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Via e-mail only

Arizona Department of Water Resources
Attn: 5MP Comments
1110 W. Washington St., Suite 310
Phoenix, AZ 85007
managementplans@azwater.gov

RE: Comments to Proposed 5MP Chapter 8 Language

To Whom It May Concern:

These comments are submitted in response to the Department's November 2, 2021 e-mail requesting feedback on the 5MP Recharge and Recovery Proposal Summary and related draft regulatory language.

The restrictions on recovery of water actually stored in shallow groundwater USF areas (not GSF facilities) are reasonable as the restrictions require storers that add new water to shallow water conditions to help manage those conditions that could be aggravated by additional USF storage.

However, the Department cannot incentivize remote recovery of stored water (or GSF-created credits) in shallow groundwater areas for all users because those shallow groundwater areas in most cases are (1) already reserved for water uses that have been included in assured water supply determinations and (2) because shallow groundwater areas tend to be near surface waters, and may be surface water subflow (not groundwater).

The Department should:

- 1. Eliminate proposed subsection 8-801.A. that would allow any person holding long term storage credits of any kind to recover water in shallow groundwater areas regardless of the effect on assured water supplies or whether the water might be surface water subflow.**

If the Department wishes to retain the concept in 8-801.A., with which I disagree, then the Department should add two new conditions as follows to the first sentence of that subsection:

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8-801.A. “If recovery will occur within an area determined by the Director to be experiencing shallow depth to water conditions regardless of where the water was stored, **so long as the proposed recovery meets the condition in 8-801.C.2.a. and the proposed recovery will not cause the withdrawal of surface water....**”

Thank you for considering these comments. Please call me if you have any questions.

Sincerely,


Michele Van Quathem