I. **Procedural Background**

Pursuant to the requirements prescribed in A.R.S. §§ 45-567, 45-567.01, 45-567.02, 45-570, and 45-571, Thomas Buschatzke, Director of the Arizona Department of Water Resources ("Director"), issued the proposed management plan for the Phoenix Active Management Area ("PhxAMA") for the fourth management period ("Fourth Management Plan" or "4MP") on March 11, 2020. A public hearing on the proposed plan was held on February 10, 2020 in Phoenix, Arizona.

The hearing officer for the hearing was John Riggins, Chief Compliance Officer and Ombudsman at the Arizona Department of Water Resources ("Department"). At the hearing, Natalie Mast, Program Manager for Active Management Area 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 February 10, 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 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. Six people presented oral comments at the public hearing. The Director received five written comments during the hearing record period.

1. Turf Conservation Program

Comment: A commenter stated that it is not an economically viable option for Dobson Ranch Lakes to abide by the 4MP conservation allotment for lakes. To do so would require a complete reconfiguration and redesign of the commenter’s lakes. Because the lakes were developed prior to the enactment of the Arizona Groundwater Code, ADWR should adopt alternative conservation requirements for the lakes.

Response: The Department does not believe it would be appropriate to adopt alternative conservation requirements for a specific turf-related facility. Instead, unique circumstances may be addressed through the administrative review process set forth in A.R.S. § 45-575. See section 10.3.2 of the Fourth Management Plan.
Comment: A commenter stated that conservation requirements for golf courses are not economically feasible and that the proposed reduction in water allotments are unattainable for the commenter’s facility.

Response: The 4MP conservation requirements for golf courses were developed and refined through discussions with the regulated community. The Department believes these requirements are achievable using existing technologies and best practices for water conservation at golf courses.

Comment: A commenter stated appreciation for the Department’s collaborative efforts and requests consideration of carrying flex balances forward from the Third Management Plan (3MP).

Response: The Department appreciates the commenter’s support. The flexibility provisions in the turf conservation program will be a topic of discussion as the Fifth Management Plans (5MP) are being developed.

2. Agricultural Conservation Program

Comment: A commenter stated that the proposal to reduce the top 25% of water duties disproportionately impacts Roosevelt Irrigation District.

Response: Reductions were calculated by area of similar farming conditions per A.R.S. § 45-567(A)(1). Unique circumstances may be addressed through the administrative review process set forth in A.R.S. § 45-575. See section 10.3.2 of the Fourth Management Plan.
Comment: A commenter stated concerns regarding the Department’s analysis of water usage under the agricultural BMP program for the purposes of both the 4MP and the 5MP.

Response: The Department appreciates the feedback. Reporting requirements have been updated to allow for a better understanding of water use on actively irrigated acres, and additional analysis will be considered under the 5MP.

Comment: A commenter stated that he has been involved in earlier discussions on the plan, and his comments were largely addressed in that informal process. He recommends care in ensuring that conservation is contributing to its goals and not disadvantaging any single group.

Response: The Department appreciates the participation and feedback from the commenter.

3. Miscellaneous

Comment: A commenter stated that the Department has done an “amazing job” at managing water resources.

Response: The Department appreciates the commenter’s support.

Comment: A commenter stated concerns related to zoning issues in the City of Chandler.

Response: These comments do not relate to any specific provision of the Fourth Management Plan and is therefore outside the scope of this proceeding.
Comment: A commenter asked questions about whether there is an advisory group for areas near Superior and Green Valley and how stakeholders in those areas might increase their participation in the AMAs.

Response: Superior is in the Phoenix AMA, and Green Valley is in the Tucson AMA. A groundwater users advisory council (GUAC) exists for each AMA. GUAC meetings are open to the public, and stakeholders are encouraged to participate in those meetings. Meeting information is available at https://new.azwater.gov/ama/guac/meetings.

III. Conclusion

The Director has determined it is appropriate to adopt the proposed plan, with the 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 11th day of March, 2020.

Thomas Buschatzke
Director, Arizona Department of Water Resources