ARIZONA DEPARTMENT OF WATER RESOURCES

BEFORE THE DIRECTOR

IN THE MATTER OF THE
MANAGEMENT PLAN FOR THE
SANTA CRUZ ACTIVE
MANAGEMENT AREA FOR THE
FOURTH MANAGEMENT PERIOD

SUMMARY OF HEARING AND
FINDINGS

I. Procedural Background

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

The hearing officer for the hearing was John Riggins, Chief Compliance Officer and Ombudsman at the Arizona Department of Water Resources (‘Department’ or ‘ADWR’). At the hearing, Natalie Mast, Active Management Area Director responsible for the management plans presented data in support of the proposed 4MP, 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 comment period remained open until September 22, 2020 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 no substantive changes to
the proposed plan are necessary. However, the Director has determined that several non-
substantive modifications 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

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

1. Conservation Requirements

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

Response: As noted in Section 3.3 of the 4MP, “ongoing drought may be driving
the SCAMA out of a safe-yield condition.” Increasing conservation
requirements in successive management plans is consistent with the incremental
design of the plans in the Groundwater Code and can assist the SCAMA with
achieving its management goal as required by A.R.S. § 45-563(B). A correction
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).

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

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

3. Riparian transpiration

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

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

4. Well spacing requirements

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

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

5. Assured Water Supply

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

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

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

Dated this 20th day of October, 2020.

Thomas Buschatzke
Director, Arizona Department of Water Resources