ARIZONA DEPARTMENT OF WATER RESOURCES

BEFORE THE DIRECTOR

IN THE MATTER OF THE MANAGEMENT PLAN FOR THE PRESCOTTACTIVE MANAGEMENT AREA FOR THE FIFTH MANAGEMENT PERIOD

SUMMARY OF HEARING AND FINDINGS

I. Procedural Background

Pursuant to the requirements prescribed in A.R.S. §§ 45-568, 45-568.01, 45-568.02, 45-570, and 45-571, Thomas Buschatzke, Director of the Arizona Department of Water Resources ("Director"), issued the proposed management plan for the Prescott Active Management Area ("PrAMA") for the fifth management period ("proposed plan" or "Fifth Management Plan") on April 19, 2022. A public hearing on the proposed plan was held on May 31, 2022 in Prescott, Arizona.

The hearing officer for the hearing was John Riggins, the Statewide Planning Manager at the Arizona Department of Water Resources ("Department"). At the hearing, Natalie Mast, Active Management Area Director responsible for the management plans presented data in support of the proposed plan, as well as the Groundwater Users Advisory Council’s ("GUAC") comments on the proposed plan. The hearing officer also received oral and documentary evidence concerning the proposed plan. The hearing record remained open until May 31, 2022 at 5:00 p.m.

As provided in A.R.S. § 45-571(A), the Director is required to file a written summary and findings with respect to matters considered during the hearing record. As a result of additional review by the Director, the Director has determined that non-substantive modifications to the proposed plan are necessary to make typographical and technical...
corrections. Pursuant to A.R.S. § 45-571(B), the Director has made the necessary modifications and is filing in the Department an order adopting the plan as modified simultaneously with this Summary and Findings. After reviewing the comments and evidence submitted during the hearing record period, the Director makes the following written summary and findings with respect to matters considered during the hearing record period.

II. **Summary of Hearing and Findings**

A summary of the comments received during the hearing record period and the Director's responses to the comments are presented below. One person presented oral comments at the public hearing. The Director received three written comments during the hearing record period.

**Safe-yield**

**Comment:** Commenters stated that safe-yield is inadequate, that the draft Fifth Management Plan fails to plan for the future or for safe-yield, and that the draft fails to identify new authorities needed to achieve safe-yield.

**Response:** Safe-yield is defined in A.R.S. § 45- 561(12) and is established as the goal of the PrAMA in A.R.S. § 45-562(A). The management plans help to move each Active Management Area (“AMA”) toward its goal by establishing conservation programs that are “designed to achieve reductions in withdrawals of groundwater” (A.R.S. § 45-563(A)). The programs contained in the Fifth Management Plan are designed to achieve reasonable, incremental reductions in withdrawals of groundwater in order to move the AMA toward its goal. Additionally, in preparation for the Fifth Management Plan, the Department conducted extensive public stakeholder discussions to update the calculations used to analyze overdraft and safe-yield, and published the [Overdraft, Safe-](#)
Yield, and the Management Goals in Arizona's Active Management Areas Report, a comprehensive report which includes a description of the aspects of safe-yield, how the Department analyzes those aspects, and the status of each AMA with regard to its management goal. This process functioned to facilitate a better understanding of safe-yield and consensus on its methodology, creating a basis for common language and analysis for future planning and analysis efforts.

Municipal Conservation Program

Comment: A commenter stated that the Municipal conservation programs are weak, inadequate, confusing, overly complex, and ineffective.

Response: The programs contained in the Fifth Management Plan are designed to achieve reasonable, incremental reductions in withdrawals of groundwater in order to move the AMA toward its goal. The Fifth Management Conservation Programs for Large Municipal Providers include provisions that either allow for updates, such as the potential for additional best management practices (BMPs) in the Non-Per Capita Conservation Program (NPCCP), or automatically update over time, such as the annual requirements in the Gallons Per Capita Per Day (GPCD) Program.

Additionally, the Fifth Management Plan significantly streamlined the conservation program chapters, improving readability and clarity in the narrative descriptions of each program.

Assured Water Supply

Comment: A commenter stated that there is no mention of the Department’s commingling and volumetric accounting policies.
Response: Commingling and volumetric accounting in the context of the management plans are described in section 7.7.1 of the 5MP.

Miscellaneous

Comment: A commenter stated that the Fifth Management Plan was thoughtfully prepared and acknowledges the need to work together to move the Prescott AMA forward.

Response: The Department appreciates the commenter’s support and their engagement with water issues.

Comment: Commenters suggested non-substantive changes to phrasing and language suggestions.

Response: The Department considered these style and language suggestions and updated the Fifth Management Plan as needed.

Comment: Commenters suggested additional data and data explanations.

Response: In the development of the Fifth Management Plan, the Department worked extensively to expand the amount of data that is readily available to the regulated community. Much of the data that was included in previous management plans was moved online, allowing for data updates and corrections to be made in an ongoing manner. AMA data can be found at http://new.azwater.gov/ama/ama-data, and staff are happy to take suggestions for updates and expansions to this data at earp@azwater.gov.

Comment: Commenters suggested the Department include recommendations for additional management strategies up to and including potential statute modifications.

Response: The Department acknowledges the commenters request and opted not to include specific recommendations and proposals in the Fifth Management Plan. Development of additional management strategies is best suited to collaborative
stakeholder discussions, such as those occurring in the Governor’s Water Augmentation, Innovation, and Conservation Council.

Comment: Commenter noted substantial disagreements with claims made by municipalities regarding local aquifer conditions, municipal planning, and conservation efforts.

Response: This comment is not relevant to specific provisions in the Fifth Management Plan, and the Department does not comment on disputes between different entities.

Comment: Commenters stated that the plan does not include an analysis of the effectiveness of conservation programs and a rigorous evaluation of previous Management Plans.

Response: The Department held Fifth Management Plan Workgroup (MPWG) meetings from 2019-2021 where staff worked extensively with the regulated community to analyze existing conservation programs and develop new management strategies for the Fifth Management Plans. Initial meetings extensively detailed data related to previous management plans and conservation programs. Summaries of the corresponding work group meetings, data, and comments from stakeholders that were received throughout the development process are all available at http://new.azwater.gov/SMP/plans-concepts.

Comment: Commenter appreciates the Department’s improvements on public communication.

Response: The Department appreciates the commenter’s support.

Comment: A commenter expressed concerns over the impact of wildcat subdivisions, exempt wells and dry lot splits.

Response: These comments do not raise an issue related to the authorities of the Fifth Management Plan, but rather refer to the Assured Water Supply program. However, the
Department notes that lot splits that meet the statutory definition of a subdivision (A.R.S. § 32-2101(56)) must receive a determination of Assured Water Supply before the subdivision may be approved, and exempt wells are exempt from metering, reporting and conservation requirements pursuant to A.R.S. § 45-454. Additional information regarding Assured Water Supply and well requirements can be found at http://new.azwater.gov.

III. Conclusion

The Director has determined it is appropriate to adopt the proposed plan, with the non-substantive modifications, as the Fifth Management Plan as described in the Order of Adoption issued simultaneously with this Summary of Hearing and Findings.

Dated this 30 day of June, 2022.

[Signature]
Thomas Buschatzke
Director, Arizona Department of Water Resources