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 non-golf course turf facilities (“Non-Golf Turf Regulations”) under the Industrial Program for the Phoenix Active Management Area. The Dobson Association incorporates by this reference the comments it made on October 8, 2021 (“Dobson’s October 8th Comments”) relating to the Industrial Regulatory language in the Fifth Management Plan.

The Draft Fifth Management Plan Non-Golf Turf Regulations fail to accommodate the unique characteristics and detention purposes of the Dobson Ranch Lakes (“Dobson Lakes”) and turf facilities. As noted in the Dobson’s October 8th Comments, the Fifth Management Plan Industrial Regulatory Language should allow the ADWR to adopt reasonable alternative conservation requirements for the Dobson Lakes and its turf areas based on their important regional storm water drainage and detention purposes and their pre-Groundwater Code construction. The combining of the total acres of turf and water surface area for the lake conservation and turf conservation requirements fail to account for the unique circumstances of Dobson Ranch and the Dobson Lakes.

Background of Dobson Ranch’s Water Surface and Turf Areas

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.

The common areas of Dobson Ranch consist of 10 interconnected lakes that have a total water surface area of 78.22 acres, and 22 “turf acres” as that term is
defined in Section 6-501 (15) of the proposed Fifth Management Plan for the Phoenix AMA.

As described in more detail in Dobson’s October 8th Comments, 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 regional area surrounding Dobson Ranch. 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.

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-feet 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 Dobson Association reiterates its request as stated in Dobson’s October 8th Comments 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

The Combining of Lake and Turf Conservation is Flawed

The combining of turf conservation with the lake conservation requirements is not reasonable for Dobson Association. The water conservation methods for turf is completely different from the water conservation measures that are available for the Dobson Lakes. As noted above and in Dobson’s October 8th Comments, Dobson was designed as a detention basin for Dobson Ranch and the surrounding
region. Thus, Dobson Association is limited in applying water conservation measures for the Dobson Lakes due to the Dobson Lakes’ primary function as detention basins for the regional area. Thus, combining lake conservation requirements with the turf conservation requirements unduly complicates Dobson Association’s separate and distinct implementation of conservation methods for the Dobson Lakes and the Dobson Association’s turf areas.

**The Classification of Turf Facility Category between High and Low Water-Intensive Use is Unfair to Dobson Association and Does Not Incentivize Dobson Association to Reduce Water Consumption for its Turf Areas**

DWR’s rationale for purposed allotment calculations is to incentivize less water intensive landscaped areas by using more generous application rates for those in the Low Facility Category. However, these arbitrary classifications provide absolutely no incentive for Dobson Association to use less water intensive landscaped areas because the Dobson Lakes contain 78 percent of the total water surface area and turf area of Dobson Ranch. Thus, under the proposed new non-golf turf facilities regulations (which now includes the surface area of the Dobson Lakes), Dobson has no ability to become classified in the Low Facility category.

Significantly, as noted in Dobson’s October 8th Comments, almost all of the water used to fill the Dobson Lakes comes from stormwater or appropriable surface water delivered by SRP pursuant to Dobson Association’s Kent Decree rights. The Dobson Association does not otherwise supplement the Dobson Lakes with groundwater. Thus, for the period 2007 through 2018, only two percent of the water delivered to the Dobson Lakes by SRP was groundwater. See the description of water type origin of SRP Dobson Ranch deliveries for the period of 2007 through 2018 attached hereto as Exhibit A. 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 Fifth Management Plan allotment designated for lakes 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 the Dobson Lakes as wet detention ponds. The lake conservation requirements are therefore unreasonable because they fail to account for this important and necessary function of the Dobson Lakes.
Significantly, the Dobson Association is unable to reduce the size of its lakes because they were designed to provide flood detention, not only for the Dobson Ranch community, but the surrounding areas. Any substantial reduction in the size of the lakes could result in flooding in the area, which the Dobson Lakes were designed to prevent. The new non-golf turf regulations also provide no incentive for the Dobson Association to move from the High to Low Water Intensive Landscaped Area classification because Dobson Ranch could never become a Low Water Intensive Landscaped Area given that the Dobson Lakes comprise 78% of the total water surface area and turf area of Dobson Ranch.

During the Third Management Period, the Dobson Association took substantial, proactive steps to reduce its water consumption both within its irrigated turf area and within the lakes. Based on the actions of the Dobson Association, the annual common area irrigation water use has been reduced from nearly 40 million gallons per year to approximately 26 million gallons per year. See attached Exhibit B. The Dobson Association should be incentivized to continue to take such proactive steps and not be penalized with the lower water allocation based on the approach adopted in the proposed Fifth Management Plan. For the Dobson turf acres, the turf application rate should be 4.77 acre-feet per acre per calendar year and not 4.43 acre-feet per acre per calendar year.

Conclusion

The conservation allotment for Dobson Lakes under the Draft Fifth Management Plan does not account for the Dobson Lakes’ primary purposes of flood control and detention. The combining of the lake and turf conservation requirements is unreasonable because for Dobson Association the lake and turf conservation methods are separate and distinct. The Dobson Association should not be assessed the lower High Maintenance Landscaped Area Classification because it has no ability to become a Low Maintenance Water Intensive Landscaped Area because the vast majority of the Association’s common areas are comprised of the Dobson Lakes. The conservation requirements should be designed to incentivize water conservation in the Dobson Ranch turf areas without including the surface area of the Dobson Lakes. Finally, as noted in Dobson’s
October 8th Comments, 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 5th day of November, 2021

ENGELMAN BERGER, P.C.

By
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EXHIBIT “A”
Category of SRP Water Supplied to Dobson Ranch Lakes from 2007 to 2018
EXHIBIT "B"
LAKE WATER CONSUMPTION OVER PAST DECADE

City Water used, by year
2004 ~ 34 million gallons
2007 ~ 39 million gallons
2008 ~ 29 million gallons
2009 ~ 33 million gallons
2010 ~ 28 million gallons
2011 ~ 26.9 million gallons
2012 ~ 26.9 million gallons
2013 ~ 31 million Gallons
2014 ~ 27 million gallons
2015 ~ 24 million gallons
2016 ~ 25 million gallons
2017 ~ 24 million gallons
2018 ~ 25 million gallons
Savings ≈ 125 million gallons

2018 – Less water has been used over the last several years by managing water draw matched to rain and evaporation losses.

2018 – Irrigation innovation has achieved its potential. Additional saving will require expanded improvements in more efficient irrigation techniques.

SMART CONTROLLERS MEETING EXPECTATIONS
MEETS IRRIGATION NEEDS OF LANDSCAPE

March 21, 2019