

1 **ARIZONA DEPARTMENT OF WATER RESOURCES**

2 **BEFORE THE DIRECTOR**

3
4 **IN THE MATTER OF THE**
5 **MANAGEMENT PLAN FOR THE**
6 **SANTA CRUZ ACTIVE**
7 **MANAGEMENT AREA FOR THE**
8 **FOURTH MANAGEMENT PERIOD**

9 **SUMMARY OF HEARING AND**
10 **FINDINGS**

11 **I. Procedural Background**

12 Pursuant to the requirements prescribed in Arizona Revised Statutes (“A.R.S.”) §§ 45-
13 567, 45-567.01, 45-567.02, 45-570, and 45-571, the Director of the Arizona Department of
14 Water Resources (“Director”), issued the proposed management plan for the Santa Cruz Active
15 Management Area (“SCAMA”) for the fourth management period (“Fourth Management Plan”
16 or “4MP”) on August 20, 2020. A public hearing on the proposed plan was held on September
17 22, 2020 in Tubac, Arizona and via webinar.

18 The hearing officer for the hearing was John Riggins, Chief Compliance Officer and
19 Ombudsman at the Arizona Department of Water Resources (“Department” or “ADWR”). At
20 the hearing, Natalie Mast, Active Management Area Director responsible for the management
21 plans presented data in support of the proposed 4MP, as well as the Groundwater Users
22 Advisory Council’s (“GUAC”) comments on the proposed plan. The hearing officer also
23 received oral and documentary evidence concerning the proposed plan. The comment period
24 remained open until September 22, 2020 at 5:00 p.m.

25 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 no substantive changes to

1 the proposed plan are necessary. However, the Director has determined that several non-
2 substantive modifications are necessary to make typographical and technical corrections.
3 Pursuant to A.R.S. § 45-571(B), the Director has made the necessary modifications and is filing
4 in the Department an Order adopting the plan as modified simultaneously with this Summary
5 and Findings. After reviewing the comments and evidence submitted during the hearing record
6 period, the Director makes the following written summary and findings with respect to matters
7 considered during the hearing record period.

8 9 **II. Summary of Hearing and Findings**

10 One person presented comments at the public hearing through the webinar. The Director
11 received two written comments during the hearing record period. The comments are categorized
12 and summarized below, along with the Director’s responses to the comments:

13 14 *1. Conservation Requirements*

15 Comment: Commenter stated that SCAMA is maintaining safe-yield so no
16 additional conservation requirements are necessary in the fourth management
17 plan. Commenter further stated that changes made to the agricultural,
municipal, and industrial programs are unnecessary.

18 Response: As noted in Section 3.3 of the 4MP, “ongoing drought may be driving
19 the SCAMA out of a safe-yield condition.” Increasing conservation
20 requirements in successive management plans is consistent with the incremental
21 design of the plans in the Groundwater Code and can assist the SCAMA with
22 achieving its management goal as required by A.R.S. § 45-563(B). A correction
23 was made to Section 6.1 of the 4MP, which erroneously stated that the Industrial
Conservation Program was “the same as” the Santa Cruz AMA Third
Management Plan (3MP).

24 *2. Management of groundwater and surface water*

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1 Comment: Commenter expressed concerns with the reference to “conjunctive
2 resource management” in Section 11.2.5 of the 4MP, given that the current
3 statutory provision is for “coordinated management” of groundwater and surface
4 water in the SCAMA.

5 Response: Conjunctive resource management is simply acknowledged in
6 Section 11.2.5 as a potential future tool for reaching the goals of the AMAs

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11 3. *Riparian transpiration*

12 Comment: Commenter stated that riparian transpiration demands exceed other
13 uses demands in the SCAMA and are given preference over other water demands
14 in the 4MP.

15 Response: Riparian transpiration is calculated as a component of net natural
16 recharge in ADWR’s regional groundwater models. This does not assign
17 preference, but rather allows various inflows and outflows to be accounted for.

18 4. *Well spacing requirements*

19 Comment: Commenter stated that they oppose well spacing requirements for
20 wells that withdraw subflow.

21 Response: Management plans for the SCAMA are required to include “criteria
22 for the location of new wells and replacement wells in new location”, pursuant
23 to A.R.S. § 45-563(B). See also A.R.S. §§ 45-451 and 5-567(A)(9). These
24 requirements, contained in Section 10-901 of the 4MP, are identical to those
25 contained in the 3MP.

26 5. *Assured Water Supply*

27 Comment: Commenter stated that they oppose the adoption of Assured Water
28 Supply Rules for SCAMA.

29 Response: This comment does not relate to any specific provision of the 4MP
30 and is therefore outside the scope of this proceeding.

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33 **III. Conclusion**

1 The Director has determined it is appropriate to adopt the proposed plan, with several
2 non-substantive modifications, as the Fourth Management Plan as described in the Order of
3 Adoption issued simultaneously with this Summary of Hearing and Findings.
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5 Dated this 20th day of October, 2020.

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8 Thomas Buschatzke
9 Director, Arizona Department of Water Resources
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