

1 **ARIZONA DEPARTMENT OF WATER RESOURCES**

2 **BEFORE THE DIRECTOR**

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

**SUMMARY OF HEARING AND**  
**FINDINGS**

9 **I. Procedural Background**

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

16 The hearing officer for the hearing was John Riggins, Chief Compliance Officer and  
17 Ombudsman at the Arizona Department of Water Resources (“Department”). At the hearing,  
18 Natalie Mast, Program Manager for Active Management Area Management Plans presented  
19 data in support of the proposed 4MP, as well as the Groundwater Users Advisory Council’s  
20 (“GUAC”) comments on the proposed plan. The hearing officer also received oral and  
21 documentary evidence concerning the proposed plan. The comment period remained open until  
22 February 10, 2020 at 5:00 p.m.

23 As provided in A.R.S. § 45-571(A), the Director is required to file a written summary  
24 and findings with respect to matters considered during the hearing record. As a result of  
25 additional review by the Director, the Director has determined that non-substantive  
modifications to the proposed plan are necessary to make typographical and technical

1 corrections. Pursuant to A.R.S. § 45-571(B), the Director has made the necessary modifications  
2 and is filing in the Department an order adopting the plan as modified simultaneously with this  
3 Summary and Findings. After reviewing the comments and evidence submitted during the  
4 hearing record period, the Director makes the following written summary and findings with  
5 respect to matters considered during the hearing record period.

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7 **II. Summary of Hearing and Findings**

8 A summary of the comments received during the hearing record period and the  
9 Director's responses to the comments are presented below. Six people presented oral comments  
10 at the public hearing. The Director received five written comments during the hearing record  
11 period.

12 *1. Turf Conservation Program*

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

19 Response: The Department does not believe it would be appropriate to adopt  
20 alternative conservation requirements for a specific turf-related facility. Instead,  
21 Unique circumstances may be addressed through the administrative review process  
22 set forth in A.R.S. § 45-575. See section 10.3.2 of the Fourth Management Plan.

1           Comment: A commenter stated that conservation requirements for golf courses are  
2 not economically feasible and that the proposed reduction in water allotments are  
3 unattainable for the commenter's facility.

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

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

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

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16           2. *Agricultural Conservation Program*

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

19           Response: Reductions were calculated by area of similar farming conditions per  
20 A.R.S. § 45-567(A)(1). Unique circumstances may be addressed through the  
21 administrative review process set forth in A.R.S. § 45-575. *See* section 10.3.2 of the  
22 Fourth Management Plan.

1 Comment: A commenter stated concerns regarding the Department’s analysis of  
2 water usage under the agricultural BMP program for the purposes of both the 4MP  
3 and the 5MP.

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

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

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

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15 *3. Miscellaneous*

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

18 Response: The Department appreciates the commenter’s support.

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

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

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

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10          **III. Conclusion**

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

14                                  Dated this 11 day of March, 2020.

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18                                  Thomas Buschatzke  
19                                  Director, Arizona Department of Water Resources  
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