 350 acre-feet now sitting in La Paz County.

    And third, I'm pleased to say, just recently a new and I think very upscale recreational vehicle and mobile home park is being built in Ehrenberg. They're going to be served by Ehrenberg Improvement District, both sewer and water, but EID, as they're called,
insisted that the developer bring its own water with them, and so we went into the marketplace, bought water, and last week the Director of Water Resources issued a formal letter approving that transfer from Cibola Valley to EID for the benefit of La Paz County. So this is kind of the way the world is going to work now.

And I think La Paz has a very bright future if they pursue it. Thank you.

MS. KARTHA: Our next speaker is Grady Gammage.

MR. GAMMAGE: Thank you. My name is Grady Gammage, Junior. My address is 2 North Central in Phoenix. And I'm also an attorney for GSC Farms.

The history of the Western U.S. and the history of Arizona is a history of moving water. Water transfers are a necessary and inherent part of good water management. We wouldn't have the CAP canal. We wouldn't have the Salt River Project if we hadn't realized the need to move water to where people are and to where people want to live.

Mike, I think, did a good job of explaining how some of the recent water transfers had benefited this area.

In this case, we are trying to transfer water
that is the result of a diversion that was created in
the 1950s by the prior owner of this property.

    We have a lot of debate about whether or not
that constitutes a property right. I was surprised to
hear this morning from Ms. Kelley that not only is it
not a property right but that you're apparently not
allowed to charge for moving water. That is
inconsistent with the whole history of water transfers
and how they have worked.

    This water belongs to GS -- GSC Farms, and we
have applied and asked to transfer it to Queen Creek
because Queen Creek has a serious need that you'll hear
about from Paul Gardner.

    Queen Creek is served primarily just by the
Groundwater Replenishment District. Arizona water
policy is to try to get municipal growth off of the
Groundwater Replenishment District and onto a
sustainable resource. This is a sustainable resource.
That's why we're here. That's why this makes sense.

    I -- I got accused of denigrating Cibola. I
have not been denigrating Cibola. What I said is
Cibola is isolated. It is an unusual geography, and
this is part of the question that faces the Department
of Water Resources is how do you balance the equities
and how do you balance the impacts here.
Cibola is isolated because you have to go to California to get to it, and all of the economic benefit of that property flows out of Arizona into California.

This would result in far greater economic benefit being in the Queen Creek area and being here for Arizonans.

And, finally, I want to talk for just a minute about something that Mike has talked previously about, which is this notion that this water is part of water that was specifically reserved to be used for on-river urban growth.

The on-river communities only use about 40 percent of the water they currently have for urban growth, so there is already enough water in the on-river communities for about the next 50 or 60 years, even assuming a fairly robust growth rate.

After that the logical way to grow is, as has been the case in the rest of Arizona, that some small amount of agriculture -- because it is so much more intense in the water use -- is retired as urban growth occurs if growth gets to that point.

We need this water in Maricopa County and Pinal County now, and GSC Farms is an owner and has a right to seek a transaction that makes sense. That's
what they're doing. This is good water management, and it's a good decision for the entire state of Arizona. Thank you.

MS. KARTHA: Our next speaker is Paul Gardner.

MR. GARDNER: Hi, I'm Paul Gardner. I'm the Director of Utilities for the Town of Queen Creek and the main reason why you all are here tonight. Enjoy your evening with me.

We have -- I don't want to keep repeating some of the things, but some of the issues that have been raised in previous meetings is that we are only looking at this source of water.

And a couple of things I want to talk about is we have a legal right to pump 43,000 acre-feet a year of groundwater, and we have a very large aquifer where we live.

We are looking -- Our Town Council has charged me to go out and find renewable sources to replace the groundwater that we would pump in the future with a renewable supply, so the idea behind this -- and we're not growing our portfolio, we're trying to limit the amount of groundwater we will pump in the future.

This 2,000 acre-feet goes a portion of the
way to taking care of those future needs, not pumping groundwater.

Harquahala has been mentioned in several meetings, and we are a co-applicant with a group from Harquahala of trying to get water into the canal, but there are many hurdles on getting that water into the canal. One of them is on the water quality issues that have not been defined yet by CAP.

The Colorado River water entitlements are such that if it gets into the CAP canal, it's like it's other water that's in the CAP canal, and it meets the drinking -- the standards that they have set.

The Harquahala water we do not know what standards will have to be met today, tomorrow, in the future.

There are issues with that water supply of having to do treatment before even getting it into the canal.

There is also pushback that we have had from other parties that don't even want Harquahala to be pumped, and so those are some of the issues that we're trying to struggle with as we look at other water supplies.

GRWS has been mentioned, which for those that are in the water world is the Gila River Water Tribe's.
We're looking at those, but there are -- are strings that come attached with that called long-term storage credits, which could be a whole nother hour of discussion, and those are not feasible for us at this time as a utility or as a water community, so -- but we are working with the GRWS group of trying to figure out what supplies can be done.

We're also working with the Department. We have a 4,100 acre-foot of NIA water that we've been waiting since 2014 to be issued by the Bureau of Reclamation, and we're still waiting.

So we're looking at all sorts of water supplies. This isn't what we consider a raid of coming over to -- to the Colorado River to raid. We're just looking at renewable supplies that will meet our growth and meet our current demands that we have now. Thank you.

MS. KARTHA: Our next speaker is Ronald Swan.

MR. SWAN: I came to Cibola first part of 1968. We had no water contract. Later we got the water contract. We said then that the water belonged to the people that had the ground. They got the contract, and that's the way it is now.

And we allowed Mohave County people to move
their water, and they've taken that away. And we sell
our crops all over the world, and it's wrong for us to
have to sit here and get nothing -- personally nothing
out of our water when we've worked here for all of our
lives for; and if we can't sell it, that is totally
wrong. We should be able to sell it. It affects us
very much. And there is no reason -- it's such a
smaller deal -- we can't move it to Central Arizona.

Thank you.

MS. KARTHA: Our next speaker is Michael
Curtis.

MR. CURTIS: Four minutes.

MS. KARTHA: Because Mike Curtis
represents more than one entity, we'll be giving him an
extra minute.

MR. CURTIS: Michael Curtis on behalf of
the Cortara-Marana Irrigation District, the Avra Valley
Irrigation District. Both of those are in Pima County.
They don't have water problems but they're agriculture,
and also the Hohokam District.

By the way, while I've been sitting here
listening, I want you to know this is a wonderful
library. It's a wonderful library because there's this
book right here. The name of this book is called The
Colorado. I give it to you because it is by Frank
Waters, 1946, and it is a book on the history of the Colorado River.

Our agriculture clients believe in communities. They believe in fostering communities and helping them grow, urbanize and expand.

The Town of Marana would not exist except the Cortana-Marana Irrigation District and others got together and they created the town. They're partners with the town. They're partners with Oro Valley. They're partners with the City of Tucson and Pima County.

In the Coolidge area, the Hohokam Irrigation and Drainage District, as early as 1993, became partners with the municipal cities in Phoenix, and they worked with each other to help sustain the Hohokam community and now Hohokam helps sustain Florence and Coolidge and Casa Grande.

We believe -- my clients believe in communities and partnerships, and the history of agriculture has been to always work in cooperation with communities to help them grow, and they feed off of each other to mutual benefit.

Queen Creek needs the water for its urbanization, and we believe that this is a proposal that is unique. It's not like other proposals. Some
of which have been rejected. This is a unique proposal. We think each proposal should be studied to see if it's unique.

The law is clear, we believe, as Mr. Pearce has said, that the contract is fungible. By that I mean, people who have worked hard and have property, my clients believe ought to be able to manage their property, manage their portfolio. And when the time comes if they want to sell it, they ought to sell it, and if somebody else wants it, they could be a competition, but the property belongs to the people who have spent their lives working to develop it and the water rights here have gone as in Cibola.

In the early 50s my family refused to go to Cibola because they didn't have water rights. We looked at the place and the river ran through it, but we heard everybody was just stealing the water, and we didn't want to be involved with that. So now they have a contract, and the contract belongs to the agriculturists that are in Cibola.

We believe -- my clients that this is a unique situation and, therefore, we think that under the way in which we operate today in our society, free enterprise, that this is not going to rob the future of the river communities because the statistics that we've
seen indicate there will be an extraordinary amount of water left on the river for growth for this 10, 15 or 30 or 50 years in the future.

Therefore, these three entities, believing in partnerships, lend their support to this unique application. Thank you.

MS. KARTHA: Our next speaker --

MR. CURTIS: Do you want to give me the book back?

MS. KARTHA: Our next speaker is Mike Bonney.

MR. BONNEY: Thank you. You almost had it right. It's Mike Bonney, B-o-n-n-e-y. I am here representing Lake Havasu -- Lake Havasu Area Chamber of Commerce as a past chairman and past president of Lake Havasu Hospitality Association. I'm also a partner in a local CPA firm. I'm a local businessperson who understands the economic value of small businesses as well as the need to sustain and grow the local economy. Lake Havasu Area Chamber of Commerce represents over 650 businesses in Mohave and La Paz Counties and in excess of 15,000 employees.

The Chamber opposes the transfer of 2,088 acre-feet of water from La Paz County to Queen City. Queen City has estimated an economic value of
307 million dollars should the transfer be approved. This results in an economic loss of a similar amount to the river communities where those dollars rightfully belong.

In addition, Queen City estimates 15 counties in Central Arizona would realize an economic value of 5.2 million. Does that mean Central Arizona is more entitled to more water and thus more economic value than the rest of the state? I think not.

Approval of this transfer will set a dangerous precedent for future water transfers. The river communities need the water for future economic development and growth.

Far more than 2,088 acre-feet of water are at risk here. The economic vitality, stability and sustainability of river communities including Lake Havasu City are at stake as -- and are determinate on maintaining the status quo.

On behalf of Lake Havasu Area Chamber of Commerce, I respectfully request this agency deny the transfer, furthermore, I respectfully request all future requests for transfer of 4th priority water to assure the river communities do not have to continue this fight.

Thank you for being here and for listening.
MS. KARTHA: Our next speaker is David McAtlin.

MR. MCATLIN: I'm here representing Lake Havasu City Chamber as well. And Mr. Bonney stated our opposition, so...

MS. KARTHA: Let the record state that Mr. David McAtlin has given up his time.

Our next speaker is Gordon Grant(sic).

MR. GROOT: Groat.

MS. KARTHA: Sorry.

MR. GROOT: Everybody already has said what I had, you know, here. Oh, man. Flying by the seat of my pants now, but it's something that I'm interested in. So my name is Gordon Groat, and I am a member of the Lake Havasu Council, but I'm not speaking for Council. Our great Mayor Cal Sheehy is here. He speaks for our Council. I'm just talking as a regular guy but have an interest in this.

Now, one of the things that I get a kick out of is we talk about water as though there's plenty of it and we can just transfer it around the place.

Well, I've got news for you. When we actually did the allocations on the Colorado River way back at the early part of 20th century, Tree-Ring Research shows us that we did it at a time of great
abundance, some of the greatest abundance in the
history of this state, and so we have what we call a
structural deficit, as is posted by the Bureau of
Reclamation, of approximately 1.2 million acre-feet a
year. That's a lot of water.

Oh, but the story gets better. So the
greatest project, which is a joint project, which is a
NASA project with another country, we use two
satellites, and we use those satellites to go over --
because we don't really have a lot of great groundwater
records; but using satellites, we can actually measure
gravitational pull.

And by doing that we can use aggressive
statistics and extrapolate how much gravitational pull
has changed. This allows us to calculate the amount of
water that we have used from groundwater supplies, so
we've got a 1.2 million acre-foot structural deficit on
this river.

Oh, and by the way Mexico has a claim on this
too, so this is a litigious issue instead of -- in
addition to a policy issue. We have lost over a
nine-year period, ending in 2014, 53 million acre-feet,
estimated, of groundwater supplies.

When we talk about acre-feet, people don't
really get their head around that too well, so that's
enough water to fill Lake Mead twice.

Now, the most recent study came out in 2019, and that's kind of looking at a more focused area, which shows us that we are losing groundwater supplies on a recharge capacity in every single month of the year.

So when we start talking about sending, oh, a couple thousand acre-feet here, a couple thousand acre-feet there, we're -- we're talking about a problem. A problem that could turn into a big problem.

And the people of La Paz County probably know that better than anybody because they see their water, their groundwater supplies exported by way of alfalfa to the kingdom of Saudi Arabia, depleting groundwater supplies and our surface water supplies at a structural deficit.

We're crazy to start transferring water off the main stem because the people here simply don't have any spare water.

And as has been pointed out, I'm sure Queen Creek is a great place to live, very desirable. Yeah, I like that. But out here we think this is a desirable place to live too, and we think we have a right to prosper economically.

Some people might argue that this is a case
of the rich taking away from the not so rich. I would just point out that the average income of about 25 percent of the people in Queen Creek is between 100,000 and 150,000 dollars a year. The average median income in Queen Creek is like 89,000. I think I need to move there for a job.

But the moral of the story is we have a huge water shortage in this area, and we deserve the right to grow. We deserve the right to prosper as our Chamber representatives have said, and we don't think it's a good idea to transfer water, so I'm in opposition. Thank you.

MS. KARTHA: Thank you, Mr. Groat.

Our next speaker is Mark Clark.

MR. CLARK: My name is Mark Clark. For the record, I'm a Bullhead City Councilman, and I'm also the Chairman of the Mohave County Water Authority. I said most of what I had to say this morning. Just for the record again, I am in opposition to this. Mohave County Water Authority is in opposition to this, and the City of Bullhead City is in opposition to this.

I'd like to address just a couple of things, though, here.

First of all, just to reiterate, we on the
river have no other sources of water. Colorado River water is all we have available to us. We have no groundwater. We have no in-state streams. We have no entity like CAGRD to look -- to try and save us.

So the Town of Queen Creek -- and I can empathize with them -- they are looking at other sources. I think they need to stop looking to the river along with other entities like CAGRD, who just a couple of years ago was looking to take water from the Mohave Valley Irrigation and Drainage District and transfer it down to the Phoenix -- Central Phoenix area.

We along the river need this water for our economic well-being.

And the fact that -- that water has been transferred -- In fact, Mr. Pearce spoke about it. There have been water transfers along the river, but they've moved up and down the river, and we're all for that.

A farmer back here mentioned earlier that Mohave County transferred water up from Cibola a few years ago. We did. Those kinds of transfers were great for the river communities because we share, but that water needs to be used on the river. There are entities on the river that need additional water
supplies.

We can't afford to have this water move into Central Phoenix and not be used on the river.

There's an entity just north of the City of Lake Havasu City that's looking for additional water supplies.

Developers have been trying to develop in that area, and they have been told that they can't -- they don't have any water for them. They need to bring water with them in order to develop just as the folks in Ehrenberg were told to bring water, which Mr. Pearce just spoke about.

So I'd like to conclude by just saying we need this water on the river. We have uses for this water on the river. Please don't move this water off the river. Thank you.

MS. KARTHA: Our next speaker is Jamie Kelley.

MS. KELLEY: Good afternoon. My name is Jamie Kelley. My address is 2031 Highway 95, Bullhead City, Arizona, and I am here to speak as a resident of a river community.

I'd like to thank the Department of Water Resources for the opportunity -- any river community -- to express opposition to the transfer.
You've heard a lot of the information. This is my third time on this topic. I just want to touch again that this water, Colorado River water, is different than other surface water in Arizona.

Surface water in Arizona is, in fact, a private property right that can be severed and transferred.

This water is different. It was Federalized years ago with the Colorado River Compact and the Boulder Canyon Project Act.

You can only use 4th priority water pursuant to a Section 5 contract. This water -- or the contract creates a use-of-right right, the right to use the water on a defined area of land for a defined purpose.

The contract or the water is not freely fungible, as Mr. Curtis would have you believe, because there's a transfer process and the transfer is restricted by the contract.

And in this particular contract at Paragraph 36, it states that GSC Farms has no right to receive any benefit from the water other than the right to use the water, and that's how Section 5 contracts are viewed.

We've heard testimony that it's our water. We've been using it for years. It's our water. We've
worked hard for it. Well, yes, you've earned a very
nice living from the use of that water. It does not
mean you own that water.

And, finally, as we all wind down, it's
almost -- it's offensive to sit in these hearings and
hear that Central Arizona is more entitled to growth
than the river communities are because there's greater
economic benefit.

There's a quality of life in rural
communities and the rural communities are entitled to
grow. You move the water away from the river, you
destroy their ability to grow and thrive economically.

Thank you.

MS. KARTHA: Our next speaker is Patrick
Cunningham.

MR. CUNNINGHAM: Thank you so much.
Patrick Cunningham, HighGround Public Affairs,
represent Mohave County, Mohave County Water Authority.

If you had gone to all three meetings so far,
you would enjoy this debate even more because
proponents made their arguments, and then we countered
in the next meeting. We made our arguments. They
countered in the next meeting. Now we're in the third
meeting. In the fourth meeting in Yuma there will be a
bon fire and a keg.
I unfortunately cannot be there. You'll see Jeff Kros from our office. I'll be somewhere else and I'll be sad.

This has been a very good debate, and we have brought out lots of good issues. We do not agree on much. We in the river communities oppose the transfer of this water, and we have a lot of great reasons that we articulated.

One thing I wanted to cover was the possibility that since private water may be only about 15,000 acre-feet of the 164,000 acre-feet we believe was reserved to the river communities back in the late 70s, that maybe only that water is the water that can be transferred and, therefore, there's somehow a cap that will protect us.

It's an interesting concept. Here's why we reject that: In the 15,000 there's lots of good private companies, private families, trusts, folks who are using this water; but outside of that there's people like MVIDD. They have 42,250 acres of water, 82 percent of that is ag. water.

And two farmers testified this morning they want to sell that water. In the CAP contract, they didn't just want to sell the water, they had a contract to sell the water and the land. I believe the purchase
price was 34 million dollars. CAP in the end rejected that, but we could lose not just 15,000 but another 82 percent of 42,000, another 30,000.

And then finally Cibola. Cibola District still has 9,126. This is water that is in the Cibola area, and this is a private party. What's to stop that district from trying to sell their water?

And then there are all of Wade's districts. Wade's districts went out the door with Wade when he left today, but let me just say on their behalf if we allow this sale, then those districts are next in line.

And the highest bidder is not in Queen Creek. It's in Los Angeles. Water on the river can go up and down, north and south.

Yes, Mohave did transfer water up. Ehrenberg did transfer water up, and we salute those transfers using water up and down the river, but the water can never go east and west.

And if you open this market, Queen Creek will not be the winning bidder. Los Angeles will be the winning bidder. They have 19 million rate payers.

And judging by the Lakers, they know how to write checks.

We oppose this. Thank you. And I've got the nice sign that says stop. It doesn't say one minute.
It says stop. Thank you so much.

MS. KARTHA: That was the last speaker card. Is there anyone else who would like to speak?

MR. MULLION: Good afternoon. My name is Michael Mullion. And I'm a third generation farmer in the Palo Verde Valley and -- and the Cibola Valley.

My grandfather went to Cibola Valley in 1949, and he actually developed -- he brushed, cleared, leveled and built the canals for this particular ground, so our family has been farming this ground for 70 years and -- and --

I lost my grandfather two years ago, but his dream was to actually sell this water. That's why he developed the land and ultimately sell it.

So I think the water is -- is owned by the farmers. We developed it. We wouldn't be having this discussion if it wasn't for -- for people like that that developed the land, so thank you.

MS. KARTHA: Is there anyone else that would like to speak?

Let the record reflect that no one else wishes to speak.

Is there anyone here who wishes to submit any written comments or evidence they have brought with them?
Let the record reflect that no one wishes to submit any written comments or evidence.

As I mentioned earlier, written comments maybe submitted until 5 p.m., December 16th, which is a Monday.

If you would like to submit written comments after the close of the meeting but no later than December 16th, please mail, fax or email them to Sharon Scantlebury, the Department's Docket Supervisor. Her fax number is 602-771-8686 and her email address is sscantlebury@azwater.gov.

If you would like to mail your comments, the mailing address is: Arizona Department of Water Resources, Attention Sharon Scantlebury, Docket Supervisor. PO Box 36020, Phoenix, AZ 85067.

This public meeting is now adjourned. Thank you all for attending and providing comments.

(WHEREUPON, the public hearing was adjourned.)

* * * * *
CERTIFICATE

BE IT KNOWN that the foregoing proceedings were reported by Dorothy A. Schulte, Certified Reporter, Certificate No. 50459, State of Arizona, from an audio recording, and reduced to written form under my direction; that the foregoing 47 pages constitute a full, true, and accurate transcript from an audio recording; all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 9th day of December, 2019.

Dorothy A. Schulte

Dorothy A. Schulte, RPR
Certified Court Reporter
Certified No. 50459


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