I. Procedural Background

Pursuant to the requirements prescribed in A.R.S. §§ 45-568, 45-568.01, 45-568.02, 45-570, and 45-571, Thomas Buschatzke, Director of the Arizona Department of Water Resources (“Director”), issued the proposed management plan for the Tucson Active Management Area (“TAMA”) for the fifth management period (“proposed plan” or “Fifth Management Plan”) on March 21, 2022. A public hearing on the proposed plan was held on April 26, 2022 in Tucson, Arizona.

The hearing officer for the hearing was John Riggins, the Statewide Planning Manager at the Arizona Department of Water Resources (“Department”). At the hearing, Natalie Mast, Active Management Area Director responsible for the management plans presented data in support of the proposed plan, 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 hearing record remained open until April 26, 2022 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 substantive and non-substantive modifications to the proposed plan are necessary to correct an error made in the
calculation of application rates for the golf course conservation program in Chapter 6, to remove
updated recharge and recovery siting criteria in Chapter 3 in response to stakeholder concerns,
and 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. Four people presented oral
comments at the public hearing. The Director received nine written comments during the
hearing record period.

1. Recharge and Recovery

Comment: A commenter stated that they support the Department’s decision to remove
proposed updates to the recharge and recovery siting criteria.

Response: The Department appreciates the commenter’s support.

2. Mining Conservation Program

Comment: A commenter stated that they are supportive of the Department’s proposal to
readopt the regulatory language for metal mining facilities under the 4MP and to include
the new optional Alternative Mining Conservation Program. The commenter believes
the proposed changes to the draft plan will clarify the plan requirements and provide
greater flexibility to regulated facilities in achieving compliance.

Response: The Department appreciates the commenter’s support.
3. Miscellaneous

Comment: A commenter expressed concerns that the draft Fifth Management Plan did not include mention of water harvesting.

Response: The Department acknowledges the commenter’s concerns but has opted not to include a discussion of water harvesting due to the practice typically being implemented at the individual, residential scale, and due to physical and legal complexities of conducting water harvesting at a larger scale.

Comment: A commenter stated concerns about emerging water contaminants and suggested that the Fifth Management Plan address PFAS.

Response: The Department acknowledges the commenter’s concerns but has opted not to include a discussion of PFAS or emerging contaminants in the proposed plan. While water quality is referenced in the Fifth Management Plan, the primary focus is supply. Information regarding water quality and emerging contaminants would more appropriately be found through the Arizona Department of Environmental Quality.

Comment: A commenter requested information on whether the Fifth Management Plan will impact grandfathered water rights.

Response: Irrigation water duties are established as a part of each management plan for irrigation grandfathered rights. Pursuant to A.R.S. § 45-568(A)(2) the top twenty-five per cent of water duties may be reduced by up to five per cent. Information about the allotment and water duty for each irrigation grandfathered right can be found in Supplement I at new.azwater.gov/ama/management-plans.

Comment: A commenter at the hearing expressed compliance concerns related to the commenter’s homeowner’s association.
Response: These comments do not raise an issue related to the Fifth Management Plan. Specific compliance concerns may be reported to the department through the complaint portal at https://www.azwater.gov/eForms/Forms/Complaint/DWR_Complaint.aspx.

Comment: A commenter at the hearing provided material regarding the water conservation measures that his golf course has taken in recent years.

Response: The Department appreciates the commenter’s engagement with water issues and efforts to conserve water.

Comment: A commenter expressed concerns about declining private well water levels and concerns regarding ongoing residential development in the area.

Response: These comments do not raise an issue related to the Fifth Management Plan. However, the Department notes that a new subdivision must receive a determination of Assured Water Supply before the subdivision may be approved, and new non-exempt wells are subject to well impact analyses and spacing requirements to protect existing wells from unreasonable drawdown. Additional information regarding Assured Water Supply and well requirements can be found at new.azwater.gov.

III. Conclusion

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

Dated this 23rd day of May, 2022.

Thomas Buschatzke
Director, Arizona Department of Water Resources