

DOBSON RANCH COMMENTS TO DRAFT INDUSTRIAL REGULATORY LANGUAGE FOR THE FIFTH MANAGEMENT PLAN FOR THE PHOENIX ACTIVE MANAGEMENT AREA

The Dobson Association, Inc. aka Dobson Ranch Homeowners Association (“Dobson Association”) by its undersigned attorney submits these comments in opposition to the Draft Fifth Management Plan Industrial Regulatory Language for the Phoenix Active Management Area (“Draft Fifth Management Plan Industrial Regulatory Language”) conservation requirements for lakes under the Industrial Program for the Phoenix Active Management Area. As further explained below, the Fifth Management Plan Industrial Regulatory Language should allow the ADWR to adopt reasonable alternative conservation requirements for the Dobson Lakes based on their important regional storm water drainage and detention purposes and their pre-Groundwater Code construction.

Background of Dobson Ranch

Dobson Ranch is a large master-planned community that was developed in the early to mid-1970’s before the Groundwater Code was enacted and before groundwater conservation was a major concern. There are currently 4,950 residential units in Dobson Ranch and the residential population of Dobson Ranch is estimated to be between 13,000 to 18,000 people.

There also are several businesses and public schools located within Dobson Ranch including the following:

- Two grocery stores;
- Two gas stations;
- Six strip malls, each with at least 5 stores or business establishments;
- Two multi-level office complexes;
- Two hotel/motel/resort/extended stay businesses;
- Three public grammar schools;
- Five church complexes; and
- One Starbucks.

Dobson Ranch also contains many recreational facilities including:

- Five pools;
- Four separate tennis facilities with multiple courts at each facility;
- Four playgrounds fully equipped with modern playground equipment;
- Miles of bicycle pathways;
- Miles of walking and jogging paths;
- Fishing opportunities;
- Municipal 18-hole golf course;
- Municipal park with urban fishing and modern playground area;
- Boating facilities;
- Childcare facilities,
- Wedding and other social event venues; and
- Meeting rooms for social activities.

The Vast Majority of Water that Supplies the Dobson Ranch Lakes is Surface Water or Stormwater, not Groundwater

The Dobson Ranch Lakes (“Dobson Lakes”) system is comprised of ten lakes, which are commonly known as and referred to as Lakes 1 through 8 and sub-association lakes called the Landings and Lake Park Village Lakes. The Dobson Lakes have substantial surface water rights under the Kent Decree. The Dobson Association purchases water from SRP based on its appropriable surface rights to supply water to the Dobson Lakes. The Dobson Lakes also receive substantial stormwater run-off based on an integrated storm drainage and detention system incorporating the Dobson Lakes in a regional plan. This plan puts to beneficial use the historic water rights that accrue to the Dobson Lakes.

Groundwater is not routinely used to supplement the water supplied to the Dobson Lakes. See the description of water type origin of SRP Dobson Ranch deliveries for the past decade (2007 through 2018), which is attached hereto as Exhibit A. For the period 2007 through 2018, only 2 percent of the water delivered to the Dobson Lakes was groundwater.

Thus, almost all of the water filling the Dobson Lakes has been appropriable surface water, and stormwater run-off (surface) water. Consequently, the water that seeps into the aquifer from the Dobson Lakes is overwhelmingly surface water

and not groundwater. This is consistent with the Arizona Groundwater Code's safe-yield purposes by not depleting groundwater supplies in filling the Dobson Lakes and in fact replenishing the groundwater aquifer in the area with a surface water supply.

The draft Industrial Regulatory language for the Fifth Management Plan does not adequately characterize or address the Dobson Lakes and its regional flood control purpose and function. The Dobson Lakes perform multiple roles for the communities they serve and should have recourse to alternative allotment schemes given that their primary flood control/detention purposes were developed well-prior to the implementation of Arizona Groundwater Code. Specifically, the Dobson Lakes were designed to detain the stormwater run-off from a large segment of southwest Mesa, not just Dobson Ranch. The allotment specified in the Draft Fifth Management Plan Industrial Regulatory Language only replenishes the water lost to evaporation and does not provide for the make-up water supplied by SRP to maintain wet detention ponds, which are identified in the City of Mesa's Storm Management Plan discussed in the section below.

Dobson Lakes Designed and Constructed for Regional Storm Detention

In the early 1970's, the Dobson Lakes were designed and constructed for regional storm drainage and detention purposes not only for Dobson Ranch, but the surrounding area. Aesthetic and recreational features also were incorporated into that design. Both the developer of Dobson Ranch and the City of Mesa developed an intricate underground piping system to detain these waters. These waters need the ability to seep into the ground to avoid the flooding of homes and businesses within the Dobson Ranch area.

During the Third Management Period, the firm Fluid Solutions (by its principal hydrologist Michael J. Lacey and Kathryn L. Hendricks, PE) prepared a Water Loss Study of the Dobson Ranch Lake System dated May 17, 2002 ("Water Study"). The Water Study noted that "[t]he Dobson Lake System serves as an integral component of the area's stormwater management system." The Dobson Ranch property was graded such that local runoff is delivered to the lakes. *See* Water Study at p. 3. The Water Study noted that the local inlets are in the form of both closed conduits that deliver water below the normal water surface, and open

surface drains. *Id.* “The lakes serve to retain, detain, and route stormwater through the community.” *Id.* In addition to the Dobson Ranch local storm drains, the City of Mesa constructed two large storm drain systems that deliver water collected along Baseline and Guadalupe Roads into the Dobson Lakes system. These drains deliver water via vertical inlet structures into Dobson Lakes 3, 4, 7 and 8. *Id.*

The City of Mesa’s Storm Management Plan (September 2014) (“Storm Management Plan”) addresses the detention purposes of the Dobson Lakes. The Storm Management Plan is found at the following link, <https://www.mesaaz.gov/home/showdocument?id=15614>. The valve at the end of Dobson Lake 8 (which, if opened, releases the Dobson Lake water) is identified as Number 601 in Section 6 of the Storm Management Plan and discussed in the notes located at page 3 of Appendix C thereto. The Storm Management Plan states that the valve “discharges water (stormwater and Tempe Canal water) from the Dobson Lakes wet detention pond.” *Id.* The Storm Management Plan also notes that most water in the Dobson Lakes is lost to recharge, evaporation or irrigation. *Id.* The Storm Management Plan further states that [Dobson Ranch Lake 8] also drains part of Guadalupe Road within the ADOT right-of-way. *Id.*

The City of Mesa refers to the Dobson Lakes as wet detention ponds thereby acknowledging their primary flood detention purpose. The Environmental Protection Agency Manual entitled “Guide to Stormwater Best Management Practices” at Section 4.11 page 4-179 (attached hereto as Exhibit B) defines and describes the purposes of wet detention ponds as follows:

- Wet detention ponds (Figures 4.11-1 and 4.11-2) are stormwater storage practices that consist of a combination of a permanent pool, micropool, or shallow marsh that promote a good environment for gravitational settling, biological uptake, and microbial activity. Ponds are widely applicable for most land uses and are best suited for larger drainage areas. Runoff from each new storm enters the pond and partially displaces pool water from previous storms. The pool also acts as a barrier to re-suspension of sediments and other pollutants deposited during prior storms. When sized properly, wet detention ponds have a residence time that ranges from many days to

several weeks, which allows numerous pollutant removal mechanisms to operate. Wet detention ponds also provide storage above the permanent pool to provide increased water quality benefits and to meet stormwater management requirements for larger storms.

- Wet detention ponds are credited differently than other BMPs. In order to meet water quality requirements, they must store and release at least the first ½-inch of runoff over 24-hours (possibly greater when the site is located within ½ mile of a receiving water body).

Thus, as noted by the Environmental Protection Agency in its stormwater Best Management Practices Guide, detention ponds, if designed to seep, serve not only flood control purposes, but also important water quality purposes. The Dobson Lakes appear to have a loss rate exceeding ½ inch of water per day during the wet periods, such as the monsoon season, and comply with the Environmental Protection Agencies Best Management Practices for storm detention and water quality.

The Design of the Regional Storm Drainage System for Dobson Ranch and the Immediate Surrounding Area Make it Impossible for Dobson Ranch to Comply with the 6.2 acre-foot per acre Lake Conservation Allotment

The Dobson Lakes are unable to meet the 6.2 acre-feet per acre of lake surface area requirement unless the entire storm drainage system and the Dobson Lakes are completely redesigned and reconfigured. The Dobson Association does not own or control the City of Mesa's drains that bring regional stormwaters into the Dobson Ranch storm and drainage system and Dobson Lakes. Such an undertaking would include gaining the permission of private owners to tear up storm drains underneath their properties. Redoing the existing storm drain system and Dobson Lakes could not be done at a reasonable cost to the Dobson Association.

The Conservation Requirements for Dobson Lakes Should Be Modified to Allow Flexibility Because They Were Designed and Constructed for Regional Flood Control and Detention Purposes

The conservation requirements in the Draft Fifth Management Plan Industrial Regulatory Language for lakes are too rigid for the Dobson Lakes, which

were designed and constructed several years before the Groundwater Code was implemented. The Draft Fifth Management Plan Industrial Regulatory Language arbitrarily does not allow or account for any seepage, only evaporation. Thus, the conservation requirements do not account for the critical flood control and detention purposes of the Dobson Lakes. Also the Draft Fifth Management Plan is arbitrary in that it does not allow for or account for the water that is detained in the underground stormwater drainage pipes connected to the Dobson Lakes. The Fifth Management Plan Industrial Regulatory Language should allow the ADWR to adopt reasonable alternative conservation requirements for the Dobson Lakes based on their important regional storm water drainage and detention purposes and their pre-Groundwater Code construction.

The conservation allotment for Lakes under the Draft Fifth Management Plan does not account for the Dobson Lakes primary purposes of flood control and detention. The Dobson Association requests that ADWR modify the conservation requirements for the Fifth Management Plan to authorize ADWR to utilize a conservation approach for the Dobson Lakes similar to the Fourth Management Plan Stipulation between the Dobson Association and the Arizona Department of Water Resources.

DATED this 8th day of October, 2021

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