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ARIZONA DEPARTMENT OF WATER RESOURCES
PUBLIC COMMENT MEETING
CITY OF YUMA
Yuma, Arizona
November 21, 2019
10:00 a.m.

BY: AMY S. RICHARDSON
Certified Reporter
AZ No. 50329
CA No. 11647

1 MS. KARTHA: I would like to welcome City of Yuma
2 Mayor Doug Nicholls to come up here and welcome all of us.

3 MR. NICHOLLS: Good morning. I'd like to ask
4 everyone to grab a seat, if they could. There's plenty of
5 room up front. It's not church, so you can come sit close.

6 Ms. Kartha, thank you very much for coming.
7 Ms. Scantlebury and Mr. Chandler, we appreciate your trip
8 here to Yuma to have this very important hearing on a
9 statewide issue. It's always good to have representation and
10 discussion here in the Yuma area. As you can see, we're
11 pretty passionate about different issues, so we look forward
12 to having a good discussion today.

13 Before we get started, I would like to recognize
14 some other elected officials that are here today. We have
15 Arizona State Senator Lisa Otondo. We have Yuma County
16 Supervisor Russell McCloud; Yuma County Supervisor Darren
17 Simmons; Yuma County Supervisor Lynn Pancrazi; Mohave County
18 Supervisor Jean Bishop; Deputy Mayor of the City of Yuma,
19 Gary Knight; and City Councilmember Mike Shelton.

20 I'm pretty sure I've missed a few because elected
21 officials aren't good about signing in and all that, so
22 there's no offense if they didn't get on the list. I just
23 wanted to take an opportunity to thank you again, and thank
24 the Yuma community for showing up to have this great
25 conversation. Thank you.

1 MS. KARTHA: Thank you very much, Mayor Nicholls.
2 This is a fantastic facility, and thank you for the very warm
3 welcome to the beautiful city of Yuma.

4 Good morning. I will now officially start the
5 meeting. For the record, today is Thursday, November 21st,
6 2019, and the time is 10:02 a.m. We are at the City of Yuma
7 Council Chambers in Yuma, Arizona.

8 My name is Vineetha Kartha. I am the manager for
9 the Colorado River section at Arizona Department of Water
10 Resources, and I will be facilitating today's meeting. With
11 me are Clint Chandler, Assistant Director; Douglas McEachern,
12 Communications Administrator; Kelly Brown, Deputy Counsel;
13 Sharon Scantlebury, Docket Supervisor; and also Amy Levy,
14 Water Resources Specialist.

15 Also with me today from the department is Tom
16 Buschatzke, the Director of the Department of Water
17 Resources. Because ADWR is the entity that makes the
18 recommendation to the Secretary of the Interior, the director
19 is here to listen to your comments and observe the proceeding
20 but will not be making any comments or responding to any
21 inquiries.

22 We have a court reporter here today to record the
23 comments. As such, it is very important for the speakers to
24 please speak up and speak slowly so that the court reporter
25 can accurately record your comments.

1 If anyone has any difficulty hearing me or the
2 speaker, please let me know.

3 If you haven't already done so, please sign the
4 sign-in sheet on the table near the entrance. There are also
5 speaker cards available on the table. If you desire to speak
6 today, please fill out a speaker card, if you haven't done so
7 already, and submit your card to the Sharon Scantlebury.

8 The purpose of today's meeting is to provide members
9 of the public with the opportunity to make oral or written
10 comments on the pending application for the proposed transfer
11 of the GSC Farm, LLC's Fourth Priority Colorado River water
12 entitlement to the Town of Queen Creek.

13 Pursuant to the Department's substantive policy
14 statement entitled "Policy and Procedure for Transferring an
15 Entitlement of Colorado River Water," the Department
16 advertised the proposed transfer on November 7th and
17 November 14th, 2019, in "Arizona Republic," a newspaper of
18 general circulation within the State of Arizona.

19 The application is also available on the
20 Department's web site at "azwater.gov." If you go to the
21 Department's home page and scroll down to "Hot Topics" or
22 "Current Initiatives," you should be able to see a link to
23 the proposed transfer.

24 The Department's substantive policy statement states
25 that the Department will accept comments on a proposed

1 transfer for 30 days following the second advertisement of
2 the proposed transfer. Because the 30th day following the
3 advertisement -- following the second advertisement of this
4 proposed transfer is a Saturday, comments will be accepted
5 until 5:00 p.m. on the following Monday, which is Monday,
6 December 16, 2019.

7 The Department held meetings at ADWR offices on
8 Tuesday, the City of Bullhead City and the Town of Parker
9 yesterday, to provide members of the public additional
10 opportunities to make oral or written comments on the
11 proposed transfer. The times and locations of these meetings
12 are shown on the Department's web site at the address
13 mentioned previously.

14 Today's meeting will be conducted in a formal
15 manner. As I mentioned previously, a court reporter is
16 recording all the statements. A copy of the transcript will
17 be available for review at the Department's office and will
18 also be posted on the Department's web site when it is
19 available.

20 Please be aware that the Department will not be
21 responding to questions or comments at today's meeting. If
22 anyone has any questions or comments on issues or programs
23 that are outside of the scope of today's meeting, you can
24 contact either me or one of our staff members after the
25 meeting.

1 At the conclusion of the meeting, I will be
2 accepting any written comments or documentary evidence that
3 anyone may wish to submit to the Department regarding the
4 application. The Department will also accept written
5 comments until 5:00 p.m., December 16, 2019. The written
6 comments should be submitted to the Department's docket
7 supervisor, Sharon Scantlebury, by e-mail to
8 "sscantlebury@azwater.gov" or fax at (602) 771-8686.

9 A copy of the public notice with Sharon's contact
10 information is posted on the Department's web site. Sharon's
11 business cards with her contact information are available at
12 the sign-in desk, if you would like one.

13 Within 60 days from December 16, 2019, the director
14 of ADWR will issue a recommendation regarding this proposed
15 transfer to the United States Secretary of the Interior,
16 unless additional time is needed to resolve claims of
17 negative impacts to third parties.

18 Some entities or individuals may claim that they
19 will be negatively impacted if the proposed transfer is
20 approved. If potential negative impacts are claimed, the
21 Department will notify GSC Farm, LLC and the Town of Queen
22 Creek about the claimed impacts.

23 Upon notification of the claims, the Department will
24 provide up to 90 days for all parties to attempt to resolve
25 or mitigate the claimed impacts and to provide information to

1 the secretary. If agreed by all parties, an extension may be
2 granted if more time is needed to resolve outstanding issues.

3 I will now describe the proposed transfer in greater
4 detail. My presentation today is roughly divided into three
5 sections. I will start with a broad overview of the
6 Department's authorities followed by an overview of the
7 substantive policy statement, the policy that guides
8 mainstream Colorado River transfers. Finally, I will go over
9 key details of the request for consultation by GSC Farms to
10 Queen Creek for the proposed transfer of fourth priority
11 Colorado River water entitlement.

12 Pursuant to statute 45-107 the director is generally
13 responsible for the management of and for formulating plans
14 and programs for the development, conservation, and use of
15 surface and ground water throughout the state.

16 Pursuant to State Statute 45-107, the director is to
17 serve as the State's representative in matters relating to
18 Colorado River. Specifically, the director is authorized, on
19 behalf of the State of Arizona, to consult, advise, and
20 cooperate with the Secretary of Interior of the United
21 States.

22 In that regard, the Department of Water Resources is
23 the entity charged with promoting, protecting, and
24 comprehensively managing Arizona's annual apportionment of
25 2.8 million acre feet of Colorado River water.

1 Consistent with these responsibilities under State
2 Statute 45-107, entities that contemplate the transfer of
3 their entitlements are required to cooperate, confer, and
4 obtain the advice of the director of the Department.

5 Due to the importance of the distribution of
6 Colorado River water to the welfare and economy of the state
7 and because, in most cases, the mainstream water is the only
8 dependable supply of water for urban, agricultural, and
9 industrial users, substantive policy statement was adopted to
10 ensure adequate and consistent evaluation of any proposed
11 transfer of a Colorado River entitlement.

12 The policy statement establishes the policy and
13 procedure for transferring an entitlement of the Colorado
14 River water, including leases. The policy statement also
15 describes the criteria and analysis the Department will
16 utilize to evaluate proposed transfers, including
17 conveyances, leases, or assignments of mainstream Colorado
18 River water.

19 After all the necessary documents have been
20 submitted, conveyance and lease actions are subject to a
21 public notice process. The believe notice process includes
22 advertising the proposed transfer once a week for two
23 consecutive weeks in a newspaper of general circulation
24 within the state. In the case of GSC Farms and Queen Creek,
25 the advertisements were published on November 7th and

1 November 14th in "The Arizona Republic."

2 The Department will also provide a notice to the
3 county planning and zoning department office within the
4 county of origin. In the case of GSC and Queen Creek, the
5 La Paz County Planning and Zoning Department was provided
6 notice.

7 The contractor conveying its entitlement must
8 provide notice to all water users within its contract service
9 area. The Department also maintains a list of interested
10 parties. A notice is sent to that list as well.

11 The director will review any proposed transfer by a
12 non-federal Arizona contractor of the Colorado River
13 entitlement for the purpose of determining the potential
14 impacts caused by the redistribution of water. During the
15 review the director will consider several factors, including
16 potential negative impacts to the water supplies of other
17 Colorado River entitlement holders, water quality impacts to
18 the water supplies of other Colorado River entitlement
19 holders, and water quality impacts related to return flows
20 and other pertinent impacts that could occur as a result of
21 the proposed transfer. Public comment is also considered
22 during the Department's review.

23 The director will issue a recommendation within
24 60 days from the end of the comment period unless additional
25 time is needed to resolve claims of negative impacts to third

1 parties. If there are claims of negative impacts, the
2 Department will provide up to 90 days for all parties to
3 resolve claims or to mitigate claimed impacts. An extension
4 may be requested.

5 This slide provides a snapshot of the transferring
6 entity, GSC Farm, LLC. GSC Farm, LLC is located within
7 La Paz County, Arizona. GSC Farm currently holds a Section 5
8 contract with the United States Bureau of Reclamation for
9 Colorado River Arizona fourth priority diversion entitlement
10 of 2913.3 acre feet per year.

11 GSC Farm owns around 504 gross acres of land, out of
12 which 485.5 acres are irrigable. Based on the information
13 provided to the Department by GSC Farm, all the irrigable
14 acres are being irrigated annually.

15 GSC Farm is proposing to transfer a consumptive use
16 volume of 2083.1 acre feet. This quantification is based on
17 an unmeasured return flow factor of 28.5 percent. If the
18 Colorado River water entitlement is transferred away from
19 GSC Farm, these lands will be retired from agricultural
20 production.

21 Future water supplies that may be available to these
22 lands include Cibola Valley Irrigation and Drainage District
23 which holds 300 acre feet per year of fourth priority
24 entitlement for domestic use, which potentially could serve
25 as a water supply for the future development of the land.

1 The Town of Queen Creek is the receiving entity.
2 It's located within Maricopa and Pinal counties. The request
3 for consultation states that the Town of Queen Creek's
4 current annual demand is 15,100 acre feet. Queen Creek
5 fulfills these demands through a ground water supply of
6 42,421 acre feet, a CAP water supply of 495 acre feet, and an
7 effluent supply of 2,000 acre feet. Queen Creek's future
8 demand is expected to be 43,500 acre feet.

9 In addition to the proposed transfer of Colorado
10 River water, the request for consultation states that Queen
11 Creek's foreseeable future water sources include an
12 additional 4,100 acre feet of CAP water and 8,000 acre feet
13 of effluent supply.

14 Queen Creek is proposing to store the transferred
15 water within the Roosevelt Water Conservation District and
16 recover the water within Queen Creek's service area. The
17 proposed transfer will change the place of use, type of use,
18 and the point of diversion.

19 The request for consultation that was submitted by
20 GSC and Queen Creek also includes other supporting documents
21 such as the Section 5 contracts and the purchase agreement
22 between GSC and Queen Creek. These documents are available
23 for viewing and downloading on the Department's web site.
24 This presentation is posted on our department's web site at
25 the address I mentioned previously.

1 This concludes my presentation on the proposed
2 transfer. We shall now move on to the public comment segment
3 of the agenda.

4 As I mentioned earlier, the purpose of today's
5 meeting is to provide members of the public with the
6 opportunity to make oral or written comments on the pending
7 application for the proposed transfer of GSC Farm, LLC's
8 Fourth Priority Colorado River Water Entitlement to the Town
9 of Queen Creek. We, therefore, want to ensure that every
10 person who wishes to speak today has an opportunity to be
11 heard.

12 So I will ask that only one person speak at a time.
13 All speakers should use a microphone and give their name and
14 affiliation. All comments should be addressed to the Arizona
15 Department of Water Resources, should be relevant to the
16 application, and should be respectful of the process.

17 Each speaker will be allowed no more than three
18 minutes so everyone has an opportunity to speak. Time
19 allotted for public comments can be used most efficiently by
20 selecting a single representative to speak on behalf of a
21 group or organization.

22 Please be respectful and allow the speaker to
23 proceed without interruptions. This will allow us all to
24 hear and listen to each other's comments and for the court
25 reporter to accurately capture today's dialogue.

1 I will now begin calling names of the individuals
2 who submitted speaker cards. If you wish to speak and have
3 not filled out a speaker card, please fill out one of the
4 cards on the table near the entrance and provide your card to
5 Sharon. When I call your name, please come up to the podium,
6 state your name, identify any person or entity that you
7 represent, and then give your comments.

8 The first name is Mayor Doug Nicholls.

9 MAYOR NICHOLLS: Thank you. Mayor Doug Nicholls
10 with the City of Yuma.

11 This last year was a great year for the whole State
12 of Arizona with the passage of the drought contingency plan.
13 ADWR's role in drafting the plan provided a balanced plan
14 that was a win for all Arizonans, so I look forward to the
15 leadership of ADWR to get through this issue before us today
16 with similar results.

17 The City of Yuma has great concern over the
18 precedent that will be set if the proposal to transfer the
19 water from GSC Farms to the Town of Queen Creek is
20 recommended. The preservation of water per original
21 agreements is essential for the economic opportunity and
22 quality of life for all people in Arizona, both urban areas
23 and rural areas.

24 Last night, the city council unanimously passed a
25 resolution opposing this transfer. Our resolution states --

1 and many speakers today will cover the history, use, and the
2 future of the water situation, as we see it from the Yuma
3 area. However, I want to focus on the impact to the local
4 river communities with this proposed action.

5 I understand there is a belief that this water will
6 have an economic impact to the Town of Queen Creek of
7 \$307 million, but what's the economic cost to the river
8 communities in La Paz County? Since GSC Farms is not
9 headquartered in La Paz County, the \$20 million proceeds will
10 not go into the La Paz County economy.

11 I also understand that \$307 million worth of
12 activity will generate \$5.2 million worth of tax proceeds
13 into the state-shared revenues. The rural counties receive
14 less than 20 percent of state-shared revenues. And, in
15 particular, La Paz County will receive an additional \$12,000
16 based upon that allocation; \$12,000 in exchange for
17 \$307 million worth of opportunity.

18 The opportunity lost of millions of dollars worth of
19 economic activity in La Paz for a \$12,000 increase is hardly
20 a benefit. It's not fair. It's not equitable. And it's
21 just plain wrong.

22 I do not object to the Town of Queen Creek preparing
23 for the growth of their community and looking to provide
24 economic opportunity, but there are clearly other options. I
25 just don't believe one community's future needs to be

1 acquired at the expense of another community in rural
2 Arizona. The future rural Arizona is not for sale.

3 I appreciate your time and understanding. We want
4 to work toward solutions acceptable to the entire state,
5 similar to the results that were accomplished in the drought
6 contingency plan. Thank you.

7 MS. KARTHA: Thank you.

8 Russell McCloud, Yuma County Board of Supervisors,
9 please.

10 SUPERVISOR McCLOUD: Good morning. Thank you for
11 being here. Director, thank you for coming today.

12 You're gonna hear from a lot of people about water.
13 The mayor spoke very eloquently about the impacts to La Paz
14 County. I want to talk to you about jobs.

15 It might seem like a simple thing that this land be
16 fallowed, but what about the people who work the land? There
17 are people who work that land to supply food to our nation.
18 Two percent of people in the United States work to supply
19 98 percent -- the other 98 percent with their food supplies.

20 We shouldn't fallow land unnecessarily. The people
21 who work that land are numerous. These are third-party
22 impacts; the suppliers, the people who supply equipment, who
23 supply fertilizers and other chemicals, the people who work
24 on the vehicles that work in the fields. Those are
25 third-party impacts that many don't think about.

1 You're transferring not just water out of La Paz
2 County, if this goes through. You're transferring jobs,
3 people who depend on that, children who depend on their
4 parents to bring home the income that they earn off of
5 working that land.

6 So I implore you to think about the far-reaching
7 impacts. It's not just water. It's people. It's jobs. And
8 those are impacts that need to be thought about as well.

9 I thank you for your time.

10 MS. KARTHA: May I have Lynn Pancrazi, Yuma County
11 Supervisor.

12 SUPERVISOR PANCRAZI: Thank you for being here.
13 Thank you, Tom.

14 Look at the turnout. This tells you a lot about how
15 much we know how important our water is to this community, to
16 all the river communities from Mohave County, down to La Paz
17 County, down to Yuma County. I'll be brief.

18 I'm asking you to please deny this transfer. The
19 Colorado River water is meant to stay with the land that it
20 was designated for, and the implications that will -- are so
21 far-reaching for the future of us in Arizona, us rural
22 Arizonans, if this is allowed to happen.

23 No rural community along the river will be safe from
24 big hedge fund companies coming in, buying up our land, and
25 then selling the water off of it for Maricopa County or

1 Central Arizona or wherever, not even in the State of
2 Arizona.

3 So, for us, this is vital that it be denied and that
4 we are allowed to utilize the water on the Colorado for what
5 its purpose was meant to be. You're going to hear from many
6 people today, and I'm hoping you'll take all of this in when
7 you make that final decision. Thank you.

8 MS. KARTHA: May I have Senator Lisa Otondo, please.

9 SENATOR OTONDO: My name is Lisa Otondo, and I have
10 the honor of serving in the state legislature, and I'm a home
11 girl. This is Yuma, my hometown.

12 I want to turn in this direction, because I want to
13 direct my comments at four groups. My first is to you,
14 Director. It was an honor to serve with you on the drought
15 contingency steering committee. We worked hard.

16 Arizona is losing its water. We are a junior
17 priority in the seven basin states. So why, on God's green
18 earth, would we transfer water off of the river? We are
19 fighting to keep the levels at Lake Mead.

20 The State of Arizona continues to grow and continues
21 to grow in areas where they depend on ground water. Ground
22 water is limited. It is a finite resource, and when that
23 finite resource is used, where do they come? Well, they come
24 to the river. And Yuma, we have a target on our back.

25 The mitigation process that we went through was long

1 and arduous.

2 And, Tom, nobody was beat up more than you and Ted
3 Cooke in that entire process, and I was honored to serve on
4 that committee with Wade.

5 For all of us in the agricultural community here, we
6 know how important the river is, but the truth of the matter
7 is we need to make sure that we monitor how much water is in
8 that river in Lake Mead for the life and survival of our
9 river communities, and our river communities are strong.

10 Please, Director, do not accept this proposal.

11 Now, I'd like to point my next comments to Queen
12 Creek. You know, Queen Creek is trying to do the right
13 thing. They're trying to pump less water, and that's
14 commendable. But you have other options. You have other
15 options. Please go somewhere else.

16 I would also like to speak to the people of Yuma.
17 This is our home. The river is our lifeblood and, by the
18 way, GSC Farms is a subsidiary of Greenstone. How many
19 thousands of acres has Greenstone purchased, not only in
20 Wellton-Mohawk but along the mesa? If you can't draw the
21 dots, then please let me help you. This sale --

22 MS. KARTHA: I think your mic is not working. Also,
23 the three minutes are up.

24 MS. OTONDO: Please, one last sentence.

25 This is a federal issue. This is not owned by GSC

1 Farms. Thank you.

2 MS. KARTHA: State Representative Tim Dunn has asked
3 for a statement to be read, and Assistant Director Clint
4 Chandler will be doing so.

5 MR. CHANDLER: The correspondence is on Arizona
6 House of Representatives letterhead, addressed to Sharon
7 Scantlebury, the docket supervisor with Arizona Department of
8 Water Resources.

9 "Dear Ms. Scantlebury, representing my Legislative
10 District 13 constituents, which includes portions of the
11 river community, I appreciate the opportunity to submit my
12 opposition to the proposed transfer of Arizona fourth
13 priority Colorado River entitlement to the Town of Queen
14 Creek.

15 "I am speaking not only for today's on-river farmers
16 but for the fundamental livelihood, economic and social
17 well-being of future farmers, Arizona's agriculture, and our
18 river communities.

19 "I appreciate that the Arizona Department of Water
20 Resources, ADWR, is conducting public hearings in Bullhead
21 City, Parker, and Yuma, the areas most affected.

22 "The State of Arizona reserved 164,652 acre feet or
23 9.89 percent of fourth priority Colorado River water to the
24 river communities for agricultural, municipal, and industrial
25 uses along the Colorado River in Arizona. ADWR, speaking for

1 all of Arizona, has taken the position 'that it is the
2 Department's unequivocal position that this water is to be
3 reserved for future M&I use along the river. It is not to be
4 considered as supplies available for any other purpose.' See
5 the February 28, 1990, ADWR letter to the Bureau of
6 Reclamation, Page 2 of 5.

7 "However, on August 1, 2019, the GSC Farm, LLC
8 announced their intention to initiate discussions to commence
9 the formal process to obtain approval to transfer 2083.1 acre
10 feet of reserve fourth priority Colorado River water
11 currently allocated for use in La Paz County to Central
12 Arizona via Central Arizona Project canal.

13 "I oppose the proposed transfer of 2083.1 acre feet
14 of Arizona fourth priority Colorado River water entitlement
15 to the Town of Queen Creek for the following reasons:

16 "One, there is 1,600,000 acre feet or over 90
17 percent of fourth priority Colorado River water allocated to
18 the Central Arizona Project for the benefit of Maricopa,
19 Pima, and Pinal counties.

20 "Two, the GSC Farm, LLC does not own the water right
21 as a private property right but instead only has a contract
22 for the waters used on its land in La Paz County with the
23 United States Bureau of Reclamation. This is not a case of
24 surface water rights that can be severed and transferred as
25 property by the ADWR under state law. Instead, this water is

1 controlled by federal law and the United States Bureau of
2 Reclamation.

3 "Three, the permanent transfer of water rights or
4 allocation from smaller Colorado River communities to benefit
5 the Central Arizona service area places our local water
6 supplies and the economic future of our river communities at
7 risk. This water is the economic lifeblood of La Paz County
8 and the river communities.

9 "I oppose a transfer of Arizona fourth priority
10 Colorado River water entitlement away from our river
11 communities, and I urge the Director of ADWR to recommend
12 disapproval to the Secretary of the Interior on the proposed
13 transfer of 2083.1 acre feet of Arizona fourth priority
14 Colorado River water entitlement to the Town of Queen Creek.

15 "Signed, Tim Dunn, Arizona State Representative
16 District 13."

17 MS. KARTHA: Our next speaker is Darren Simmons,
18 County Supervisor for District 3.

19 SUPERVISOR SIMMONS: Thank you. Darren Simmons,
20 County Supervisor, District 3, which includes the East
21 County, Wellton, Mohawk, and Dome Valley areas.

22 Director, thank you for coming out to hear everybody
23 today. I want to make is short and sweet. Don't open this
24 door, because once you open it, you may not be able to close
25 it. We're gonna continue to see these corporations that want

1 to take water away from the river to facilitate their uses
2 and their pocketbooks. I'm sorry. That's what it's coming
3 down to.

4 Don't kill the river communities because, by taking
5 the water, that's exactly what you're doing. You look at the
6 river right now, Lake Mead, Lake Powell, how low they are.
7 Trigger points have already been met along the river where
8 people are already having to cut back. At what point do we
9 say quit taking from us? We're doing our share. They need
10 to do their share. There's other places for them to find
11 water other than trying to come to the river and take it from
12 here.

13 It's not an indefinite resource, but everybody seems
14 to think it is. There's other places they could go to get
15 the water they need without coming and taking the river water
16 and endangering the river communities. Thank you.

17 MS. KARTHA: Our next speaker is Gary Knight, Deputy
18 Mayor, City of Yuma.

19 DEPUTY MAYOR KNIGHT: Gary Knight, Deputy Mayor,
20 City of Yuma. Thank you for having this meeting, this
21 hearing here today. Thank you, Director.

22 I would like to address the precedence that you
23 would be setting if you were to approve this water transfer.
24 I'd also like to thank you for upholding the policy as it's
25 been so far, as to keeping the water with the land.

1 I strongly believe that that's exactly the way it
2 should be, and to set the precedence of transferring this
3 water to Queen Creek, as speakers before me have said, would
4 open the flood gates. It would open a totally bad precedence
5 for removing river water and transferring it to within the
6 State of Arizona where that water is not -- where they're not
7 entitled.

8 All of our river communities rely -- it's our
9 lifeblood. We rely on that water for economic development,
10 and La Paz County is no exception. The economic
11 development in La Paz County would be greatly stifled if that
12 water were transferred. They're gonna need all the water
13 that they are allowed to take, for the future. So it's very
14 short -- it would be very shortsighted to allow that water to
15 be transferred.

16 One other thing -- and I know there are a lot of
17 people here today and a lot of them are not signed up.
18 They're just here. I would like to have a show of hands of
19 everybody that is in opposition to transferring this water so
20 that this commission can see why you're here.

21 (Hands were raised.)

22 DEPUTY MAYOR KNIGHT: Thank you.

23 MS. KARTHA: Our next speaker is Jean Bishop, Mohave
24 County Supervisor, District 4.

25 SUPERVISOR BISHOP: Good morning. For the record,

1 I'm Jean Bishop. I'm speaking today as the Mohave County
2 Supervisor of District 4 and also as the First Vice President
3 of the County Supervisors Association.

4 I appreciate the opportunity to make these public
5 comments, and I ask that they be submitted into the record
6 today, as well as my written comments, including the
7 resolution recently passed by Mohave County opposing this
8 transfer and also a resolution recently passed by the County
9 Supervisors Association also opposing this transfer.

10 I want to thank Director Tom Buschatzke for bringing
11 this meeting to the river communities.

12 And as far as Greenstone and the Town of Queen
13 Creek, the proposed transfer of 2,088 acre feet of Arizona
14 fourth priority Colorado River entitlement to Central Arizona
15 and to the Town of Queen Creek, I just want to rise today to
16 advise the ADWR director of Mohave County's position.

17 As a matter of public policy, Mohave County opposes
18 the transfer of fourth priority Colorado River water, that's
19 already been allocated to communities along the river, away
20 from the main stream of the river, for use in Central
21 Arizona. It's the transfer of this water away from the main
22 stream of the river that Mohave County must oppose by all
23 means, in all forums, and for as long as it takes.

24 Now, of course, this is not the first attempt to
25 transfer a fourth priority river rights from communities to

1 Central Arizona, and I've got that outlined in my written
2 comments that I will submit.

3 So today we're here again to ask you to
4 disapprove -- to recommend disapproval to the Department of
5 Interior and its Bureau of Reclamation of this proposed
6 transfer by Greenstone of its contract with the BOR to the
7 town of Queen Creek in the form of a new contract and
8 approved and issued by the Bureau of Reclamation.

9 Some of the reasons for this opposition, first off,
10 Mohave County opposes diversion of fourth priority water from
11 the Colorado main stream to Central Arizona because this
12 water was long ago reserved for use by the river communities.
13 Again, refer to my written comments.

14 Arizona specifically reserved 164-plus (sic) acre
15 feet -- that's 9.89 percent of Arizona's fourth priority
16 river entitlements -- for on-river entitlements to Arizona's
17 Colorado River communities. To be clear, these Central
18 Arizona communities were allocated over 90 percent of the
19 fourth priority water made available to Arizona.

20 This department, speaking for all of Arizona, has
21 taken the position that "It is the Department's unequivocal
22 position that this water be reserved for future M&I use along
23 the river."

24 This reservation of water is also recognized in the
25 master repayment contract between the Department of Interior

1 and CAWCD and its amendments.

2 About the claim that some have made that this water
3 is somehow private property rights, nothing could be further
4 from the truth.

5 I see my time is up. I'm asking for one more minute
6 to close it up.

7 MS. KARTHA: Is there anyone that would like to
8 yield some time for Ms. Bishop?

9 SUPERVISOR PANCAZI: She can have the rest of my
10 time.

11 SUPERVISOR BISHOP: Thank you very much, Supervisor.

12 Second, there exists today other sources of water
13 that are available to Queen Creek to provide water from
14 Arizona's urban growth. Some examples are:

15 The Harquahala Basin offers water that can be
16 obtained and transferred today to Queen Creek; and, also,
17 CAGR is available today for development in Queen Creek; and,
18 also, the Gila River Indian Community water is available to
19 any entities to lease that water.

20 And, third, as you've heard from my colleagues, the
21 water Greenstone seeks to transfer is the economic lifeblood
22 of our river communities. It's our future, and Greenstone
23 seeks to wheel it to far wealthier communities their own
24 benefit. Our citizens demand that we protect their interest
25 and oppose this action by all means. This lost economic

1 opportunity can never be recovered.

2 The damage this transfer will cause to the people of
3 my county and my district are inevitably all of rural
4 Arizona, if it goes through. It's that wealth produced by
5 this water through economic development that will be
6 generated in Central Arizona. That water is our economic --

7 MS. KARTHA: Your one minute is up.

8 SUPERVISOR BISHOP: -- lifeblood, and the river
9 communities, once it's gone, will never return.

10 Thank you very much.

11 MS. KARTHA: Our next speaker is Holly Irwin,
12 Supervisor, La Paz County.

13 SUPERVISOR IRWIN: Good morning.

14 First of all, I would like to thank Director
15 Buschatzke for being here today. I would also like to thank
16 all the elected officials that have stood up in support of
17 La Paz County opposing this transfer. It's truly
18 appreciated.

19 I'm here today as one of three county supervisors in
20 La Paz County, not only as a supervisor, but I actually
21 reside in Cibola itself. As we all try to deal with the
22 growing concerns and the use of the availability of water
23 throughout the state, La Paz County has, once again, become
24 the target for Central Arizona to go ahead and try to
25 increase their economic development at our expense, along

1 with the river communities.

2 This will not only have a negative impact on our
3 water, but it will negatively impact La Paz County and our
4 economic growth, for special interests to make millions at
5 our expense.

6 Instead of looking to make a quick buck, go back and
7 figure out a way to continue to develop in a responsible
8 manner and not at the expense of La Paz County. La Paz
9 County, along with the support of the County Supervisors
10 Association, have passed resolutions opposing the fourth
11 priority water transfer from GSC, LLC to the Town of Queen
12 Creek.

13 Please, Director Buschatzke, deny this transfer.
14 It's not right. I think La Paz County has been taken
15 advantage of enough dating back to our inception. Thank you.

16 MS. KARTHA: Our next speaker is Maria Cruz, Vice
17 Mayor, City of San Luis.

18 VICE MAYOR CRUZ: Good morning, and thank you for
19 the opportunity to come and speak. Thank you, Mr. Director.

20 As it's been said over and over, we strongly oppose
21 the water transfer, so I'm just gonna be really quick and say
22 we strongly oppose. Thank you for the opportunity.

23 MS. KARTHA: Next, we have Elston Grubaugh.

24 MR. GRUBAUGH: Good morning and thank you. My name
25 is Elston Grubaugh. I'm the general manager of the

1 Wellton-Mohawk Irrigation and Drainage District.

2 Wellton-Mohawk is not only an irrigation drainage
3 district. We're a power company. We supply power to meet
4 our own pumping load and the needs of the residents of our
5 electrical service area, which includes the river communities
6 of Martinez Lake and Hidden Shores. The district serves
7 loads for Yuma Proving Ground and Barry Goldwater Aerial
8 Gunnery Range directly from our distribution system. In
9 addition, we aggregate loads for YPG and the other irrigation
10 districts in the Yuma area.

11 90 percent of these loads are met with federal
12 hydropower largely from the Parker-Davis Project and the
13 associated generators at Parker Dam and Davis Dam.

14 Today, I would like to make just a few comments
15 about Parker Dam, as it will be impacted by the proposed
16 Cibola-Queen Creek transfer.

17 Over the last 30 years, the rolling 10-year average
18 flows at Parker Dam have decreased by approximately 25
19 percent, from 8.6 million acre feet per year, from 1989 to
20 1998, to 6.4 million acre feet per year, from 2009 to 2018.
21 The generators at Parker Dam generate about 70 kilowatt hours
22 per acre foot of water.

23 We all know a number of events account for the
24 reduced flow at Parker Dam. Some, such as the Coachella
25 Canal Lining Project, intentionally created surplus by Brock

1 Reservoir and others have affected generation output at all
2 the dams as well as Parker Dam.

3 These projects have all had positive impacts on the
4 management of the Colorado River. They've improved system
5 efficiency and maintained elevation in Lake Mead to the
6 benefit of all lower basin water users.

7 Others, such as the Quantification Settlement
8 Agreement, the Palo Verde/MWD Following Program, and the
9 All-American Canal Lining Project, basically serve to move
10 water from one point to another. In this case, they transfer
11 water use from below Parker Dam to above Parker Dam, which is
12 what this transfer will do.

13 The three projects I mentioned account for
14 approximately 500,000 acre feet annual flow reduction at
15 Parker Dam. At 70 kilowatt hours per acre foot, the
16 resulting reduction in generation is about 35,000 megawatt
17 hours.

18 The Western Area Power Administration, WAPA, used to
19 market excess Parker Davis power. Now they budget \$5 million
20 a year for replacement power. About 10 percent of all
21 Parker-Davis power comes to Yuma for the agricultural and
22 military industries. That 35,000 megawatt hours of forgone
23 generation amount to about \$125,000 a year of cost for the
24 Yuma area, the cost placed on non-participating parties by
25 the three projects I mentioned.

1 The math for the Cibola-Queen Creek transfer is much
2 simpler. It only results in a replacement cost of about
3 \$5,000 or about \$500 for the Yuma area. That's not a lot,
4 but it gets to the issue.

5 For every one of those projects, an environmental
6 impact statement was done, and they all said the change in
7 flows are within all normal operating parameters, which means
8 no mitigation is required.

9 Again, in the 30 years, flows have decreased by
10 25 percent at Parker Dam. I ask, when do these
11 cumulative impacts become significant? It's a question we
12 ask now and a question we'll ask during the Reconsultation
13 for the 2007 Interim Guidelines.

14 Thank you.

15 MS. KARTHA: Thank you, Mr. Grubaugh. You can also
16 submit your written comments to us.

17 Our next speaker is Harvey Campbell.

18 MR. CAMPBELL: Good morning. My name is Harvey
19 Campbell, Director. I'm the president of a nonprofit
20 organization called "BetterYuma.org," which is comprised of
21 about 50 small businesses, bankers, title companies, farmers,
22 car dealerships.

23 And I would like this opportunity to confirm that
24 our organization is in full support of the City's resolution
25 by the City of Yuma passed last night, that the director

1 advise the Secretary of the Interior to deny the application.

2 In addition to that, I married into a farming
3 community family 47 years ago, and my father-in-law farmed
4 here. His parents farmed here. My brother-in-law farms
5 here. And now my daughter is involved in the farming
6 business. I think this is not an uncommon situation. Many
7 of these local people are farmers, and they depend on one
8 thing. All those people depend on one thing, and it's water.

9 I respectfully request that the director recommend
10 denial of this because my father-in-law's legacy is to pass
11 on that farm to the next generation, and without water in
12 this rural community, that won't happen. Thank you.

13 MS. KARTHA: Our next speaker is Grady Gammage.

14 MR. GAMMAGE: Thank you. My name is Grady Gammage.
15 I am an attorney for GSC Farms.

16 The process we're here today about is to evaluate
17 this transaction. But for the three days that I've been
18 coming and talking to you, I've been trying to talk about the
19 merits and issues relevant to this transaction; but, frankly,
20 from the people in the audience both here and at the other
21 hearings, I haven't heard much about that.

22 Instead, what, for three days, I have heard is a
23 parade of reasons why no transfer should ever be allowed. I
24 have heard why property rights are not property rights and
25 water rights should not count. I have heard why no farmer or

1 contract holder should be allowed to transact water and make
2 any money from it. I have heard that no contract holder's
3 rights really matter. I have heard that water rights should
4 really be owned by counties rather than by individuals or
5 water districts.

6 I've heard all kinds of different things, but most
7 of them have not really centered on this transaction and its
8 merits or its impacts. That's what we should be here talking
9 about.

10 I think, in many ways, the most important testimony
11 that I have heard in the last three days is from five farmers
12 in this area -- Perry Miceli (phonetic), Chip Cheryl
13 (phonetic), Josh Meyer, Ron Swan, and Michael
14 Moden (phonetic) -- who were surprised when they heard the
15 things I heard, who were surprised when they heard that the
16 investments that their fathers and grandfathers had made in
17 developing these water rights somehow didn't count, that they
18 couldn't transact the rights, that they couldn't deal with
19 them, that it was really up to some other entity, whether it
20 was the County or someone else, to decide what should happen
21 with water rights.

22 I think water rights are property rights. I think
23 the farmers who made those investments developed property
24 rights and should be allowed to deal with them. But, like
25 all property rights in the United States, property rights are

1 not unfettered. They are subject to a regulatory process.

2 In this case, that regulatory process is exactly
3 what we're here dealing with. It is an evaluative process by
4 the Department of Water Resources making a recommendation to
5 the United States about individual transactions.

6 When you do that, when you look at the merits of
7 this transaction, you should conclude that your
8 recommendation to the United States should be in the
9 affirmative, that this transaction should be approved because
10 it benefits the State of Arizona. Thank you.

11 MS. KARTHA: Our next speaker is Jason Moyes.

12 MR. MOYES: Good morning. My name is Jason Moyes.
13 I serve as general counsel for the Yuma-Mesa Irrigation and
14 Drainage District.

15 The reason I was asked to speak today is that
16 anytime water deals, particularly fallowing or transfers, are
17 brought up, Yuma-Mesa's name is often also brought up and
18 Yuma-Mesa's history is often questioned. As many people in
19 this room know, Yuma-Mesa has participated, in the past, in
20 fallowing programs. To be clear, those fallowing programs
21 were short-term, and they were designed specifically with the
22 purpose of benefiting the mesa itself and the farmlands on
23 the mesa.

24 The water in our most recent program was left and
25 conserved on the river in Lake Mead and was critical in

1 staving off a shortage declaration for the years leading up
2 to the PCP plan.

3 It has always been Yuma-Mesa's position, in alliance
4 with our other neighboring districts here in Yuma, that the
5 water rights here in Yuma and other districts along the river
6 should be used for the benefit of the lands that those
7 districts represent and defend.

8 It has never been Yuma-Mesa's position to support
9 long-term or permanent transfers of water away from the
10 river, and that will continue to be the District's position
11 in the future.

12 At the same time, we urge our regulators and our
13 lawmakers not to take reactionary measures that would overly
14 restrict property rights or the flexibility of the districts
15 to do things that directly benefit their land owners, and we
16 ask them to be careful in not causing unintended consequences
17 in reaction to policy decisions or proposals such as this
18 where the issue of moving water anywhere along the river,
19 whether it be into Central Arizona or conserving it in the
20 river are brought to light.

21 Thank you.

22 MS. KARTHA: Our next speaker is Tony Reyes, Sr.,
23 Yuma County Supervisor.

24 SUPERVISOR REYES: Thank you for the opportunity.
25 My name is Tony Reyes. I'm the Chairman of the Board of

1 Supervisors, and I was hoping not to speak, which I think a
2 lot of people were hoping I wouldn't speak.

3 To keep it short, I was also -- I'm also the former
4 Mayor of the City of San Luis. I was mayor there for ten
5 years. I want to thank the Director for coming over and
6 listening to our comments.

7 The perspective I want to give at this hearing is
8 the perspective of the community that's really at the end of
9 all that, at the end. San Luis is really the last portion of
10 the country in Arizona that -- just before you get to Mexico.
11 I've lived there for most of my life.

12 And it was really -- it's really difficult to
13 comprehend what happens when water doesn't reach that end,
14 because, in this particular situation, the City of San Luis
15 actually doesn't have any service water anymore. The river
16 there runs dry. It's running dry for 30, 40 years.

17 And it's because -- we've always thought it's
18 because somewhere along the way that apportionment has been
19 divided into different sections, and we learned to live with
20 that because we have a very large aquifer under the City of
21 San Luis. Every time people think that that's a safe source
22 of water, I'm constantly reminded that it isn't. There's so
23 many different agencies that have authority over that aquifer
24 that at, some particular point in time -- water is something
25 that you really don't manage at a local level.

1 Having said that, I want to make sure that my
2 statement is -- goes to the fact that all those communities
3 depend on their water source. You can't have growth in
4 Arizona, or you can't have growth in desert areas like that
5 without a water source. So protecting that water source,
6 it's probably the most critical task that we all have.

7 I have listened to supervisors from La Paz County.
8 We had large meetings, legislative meetings where we talked
9 about how the fact is that if we don't all work together to
10 protect each other, at the end we'll all be affected by this.

11 I am here to add my voice to that, that says that
12 please do not start this process. Do not allow the water
13 rights to be treated as possessions that can be traded,
14 because they're not. They involve livelihoods. They involve
15 futures. They involve economic development. They involve a
16 lot more than that. And those rights should be protected.
17 Thank you.

18 MS. KARTHA: Our next speaker is Paul Gardner.

19 MR. GARDNER: Good morning. I'm Paul Gardner. I'm
20 the Director of Utilities for the Town of Queen Creek.

21 As a young community incorporated in 1989, the town
22 was limited in its ability to access certain infrastructure
23 resources available to other valley municipalities requiring
24 the town to pursue alternative avenues for important capital
25 infrastructure and investments, like water and streets.

1 A lot has been said about the 1.6 million acre feet
2 that has been appropriated to the three central counties. Of
3 that 1.6 million acre feet, Queen Creek has 495 acre feet.

4 The Town of Queen Creek is developing a multifaceted
5 approach for ensuring long-term generational access to the
6 water. This is just a portion of our portfolio that we are
7 looking at acquiring.

8 Harquahala is one of those that has been mentioned
9 at every stop along the way, but there are issues involved
10 with Harquahala. We are also looking at and working with the
11 gross community, which is the Gila River Community, on
12 acquiring their water resource, and the majority of our
13 property owners and landowners are enrolled into the Central
14 Arizona Groundwater Replenishment District.

15 What we are attempting to do is to wean ourselves
16 off of ground water and supplement that use with a renewable
17 supply. Currently, we generate a little over 2,000 acre feet
18 of treated effluent a year, and 100 percent of that is
19 beneficially used by the community.

20 Through an agreement with Roosevelt Water
21 Conservation District, which is another agricultural entity,
22 we do -- they take our treated effluent and use it for
23 agricultural purposes, and the water they would pump, we
24 recover.

25 This transfer would help the town minimize its

1 reliance on ground water, preventing nearly 200,000 acre feet
2 of ground water from being pumped over the next hundred
3 years. Reducing the reliance on ground water with renewable
4 water is the intention of the Ground Water Management Act.

5 While the town has the legal right to continue to
6 pump ground water -- we could pump ground water up to 43,000
7 acre feet a year for the next hundred years -- this transfer
8 will help the town be a good steward of water and leave as
9 much ground water as possible and move us closer to the safe
10 yield.

11 We appreciate the Department having this public
12 process. We appreciate the opportunity to be at these public
13 hearings along the river. Thank you.

14 MS. KARTHA: Our next speaker is Mike Pearce.

15 MR. PEARCE: Good morning, Ms. Kartha and Director
16 Buschatzke. My name is Michael Pearce. I'm here on behalf
17 GSC Farm and Town of Queen Creek and so necessarily speaking
18 in favor of this particular transaction. Because of my
19 position, it is convenient to portray me as the adversary of
20 agriculture. I'd like to address that.

21 I represent three very diverse irrigation districts,
22 general counsel for three very diverse irrigation districts
23 in Arizona. Over the years I've represented many ranches,
24 farms, and dairies throughout the State of Arizona, all with
25 a singular mission: To defend and protect their water rights

1 against those that would denigrate those rights or, more
2 insidiously, steal the water out from underneath of those
3 rights.

4 Often, these rights go back for generations.
5 They're considered heirlooms of the family; and, yes, they
6 are considered nest eggs for the retirement or for the legacy
7 of the families whose years, decades of labor perfected and
8 maintained those rights.

9 So when the opponents say that the Colorado River
10 we're actually talking about here is nothing more than use of
11 usufructuary rights, that word means nothing. Every water
12 right in the United States is a usufructuary right. Ask
13 anyone who's ever farmed irrigated land, ranched cattle, or
14 operated a dairy in Arizona what a water right means, and
15 they will tell you how valuable they are.

16 So when these opponents say that these rights are
17 worthless, not a property right, not to be controlled by the
18 farmer, these words are pure heresy to me. They go against
19 every fiber in my body and everything I've represented in the
20 last 15 years.

21 And I have to ask -- and I ask you all to
22 consider -- who is really speaking for the long-term interest
23 of the farmer, of the landowner, and of that beneficial water
24 user of the water rights on the Colorado, whose rights the
25 laws the State of Arizona are designed to protect?

1 Thank you.

2 MS. KARTHA: Our next speaker is Jim Cuming.

3 MR. CUMING: Thank you, ladies and gentlemen. My
4 name is Jim Cuming. I'm a third generation -- my grandfather
5 homesteaded here, was one of the original homesteaders.

6 You hear a lot of comment about this water, and it's
7 a hard call. But, you know, when you buy property and you
8 buy property for one reason and that's to transfer water --
9 GSC has a contract for irrigation purposes. To me, that
10 means that that water stays on the river for irrigation
11 purposes. It's not to be transferred to a city to grow and
12 prosper while people along the river sit here and die and
13 struggle because they're drying up.

14 I feel for Queen Creek, but they have a lot of
15 farmers up there. They're developing their land into houses.
16 Maybe they could only put two houses on an acre instead of
17 ten. I don't know what the answer is.

18 But to open this thing up, transfer this water,
19 where is it gonna stop? Once you do it once -- and it's my
20 understanding GSC owns property -- other properties in the
21 Yuma area. If they transfer this first one, what's gonna
22 stop them from transferring every one that they have and take
23 this community down, take the economy out of this community
24 and send it to Phoenix or to Maricopa County or wherever they
25 send it?

1 I think you need to take a hard look at what you're
2 doing to Arizona and to the farming communities along the
3 river. We've been here a long time. We intend to stay. We
4 have a great community, and we have a tremendous business
5 down here, and I would hate to see it dwindle away because
6 money runs the organization. Water runs uphill to money.

7 Thank you.

8 MS. KARTHA: Our next speaker is Phil Townsend.

9 MR. TOWNSEND: Good morning. My Phil Townsend, and
10 I want to thank you and Mr. Buschatzke for being here today.
11 We appreciate the opportunity to speak.

12 I'm fourth generation. My grandchildren will be the
13 sixth generation of Yuma farmers, Yuma agricultural people.
14 My family came to Yuma in the late 1800s and early 1900s
15 originally as school teachers. When they opened the North
16 Gila for settlement and the project in there, that's where
17 they homesteaded.

18 I still live on that farm. For over 100 years our
19 family has lived there, and currently we lease it to our
20 neighbors because, over the years, it's been divided up. But
21 my wife and I own an agricultural chemical company here in
22 Yuma. Our children both work for us. We are 100 percent
23 dependent on agriculture for our income and our livelihood.

24 We serve on many boards and commissions in this
25 community. We give back to our community. That's what makes

1 our communities great and strong. I appreciate the
2 opportunity to speak for you today.

3 If you have something of value, there is always
4 someone out there who wants to take it from you. This is
5 especially true in the Desert Southwest of our water. So
6 here we are again. A wealthy East Coast hedge fund buys up
7 some of the most productive farm land in the world, believes
8 that the water associated with the land is the next oil boom.

9 Then you have rapidly growing cities in Central
10 Arizona that don't have the infrastructure or water to
11 sustain their projected growth, so they go for the easy and
12 cheap fix: Colorado River water. Except they forgot to read
13 the rules.

14 GS Farms, Greenstone, the wealthy hedge fund,
15 doesn't own the water. It only has a contract for its use.
16 This water is controlled by federal law and U.S. Bureau of
17 Reclamation. You cannot sell what you do not own.

18 Historically, it's been Arizona's position that it
19 is the Department's unequivocal position that this water is
20 to be reserved for future M&I use along the river. It is not
21 to be considered as supplies available for any other
22 purposes. In other words, the rights to this water from the
23 Colorado River have been given to the users along the river
24 for specific intended uses, not to sell or transfer.

25 Like mineral rights, federal and state government

1 have established rights, priorities, and uses for ground
2 water -- or water from the Colorado River. This has created
3 a good balance, and this should not be changed. There are
4 several other legal and viable options for these communities
5 to obtain the water they need now and into the future.

6 The greed and arrogance shown by those in Central
7 Arizona, that their communities, their industries, their way
8 of life are more important than ours, those of us that live
9 and work in rural Arizona along the Colorado River, is
10 appalling and disgusting. The communities of Central Arizona
11 need to learn to live within their means.

12 The communities and farms along the Colorado River
13 have been excellent stewards of their water resources. We
14 have lived within our own means and improved or consumptive
15 efficiency.

16 I urge you to reject this purchase and transfer of
17 Colorado River water between Greenstone hedge fund and Queen
18 Creek. They cannot sell what they do not own. Thank you.

19 MS. KARTHA: Our next speaker is Carl Koenig.

20 MR. KOENIG: I'm Carl Koenig. I'm here on behalf of
21 myself. I'm not a lawyer or any of that.

22 I just wanted to make the statement that I came here
23 in 1983. I originally got to Arizona in 1973 from the
24 Air Force, and I moved down to Yuma in '83. And there was a
25 young lady -- I believe her name was Maureen George. Don't

1 hold me to that.

2 She was an attorney, and I think she was an attorney
3 with the County; but, again, don't hold me to that, either.
4 And she warned us all that this day would come. She was a
5 very big advocate of the Colorado River water rights, and she
6 said, "Somewhere along the line people are gonna try and buy
7 the water."

8 I recognize it's a great commodity. I also
9 recognize that the Town of Queen Creek needs water. They're
10 growing. But I'll remind the people that the communities
11 here in Yuma, San Luis, and down river, we're growing, too.
12 And way back when, we were authorized X amount of acre feet.
13 I don't know the number. And that was a promise made by the
14 gov a long time ago, and it should be kept because someday
15 we're gonna need that water too.

16 Once we ring this bell that says allocate the water,
17 we can't un-ring it, and it will just open the flood gates,
18 as was stated before. So I'll urge you folks please to deny
19 this request because someday we're gonna need that water.
20 Thanks.

21 MS. KARTHA: Our next speaker is Larry Killman.

22 MR. KILLMAN: Thank you for having us here today,
23 and I appreciate that you're here and the fact that -- I am
24 Larry Killman. I am currently the town manager. My family
25 moved to Yuma in 1905.

1 But as part of my history, I worked with
2 Wellton-Mohawk, and I represented Yuma County in the
3 Multi-Species Conservation Plan, the effects that the river
4 was having and the water changes. I sat on the working group
5 committee from '95 to 2002, and then I went into full-time
6 employment in the environmental side of the interest.

7 I've done several large transfers and water
8 transfers in Nevada, Wellton-Mohawk, and we had to look at
9 the economic impacts. Basically, it was NEPA, National
10 Environmental Policy Act.

11 The effects that I see, that are just not obvious to
12 Mr. Gammage, are what are the impacts, the impacts on the
13 river itself and the lack of flows that will continue below
14 Hoover Dam.

15 Mr. Grubaugh mentioned them on the power side, but
16 on the water side, you don't have the return flow credits,
17 either. Every inch and every mile and every foot of the
18 river will be impacted forever downstream.

19 Now, that's social. That's flows in the water,
20 whether it's recreation here in the wetlands at Yuma. But
21 the waterline will change over time, and it will change every
22 year by 2,000 acre feet every year. It's gone. It's not
23 coming this way anymore. It affects the jobs. It affects
24 the school district, the tax bases in La Paz County. Those
25 values diminish.

1 I urge you as strong as I possibly can. I am
2 against this. The town of Wellton, I'm sure, is. But from a
3 heartfelt Yuman that's always been here, don't do this to us.
4 Leave our water alone. Thank you.

5 MS. KARTHA: Our next speaker is Jeff Kros.

6 MR. KROS: Hello. Good morning. Jeff Kros on
7 behalf the Mohave County Water Authority.

8 We stand opposed to this transfer as well. I'd like
9 to dovetail and echo a couple of points that Mohave County
10 Supervisor Jean Bishop made a bit ago. That's one.

11 The Department is well within its right to deny this
12 transfer, to recommend disapproval because of its position
13 back in 1990 where it said the water is to be reserved for
14 future M&I use along the river.

15 The other point I'd like to echo, as well, is that
16 regarding the private property right, nothing can be further
17 from the truth. GSC Farm has a contract permitting the
18 water's use in a limited area in La Paz County. The contract
19 does not, in any way, authorize transfer of the water to
20 Central Arizona. Thank you.

21 MS. KARTHA: Our next speaker is Robbie Woodhouse.

22 MR. WOODHOUSE: My name is Robbie Woodhouse. I'm a
23 farmer out in Roll, Arizona, and I'd like to thank Director
24 Buschatzke and your staff for being here today to hear our
25 concerns.

1 To get one thing clear, in response to what
2 Mr. Gammage said, he hears all kinds of other reasons of why
3 people want to speak. I'm here to say that I'm 150 percent
4 or more totally against this transfer out of Cibola Valley
5 from GS Farms.

6 I want to tell you a little bit about myself. My
7 grandparents came here in 1925 in a Model T truck that came
8 across the sand dunes where there was no highway. They came
9 across the old plank road. It was about eight feet wide, and
10 every quarter of a mile or so there was a pullout.

11 Those people like them that came here in those years
12 and people like Jim Cuming's family, that spoke a minute ago,
13 have worked hard to build these farms from raw desert, and
14 now these communities around these farms, like the
15 communities around Cibola Valley down here in Yuma, they
16 began to flourish because the water's here, the farms are
17 here. Business is good.

18 We're concerned in my area, Wellton and East County,
19 Wellton-Mohawk district, that this same group owns several
20 thousand acres of farm ground in our valley, the GSC group
21 and their subsidiaries. It's obvious what they're about.
22 It's obvious that, at some point, if this passes, it sets the
23 precedent that allows them to continue transfers.

24 And we become, these communities and these farms,
25 like a wounded deer when you go deer hunting and you wound

1 that deer and it begins to die a slow and miserable death,
2 because now you're taking away a lot of the basis of what
3 makes that whole community flourish.

4 The rest of it, the infrastructure of power, water,
5 the economy, the car dealers, everything depends on the whole
6 package.

7 These people in Central Arizona, as Phil said, have
8 greed and arrogance in the way they come down here into the
9 Colorado River community, starting right now with the La Paz
10 County issue, and want to just walk away with the lifeblood.

11 Please, Director Buschatzke, don't let us become
12 like the wounded deer that I talked about. I'm sympathetic
13 to the problems they have in Queen Creek, Arizona. I read in
14 that one press release that came out, the mayor was talking
15 about how this transfer would help them flourish and become
16 better and secure for future generations, so on and so forth.

17 That's what we've done here. And, without being
18 disrespectful to them, I understand they have problems with
19 the growth up there, but water is a finite resource. They
20 continue to build and build and build. And, honestly, those
21 of us in the Colorado River communities really don't give a
22 damn about what their problems are. Leave our water here.

23 MS. KARTHA: Our next speaker is Marie or Hank
24 Cooper. Marie or Hank Cooper.

25 (No response.)

1 MS. KARTHA: Please let the record reflect that
2 Ms. Marie or Hank Cooper may have left.

3 Our next speaker is John Grable.

4 MR. GRABLE: Good morning, Council, Director.

5 I'm just a private citizen, formerly a business
6 owner, but if you stop stealing the water -- or taking the
7 water from Yuma and the canal and the communities around the
8 whole river in Arizona, you're not only stopping the growth
9 of Yuma, the growth of the people on the river, but you're
10 also stopping feeding the people of the world.

11 If you remember, Yuma is one of the largest growers
12 of all the vegetables throughout the world, not only in the
13 United States but also in the whole world.

14 Also, if you give it away now, you'll be giving away
15 more on down the line. It won't stop here. It will just
16 continue the progress where Yuma and the canal, the people on
17 the river, excuse me, will no longer exist. They'll be in
18 the big cities. Thank you.

19 MS. KARTHA: Our next speaker is John Courtis.

20 MR. COURTIS: Good morning. Thank you very much for
21 coming down. Thank you, Director, for letting us speak and
22 give you our opinions and our thoughts on the subject.
23 Please, please deny this request for the transfer.

24 I'm the executive director of the Yuma County
25 Chamber of Commerce representing over 800 businesses and

1 their 25,000 employees.

2 People talk about the lifeblood. What is this
3 lifeblood? What exactly does that mean?

4 Several years ago, the University of Arizona did a
5 study, and they called it "The Location Quotient." And what
6 they did is they studied areas in the highest industry and
7 how it affected their locale; cars to Detroit, technology to
8 the Silicon Valley, agriculture to Yuma County, et cetera.
9 About 30 parameters they tested all over the country.

10 We talk about the agriculture in Yuma County being a
11 \$3.5 billion-a-year business. Okay. I've never seen
12 \$3.5 billion, so that's not a big wow. But The Location
13 Quotient said that Yuma's agriculture -- agriculture in Yuma
14 County is twice as important as wine is to the Napa Valley.
15 I've seen a bottle of wine, so that gives me a big wow.

16 But you think -- The Location Quotient was 25, which
17 means that 25 percent of our industry in all of Yuma County
18 is dependent on agriculture, and I would submit it's probably
19 higher than that.

20 Someone recommended earlier that property rights are
21 being trampled. I'm a big fan of property rights, but I'm
22 also a big fan of the intent and the content of the law of
23 the river. I think we have to go back and look at the intent
24 and content of the river compacts and abide by those.

25 And, please, deny this request. Thank you.

1 MS. KARTHA: Our next speaker is Russ Jones.

2 MR. JONES: Good morning. My name is Russ Jones.
3 I'm a resident of Yuma County, former state legislator for
4 Yuma County and La Paz County. And during that time I was
5 chairman of ag and water, so I'm pretty familiar with the
6 subject area. And, currently, I'm chairman of the Arizona
7 Power Authority, so the hydro power that is on the Colorado
8 is another area that I have some background and expertise in.

9 I'm opposed to this transfer for primarily two
10 reasons. It wasn't too long ago that La Paz County was just
11 part of Yuma County, and I guess it's still our newest county
12 that has been formed in Arizona. And when that occurred,
13 when that separation occurred, it's always been economically
14 challenging for the folks in La Paz County to establish a
15 solid economic base to provide quality of life for their
16 communities. As their representative, I strove always to try
17 to protect that.

18 The Colorado River is everything to La Paz County.
19 It's either for recreation or it's for farming. Both provide
20 employment.

21 So the first reason is: This is an economic input,
22 this water, that creates jobs and wealth in La Paz County.
23 Once you remove it, it's gone forever. That wealth that it
24 creates is gone forever. The tax base is gone forever. You
25 have a short-term infusion of cash. After that, nothing. So

1 if you look at the economic viability of La Paz County, this
2 is an incredibly poor precedent, and I see no redeeming
3 values to it for the greater population of that county.

4 The other reason I'm opposed to it is -- just about
5 40 years ago, the legislature in the State of Arizona, its
6 representatives, re-created the Ground Water Act. They were
7 very wise in doing so because it prevented this kind of
8 economic raping and pillaging from going on with respect to
9 our ground water in the State of Arizona, and it served us
10 very well.

11 When I was in the legislature, I strove to keep that
12 sacrosanct so that people would have stable, predictable,
13 planned growth in Arizona, and that's been -- it's been very
14 successful. There's others here, more expert than I, that
15 will tell you the same thing.

16 You have an opportunity to not only not permit a
17 poor precedent; you have a great opportunity to set a good
18 precedent, in that, even though you're not subject to the
19 Ground Water Act, you will treat the Colorado River water in
20 the same manner so that the water flows in stage with the
21 land and the economic benefit remains within that community.

22 I'll close with a really quick anecdote. When I
23 first became chairman, I was invited to a lunch by the
24 Central Arizona Project folks. I'm not gonna name any names
25 because of what happened.

1 The first thing I said is "We're not gonna talk
2 about Colorado River water, and we're not gonna talk about
3 changes to Ground Water Act. So what else do you want to do
4 besides have lunch?" It was silent.

5 At the end of the lunch, I was told by one of the
6 folks that "Don't worry. When we want your water, we have
7 enough money and power. We'll take it." And we're here.

8 MS. KARTHA: Mr. Jones, your time is up.

9 Our next speaker is Myrle Marlatt.

10 MR. MARLATT: Hello. My name is Myrle Marlatt. I'm
11 a farmer in the Wellton area. I'm also the secretary of the
12 Yuma County Farm Bureau. I thank you for letting me make
13 comments.

14 This last -- a few weeks ago we had our Arizona Farm
15 Bureau convention, and Yuma County proposed in there to
16 support the Harquahala project, so we support good water
17 ideas that don't hurt the area they're coming from.

18 This would be something that would hurt the chances
19 especially for any future development in La Paz County, and
20 just the whole idea is -- to me, they need -- in Queen Creek
21 they need to look in places that don't hurt the areas that
22 they're getting the water from.

23 There's areas that they can go. If they're looking
24 long term, they can look at long-term projects, maybe even
25 flood water on the Mississippi or Missouri. There's lots of

1 places that they can look without trying to hurt -- which
2 won't hurt the areas and maybe even help the areas they're
3 getting their water from. So I oppose this transfer.

4 MS. KARTHA: Our next speaker is Jon Nickerson.

5 MR. NICKERSON: Thank you.

6 And thank you, Director.

7 My name is John Nickerson, and I farm in the Dome
8 Valley. My father-in-law came down here in the mid to late
9 '50s, moving from the City of Tempe. I used to drive cattle
10 between cotton fields right where Interstate 10 is right now,
11 but at that time farmers were moving out of that area there
12 and moving down to the Central Arizona area where they're
13 having all these water problems here now.

14 My father-in-law chose to move down here, and
15 everybody said he was crazy because it was such a desert --
16 desolate area and everything, but it was a very wise
17 decision.

18 I just -- the bottom line is -- my druthers, I would
19 druther that the people look to the Metropolitan Water
20 District, who is taking water out of the Colorado River,
21 taking it over to the oceans where the State of California is
22 dumping millions of acre feet of water a year into the ocean.
23 Thank you.

24 MS. KARTHA: Our next speaker is Paul Muteheart.

25 MR. MUTEHEART: Good morning. My name is Paul

1 Muteheart, and I'm general manager at Pasquinelli Produce.
2 Here in Yuma we farm about 9,000 acres of vegetables. It's a
3 family farm, in existence for about 60 years.

4 Thank you, Tom, for being here, and we respect the
5 work of the Department of Water Resources.

6 I am not sympathetic to the Town of Queen Creek. I
7 love humanity, but I'm not sympathetic. If their concern is
8 tomorrow's house, tomorrow's resident, if it means risking
9 what we've been doing here in Yuma for 100 years, I don't
10 have that sympathy.

11 So I've recently become aware of this term
12 "existential threat" when dealing with national news, and
13 I've come to understand that an existential threat is a
14 threat from the outside to where you are, and I consider the
15 movement of this La Paz County question as an existential
16 threat to Yuma, meaning that what might happen in La Paz
17 County could negatively affect what happens here in Yuma. So
18 Pasquinelli Produce and everyone who works there is opposed
19 to this water transfer.

20 Farmers are respectful of property rights. There's
21 no doubt about that. But I think some context is needed when
22 you're talking about property rights.

23 There are a number of ways to make money that come
24 to my mind. You can work hard for money. You can steal it
25 from me. You can buy and sell stock on the stock exchange.

1 You can buy and sell water. Or you can farm. These are
2 alternative ways all to make money.

3 And I'm glad that prior speakers have referred to
4 Greenstone because they are investors, as opposed to GSC
5 Farm, implying that they are farmers because I don't believe
6 they are farmers. They are investors.

7 If the Josh Meyer that was referred to as one of the
8 farmers proposing to accept this is the Josh Meyer I know
9 from Yuma, Josh Meyer is not a farmer.

10 Farmers and ranchers have been doing important ag
11 work for many years in the State of Arizona long before Intel
12 came to Phoenix and started attracting people to live in
13 Phoenix.

14 Farmers and ranchers have a very noble purpose.
15 They produce food for our nation. Please do not allow any
16 action in Arizona that jeopardizes this noble purpose of
17 farming and ranching and providing food. Thank you.

18 MS. KARTHA: Our next speaker is John Boelts.

19 MR. BOELTS: Thank you, ma'am. My name is John
20 Boelts. I serve as a volunteer as first vice president for
21 Arizona Farm Bureau. Thank you to the director and all of
22 your staff for putting on these meetings and hearing from the
23 public.

24 I rise in opposition in hope that the director will
25 oppose and recommend opposition to this with the Bureau of

1 Reclamation. Principally, I'll quote our Arizona Farm Bureau
2 policy. That is that we are opposed to transfers of this
3 kind. Transferring water, buy-and-dry type of a posture, is
4 bad Arizona policy.

5 Looking back to one of Director Buschatzke's
6 predecessors, Herb Gunther, directing this department, led a
7 study to look over the state, break it up into small regions,
8 small basins, and looked to help those areas find ways within
9 their own basin to develop their water resources and live
10 within their means. I think that's key and important.

11 The future of Arizona agriculture is absolutely
12 dependent on farmers having water. We adamantly support
13 water and water rights and the use of farmers in the Cibola
14 area, as in all other areas of Arizona, to continue to use
15 water to grow food and fiber for our nation. That's what the
16 water was granted as an entitlement for, and we'd like to see
17 that continue and support those in the strongest terms.

18 So, again, we recommend opposition to this, and
19 thank you guys for putting on this meeting. Arizona
20 agriculture is a \$23 billion industry. It's an important
21 part of our economy in every respect, particularly in rural
22 Arizona, and we look forward to submitting our written
23 comments as well. Thank you.

24 MS. KARTHA: Our next speaker is Wade Noble.

25 MR. NOBLE: Good morning. My name is Wade Noble.

1 I'm from Yuma. I represent irrigation districts in the area,
2 some of them.

3 We have not heard from Greenstone. This is a
4 company with -- that treats water as an asset to be sold for
5 profit. The chief executive officer of Greenstone is Michael
6 Schlehuber. He's seated next to his lawyer, Mr. Pearce.

7 Mr. Schlehuber is the former chief financial
8 officer of Vidler Water Company, another company involved
9 with selling water off farmland. Vidler, at one time, owned
10 18,000 acres of farmland in Harquahala Valley with, quoting
11 Mr. Schlehuber, "transferrable water rights."

12 Transferrable water rights is what this is all
13 about, in some respects. That is, these contract rights that
14 are held by, at this time, GSC Farm, LLC, are they
15 transferrable off of the land?

16 Beginning in 2013 and continuing through 2014, GSC
17 Farm began acquiring property in Yuma County, then La Paz
18 County, and continued in Yuma County. They now own thousands
19 of acres. The 500 acres that we're talking about here is
20 only a small portion of what they own. Most of the property
21 they own is in Yuma County.

22 It is apparent that the land in Cibola Irrigation
23 District was chosen not for farming but for its expected
24 transferrable water rights. The same approach to the
25 transfer of water rights from farmland is apparent again in

1 Yuma County and the thousands of acres that they own.

2 This is the approach that we expect and we have seen
3 in the past. They acquire the land. Because, in Yuma
4 County, the irrigation districts, with the exception of the
5 Yuma County Water Association, control the irrigation
6 contracts, then they have to get control of the irrigation
7 boards.

8 They attack those who get in their way. They work
9 at identifying individuals as part of the problem. And then
10 they expect to be able, eventually, to open up the contracts
11 in Yuma County so that the water can be transferred.

12 Mr. Gammage, we don't agree with you that your
13 clients are simply trying to take advantage of some property
14 rights that they have in La Paz County, in the Cibola
15 Irrigation District. They're going to gain \$20 million from
16 this transaction alone. They will not discontinue being what
17 they are.

18 "The Barbarians at the Gate" is a book written about
19 transferring RJR Nabisco to someone. Right now, the
20 barbarians are at our gates. They are, in fact, within the
21 walls. This gate should not be opened.

22 MS. KARTHA: Our next speaker is Bill Cox. Do we
23 have a Bill Cox?

24 MR. COX: Thank you very much for listening to me.
25 I'm a citizen now retired from the City of Yuma as the water

1 treatment manager.

2 I just want to bring up to everybody's attention a
3 little bit -- I haven't heard say anything about this, but
4 Yuma used to flow -- the Colorado River used to flow all the
5 way down into San Luis, Mexico, and San Luis, Arizona. They
6 put in the Morales Dam and all that.

7 No water flows past Morales Dam. There used to be
8 some really good fishing down there. It was an economic
9 boost to the Somerton area. I used to have a welding and
10 machine shop in the Somerton area a long time ago. That
11 dried up when they diverted all the water into Mexico.

12 What I'm hearing with this GS stuff -- and I don't
13 know all the technicalities about it -- is I'm having a
14 vision in my mind that the next stop will be Laguna Dam, and
15 it's gonna dry up from there, and then after that it will be
16 the Parker Dam, and then eventually this whole section of the
17 river is gonna be dry.

18 If everybody keeps putting in a straw and everybody
19 has -- California, like seven states are drawing water from
20 the Colorado River. Every time I turn around and hear about
21 it, that straw that they're getting in that river is getting
22 larger and larger and larger, trying to divert water away
23 from this area and this community.

24 This is a great community. They live and thrive on
25 this water. I've seen the city grow from 26,000 to over

1 100,000 people. I've been here 50 years. I'm the new kid on
2 the block to a lot of these farmers, but I do understand and
3 know how important this water is to this community, and I'm
4 opposed to them transferring any water from this area or
5 Parker. Thank you.

6 MS. KARTHA: That was the last speaker card. Is
7 there anyone else that would like to speak?

8 Please be sure to spell your name.

9 MR. EVANS: My name is Raymond Evans. I'm a pioneer
10 Arizonan and a private citizen of Yuma County and Arizona.

11 A little bit about the history of water in the West.
12 When the West began to develop in the 1800s, the miners and
13 the settlers decided there needed to be some kind of
14 allocation because water was short.

15 They came together and promulgated basically two
16 laws, which are not annotated. One was -- the first law was
17 the water belonged to the land. The second was that it was
18 issued on the basis of the first beneficial use of the water.

19 My family came to Arizona in the 1870s. This is one
20 of the things that I learned from my grandparents and my
21 parents was that water was precious. It belonged to the
22 land, not to any one person, not to any entity which later
23 has been promulgated as the owner.

24 As far as Queen Creek goes, I blame that on the
25 Department of Arizona Water Resources because they have

1 allocated building permits on a number of properties in
2 Mohave County, in La Paz County, in Maricopa County, in
3 Yavapai County, Gila County, and Pinal County and Pima County
4 using the same 100-year basis for each one of the permits
5 that they have issued.

6 If you take a place that is issued a permit for
7 50,000 homes, that's fine. A 100-year water supply is there.
8 If you put another 50,000 on there, that reduces it actually
9 to 50 years of water use, not 100. And yet they have done
10 this in many cases, allowing development on the same water
11 sources over the years.

12 I recommend the denial of this permit. Thank you.

13 MS. KARTHA: Is there anyone else that wishes to
14 speak?

15 (No response.)

16 MS. KARTHA: Please let the record reflect that no
17 one else wishes to speak.

18 Is there anyone here who wishes to submit any
19 written comments or evidence they have brought with them?

20 (No response.)

21 MS. KARTHA: Let the record reflect that no one
22 wishes to submit any written comments or evidence.

23 As I mentioned earlier, written comments may be
24 submitted until 5:00 p.m., December 16th. If you would like
25 to submit written comments after the close of the meeting but

1 no later than December 16th, please e-mail, fax, or mail them
2 to Sharon Scantlebury, the department's docket supervisor.
3 Her fax number is (602) 771-8686, and her e-mail address
4 "sscantlebury@azwater.gov."

5 If you would like to mail your comments, the mailing
6 address is "Arizona Department of Water Resources, Attention:
7 Sharon Scantlebury, Docket Supervisor, P.O. Box 36020,
8 Phoenix, AZ 85067."

9 Thank you all for attending and providing comments.
10 This public meeting is now adjourned.

11 (The meeting adjourned at 11:44 a.m.)

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Certificate of Reporter

State of Arizona)
County of Yuma)

I, Amy S. Richardson, CR, CSR, do hereby certify that I took down in shorthand (stenotype) all of the proceedings had in the above-entitled matter at the time and place indicated, and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision, and the foregoing transcript constitutes a full, true, and accurate record of the proceedings had, all done to the best of my skill and ability.

In witness whereof, I have hereunto affixed my hand the 3rd day of December 2019.

Amy S. Richardson, CR, CSR
Arizona CR #50329
California CSR #11647

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