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STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES

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PUBLIC HEARING ON PROPOSED MANAGEMENT PLAN
FOR THE PINAL ACTIVE MANAGEMENT AREA
FOR THE FOURTH MANAGEMENT PERIOD, 2010 TO 2020

* * * * *

August 20, 2020

Florence, Arizona

HEARING OFFICER: JOHN RIGGINS
Arizona Department of Water Resources
Chief Compliance Officer & Ombudsman

Prepared By:
Nicola Bauman, CCR
Certified Court Reporter
AZ Certificate No. 50830

Perfecta Reporting
602.421.3602
CRRF No. R1071

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BE IT REMEMBERED that pursuant to notice a public hearing was held at the Pinal County Board of Supervisors' Hearing Room, 135 North Pinal Street, Florence, County of Pinal, State of Arizona, and via webinar at <https://bit.ly/Pinal4MPHearing>, before Nicola Bauman (via webinar), AZ Certified Reporter No. 50830 in and for the State of Arizona, on the 20th day of August, 2020, commencing at the hour of 1:03 p.m.

* * * * *

S P E A K E R I N D E X

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Florence, Arizona
1:03 p.m.

P R O C E E D I N G S

MR. RIGGINS: Today is August 20, 2020. The time is approximately 1:03 p.m. We are in the Pinal County Board of Supervisors' Hearing Room located at 135 North Pinal Street, in Florence, Arizona. This is the time and place for the public hearing on the Proposed Management Plan for the Pinal Active Management Area for the fourth management period.

My name is John Riggins. I am the chief Compliance Officer and Department Ombudsman at the Arizona Department of Water Resources, and I will be the hearing officer for today's hearing.

With me is Natalie Mast, Program Manager for Active Management Plans. Natalie has been involved in the development of the Proposed Management Plan and will give a brief description of the Proposed Management Plan, including a summary of comments provided by the Pinal Active Management Area Groundwater Users Advisory Council on the draft management plan, data in support of the Proposed Management Plan, and changes from the third management plan.

1 Also with me today from the Department are
2 Kelly Brown, Deputy Counsel; Maggie Martin, Management
3 Plans Specialist; Sharon Scantlebury, Docket Supervisor.
4 Einav Henenson, Statewide AMA Director, is participating
5 via webinar.

6 We have a court reporter present via webinar
7 to record and transcribe what is being said today, so
8 it's important for speakers to please speak up and speak
9 slowly so that the court reporter can accurately record
10 your comments. If anyone has difficulty hearing me or a
11 speaker, please let me know.

12 For those in person, if you haven't already
13 done so, please sign the sign-in sheet on the table near
14 the entrance. There are also speaker cards on the
15 table. If you'd like to speak today, please fill out a
16 speaker card, if you haven't done so already, and submit
17 your card to Sharon or to Maggie.

18 For those on the webinar, we have provided a
19 link to a virtual speaker card in the chat box and on
20 the screen. The chat box can be opened by clicking the
21 speech bubble icon at the bottom of your screen. If
22 you'd like to speak via the webinar today, submit your
23 virtual speaker card, and staff will assist you with
24 unmuting when it is your turn to speak. Everyone was
25 muted on entry to the webinar.

1 For those of you participating via telephone
2 and not on the webinar, we will unmute you. If you'd
3 like to make a verbal comment, please state and spell
4 your name and we will unmute you when it is your turn to
5 speak. If you would like to make a comment, please --
6 if you would not like to make a comment, please simply
7 stay silent. We will call on the telephone participants
8 to speak after the webinar participants today.

9 Persons presenting comments at the hearing,
10 whether in person or virtually, will be subject to a
11 three-minute -- we're going to pause briefly.

12 We've lost our feed into our overflow room,
13 so I will pick up at this portion of our meeting.

14 (Hearing paused from 1:06 p.m. to 1:10 p.m.)

15 MR. RIGGINS: Test. Test. Can anybody hear
16 me?

17 Okay. So for the sake of everybody on the
18 line, I'm just going to restart at the portion I think
19 that we lost the feed in the other room. So bear with
20 me if you've already heard this portion.

21 So today we have a court reporter present
22 via webinar to record and transcribe what is being said
23 today, so it is important for speakers to please speak
24 up and speak slowly so that the court reporter can
25 accurately record your comments. If anyone has

1 difficulty hearing me or a speaker, please let me know.

2 For those in person, if you haven't already
3 done so, please sign the sign-in sheet on the table near
4 the entrance. There are also speaker cards on the
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17 not on the webinar, we will unmute you. If you'd like
18 to make a verbal comment, please state and spell your
19 name, and we will unmute you when it is your turn to
20 speak. If you would not like to make a comment, please
21 simply stay silent. We will call on the telephone
22 participants to speak after the webinar participants.

23 Persons presenting comments at the hearing,
24 whether in person or virtually, will be subject to a
25 three-minute time limit to ensure all who wish to speak

1 receive an opportunity to do so.

2 The purpose of this hearing is to provide
3 members of the public the opportunity to make oral and
4 written comments on the Proposed Management Plan for the
5 Pinal Active Management Area for the fourth management
6 period. The proposed plan is available on the
7 Department's website, azwater.gov/ama/management-plans.

8 We will not be responding to questions or
9 comments at this hearing today. However, we will do so
10 in writing as part of the formal management plan
11 adoption process. If anyone has questions -- has any
12 questions or comments on issues or programs that are
13 outside the scope of this hearing, you can contact me or
14 one of our staff after the hearing.

15 The hearing will be conducted in a formal
16 manner. As I mentioned previously, the court reporter
17 is recording everything that's being said. A copy of
18 the transcript of the hearing will be available for
19 review at the Department's office and will also be
20 posted on the Department's website when it is available.

21 At the conclusion of this hearing, I'll be
22 accepting any written comments or documentary evidence
23 that anyone may wish to submit to the Department
24 regarding the Proposed Management Plan. The Department
25 will also accept written comments until 5:00 p.m. today.

1 Written comments, submitted up until 5:00 p.m. today,
2 should be submitted to the Department's Docket
3 Supervisor, Sharon Scantlebury, by email to -- and I'll
4 spell this -- sscantlebury@azwater.gov or fax at
5 602-771-8686. A copy of the public notice with Sharon's
6 contact information is posted on the Department's
7 website, and her business cards are located on the table
8 near the entrance if you would like one.

9 Within 30 days from today, the Director will
10 make and file in the Department a written summary and
11 findings with respect to the comments and evidence
12 received at this hearing and prior to 5:00 p.m. today.

13 If, in the findings, the Director decides to
14 adopt the management plan, the Director will make and
15 file with the Department an order adopting the plan
16 pursuant to the findings. Notice of the order will be
17 sent to all persons who signed the attendance sheet
18 today and to all persons who submitted comments or
19 evidence prior to the close of the record. Please make
20 sure you provided your physical or email address to
21 receive a copy of the notice.

22 The Director will also publish a summary of
23 the plan, findings and order of adoption once a week,
24 for two consecutive weeks, in the Casa Grande Dispatch.
25 Pursuant to Arizona Revised Statutes sections 45-571 and

1 45-114, subsection (C), any person may file a request
2 for rehearing or review of the order of adoption within
3 30 days after the second publication of the notice. The
4 last day for filing requests for rehearing or review
5 will be identified in both the mailed and published
6 notices of the order of adoption. If no one files a
7 timely request for rehearing or review, the plan will
8 become final.

9 If a timely request for rehearing or review
10 is filed, the director will have 60 days after receiving
11 the request to issue a decision on the request. The
12 Director may grant a rehearing, grant review without a
13 rehearing or deny the request. Any person may seek
14 judicial review of the Director's decision to adopt the
15 management plan as provided in Arizona Revised Statutes
16 section 45-114, subsection (C).

17 Within 30 days after the plan becomes final,
18 the Department will mail notice of the conservation
19 requirements contained in the plan to all persons who
20 are required to comply with the requirements. Any
21 aggrieved person may request an administrative review of
22 a conservation requirement within 90 days after
23 receiving notice of the requirement as provided by
24 Arizona -- by Arizona Revised Statute section 45-575,
25 subsection (A).

1 A person who requires additional time to
2 comply with a new conservation requirement may request a
3 variance within 90 days after receiving notice of the
4 requirement pursuant to Arizona Revised Statutes section
5 45-574, subsection (A).

6 I will now turn the hearing over to
7 Natalie Mast, who will describe the proposed plan in
8 greater detail.

9 Natalie.

10 MS. MAST: Thank you, John.

11 Good afternoon. My name is Natalie Mast,
12 and I am the Program Manager working on the management
13 plans at ADWR. The purpose of this presentation is to
14 present data in support of the Proposed Management Plan
15 and to provide a summary of the comments made by GUAC
16 members. I will also provide a brief overview of the
17 content of the proposed plan and the changes as compared
18 to the Third Management Plan, if I can get the slide to
19 switch.

20 Could you go one more slide, please? Thank
21 you.

22 The initial draft of the Pinal Active
23 Management Area Fourth Management Plan was published in
24 March 2020. From March to June, ADWR accepted comments
25 and worked to revise the plan in response to those

1 comments. The GUAC comments I will summarize shortly
2 were received in this time period.

3 In June, ADWR published an updated draft
4 incorporating GUAC member and stakeholder
5 recommendations. On July 14th and 21st, a public notice
6 was published in the Casa Grande Dispatch announcing
7 today's hearing and opening the formal comment period on
8 this plan, which closes today at 5:00 p.m.

9 ADWR will publish written findings from
10 today's hearing within 30 days, and so long as adoption
11 of the proposed plan occurs within this calendar year,
12 the conservation program in the plan will go into effect
13 on January 1st to 2023.

14 The recommendations received from GUAC
15 members -- the recommendations received from GUAC
16 members covered a broad range of topics. A full text of
17 those comments was posted on the management plan's page
18 on ADWR's website alongside ADWR's response.

19 Where comments pointed to errors or data
20 inconsistencies, we worked to verify the information
21 provided to make corrections. Additional style and data
22 recommendations were incorporated in some cases.

23 The comments received were diverse in
24 nature, but some recurring topics included the Pinal AMA
25 management goal, the historic cropping program, concerns

1 regarding assured water supply and recommendations for
2 the Fifth Management Plan. The Pinal AMA goal is
3 defined in Arizona Revised Statutes section 45-562,
4 subsection (B), and ADWR has not recommended any changes
5 to the goal at this time. One erroneous mention of
6 "safe-yield" in the initial draft was corrected. The
7 historic cropping program is required to be included in
8 the 4MP pursuant to Arizona Revised Statutes section
9 45-567.02 despite the program having no participants.

10 Basic background information regarding the
11 assured water supply program is provided in the 4MP.
12 Given the complex and dynamic nature of the ongoing
13 conversations regarding the assured water supply
14 challenges in the Pinal AMA, the best source of
15 information will continue to be the Pinal groundwater
16 supply updates page on ADWR's website.

17 Comments regarding the Fifth Management Plan
18 and additional recommendations that were not
19 incorporated at this time have been noted and may be
20 considered as a part of ADWR's ongoing Fifth Management
21 Plan's workgroup process.

22 Next slide, please.

23 I will now provide a brief overview of some
24 data related to the AMA and the summary of the proposed
25 plan.

1 Next slide.

2 The Pinal Active Management Area is one of
3 the four original active management areas established as
4 a part of the 1980 Groundwater Management Act. It
5 includes the Maricopa-Stanfield, Eloy, Aguirre Valley,
6 Santa Rosa Valley and Vekol Valley sub-basins.

7 This graph shows how groundwater demands
8 have changed over time. The top, dark-blue line is
9 total statewide groundwater use. The middle, green line
10 is total active management area groundwater use. And
11 the bottom, light-blue line is the Pinal AMA groundwater
12 use. In the Pinal AMA, total groundwater use has been
13 fairly flat but has increased slowly over time.
14 Additional increases in groundwater use are anticipated
15 in this AMA.

16 The graphs on the screen now show how water
17 use is broken down by sector in the Pinal AMA. The
18 different colors represent the sectors: dark blue is
19 agriculture, light blue is municipal, green is
20 industrial and gold is tribal water use estimates.

21 On the left, you see a comparison of how
22 these break down in different geographies. Statewide,
23 on the far left, about 73 percent is agriculture,
24 including Indian agriculture; and the AMAs, all
25 together, are about 56 percent, and the Pinal AMA is

1 about 94 percent. AMA ag, or that use that is subject
2 to the AMA conservation requirements, is about
3 80 percent of the total water demand in the Pinal AMA.

4 This graph shows the supplies used to meet
5 those demands each year. The Pinal AMA increased its
6 usage of Colorado River water early in the 1990s, but
7 these volumes are expected to decrease. Groundwater use
8 also increased in that time period on the graph, and
9 this is expected to further increase in the future.

10 In analyzing how those supplies and demands
11 impact the AMA as a whole, we turn to the goal of the
12 AMA, which is to allow development of non-irrigation
13 uses and to preserve existing agricultural economies in
14 the active management area for as long as feasible,
15 consistent with the necessity to preserve future water
16 supplies for non-irrigation uses.

17 The blue line on this chart shows overdraft
18 in the AMA alongside the colored bars, which show
19 groundwater demands in each sector: orange for
20 municipal, gray for industrial, green for agricultural
21 and pink for tribal demand estimates. There is
22 variation in overdraft over time, but more recent trends
23 show total groundwater demand and overdraft increasing
24 in the Pinal AMA. This overdraft can be expected to
25 increase with anticipated reductions to Colorado River

1 water availability and corresponding increases in
2 groundwater pumping in the Pinal AMA.

3 The management plans are one tool that ADWR
4 has to help move each AMA toward its goal. While the
5 Pinal AMA has a unique goal, all of the AMAs have
6 something in common: All of the AMAs can move toward
7 their goal by reducing withdrawals of groundwater. This
8 is precisely what the conservation programs in all of
9 the management plans are designed to do; that's what
10 indicates that these programs should be designed to
11 achieve reductions in withdrawals of groundwater.

12 The Proposed Management Plan contains eleven
13 chapters, many containing data, analysis and background
14 information. Chapters 4, 5 and 6 also contain the
15 continuing mandatory conservation programs for
16 agricultural, municipal and industrial water users,
17 respectively. These programs are designed to reduce
18 withdrawals of groundwater.

19 In order to move the Pinal AMA towards its
20 goal, the Fourth Management Plan does include some
21 changes from the Third Management Plan. Some of the
22 changes have to do with data, data quality and the
23 analysis of that data. With additional reporting
24 requirements and some audits to ensure the quality of
25 the data that is being provided, ADWR can better assess

1 the effectiveness of the conservation programs in the
2 management plans. We want to be transparent about the
3 use of that data, though, and so we will be expanding
4 upon an existing report to publish our analysis of that
5 and other reported data.

6 The Fourth Management Plan also contains
7 changes to the conservation programs for all three
8 sectors. These changes are intended to be incremental
9 adjustments to increase conservation where we can in the
10 Fourth Management Plan and to begin conversation on
11 bigger changes to be made in the Fifth Management Plan.
12 These Fourth Management Plan changes include a
13 restructuring of the BMP point systems for the
14 agricultural and municipal sectors and higher points
15 targets for these programs, a change in the turf
16 application rate for turf facilities, an adjustment to
17 the highest 25 percent of water duties and several other
18 changes.

19 Finally, I would like to acknowledge the
20 fact that these management plans are very much a team
21 effort, with an enormous amount of work put in by my
22 predecessors, by management plans and active management
23 area staff, by other staff from around the Department,
24 and with significant input from other state agencies,
25 from GUAC members, and from the regulated community. We

1 would not be here today without the collaborative effort
2 of all of those people and many more. So thank you to
3 all who contributed in any way.

4 With that, thank you for your time and
5 attention. And I will hand it back over to John, who
6 will be calling a speaker.

7 MR. RIGGINS: All right. Thank you,
8 Natalie.

9 So that moves us on to comments. So for
10 those participating via the telephone and not the
11 webinar, we are going to unmute you briefly. If you'd
12 like to make a verbal comment, please state and spell
13 your name, and we will unmute you when it is your turn
14 to speak. If you would not like to make a comment,
15 simply stay silent on the line. We will call on the
16 telephone participants to speak after we do the webinar
17 participants. So we will unmute the telephone
18 participants now.

19 Is there anyone who would like to speak from
20 the telephone? If so, just provide your name, spell
21 your name, and then we'll call on you after the webinar
22 participants give their comments.

23 Hearing none, I'll call to the telephone
24 participants again; I think I saw it later on in the
25 script.

1 And we have a few, though -- there are a few
2 in-person speaker cards. Please be advised that
3 presenting comments at this hearing, whether in person
4 or virtually, will be subject to a three-minute time
5 limit to ensure all who wish to speak receive the
6 opportunity to do so.

7 So I will now begin calling the names of the
8 persons who filled out speaker cards here in person. If
9 you wish to speak and you have not filled out a speaker
10 card, please fill out one of the cards on the table near
11 the entrance and submit it to Sharon.

12 When I call your name, please come up to the
13 podium, state your name, identify any person or entity
14 that you represent and then give your comment. After
15 you have commented -- after you've completed your
16 comment, please exit the room so we can rotate
17 additional speakers in from our overflow room.

18 So the first comment card that I have here
19 is Mr. Jim Goldman.

20 MR. GOLDMAN: My name is Jim Goldman. I
21 reside at Steele Road, south of Coolidge. Dairy farmer;
22 been there for 30 years.

23 All around me now are solar reflectors being
24 put in, thousands of acres of it. My question was --
25 and I think Natalie pretty well answered it -- what's

1 going to happen 20 years from now whenever those
2 reflectors or simulators are obsolete or are phased out
3 for any reason? What's going to happen to the
4 groundwater rights? Are they going to remain? Are they
5 going to be nullified? What's going to happen?

6 And the other question I had was, is all of
7 those thousands of acres that's being taken out and put
8 into solar, are they being considered in the plan when
9 you talk about increased use of water in the county?
10 Because those acres are not being irrigated and so,
11 therefore, there's hundreds of acre-feet of water that's
12 not being utilized, so I'm wondering if that's being
13 considered.

14 That's all my comment was, were these
15 questions. Thank you.

16 MR. RIGGINS: Thank you. And again, we're
17 not going to be responding directly to questions or
18 comments today at the hearing. However, as part of the
19 formal process, we will respond in writing.

20 MR. GOLDMAN: But I suggest that just to
21 give you an indication of what's on people's minds. You
22 know, it doesn't -- it probably won't affect me, anyway.
23 I've got irrigation rights established thirty-some years
24 ago, but I just wanted to figure out what's happening.

25 MR. RIGGINS: Next, we have Ms. Cindy

1 Compton.

2 No comments?

3 Okay. Mr. Scott Riggins.

4 MR. S. RIGGINS: My name is Scott Riggins.
5 I am a Pinal County farmer, an independent agricultural
6 groundwater pumper and an agricultural landowner for the
7 last 35 years. With three minutes' time, I'm can see
8 I'm going to have to cut some of these things down.

9 First of all, I also am a member of the
10 GUAC, but I cannot speak to anything that has been
11 recommended by the GUAC, because, indeed, there has been
12 nothing recommended by the GUAC to this process.
13 Indeed, there is a serious statutory deficit in the
14 management plan at this time.

15 Ms. Mast made the comment that there is a
16 summary of comments by GUAC members. That doesn't
17 represent activities taken by the GUAC. And, in fact,
18 individual members in a government body with open
19 meeting laws can't speak to what the intent of the
20 organization they represent is.

21 I'll refer to statute 45-421, Administrative
22 Duties of Groundwater Users Advisory Councils, and it
23 states: The Groundwater Users Advisory Council shall
24 advise the area director for the active management area,
25 make recommendations on groundwater management programs

1 and policies for the active management area and comment
2 to the area director and to the Director on draft
3 management plans for the active management area before
4 they are promulgated by the Director. That subsection
5 is a "shall," that we "shall" do that.

6 This comment that individual GUAC members
7 spoke for GUAC is totally negated by subsection 5 of the
8 same statute, and it states that: The Groundwater Users
9 Advisory Council shall manifest and record its actions
10 by motion, resolution or other appropriate means. The
11 Pinal GUAC has never had a motion and has never, as a
12 council, made a recommendation to forward this plan, not
13 one time. There have been numerous calls for
14 individuals to make comment. That does not fulfill the
15 statutory obligations.

16 To move on to another issue -- and obviously
17 the Department has tended to think that that's not the
18 case. They've stated that they can carry their
19 statutory obligation through asking members --

20 MS. MAST: Mr. Riggins, I'm afraid your
21 three minutes is up.

22 MR. S. RIGGINS: Pardon me?

23 MS. MAST: I'm afraid your three minutes is
24 up.

25 MR. S. RIGGINS: I haven't spoken for three

1 minutes. I haven't spoken for three minutes. I have
2 my --

3 MS. MAST: I'm afraid your --

4 MR. S. RIGGINS: -- watch right here. I
5 have not spoken for three minutes.

6 MS. MAST: We have a timer as well, and your
7 three minutes is up.

8 MR. S. RIGGINS: Is the hearing officer
9 going to stand for that?

10 MR. RIGGINS: As we stated, we're not
11 responding to any questions or comments.

12 MR. S. RIGGINS: I wasn't -- I wasn't asking
13 a question. I was making a statement. I have not
14 spoken for three minutes.

15 MR. RIGGINS: Sir, we are keeping record of
16 the time. Ms. Mast says it was three minutes; it's
17 three minutes.

18 MR. S. RIGGINS: Well, let that be noted.

19 MR. RIGGINS: If there are any other
20 questions or comments or issues that you have, you can
21 submit those in writing --

22 MR. S. RIGGINS: By the end of today --

23 MR. RIGGINS: -- as a part of this process.

24 MR. S. RIGGINS: -- yes. Thank you very
25 much for your time.

1 MR. RIGGINS: You have -- two people from
2 the room have given you their three minutes, so you have
3 a total of six additional minutes.

4 MR. S. RIGGINS: Thank you very much.

5 MR. RIGGINS: Okay.

6 MR. S. RIGGINS: I very much appreciate
7 that.

8 MR. RIGGINS: You're welcome. And we are
9 starting the timer.

10 MR. S. RIGGINS: That's fine.

11 MR. RIGGINS: Okay.

12 MR. S. RIGGINS: Let me check -- okay, very
13 good. I'm looking at my watch too.

14 Ms. Mast, as I was saying, has spoken to the
15 concept of summaries of GUAC members' comments. Again,
16 that does not fulfill the statutory obligations of the
17 council that must act in a manner of having a motion or
18 referendum or some issue to make their recommendations
19 and activities valid; never done.

20 To move on to a different issue, I would
21 like to draw attention to the drafted management plan's
22 Table -- Table 4-1. Table 4-1 is called the Pinal AMA
23 agricultural water supply and demand 2085 [sic] to 2017.
24 The last column to the right calls itself the allotment.
25 The other headings are use and the last heading is

1 allotment. Allotment isn't defined, but it seems like,
2 really, it can be nothing other than the sum of all the
3 base management plan irrigation grandfathered-right
4 water duties. That would be what the allotment, I
5 think, would mean.

6 This figure of allotment for 2017 shows an
7 allotment for the Pinal AMA agricultural water supply to
8 be 624,366 acre-feet; very good. In the Department's
9 table that goes on the management plan, which is summary
10 number 1, which is a table of all the IGFR allotments,
11 that sum is 898,107 acre-feet. There's an enormous
12 disparity between those two, and obviously one or the
13 other is wrong.

14 It's interesting that this 898,107 acre-foot
15 allotment on irrigation grandfathered rights is actually
16 over what the total agricultural demand was for 2017. I
17 would certainly like to see this explained, because it
18 creates enormous confusion, and I do believe it also
19 leads to conclusions that are improper.

20 The GUAC has had various discussions since
21 the beginning of the year that have always been exactly
22 that: They've been listening sessions. They have been
23 agenda-driven by the Department, and the GUAC has not
24 had an opportunity as an entity to comment on what is
25 being said. We have asked many times. We have not had

1 a meeting dedicated to discussion and formatting and
2 opinion to give as the GUAC.

3 One issue that has never been discussed and
4 given action by the GUAC is the concept of including, in
5 audits, the concept of crop type to be put down for data
6 collection on an already existing statutory irrigation
7 grandfathered right. That is a huge intrusion of
8 privacy. It has never been discussed. There has never
9 been issue, in any manner whatsoever, taken in a public
10 fashion to comment on this, but it is in the plan at
11 this time.

12 The last issue that I probably have time for
13 is there have been changes put together on the
14 agricultural BMP program. There was a discussion by the
15 Department to take a 10-point system and convert it to a
16 12-point system. I don't think that, in and of itself,
17 is a problem. Most of the things done, I believe, are
18 workable; they're not onerous.

19 However, in farm irrigation systems,
20 category 2, we have taken the irrigation systems that we
21 have prioritized and we have totally changed the point
22 values in such a way that is perfunctory/arbitrary and
23 doesn't reflect, at all, technical or efficiency
24 concepts. In the original BMP, level irrigation
25 systems, low-pressure sprinklers and triple-irrigation

1 systems were all 3 points. What we have done now is
2 we've taken level systems, we've kept them at 3 points,
3 and taken low-pressure and triple- and given them
4 25 percent more value. Technically, you might be able
5 to achieve, under best conditions, 5 to 8 percent
6 greater value but nowhere near 25.

7 To make matters worse, in the existing farm
8 irrigation systems, series of systems, there are -- one,
9 two, three, four, five, six -- seven different types of
10 level systems and non-level irrigation systems that are
11 listed. But under low-pressure sprinklers, even though
12 their efficiency doesn't anywhere justify the 25 percent
13 increase in point value, it doesn't account, in any
14 fashion whatsoever, what the field conditions are
15 underneath the sprinkler system.

16 A sprinkler system on unlevel ground can be
17 much less efficient than a sprinkler system on level
18 ground. And it can also be much less efficient than a
19 level-basin irrigation system. So we have built into
20 this proposal that a sprinkler system, if it's
21 low-pressure, regardless of the ground it sits on and
22 possibly having much less efficiency than a level-basin
23 system, is going to have 25 percent higher points.
24 There's nothing technically to justify this. It's an
25 arbitrary decision to try to incentivize a different

1 irrigation system, nothing other than that.

2 And, in fact, it will, in time, give point
3 values to systems that are less efficient. Indeed,
4 triple-irrigation systems can be very efficient, but
5 they're very, very management intensive. And without
6 the aspects of what needs to be done with those
7 triple-irrigation systems, just like the original BMP
8 points system spread, it doesn't guarantee any enhanced
9 efficiency at all. It seems to me that the Department
10 was seeking an optic here; not true efficiencies, not
11 something that the industry works with, not exactly what
12 happens in the field, but an optic.

13 And again, the attempted discussions on this
14 have been very difficult to even have with the
15 Department. But they have this here today, and it is in
16 this promulgation. And I would like the issues of the
17 lack of efficiencies and the disparities addressed.

18 And with that, I think I have almost used up
19 my nine minutes. I thank the hearing officer for the
20 ability to testify.

21 MR. RIGGINS: Thank you, sir.

22 Did we have any other cards for in-person?

23 All right. Let the record reflect that no
24 one else wishes to speak in person. That will move us
25 on to our virtual speaker cards, so we will now begin

1 calling the names of the persons who filled out the
2 virtual speaker cards.

3 If you are participating via the webinar and
4 wish to speak and have not filled out a virtual speaker
5 card, please submit the form available through the chat
6 feature or at the web address that you see on the slide.
7 I don't believe I will be calling the name, but one of
8 the staff members will be calling your name. They will
9 unmute you. So please state your name, identify any
10 person or entity that you represent and then give your
11 comments. As a reminder, there's a three-minute time
12 limit.

13 MS. WELSCH: This is Makenna Welsch. I'll
14 be reading the names of the speaker -- the webinar
15 speaker cards. So the first speaker we have is
16 Dan Jones. Dan Jones, you are now unmuted.

17 MR. JONES: Thank you. My name is
18 Dan Jones. I'm counsel for Maricopa-Stanfield and San
19 Carlos Irrigation & Drainage Districts.

20 The districts, both, have prepared some
21 written comments that either have been submitted or will
22 be submitted shortly, but they both share one kind of
23 overarching concern they've asked me to highlight.
24 There still seems to be pretty significant confusion, at
25 least between the districts and the Department, as to

1 what the Pinal AMA management goal actually is.

2 Overall, based on the Department's framing
3 of the issues and proposals and the stated departure
4 from the prior planned depletion concept, whatever goal
5 ADWR wants to achieve in the Fourth Management Plan
6 looks an awful lot like safe-yield. It's fair enough to
7 use a term other than depletion to describe the goal.
8 There's no doubt that Pinal AMA has some unique water
9 challenges, but we can't lose sight of the fact that
10 there is a statute that sets a particular management
11 goal. That statute has to mean something, and whatever
12 it does mean, it's pretty clear that it's not
13 safe-yield.

14 This is -- it's really important that we all
15 understand what the goal is. That goal sets the scope
16 of what -- of how DWR is supposed to manage the AMA.
17 And if you don't know what the goal is, we can't really
18 figure out what we're trying to achieve and where we're
19 at in the process.

20 The Districts appreciate that the Department
21 hasn't really proposed any dramatic changes to the
22 substantive regulatory measures in the draft Fourth
23 Management Plan, but we still contend that it's
24 absolutely critical that the Department and stakeholders
25 get together and actually come to a clear understanding

1 of what the goal is before ADWR adopts any new
2 regulatory measures that are based on the
3 re-characterization of the purpose of the goal.

4 That's all I wanted to highlight. We
5 appreciate DWR's consideration of the written comments.
6 The districts are happy to answer any questions or
7 provide any other information that might be useful in
8 this process.

9 MS. WELSCH: The next speaker is
10 Brian Betcher. Brian Betcher, you are now unmuted.

11 MR. BETCHER: Can you hear me okay?

12 MS. WELSCH: Yes.

13 MR. BETCHER: Okay. Very good. I want to
14 start out by saying that I'm recently retired from
15 Maricopa-Stanfield, so I'm speaking on behalf of myself,
16 as a citizen who is knowledgeable about what goes on in
17 the Pinal AMA.

18 I first want to agree with the comments of
19 Scott Riggins, 100 percent, and with those of Dan Jones.
20 I just want to highlight a couple of additional things
21 that I think should be considered.

22 The idea of modifying the best management
23 practices in the Fourth Management Plan is very, very
24 late in the process. And several times along the way,
25 there were agreements that there would be no changes

1 through the conservation programs.

2 As Scott pointed out, there's enough concern
3 over how that's being done and how points are being
4 weighted that I would recommend that there's no reason
5 why a probably more technical group can't be pulled
6 together to do more collaborative work on those BMPs and
7 wait for the Fifth Management Plan to do it. You're
8 talking about a two-year difference in between, and that
9 is not going to upset the balance of management in the
10 AMA. I highly recommend that.

11 And with that, as well, I believe there
12 needs to be more work done between the base program and
13 the BMPs. I just know how our farmers have proceeded
14 over the years, and I think the overall effects in the
15 basin is that it does come up to equivalency. There
16 will be more groundwater pumping going forward. But the
17 key question is, without the best management practices
18 program, would there be more pumping than there will be
19 with the program? And I don't know that analysis work
20 has been done.

21 And with that, I will complete my comment.

22 MS. WELSCH: Thank you.

23 And the next speaker is David Snider. David
24 Snider, you are now unmuted.

25 MR. SNIDER: Thank you. My name is

1 David Snider. I've been a member of the Pinal AMA's
2 Groundwater Users Advisory Council for some 30 years. I
3 currently serve as chair.

4 I wish to substantiate Mr. Riggins' comments
5 in that the Department presented draft versions of the
6 Fourth Management Plan at several GUAC meetings. And it
7 is true that members of the GUAC, the council, did, at
8 those meetings, speak to some issues that they had as
9 individuals. However, there was never, ever any motion
10 made or vote taken by the council to make a
11 recommendation to the Director, as per statute,
12 regarding the Fourth Management Plan.

13 Subsequent to the last meeting of the Pinal
14 AMA's council on May 27th, we were notified that there
15 was a deadline of -- excuse me -- June 4th, I believe.
16 And individual comments from board members -- from
17 council members were solicited, and I believe several
18 council members did; I know I did, and I believe there
19 was another one. Again, however, there has never been a
20 formal action by the Groundwater Users Advisory Council
21 regarding the Fourth Management Plan.

22 I want to thank the Department. I
23 understand the imperatives that are driving the calendar
24 for this plan. I'm appreciative of the Department's
25 desire to accommodate that imperative. But I also want

1 to make sure that the "Is" are dotted and the "Ts" are
2 crossed.

3 Thank you for your time.

4 MS. WELSCH: Thank you.

5 And I do not see any other speaker cards at
6 this time.

7 MR. RIGGINS: All right. Thank you,
8 Makenna.

9 So if there's no one else who would like to
10 submit a virtual speaker card, we will let the record
11 reflect that no one else on the webinar wishes to speak.
12 So that will move us to our telephone participants.

13 Makenna, was there anyone who wanted to
14 participate via the telephone, or speak?

15 MS. WELSCH: So I only see one telephone
16 attendee who is not connected to the webinar, so I will
17 unmute that call again to see if they would like to
18 leave their name.

19 MR. RIGGINS: So if you're on the phone and
20 you'd like to participate, just state your name and then
21 your comment; if not, you can just simply stay silent
22 and we will move on.

23 Okay. Hearing none from the telephone, I
24 will call to the overflow room to see if there are any
25 additional persons who wish to speak.

1 And I see none. Let the record reflect that
2 there's no one in the overflow room who wishes to speak
3 at this time.

4 As I mentioned earlier, written comments on
5 the Proposed Management Plan may be submitted until
6 5:00 p.m. today. If you'd like to submit written
7 comments after the close of the hearing but no later
8 than 5:00 p.m. today, please fax or email them to
9 Sharon Scantlebury, the Docket Supervisor. Her fax
10 number is 602-771-8686, and her email address is
11 sscantlebury@azwater.gov. Sharon's business cards with
12 her contact information are located on the table near
13 the entrance if you would like one.

14 This public hearing is now adjourned.
15 Thank you, all, for attending and providing comment.

16 (WHEREUPON, the public hearing was adjourned
17 at 1:55 p.m.)

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C E R T I F I C A T E

I, Nicola Bauman, Certified Court Reporter for the State of Arizona, do hereby certify that the foregoing 34 pages constitute a full, true and accurate transcript of the proceedings had in the foregoing matter, all done to the best of my skill and ability.

Dated at Phoenix, Arizona, this 3rd day of September, 2020.



Nicola Bauman, CCR
Certified Reporter No. 50830
For the State of Arizona