

**Upper San Pedro Water District Organizing Board
November 11, 2008
Cochise County Supervisors Conference Room**

I. CALL TO ORDER: Meeting was called to Order at 6:30 P.M. by Secretary Steve Pauken and with Call of Roll

II. CALL OF ROLL:

Mary Ann Black

Rick Coffman

James Herrewig

John Ladd

Stephen Pauken

Carl Robie

Susan Shuford

Mike Boardman

Mike Rutherford (initially not there at call of roll, but arrived at 6:55 P.M.)

ABSENT: Mike Boardman

Holly Richter

OTHERS PRESENT:

Gene Fenstermacher

Tom Carr

Tom Whitmer

III. Work session with continued discussion of ADWR Scope of Work with Focus on Development of Comprehensive Plan with Measurable Objectives.

PRESENTER: THOMAS WHITMER
Manager, Regional Water Planning

THOMAS G. CARR
Assistant Director
Statewide Water Conservation and Strategic Planning

Attachment 1 – Handout 1
Section II and Section III (25 Pages) marked as DRAFT

Whitmer provided the above Handout (a copy of which is attached hereto) which contained “rough draft” Section II and Section III of the Plan for the Board’s review and consideration.

Whitmer reviewed each paragraph of the Handout, generally for an overview of the current contents of the Sections provided and remarked that this is only a draft and does not contain many of the references, tables and graphs that will be included in future drafts (and the final product).

Robie addressed concerns regarding the distinction and more specificity regarding critical habitat and species as it does not appear that this information is currently clear.

Carr and Whitmer addressed that the product for the Board will likely be in excess of fifty pages, but that the contents will be condensed into an Executive Summary which would consist of approximately four to six pages of information for the public's consideration when that point is reached.

Whitmer stated that this is the Board's Plan and that it will require feedback from the Members. He did indicate that because the current product is a very rough draft, this may not be the time for feedback. Whitmer advised the Board that the State's expectation of the next product will be received by the Board for review in advance of the December meeting.

Coffman and Robie stated that a more focused view of the information would be more appropriate and helpful.

Items for the November 17, 2008, Agenda were discussed and will be addressed as follows:

- * Confirmation of next meeting date and time to be added to the Agenda.
- * Approval of Minutes for the November 17, 2008, Meeting as follows:
October 20 and November 10, 2008
- * Synopsis of meeting with Marie Hanson – Chairman Rutherford, Holly Richter and Jim Herrewig
- * Synopsis of Tucson and Pima County Water and Wastewater Oversight Study – Chairman Rutherford

IV. FUTURE MEETING DATE AND LOCATION: Chairman Rutherford confirmed the next meeting would be on November 17, 2008, at 6:30 P.M. at the Cochise County Foothills Conference Room.

V. ADJOURNMENT: There being no further business, Secretary Pauken adjourned the work session at 7:10 P.M. Seconded by Jim Herrewig and all others in favor. No objections heard.

Upper San Pedro Water Districting Organizing Board
November 10, 2008 - 6:30 P.M.
Work Session
Cochise County Offices – Bisbee, Arizona

Narrative of Meeting

Time Start: 6:30 P.M.

Pauken: Call of Board to Order with Call of Roll as Chair.

Mary Ann Black
Rick Coffman
James Herrewig
John Ladd
Stephen Pauken
Carl Robie
Susan Shuford
Mike Boardman
Mike Rutherford (initially not there at call of roll, but arrived at 6:55 P.M.)

ABSENT: Mike Boardman
 Holly Richter

Rutherford: The only item on our agenda for this evening is Continued Discussion of ADWR Scope of Work with Focus on Development of Comprehensive Plan with Measureable Objectives. I believe Tom Carr, or is Tom Whitmer going to be the first presenter.

PRESENTER: Thomas Whitmer
 Manager, Regional Water Planning
 ADWR

WHITMER: Handout 1: **Attachment 1:**

Well, we have been diligently working away on this. There are three or four authors in addition to Tom and I there are 2 or three authors who have been trying to put together this comprehensive Plan as we kind of laid it out in the Work Plan that you all have a copy of. I am going to pass out Sections II and III. Before I pass that out, however, the reason I did not email it to you is simply because there are multiple authors thus far and at the end of the day, we will only have one author who will go through this and bring it into a Plan that will actually look like the same author and it will be very readable. But the reason that we didn't send it out is because it is very rough. OK. Trying to turn this around every three to four weeks is rough. So, I will pass this out and I would also say that what we want you to do with this and I am going to kind of walk through this as we go over it tonight is just to kind of look over this thing. We are not looking for any specific feedback or some details because it is rough. We know there are a lot of holes, and some things we have got to fill in. A lot of graphics have been left out and a lot of the tables are not in here at this point in time. But if there is something that we have just totally missed, clearing any oversight or if you see something completely wrong, so to speak, we would like your feedback on that.

Let me pass these around.

CARR: Another thing is that as you are going through it, if you come up with another idea that you want to have us take a look at and add, go ahead and send us an email and we will make sure that we address it. I know as we talk this through, a lot of times stuff will come up right here at this table what about this and what about that and we want to make sure that we are pulling in any of your ideas that might come into your head as you are going through it.

WHITMER: We have in rough draft form the first three sections. What I have passed out for you tonight is just Sections II and III. Section I, we just received here the other day and I haven't even had a chance to even go through it at all. Therefore, I didn't include it here, but we did want to give you some indication that we are diligently working. Believe me.

We will start with Section II. We have 3 Subsections under that A, B & C. Section II is kind of the identification of problems. We started it off A and B kind of touches on the significance of the River, gives you a general overview of the hydrology of the River and the area itself, just to kind of give people a basis for what we are talking about, the geology, the hydrology, the San Pedro, the different tributaries to the San Pedro that are down here. I am not going to go into real detail with this thing right now. I am just giving you the highlights of where we are at and what we are doing.

If you have any questions, please ask.

HERREWIG: I assume there will be a map, maps of Mexico.

WHITMER: Yes, a lot of the graphics are not in this tonight. But they . . . we have kind of identified what we want to put in there in terms of graphics, figures and tables. Just for paper sake, for copying sake, they were not included.

Like I said Section A and B kind of primarily touch on the geohydrology and the physical nature of the area itself. When we get into 2 C, I believe on Page 7, we get into Water Budgets and 2 B as well. Yes, Carl.

ROBIE: I wanted to comment on I don't see any reference to critical habitat. . .

BLACK: There are 16 plant and animal species on 2.

ROBIE: Yes, but they are not critical habitat.

BLACK: It says all but two of these are at risk species.

ROBIE: Right, but only one is designated as critical in the San Pedro and that is the one I am . . .

WHITMER: You are right, exactly, but all but two of those rely on the Riparian zone. But you are right.

ROBIE: That is a legal distinction that is important to Fort Huachuca.

CARR: And we will bring that out.

WHITMER: Actually endangered species have been touched on throughout this thing. In Section 2 C.

We get into and start talking about the legal framework in dealing with water rights and water usage. We kind of break that out and look at it in terms of surface water, ground water, the adjudication of sub-flow issue that is pending and also again endangered species. Kind of what we did here is touching on each one of those issues. We go into briefly what surface water law is and what we can and cannot do and so on. Then, we move to the adjudication, a highlighted overview of what adjudication is. One of the ramifications with adjudication in this area down here. We have already identified some places where we need to expound upon some of the topics and things not included. Things related to priority issues. If in deed, and all of these are kind of interrelated. When you get into like the sub-flow issue for example, sub-flow decision has some tremendous ramifications along with the adjudication and that really plays into the prioritization of water rights and there is a decision and an order on that. Then we go into groundwater regulations, and of course, outside of the AMAs there isn't a lot of regulations in regards to groundwater regulations, however there are a few things you have to be aware of and I just kind of touched on some of those.

We get into a Sub-flow Decision. We kind of give a status update on where sub-flow current process is, what is sub-flow and we touch on some issues with regard to like I was talking about a few minutes ago, some of the things that we need to include or expound upon even further than where we are at right now, is that after a sub-flow decision has been finalized, what ramifications does that have. That will make some interesting issues with regard to priorities because basically the BLM has a reserve water right application in or a claim in with the Courts which would have a 1987 priority date. So, things after that which would be classified as sub-flow would have a junior right to at least that point. So, at least something to be aware of.

Then, we go into the Arizona Water Settlements Act. It is part and parcel with the adjudication. In this case, however, for Cochise County there is an exception to a couple of the provisions. It basically gives a pass with regards to that Settlement Act itself.

The Water Adequacy Rules will play a significant role with the District if it is established permanently. If the District is established permanently, it will have to take into consideration the goal of the District in regard to the Water Adequacy Rules. See, that will play a significant role here.

Then, again we touch upon the Environmental Law. ESA and Environmental Law. Gives a little more detail that that first little blurb that you saw there.

ROBIE: Again, you have to state that critical habitat yet again. Here you indicate that there are considered critical habitat for support of numerous endangered and threatened species including the Water Umbrel.

WHITMER: That's why I changed it and I will make sure I change that.

Then, what we have done is we are finishing up with the conclusion. The conclusion is more directed at bringing up the sellable points in regards to the District itself. In other words, what arena can the District operate in, what impacts will these specific regulatory issues have on the District if it is formed, things that the District needs to be aware of in regards to what it can and cannot do when it comes down to actual management of water resources in the area here. We try to bring that out in a very, you know quick, easy, specific terms that you can easily pull out, see it and understand it.

Then, we go into Section III which talks about future risks and uncertainties. And Section III is probably of the two here is the most complete of the reports at this point and time. It does have a lot of the graphics already inserted into it. It already has a lot of the tables that are going to be a part of it. This starts touching on and acts of increasing use for industrial and agricultural groundwater withdrawals. It goes into projected growth rates based upon population projections. It provides projections on water demands by sector. Talking about municipal, industrial and agricultural and so on. A lot of this originally came out of the AMA evaluation and allows us to draw from. We kind of extrapolated the information from there.

It starts talking about the water provider demands and withdrawals. It goes into each of the water providers. It presents what their current demands are and what their projected demands are. It goes into the exempt well demands. How much are we actually projecting is from exempt wells. It also starts getting into land use and zoning and it tries to capture what things are currently in zoning as we speak like the overlay district by the County and so on.

It goes into the projected industrial demands, agricultural demands. It goes into impacts of adjudication on groundwater withdrawals.

Then, of course impacts of drought and corresponding natural recharge in III.C. Ultimately, at the end of III.C. we have a conclusion as well. But, again, prior to bringing out the selling points that have the most affect and most impact on the District, what the District can and can't do, what the District should start looking at and taking into consideration when it starts developing its overall plans and establishing its goals, and so on, even though we do have a code that has already been adopted by this interim Board. These are all things that need to be taken into consideration to finalize this.

Any questions?

CARR: As we are pulling the sections together, one of the things that we are starting to see is there are pieces that begin folding in to telling the story. So, what we want to do when we get all done with this to be able to have in here in our conclusion section, exactly what pieces are going to be pulled out to tell the short story of what the problem is and what the opportunities are for some management changes and put that into something that is really short. So, the report is looking big, and it is big, but when we get done, we are hoping that we will have drawn out all of the important pieces so that we can just move those into what we usually call an executive summary and that will also do a stage that we can also use that then, to create some brochures that should be able to explain the water plan, and why you need it, and what you are trying to do and what are the things, some of the elements for the public.

So, that is kind of . . . as we go through here we keep refining and this is kind of like honing a piece of wood with sandpaper and we keep working at it until we get it down to what we want it to look and feel for folks. So, we are at a beginning point and so all we have is a rough copy.

WHITMER: Our time frame right now is that we are shooting to have a draft copy that is clean and to have it by the December meeting. We hope to have all three sections completed and in a form that is ready for your complete digestion and feedback.

If, I said however, if when you are going through this, if there are things that do jump out at you that we have either missed, or you feel that we are going in a direction that you would like to see some change to this, remember this is your (The Board's) packet. OK. We really need to get that kind of feedback from you. As to the specificity of it, the details, you can either send us comments on that if you would like, although we aren't really looking for that at this point, because it is a very rough overview at this time.

COFFMAN: Yeah, I mean in just glancing through this and reading Section C6, it makes it seem like there are like all these species here and that is not the case, and it may be, but with respect to our problem, which is the umbrella and so anyway. . . a more focused view would be more appropriate.

ROBIE: It is clearly desirable to go beyond what we need to do just for the water end of it for all those other reasons, but we will need to differentiate where the legal requirements and the _____ is so compelling.

COFFMAN: There are awesome things about the River. I personally didn't know there were that many species and when I read that part, I went whoa and then I changed it and read it is much more specific to the water umbrella.

CARR: One of the things on our first read too on the stuff on the hydrology was that there was too much geohydrology lingo in there and we want to cut that back so that it is a little bit more clear and more generalized and using language that people are used to.

ROBIE: Do you have references to documents?

CARR: A ton of references.

WHITMER: Like I said, I didn't include it here, but I was just trying to save on paper and just show where we are at.

COFFMAN: . . . I am impressed. There is a lot of stuff.

WHITMER: We don't even have Section I here. We already have 40 or 50 pages here already. At the end of the day, and this document is more than what the general public is going to want to see so the plan is to put together a four-five-six page executive summary that really brings out the highlights in regards to what it is that the public wants to know about this District, what this District is doing to address any problems that we identify through this process and how they are going to do it. Those are kind of the three things that we feel that we really need to bring out in a smaller document and so the public, like Mr. Fenstermacher is going to want to go through this in detail, it's there.

COFFMAN: He is already doing it.

WHITMER: But the lion's share of most folks are going to want to read that short, sweet, safe little thing and we are already working with the USGS on putting together some pretty amazing graphics so that we can visually portray what it is that is going on down here.

COFFMAN: Bullet points and graphics.

WHITMER: Absolutely.

COFFMAN: I know myself, I probably haven't read a full paragraph in three years. Just give me a picture and a bulletin board.

PAUKEN: All right. Anything else? We might be out of here before Rutherford gets back to town.
..... comments inaudible.

PAUKEN: Hopefully, someone has his cell phone number and we can intercept him before he gets here.

CARR: What do you want for next week or do you need anything for next week?

PAUKEN: Are you going to have anything else in addition to this that you know of.

.....comments inaudible

CARR: I just don't want anything in here quoted as this is DWR's take on these issues. We even have noticed that the way the language is put together that we would disagree with the tone of it, maybe, and those types of things. We don't want to get misquoted on it, that is the only thing.

WHITMER: Before it is ready.

CARR: Once it is done, we will stand behind it.

PAUKEN: Well, I mean the fact that these are all stamped DRAFT . . .

_____ : That doesn't mean anything.

ROBIE: Rutherford is already here.

PAUKEN: Let's let him come in. It will be important for him to have input on the Agenda.

CARR: They are stamped DRAFT.

PAUKEN: I assume also that in a week, the most interested folks on the Board will be through this and may have some feedback back to you or for you. That would be a good homework assignment. Rick are you taking care of that.

COFFMAN: Laughs.

PAUKEN: . . . we can get started on future dates and locations.

SHUFORD: I would have October 20 and I will have today's November 6, ready.

PAUKEN: Do we have any bills.

SHUFORD: Still trying to get the process to get that one paid.

PAUKEN: Now, we have this item on here from last month called “Augmentation Issues as they Pertain to the District Comprehensive Plan” and I am struggling to recall, was that Holly that wanted that on there.

Good evening, Mr. Chairman.

RUTHERFORD: Good Morning.

PAUKEN: We are talking about what is going to be on next week’s regular Meeting Agenda, which of course, will be at Foothills, as per normal with Carl’s (ROBIE) standing invitation. So far, we will go over these two sections as our general items continued discussion items. Keeping that Agenda item nice and broad. Several weeks ago, you signed a letter inviting BOR to start coming to our meetings. Have you received a response from them yet?

RUTHERFORD: Nothing yet.

SHUFORD: They were mailed though.

WHITMER: I will check with them. . . usually they call me when something hits them.

ROBIE: The letter more or less suggested that we would let them know when the Agenda was pertinent to them?

PAUKEN: Well, as soon as we get a contact and an email address, we will start sending them Agenda packets because right now we are not.

WHITMER: It will be Eric Holler.

PAUKEN: That’s what I figured. Should we just start covering Eric with our Agenda packets? Do we have an email address that you can send Susan. Susan will add him to the Interested Parties distribution list.

WHITMER: I will send it to you (directed to Susan).

SHUFORD: Yes.

PAUKEN: We have no bills at this point, so that won’t be on this next Agenda.

RUTHERFORD: OK did the recorder and all of that get paid for?

SHUFORD: Not yet.

RUTHERFORD: OK.

PAUKEN: It’s been submitted.

One other question before I turn it back to you Mike (RUTHERFORD) since you are the Chair, we have this Item that has kind of been languishing here called “Augmentation Issues as they Pertain to the District Comprehensive Plan” and I am struggling to recall if that was Holly’s request.

RUTHERFORD: I think it is.

PAUKEN: Should we have that on here? I don't know exactly what she wants to do. Well, why don't we leave it on there and Holly may call and let us know what to do.

SHUFORD: OK

PAUKEN: So, the Agenda is now ready.

RUTHERFORD: Jim (HERREWIG), Holly (RICHTER) and I met with Marie Hanson and we got a lot of good information. I don't know if someone wants to give a synopsis of that.

HERREWIG: Holly (RICHTER).

RUTHERFORD: Add an Agenda Item for that.

RUTHERFORD: She gave us more homework than we have got here. But it is good stuff, it's a shortcut that we are going to need and that we don't have to reinvent the wheel.

PAUKEN: Item added.

SHUFORD: verified item.

PAUKEN: For discussion.

HERRWIG: . . . inaudible.

RUTHERFORD: Put an item that Carl (ROBIE) and I attended Tucson City and Pima County Water and Wastewater Study Oversight Committee. We attended a meeting there and it was interesting. They were attempting to define sustainability.

SHUFORD: verified item.

RUTHERFORD: Now we have 53 definitions.

PAUKEN: Agenda is ready.

PAUKEN: Made a motion to adjourn the meeting.

HERREWIG: Seconded adjournment.

All in favor. No objections heard.

CONCLUDED: 7:10 P.M.

Meeting Adjourned by Secretary Pauken.