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June 5, 2020

Thomas Buschatzke, Director
Arizona Department of Water Resources
1110 W. Washington St., Suite 310
Phoenix, AZ 85007

Re: Comments Concerning the Pinal Active Management Area Draft 4th Management Plan

Dear Director Buschatzke:

This letter is in response to Arizona Department of Water Resources' (ADWR) request for interested stakeholders to submit comments concerning ADWR's current draft Pinal AMA 4th Management Plan (4MP). Although this letter sets forth general comments concerning the draft 4MP, Maricopa-Stanfield Irrigation & Drainage District (MSIDD) has not had sufficient time to fully review and prepare comments addressing the extensive technical details and statements contained in the draft 4MP as the draft was released during the COVID-19 pandemic and we have not been able to meet in person as a full board to discuss the changes in the 4MP dealing with Agriculture. Therefore, MSIDD respectfully reserves the right to supplement these comments upon completing its review and analysis of the draft 4MP.

I. Pinal AMA Management Goal

As you are aware, the management goal developed for the Pinal AMA (unlike the other AMAs) is "to allow the development of non-irrigation uses as provided in [the Groundwater Code] and to preserve existing agricultural economies in the [AMA] for as long as feasible, consistent with the necessity to preserve future water supplies for non-irrigation uses."¹ Throughout the draft 4MP, ADWR makes repeated references to regulatory and non-regulatory efforts that may be helpful or necessary to achieve or maintain the Pinal AMA management goal, including maximizing the use of renewable supplies, increasing water use efficiency by all sectors, reducing irrigated acreage, and additional recharge and replenishment, among other things.² Although many of the efforts identified by ADWR appear to be unobjectionable, worthwhile water management objectives, there is a fundamental lack of clarity in the draft 4MP as to how ADWR interprets the statutory water management goal for the Pinal AMA. As a threshold matter, it is essential that ADWR and stakeholders have a clear, shared understanding of the Pinal AMA water management goal to effectively evaluate whether the 4MP will bring the Pinal AMA closer to achieving and/or maintaining that goal.

Section 11.1 of the draft 4MP suggests that, in ADWR's view, the Pinal AMA management goal "recognizes the reality of continued groundwater use for agricultural purposes," but that preserving future water

¹ A.R.S. § 45-562(B).

² See, e.g., 4MP, at §§ 2.8; 3.4; 4.1; 8.1; 8.4; 8.7; 11.2.3; 11.2.8; 11.3.1.



supplies for non-irrigation uses is the primary objective. MSIDD respectively disagrees with that interpretation. All AMAs effectively recognize the reality of continued groundwater use for agricultural purposes pursuant to IGFRs and the agricultural conservation requirements set forth in each AMA's respective management plan. In the Pinal AMA, however, "preserving existing agricultural economies in the [AMA] for as long as feasible" is an express goal of A.R.S. § 562(B). Accordingly, MSIDD contends that it is insufficient for the 4MP to merely recognize the continued use of water for agricultural purposes while striving to preserve future water supplies for non-irrigation uses. As urbanization continues to grow in the Pinal County AMA, farmland with IFGRs will be purchased and converted to M&I use, which may still be a lengthy transition. Rather, the 4MP should affirmatively seek to preserve the agricultural economy in the Pinal AMA.

MSIDD recognizes that preserving future water supplies for non-irrigation uses also is an element of the Pinal AMA management goal, and supports efforts to augment and increase the use of renewable water supplies, improve water use efficiency among all sectors, increase recharge, and transition some existing agricultural uses to non-irrigation uses over the long-term. As recognized by ADWR, however, the Pinal AMA still "has an agricultural dominated economy."³ Efforts to reduce water use at the expense of preserving the existing agricultural economy will fail to achieve the Pinal AMA management goal not only by failing to preserve the agricultural economy as provided by statute, but also by disrupting the orderly transition of agricultural uses to non-irrigation uses that underlies the need to preserve future water supplies. Therefore, it is important that ADWR not take a short-term view of current agricultural uses as impeding to the long-term preservation of future water supplies for other uses.

II. Chapter 4: Agricultural

In Chapter 4 of the draft 4MP, ADWR notes that agricultural demand in the Pinal AMA has remained steady despite a decrease in irrigation acres since 2002.⁴ As illustrated in Table 4-1, however, the total combined use of groundwater and in-lieu groundwater consistently has been far less than the total allotment. MSIDD believes that this shows the success of ongoing water management efforts and the conservation and efficiency practices implemented by irrigation districts and farmers in reducing the agricultural sector's reliance on groundwater in the Pinal AMA, which should be a primary focus of the 4MP and worthy of note.

For similar reasons, MSIDD contends that ADWR's analysis of the effectiveness of the Best Management Practices (BMP) program is incomplete. On page 4-8 of the draft 4MP, ADWR contends that BMP farms applied about 29 percent more water per irrigation acre than non-BMP farms in 2017. Conversely, on page 11-8 of the draft 4MP, ADWR contends that BMP farms use about 57 percent more water per irrigation acre than non-BMP farms. Therefore, ADWR implies that the current BMP program does not meet the requirements of A.R.S. § 45-567.02(G), which provides that the BMP program shall be designed to achieve conservation that is at least equivalent to that required under the Base Program.

MSIDD questions whether BMP farms actually used more water per actively irrigated acre than non-BMP farms. Assuming that was the case, however, MSIDD contends that comparing current water usage for IGFRs in the BMP program with current water usage for IGFRs that remain the Base Program is not the proper

³ Draft 4MP, at 2-14.

⁴ Draft 4MP, at 4-3; Figure 4-2.

Thomas Buschatzke, Director

June 5, 2020

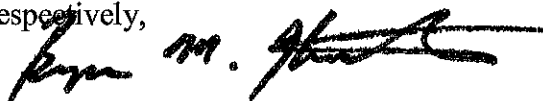
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method of evaluating whether the BMP program was effectively designed to achieve conservation equivalent to the Base Program. Such a comparison does not account for important differences among the farms at issue and the reasons underlying decisions to enroll certain IGFRs in the BMP program. Rather, to evaluate whether the BMP program is designed to achieve conservation equivalent to the Base Program, ADWR should analyze: (1) whether current BMP farms would use less water if the same IGFRs were regulated instead under the Base Program; or (2) whether overall groundwater conservation for all BMP and Base Program farms is at least equivalent to conservation that would be required if all IGFRs instead were regulated by the Base Program. Because many BMP farms formerly relied on flexibility credits to support their operations, it is not clear that those farms actually would use less groundwater if they were regulated under the Base Program instead. Likewise, if the total groundwater use of all Base Program and BMP farms is less than the combined total groundwater allotment if all IGFRs remained in the Base Program, it is unclear why ADWR proposes to modify the BMP program to increase conservation.

MSIDD believes it is important for ADWR and irrigated agriculture to continue to work together in protecting the Ag economies, instead of becoming adversarial. The draft 4MP appears to focus more on regulation and demands instead of conservation practices and efficiencies for the Pinal AMA. This change in direction is not consistent with the stated goals creating the Pinal AMA. It is necessary for the Pinal County agriculture community to continue farming until the land is converted to non-irrigation use, as originally intended.

MSIDD appreciates the opportunity to comment on ADWR's draft 4MP. As referenced above, MSIDD will supplement these comments upon completing its review of the draft 4MP. If you have any questions, please do not hesitate to let us know.

Respectively,



Bryan Hartman,
President, MSIDD

BH/smw

Enclosure(s): None.