

GABRIELLE GIFFORDS

8TH DISTRICT, ARIZONA

WASHINGTON OFFICE:

1728 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2542

DISTRICT OFFICES:

TUCSON OFFICE
1661 NORTH SWAN, SUITE 112
TUCSON, AZ 85712
(520) 881-3588

COCHISE COUNTY OFFICE
77 CALLE PORTAL, SUITE B-160
SIERRA VISTA, AZ 85635
(520) 459-3115



Congress of the United States
House of Representatives
Washington, DC 20515-0308

www.giffords.house.gov

December 9, 2009

COMMITTEES:
ARMED SERVICES
SUBCOMMITTEE ON AIR AND
LAND FORCES
SUBCOMMITTEE ON MILITARY READINESS

SCIENCE AND TECHNOLOGY
CHAIR, SUBCOMMITTEE ON
SPACE AND AERONAUTICS
SUBCOMMITTEE ON
ENERGY AND ENVIRONMENT

FOREIGN AFFAIRS
SUBCOMMITTEE ON
THE WESTERN HEMISPHERE

Ms. Mary Bauer
Arizona Department of Water Resources
400 W. Congress Street, Suite 518
Tucson, AZ 85701

Re: Richard Donahue

Dear Ms. Bauer,

The enclosed correspondence is submitted as a courtesy to a constituent, Richard Donahue. Because the matter about which he has written concerns the Arizona Department of Water Resources, I have no jurisdiction to provide the assistance that he is requesting.

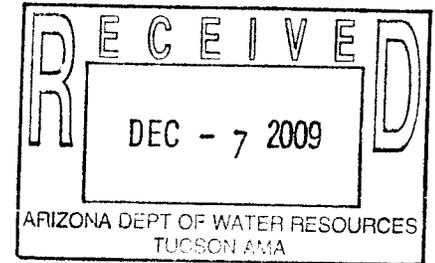
I appreciate any assistance you may provide to Mr. Donahue. Please reply directly to him.

Sincerely Yours,

Gabrielle Giffords
Member of Congress

GG: shr

Enclosure



COVER PAGE

Yellow Tab: (My) Objection to the Gila River Adjudication. (I've used this format to request that an environment impact study on the effects of the Bruce Babbitt well in Whetstone – be included in the final study/report.)

Red Tab: General Adjudication of all rights to use water in the Gila River System and Source. (This documents my having filed for water rights with the state.)

White Tab: Newspaper Article (Apr 08) – Whetstone (Bruce Babbitt) well to provide water for a proposed development in Cochise & Santa Cruz Counties. (Provides background information to you – in the unlikely event that you might not be familiar with this issue.)

Green Tabs (a & b): Newspaper Articles – San Pedro River in peril & Two Sierra Vista Water Companies (Antelope Run & Indiada) run dry (Oct 09). (Again – background information – documenting that we have a water crisis NOW – and – not in the 1,000 years being touted by our local elected officials – i.e. city and county.)

Pink Tab Internet Article – Bruce Babbitt – Short Biography -

Note:

I am not confident that the “Objection to the Gila River Adjudication” is the correct forum for requesting an Environmental Impact Study of the Bruce Babbitt well – but – nothing ventured – nothing gained.

My thoughts on the issue are – now that Arizona has moved into the 21st century and has recognized that there is a linkage between ground water and surface water – this “might” provide sufficient legal grounds to “challenge” Mr. Babbitt’s assertion that his well will affect neither the San Pedro sub-flow nor private wells in Whetstone.

I strongly suspect that the “Cone of Depression” caused by his commercial well will indeed cause private wells to go dry. If they do – people will lose their homes – since the cost of connecting to a commercial well – assuming – again – that there would be even enough water for a commercial well to pump - would be prohibitive.

Thank you most kindly for your consideration of this matter.

Alvin M. ...
12 Oct 09



Congresswoman Gabrielle Giffords

This page must be printed, signed and mailed/faxed to my office.

Date: 12 Oct 09

Agency involved: Arizona Department of Water Resources

Numbers Identifying Case (VA claim, Alien number, tax ID, etc.): Subflow Zone Report

Name: Richard T Donahue

Branch of Service (If Applicable): Department of the Army Civilian - Retired

Military Rank (If Applicable): [militaryRank]

Place and Date of Birth: Morristown - N.J. 23 Jun 49

Social Security #: 152-38-9639

Street Address: 1396 East Lincoln Road

City, State, Zip Code: Huachuca City, AZ 85616

Telephone #: 520-456-2484

Email #: donahue@c2i2.com

I, **Richard T Donahue**, authorize the **Arizona Department of Water Resources** to release personal information to Congresswoman Gabrielle Giffords United States Representative. I authorize Congresswoman Giffords to request and have access to all records and reports pertinent to my request for her assistance in the following matter:

The situation I would like assistance with is: Pending San Pedro Watershed Subflow Zone Report. I agree with the intent of this report in that it moves Arizona into the 21st century - in that Arizona has finally recognized that there is a connection between surface water and ground water. My concern is that the "Bruce Babbitt" commercial well on Oak Street, Whetstone - will cause private wells to go dry. His assertion that his well is deeper - and - therefore will not affect private wells - no longer holds water - (Pun intended) in light of the pending San Pedro River Watershed Subflow Zone Report. Since Cochise County Planning and Zoning has "passed the buck" on conducting an environmental impact study into this issue - and - assuming that I am using the correct forum in which to request your assistance - I would welcome whatever assistance you might be able to provide in this matter. Thank you. Rich

Additional background information is: <http://www.bensonnews-sun.com/articles/2008/04/01/news/news07.txt> <http://www.counterpunch.org/babbitt2.html>

My exact goal or objective is:: Environmental Impact Study of the effect of the "Bruce Babbitt" commercial well on Oak Street, Whetstone (Rain Valley Development Project) - on the San Pedro Subflow - and - hence - private wells in Whetstone.

PLEASE NOTE: The Privacy Act of 1974 requires that Members of Congress or their

10/12/2009

<https://giffordsforms.house.gov/htbin/fo...>

staff have written authorization before they can obtain information about an individual's case. We must have your signature to proceed with a casework inquiry.

Signature: Ann J Dina

Date: 12 Oct 09

Print, and then mail or fax your request to Congresswoman Gabrielle Giffords at the following address.

Please mail your form to:

Office of Rep. Gabrielle Giffords

Tucson Office

Attn: Constituent Services
Office of Congresswoman Gabrielle Giffords
1661 N. Swan, Suite 112
Tucson, AZ 85712
Fax: 520.322.9490

Cochise County Office

Attn: Constituent Services
Office of Congresswoman Gabrielle Giffords
77 Calle Portal, Suite B-160
Sierra Vista, AZ 85635
Fax: 520.459.5419

[Return to the previous page.](#)

yellow tab

**** Please Provide Requested Information in Typewritten Format ****

**** DEADLINE: DECEMBER 28, 2009 ****

Name: Richard Donahue

Mailing Address: PO Box 6047; Huachuca City, AZ 85616

Physical Address: 1396 East Lincoln Road; Huachuca City, AZ 85616

Telephone: 520-456-2484

E-Mail: donahue@c2i2.com

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN RE THE GENERAL ADJUDICATION
OF ALL RIGHTS TO USE WATER IN THE
GILA RIVER SYSTEM AND SOURCE

W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
(Consolidated)
Contested Case No. W1-103
(The Honorable Eddward P. Ballinger, Jr.)

**OBJECTION TO SUBFLOW ZONE
DELINEATION REPORT FOR THE
SAN PEDRO RIVER WATERSHED
DATED JUNE 30, 2009**

1. I affirm that I am a claimant in the Gila River adjudication and that I am entitled to file an objection in this matter because I hold the following Statement(s) of Claimant for water rights in the San Pedro River Watershed: **55-86185**.

2. The objection is based on the following reasons (attach additional pages if necessary):

Respectfully request an Environmental Impact Study of the "Bruce Babbitt" commercial well located on Oak Street, Whetstone, Arizona – for inclusion in this report.

I welcome the San Pedro River Watershed Subflow Zone Report – in that it correctly establishes a linkage between Ground Water and Surface Water.

Therefore – in light of this linkage – Mr. Babbitt’s statement that his commercial well (pumping between 700 and 1,000 gallons per minute (attachment)) – for the proposed Rain Valley development in Cochise and Santa Cruz Counties - will affect neither the San Pedro Subflow nor private wells in the Whetstone area – does not “hold water.” (Pun intended).

As a footnote: I trust that this is the correct forum in which to raise the issue of the inclusion of an environmental impact study. If not – I apologize for unnecessarily having taken the court’s time.

Thank you.

p.s. Additionally – I would encourage the courts to entertain the inclusion of appropriate language – i.e. Grandfather Clause – in any and all settlements - to protect the water rights of private well owners who have filed a claim for water rights in the San Pedro River Watershed.

3. The original copy of this objection is being sent by first class mail – for receipt no later than December 28, 2009 to:

Clerk of the Superior Court

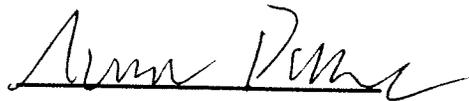
Maricopa County, Attn: Water Case

601 W. Jackson Street

Phoenix, Arizona 85003

4. Also – copies of this objection are being sent by first class mail to each of the sixty persons on the attached mailing list, which includes the Judge and Special Master assigned to this matter.

Signature:



Date:

15 OCT 09

red tab

District; Arizona Water Company; the Arizona Cities of Casa Grande, Chandler, Coolidge, Glendale, Goodyear, Mesa, Peoria, Phoenix, Safford, Scottsdale and Tempe; the Arizona Towns of Florence, Mammoth, Kearney, Duncan and Gilbert; the Maricopa-Stanfield Irrigation & Drainage District; the Central Arizona Irrigation and Drainage District; Franklin Irrigation District; Gila Valley Irrigation District; the San Carlos Irrigation and Drainage District; the Hohokam Irrigation and Drainage District; the Buckeye Irrigation Company; the Buckeye Water Conservation and Drainage District; the Central Arizona Water Conservation District; Phelps Dodge Corporation; and the Arizona Game and Fish Commission.

YOU ARE HEREBY NOTIFIED that the Court is conducting special proceedings to determine whether this proposed settlement should be approved. If the Court approves the proposed settlement and enters a final judgment adjudicating the water rights claims of the Gila River Indian Community, its Members and Allottees, and the United States on behalf of the Gila River Indian Community, its Members and Allottees, as set forth in a stipulation reflecting the principal terms of the settlement, the judgment will be binding upon all claimants in the Gila River general stream adjudication ("Gila River Adjudication").

The Court has ordered the Arizona Department of Water Resources (ADWR), to prepare a factual analysis and technical assessment of the proposed settlement. ADWR's report must be completed by August 23, 2006.

The Court has also ordered the Settling Parties to conduct a program in three separate meetings to provide interested parties in the Gila River Adjudication and the public with information about the proposed settlement. The first meeting will be held at 7:00 p.m. on September 12, 2006 at City of Phoenix City Hall, 200 West Washington Street, Phoenix; the second meeting will be held at 7:00 p.m. on September 13, 2006, at Council Chambers for the City of Casa Grande, 510 E. Florence Boulevard (Casa Grande City Hall); and the third meeting will be held at 7:00 p.m. on September 14, 2006, at Assembly Room, Board of Supervisors, 921 Thatcher Blvd. (at Hwy 70) Safford.

Once ADWR's report is filed with the Court, claimants in the Gila River Adjudication will have until October 10, 2006, in which to file any objections they might have to the proposed settlement. The Court will thereafter schedule hearings on the proposed settlement and any objections to the proposed settlement.

You or your predecessor has filed a statement of claimant for water uses in the Gila River system and source. Your claimed water rights may be affected by the proposed settlement. To help you determine whether you should file an objection to the proposed settlement, you should review the application filed by the parties to the proposed settlement; the Court's Order of May 24, 2006, authorizing these special proceedings; the settlement documents; and, once it has been completed, ADWR's report to the Court. All these materials may be examined during business hours at the Arizona Department of Water Resources, 3550 N. Central Avenue, Phoenix, Arizona 85012 or at ADWR's web site (WWW.AZWATER.GOV). Also, copies of the proposed settlement may be examined at the office of the Superior Court Clerk in each Arizona county.

If you decide to file an objection the proposed settlement, you must do so on or before October 10, 2006. Any claimant in the Gila River Adjudication may file an objection with the Adjudication Court asserting that:

- a. The approval of the stipulation setting forth the terms of the settlement, and the proposed final judgment and decree adjudicating the water rights claims of the Gila River Indian Community, its Members and Allottees, and the United States on behalf of the Gila River Indian Community, its Members and Allottees, as set forth in the settlement agreement, would cause material injury to the objector's claimed water right;
- b. The conditions described in the Arizona Supreme Court's Special Procedural Order Providing for the Approval of Federal Water Rights Settlements, Including Those of Indian Tribes, dated May 16, 1991, which warrant this special proceeding have not been satisfied; or
- c. The water rights established in the settlement agreement, set forth in the stipulation and adjudicated in the proposed final judgment and decree are more extensive than the Indian tribe or federal agency would have been able to establish at trial.

Objections must also include:

- a. The name, address, and signature of the objector;
- b. A description of the water rights asserted in the objector's claim
- c. A statement of the legal basis for the objection, and the specific factual grounds upon which the objection is based;
- d. A list of any witnesses and exhibits that the objector intends to present at any hearing on the objection;
- e. Any request for discovery relating to the objection and a statement as to the need for such discovery; and
- f. Any other information the Adjudication Court may require in the order for summary proceedings.

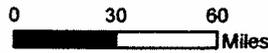
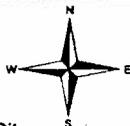
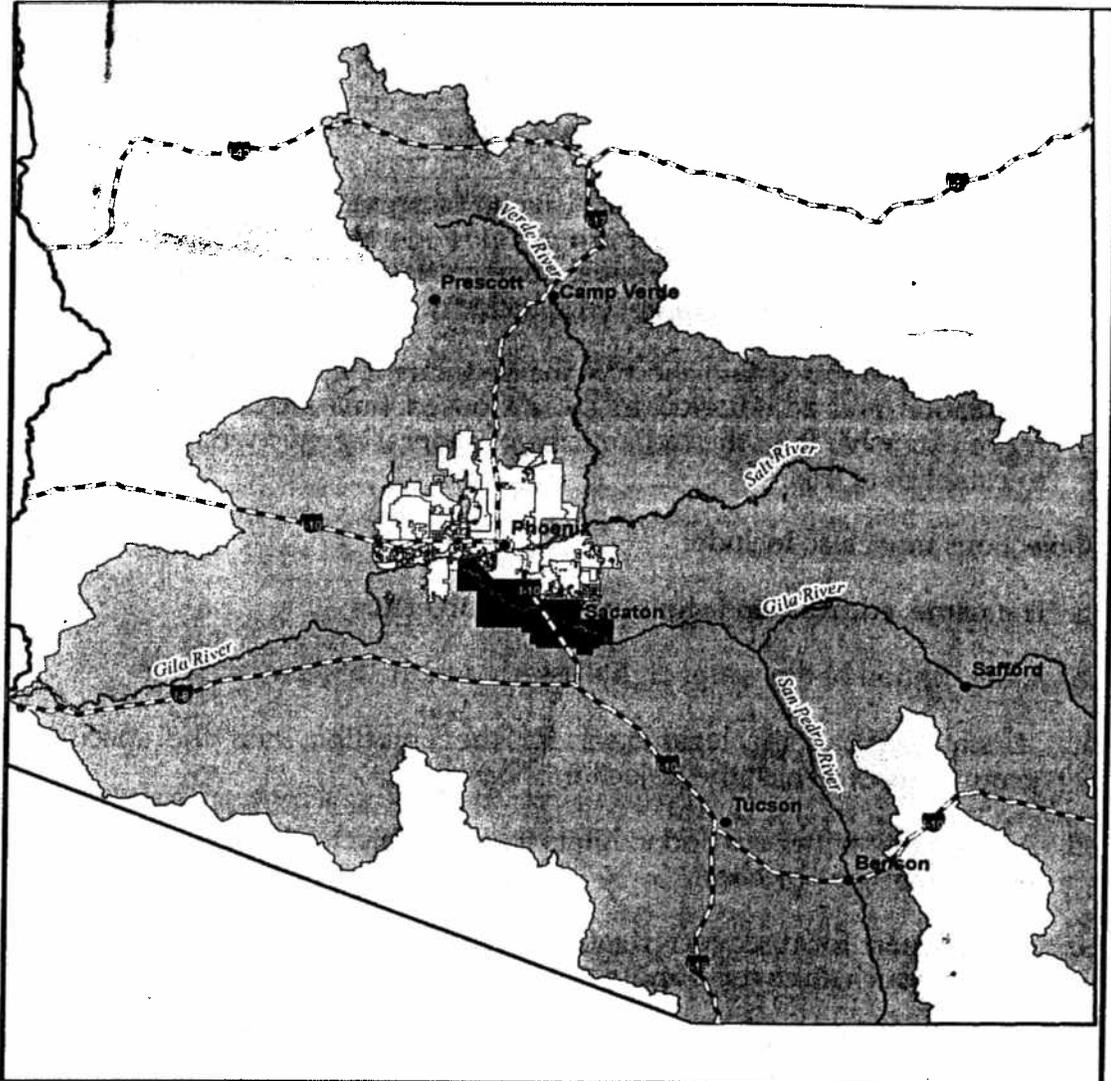
Objections must be filed with the Clerk of the Superior Court, Maricopa County, Attn: Water Case W1-207, 601 West Jackson, Phoenix, AZ 85003.

If you have any questions concerning the proposed settlement and these special proceedings to consider the proposed settlement, you may wish to contact an attorney of your choice. Copies of all objections must be provided to the Settling Parties and all parties on the court-approved mailing list for the Gila River Adjudication.

This Notice was approved on May 24, 2006, and mailed pursuant to the order of the court.

/s/ Eddward Ballinger, Jr.
Judge of the Superior Court

ATTACHMENT A
MAP



- City
- River
- - - Interstate
- GRIC
- Phoenix Metropolitan Area
- Gila River Watershed

Gila River Indian Community Water Rights Settlement



State of Arizona

DEPARTMENT OF WATER RESOURCES

222 North Central Avenue, Suite 850, Phoenix, Arizona 85004



November 12, 1980

Donald L Schell
#3 Lower Mesh Dr
Box #506 Mormon Lake 86001

Registration No. 55-86185

Dear Well Owner:

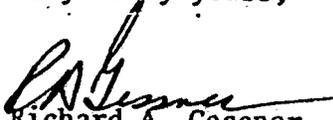
A copy of Notice of Intention to Drill a Well is returned to you for your records. Your driller has been mailed separately a Well Drilling Card, Well Drilling Report, and a Completion Report.

ARS 45-600 requires the driller to furnish this Department a complete and accurate log of the well within 30 days of completion of drilling, and a Completion Report within 30 days after installation of pumping equipment.

Also enclosed for your future use is a Change of Well Information Form. Per ARS 45-493, the person to whom a well is registered shall notify this Department of a change in ownership of the well and information pertaining to the physical aspects of the well to keep the well registration record current and accurate.

In the event it is necessary to change the location of the proposed well, you should obtain the written permission of the Department of Water Resources before proceeding with the drilling.

Very truly yours,


Richard A. Gessner
Chief, Records Section

RAG
Enclosures

Think Conservation!

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

CHANGE OF WELL INFORMATION

Registration Number 55-86185

I request the following information be changed in well file number D(20-20)23cba :

Date Signature of Well Owner

STATEMENT OF CHANGE OF WELL OWNERSHIP

I, _____, state that I am (no longer)
(new) owner of the well described below:

TWP 20S RGE 20E, SEC. 23, NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$.

Registration No. 55-86185 File No. D(20-20)23cba

Previous Owner

New Owner

Address

Address

City State Zip

City State zip

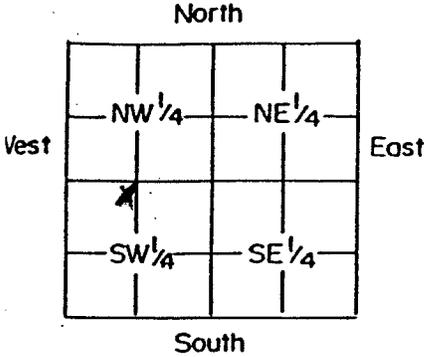
NOTE: ARS 45-594 requires that the Department be notified of change in well ownership and that well owner is required to keep the Department well registration records current and accurate. Well data and ownership changes must be submitted within 30 days after changes take place.

EMPT WELL
LING FEE: \$3.00

DEPARTMENT OF WATER RESOURCES
NOTICE OF INTENTION TO DRILL OR DEEPEN
AN EXEMPT WELL

EXEMPT WELL

ction 45-596, Arizona Revised Statutes, provides: A person may not drill or cause to be drilled a well or deepen or replace an existing well without first filing a Notice of Intention to Drill with the Department on a form prescribed and furnished by the Department. The well shall be completed within one year after the date of Notice. An exempt well means a well having a pump with maximum design capacity of not more than 35 gallons per minute which is used to withdraw groundwater. An exempt well may include the non-commercial irrigation of not more than 1 acre of land



- Indicate Well Location by X
(Above diagram represents one
640 acre section)

DESCRIPTION OF WELL:

8. Diameter 6

Depth 160

9. Type of Casing PVC

10. Principle use of Water

DOMESTIC

11. Other uses Intended

PLACE OF USE:

13. Township 20-S

14. Range 20-E

15. Section 23

16. Legal description of land
water is to be used on:

92' static level

17. Design Pump Capacity

10 GPM

18. Action Requested:

Drill X

Deepen _____

Replace _____

DRAWN

19. This notice filed by:

Owner _____

Lessee _____

Driller X

LOCALITY/LAND LOCATION:

1. Township 20-S

2. Range 20-E

3. Section 23

4. N 1/2 NW 1/4 SW 1/4
10 acre sub-division

County Cochise

Owner of Well:

Wald H. Schell

3 Lower Mesh DR

Box 506 MORMAN LAKE
State 86001 Zip

Owner of Land:

92. 86001

354-2434

City _____ State _____ Zip _____

(If for non-commercial irrigation, state approximate area being cultivated.)

12. Construction will start about:

11 Month 80 Year

11-1-82 used

DO NOT WRITE IN THIS SPACE	
OFFICE RECORD	
FILE NO. <u>D(20-20)23 cha</u>	
FILED <u>11-4-80</u>	BY <u>[Signature]</u>
INPUT <u>NOV 7 1980</u>	BY <u>[Signature]</u>
DUPLICATE MAILED <u>11-12-80</u>	BY <u>[Signature]</u>
REGISTRATION NO <u>55-86185</u>	
AMA NON EXPANSION AREA _____	

Name Lee's Well Drilling
P. O. Bx-4558

Address Huachuca City, AZ, 85616

City _____ State _____ Zip _____

20. Drillers Name:

Name Lee's Well Drilling

Address Huachuca City, AZ, 85616

City Huachuca State Ariz

Department License Number 7-8 c

Fill out this form in duplicate and mail to P.O. Box 2600, Phoenix, Arizona, 85002, or deliver to 222 N. Central Ave., Suite 550, Phoenix, Arizona, 85004.

If the Exempt Well is in fact a replacement (or deepening) well, state the registration number of the existing well.

Construction standards for new and replacement wells and the deepening and abandonment of existing wells, shall be in accordance with Department Rules and Regulations.

Wald H. Schell, state that the construction will be under the direct and personal supervision of the well driller designated on this form and that the designated driller holds a contractor's license pursuant to ARS 45-595.

11-3-80

Wald H. Schell

White tab

Whetstone well to supply planned homes

Published: Tuesday, April 1, 2008 4:53 PM CDT

Dana Cole

A commercial well recently completed along Oak Street west of Highway 90 on property overseen by a former governor is a sign there could be more to come.

And that has some area residents concerned.

The well is the property of a corporation, BBA Foresight, with Bruce Babbitt, former governor of Arizona and interior secretary during the Clinton administration, named as manager.

In a recent phone interview, Babbitt said he is representing a group of investors who purchased Rain Valley Ranch, a working cattle ranch, with acreage in Cochise and Santa Cruz counties. The investors are planning a low-density development that will be completed in multiple stages.

The well, Babbitt said, "was drilled in order to get the water certificate to do low-density development on the ranch."

The development will be following guidelines set by Cochise County's Conservation Subdivision Ordinance, which means that 50 percent of the subdivision will be dedicated to open space, with a density of about one unit per three acres.

"The purchase was a time-sale, with a number of provisions written into it," Babbitt said. "The deeded land on the ranch is about 5,000 acres, and the investors purchased all of that property."

Babbitt, who says he has "a very small sweat-equity investment in this (development)," said he is primarily working on the project's water rights.

Arizona Beeman Drilling, a company from the Phoenix area, drilled the well on the 36-acre site. During its construction, Lucinda Earven, a local veterinarian whose property is directly across from the well, watched its progress and documented several phone conversations with a number of officials involved on the project. Earven is concerned about the potential impact a commercial well that size could have on smaller, private wells in the Whetstone area.

On a fact-finding quest, Earven was told by the Arizona Department of Water Resources that the well is about 700 feet deep and should be capable of pumping a substantial amount of water, between 700 and 1,000 gallons per minute.

In addition to the potential impact on private wells, Earven and other Whetstone residents question the long-term impact a well that size could have on the Upper San Pedro Water Basin.

Congress established the San Pedro Riparian National Conservation Area in 1988, directing that the river water should flow so its fragile ecosystem would continue to flourish. During a visit to this area on April 28, 2000, while Babbitt was secretary of the interior, he issued a stern warning, stating that if something isn't done to reduce development in the Upper San Pedro River Basin, a federal court may dictate growth limits and decide the area's future.

"If development begins to affect the San Pedro River, as it will, there will be litigation, I'm sure of it," Babbitt stated during that visit. "Ensuring the river flows is a legally enforceable right."

Babbitt also said growth will happen, but it must be with constraints, along with a plan to conserve water. He reiterated there must be controlled growth, "or the river will die and the scenic vistas will be replaced with rooftops."

So how much impact will this commercial well have on the area's private wells and the Upper San Pedro River Basin?

"We hired a hydrologist to help us with the project. We've gone deep enough so as not to impact local wells," Babbitt said.

When questioned about potential impact to the river, he said, "I'm not concerned about that because the well is far enough from the river."

Mike Hayhurst, who owns Brookline Ranch, a working cattle ranch in the lower Babocomari area, said he has "serious concerns about the area's river basin and the private wells in Whetstone."

He does not share Babbitt's outlook regarding the well's benign impact on the area's private wells and has deep reservations about its potential affect on the Upper San Pedro River Basin.

"I've ranched the Babocomari area for 20 years now, and I've seen unbelievable changes in the Babocomari River," Hayhurst said. "Sections of the river that once had fish are completely dry now, and it gets worse every year."

Changes in the Babocomari River, Hayhurst warned, directly impact the San Pedro, as the Babocomari drains into the San Pedro. Hayhurst is a representative of the Hereford National Resource Conservation District and involved in the Upper San Pedro Partnership. The partnership, he explained, is designed to preserve the river while supporting economic development. It's a delicate balancing act, one that he believes is leaning toward developers.

Earven agrees.

"It's unfortunate that we're not part of an Active Management Area," she said. "I was told by Monica Ortiz, who works in compliance at ADWR, that, because we're not in an AMA, once the well permit is signed and approved, they don't offer any more oversight."

Tom Whitmer, manager of regional water planning with the Department of Water Resources, explained the agency's regulatory role.

"There are different regulations, depending on whether the well is in an Active Management Area," he said, which Cochise County is not. "An impact analysis is done to determine if there could be an impact on wells in the area. Outside Active Management Areas, there are no statutory requirements to conduct an impact study on surrounding wells."

Whitmer said all proposed subdivisions in Cochise County must go through the state water agency and demonstrate adequate water supply for 100 years, based on statutory criteria that was recently established by a vote of the Cochise County Board of Supervisors.

"If they can't demonstrate that, then the subdivision cannot be built," Whitmer added.

The developer could go back to the drawing board and opt to build a smaller development, one that meets the 100-year supply.

Judy Anderson, director of Cochise County Planning Department, has been in communication with Babbitt regarding the development, but it was about a year ago. About two-thirds of the development will be in Cochise County, with the rest in Santa Cruz County, she said.

Anderson did not have much information about the commercial well.

"I knew they were digging the well as a water source for the development," she said.

The county, she added, does not oversee wells. All wells, commercial or domestic, must go through the state Department of Water Resources.

One thing is certain: Some Whetstone residents will be watching the development once it's under way, along with the well's impact.

"It will definitely affect the Babocomari River," Hayhurst said. "And if it affects the Babo, it will affect the San Pedro. I'm afraid it's going to suck the smaller wells in the area dry."

(Dana Cole is a reporter at the Sierra Vista Herald/Bisbee Daily Review.)

green tab

River Run Dry

The San Pedro is in peril, thanks in part to Sierra Vista's explosive growth

by [Tim Westby](#)

ARTICLE TOOLS

- [email a friend](#)
- [print](#)
- [share](#)
- [save this story](#)
- [add to custom list](#)
- [comments](#)



- A blue heron at the San Pedro River.

• ED HONDA/SIERRA VISTA HERALD

It's a recent Saturday along an isolated stretch of the San Pedro River east of Sierra Vista, and the cottonwoods have turned yellow, giving the air around them a golden aura. A small pool of pea-green water next to the river is surrounded by dozens of animal prints: beaver, raccoon and coyote. Javelina and coyote take cover under a nearby small ledge carved into the riverbank as the river flows lazily north.

Earlier this year, on July 9 and for several days afterward, the San Pedro ran dry for the first time in the 70 years that people have been keeping track, just a few miles north of here, where the Charleston Road crosses the river. Like many San Pedro advocates, Robert Glennon saw the dry spell as a potential paradigm shift in efforts to protect Southern Arizona's last free-flowing river.

"It's no longer a projection from some academic that this gem is going dry. Now it's really happened," says the UA professor of law and public policy and author of *Water Follies: Groundwater Pumping and the Fate of America's Fresh Waters*, which includes a chapter on the San Pedro.

But more than four months later, efforts to protect the San Pedro are as mired in politics, bureaucracy and studies as ever, say Glennon and others.

"I was hoping it would create a sense of urgency, but I haven't even seen that," says Tricia Gerrodette, president of the Huachuca Audubon Society. And she calls the work that went into finding out why the river went dry a distraction. "It should have been pretty clear to anyone watching the trend that this was bound to happen at some point."

Southeast Arizona is booming. Since the 2000 Census, Cochise County and Sierra Vista have had growth rates hovering at just more than 5 percent. And flowing right through the middle of the growth is a ribbon of cottonwood and willows that supports more than 300 species of birds and the second largest concentration of mammals in the world outside of Costa Rica. Bird-watching alone pumps an estimated \$28 million annually into the local economy.

There isn't much dispute over the combination of factors that caused the river to go dry: years of drought, a late monsoon, a recovering and healthy riparian area with a vast gallery of trees sucking up more water, an increase in the number of unregulated wells pumping groundwater in the county and increased growth in the Sierra Vista.

Not surprisingly, it's the two man-made problems--groundwater pumping and growth--that are the most contentious. Deep divisions remain over how to address these issues and even over who is ultimately responsible.

For years, the Fort Huachuca received the brunt of the blame for pumping vast amounts of water and depleting the aquifer that feeds the San Pedro. But after a 2002 court-ordered agreement with the U.S. Fish and Wildlife Service, the Army instituted an aggressive water conservation effort. The base is now nearly halfway to its target of reducing groundwater pumping by 3,077 acre-feet

annually by 2011. (An acre-foot is 326,000 gallons, or enough water to cover an acre a foot deep). In June, the Center for Biological Diversity filed suit against the Department of Defense, among others, alleging that the fort still was not living up to the 2002 agreement. But many San Pedro advocates like Glennon are beginning to cut the fort some slack and say the responsibility has shifted to local government.

"I don't think the fort is the bad guy anymore," he says. "But I haven't seen that the local people have done much at all."

Here's where the finger-pointing begins. Bob Strain, Sierra Vista's mayor pro tem and chair of the Upper San Pedro Partnership, a 7-year-old consortium that represents government, environmental and development interests charged with finding ways to stop the over-pumping of groundwater in the region by 2011, says growth is not necessarily detrimental to the river. In fact, from 2003 to 2004, the city reduced daily water use from 172 gallons to 157 gallons per person, per day.

But in the last year, developers have proposed two large housing developments that could bring upwards of 10,000 homes to Sierra Vista over the next 20 years. Environmentalists argue that large-scale developments like this could be the death knell for the river. Strain brushes aside those concerns by rattling off a long list of water-conservation measures the partnership has instituted, like various wastewater and storm-water recharge projects. When it comes to growth, he adds, "The size of the development is not the issue. The management of the development is the issue."

Strain says local officials have their hands tied by the state when it comes to regulating growth anyway. He blames the state Legislature's unwillingness to address state laws that allow property owners to divide their land down to four-acre parcels with little, if any, regulation. In southern Cochise County near the San Pedro, wildcat subdivisions and agricultural pumping have resulted in an estimated 3,000 unregulated wells that are allowed to pump as much as 35 gallons of water per minute. A 2004 report by the U.S. Geological Survey estimates that these wells have contributed to a groundwater deficit that has increased almost 135 percent, or from 5,144 acre-feet to 12,050 acre-feet.

(Cochise County Supervisor Pat Call, whose district includes the river, did not respond to numerous requests for an interview.)

"These are local problems, and the Legislature needs to realize that they need to be resolved locally," says Strain.

Thomas Maddock, chair of the UA's hydrology department, agrees that the unregulated wells have a significant impact on the river. But he is quick to add that it's only one in a long list of problems adding to the San Pedro's woes. "As much as people would like to discount Sierra Vista's impact on the river, you can't," he says.

Sierra Vista sits smack in the middle between the Huachuca Mountains that are the river's major source of runoff and the river itself. "It should be obvious to a duck," he says, that the city's pumping plays a major role.

"If they build another 8,000 homes in Sierra Vista, you might as well forget about it," says Maddock. Even if they don't, he admits to being a pessimist when it comes to the river's long-term survival. "If growth continues, it's going create another Santa Cruz."

Back on the river, the water runs several feet deep at a curve in the bank, making this summer's dry spell and the ongoing fight seem far away. The hike to get to this spot is a difficult two miles of bushwhacking from the nearest road through face-tall grass and over hidden logs and holes. The effort to save the San Pedro is increasingly becoming just as difficult.

"People have to make their choices," says Maddock. "Do you want growth, or do you want a healthy riparian?"

Situation is dire' for Antelope Run and Indiada water users

October 13th, 2009 | Author: admin

If they only used Top-Seal for their Dust control they would not need to worry about the water restrictions.

Customers of two local water companies, Antelope Run and Indiada, have been placed on mandatory water conservation.

“Indiada lost all well production, so this situation is dire. The wells for that system have literally gone dry,” said Bonnie O’Connor, president of Southwestern Utility Management, Inc., the company that runs the two utilities. “Customers on Indiada’s system had absolutely no water, but we were able to use an interconnection between Antelope Run and Indiada to provide water for those customers.”

Both water systems are now being served through Antelope Run’s water source.

“That little bit of rain we received over the weekend helped Indiada’s water supply, but it’s a minimal, short-term boost,” O’Connor said.

While sharing water with Indiada has put a strain on Antelope Run’s water system, O’Connor says Antelope Run is pumping enough gallons per minute to sustain regular household usage.

“But no excess watering can be going on right now,” she warned.

Customers have been notified about the need to conserve.

“Antelope Run and Indiada have been placed on Stage 4 water conservation, which will remain in effect until further notice,” O’Connor said. Stage 4 exists when the water storage or well production has been less than 25 percent of capacity for at least 12 consecutive hours.

“At this level, all outside watering is prohibited. People on these systems have been notified that they’re not going to have water unless they really conserve.”

Despite tough warnings, some customers aren’t listening, O’Connor said.

“Some people are still watering gardens and filling pools. We have guys out there watching for this, and they’re trying to talk to these people so they understand the urgency. We are in a critical situation here.”

In July, Southwestern Utility Management submitted emergency surcharge requests to the Arizona Corporation Commission on behalf of the water companies. O'Connor says that money generated by the surcharge is needed to operate the systems, but is not enough to dig deeper wells or take care of necessary infrastructure upgrades the systems require.

With concerns about wells going dry, O'Connor says that requests have been submitted to the commission, urging the commission to expedite the emergency surcharge.

Under current water usage restrictions, the following is banned:

- **Irrigation of outdoor lawns, trees, shrubs or any plant life.**
- **Washing vehicles.**
- **The use of water for dust control or any outdoor cleaning uses.**
- **Use of drip or misting systems of any kind.**
- **Filling swimming pools, spas, fountains or ornamental pools.**
- **Restaurant patrons will be served water upon request.**
- **All water-intensive activities.**

Failure to comply results in a written notice, advising the customer to discontinue all outdoor water use. Those who fail to comply within two working days of receiving the notice will experience a temporary loss of service until an agreement can be reached. In order to restore service, the customer will be required to pay reconnection fees.

Customers who feel they have been disconnected in error can contact the utilities division of the Arizona Corporation Commission at (800) 222-7000 to initiate an investigation.

The mandatory conservation requirement will remain in effect until a written notice is given to customers through the mail.

 Posted in Dust Suppression, dust control |  Tags: Dust Control. PM10

pink tab

<http://www.counterpunch.org/babbitt2.html>

July 30, 2001

CounterPunch Profile In Ignominy

Bruce Babbitt: Man Without Shame

No better case for cynicism about politics is currently available than the career of Bruce Babbitt, Interior Secretary in Clinton time, an era now bodied forth by major green groups in their fundraising material as a time when stewardship of the nation's natural resources can contrast finely with the pillage supposedly ushered in by the Cheney-Bush crowd.

Before leaving the Department of Interior, Babbitt promised that he wouldn't cash in on his years of government service by becoming a high-priced DC lawyer. Then he promptly took a job with Latham and Watkins, a big Washington law firm whose clients include some of the roughest environmental pillagers in the business. Babbitt defended his about-face by saying that he needs to make money to pay off his legal bills stemming from an independent counsel investigation into whether or not he committed perjury when he said did not try to shake down Indian tribes for campaign contributions.

Within days of landing his new job as a counsel in the firm's Environmental Litigation shop, Babbitt could be found at the annual gathering of the Nuclear Energy Institute, the \$3 billion lobbying arm of the nuclear industry, cheerleading for the planned Yucca Mountain Nuclear Waste Dump, on Western Shoshone lands in

Nevada. The Clinton administration opposed the dump, acting more out of a desire to keep Nevada Sen. Harry Reid happy than any sudden seizure of ecological conscience. "It's a safe, solid geologic repository," Babbitt proclaimed, evoking a standing ovation from the massed nukers, something even Dick Cheney had failed to do when he spoke to the NEI earlier that morning.

Among Babbitt's present clients are two of the biggest developers on The California coast: Washington Mutual, developers of the Ahmanson Ranch in Ventura County and the Hearst ranch at San Simeon below Big Sur. In his last year as interior secretary Babbitt resisted protective measures for the endangered red-legged frog and San Fernando spineflower as endangered species. The spineflower, an ankle high plant with delicate white flowers that resemble baby's breath, was declared to be extinct in 1929, until botanists found several thousand plants growing on the south slope Laskey Mesa, where many of the shops and homes in the 5,500 Ahmanson ranch development are scheduled to be built. The red-legged frog similarly flourishes on Ahmanson property. If Babbitt's Interior Department had rated the species as requiring critical habitat it would be another serious block against development plans.

On April 15 of this year the New York Times published an op-ed by Babbitt arguing for an easing of classification procedures involving endangered species. Neither he nor the NYT felt it necessary to disclose that as a lawyer working for Washington Mutual and the Hearsts, Babbitt was a highly interested party.

Babbitt's association with the Hearst Ranch presents an equally unattractive picture of yesterday's supposed protector of the environment abetting a scheme either to wreck the coastline below Hearst castle south of Big Sur, or extort staggering sums from the feds and the state of California for leaving it alone, at least for the time being until, twenty five years down the road, the costly conservation easements are forgotten and development begins.

During his tenure at Interior, Babbitt ushered through hundreds of complex lands swaps and federal buyouts of private property where potential development plans had been stymied by environmental

restrictions. The deals often ended up with the developers getting much more money than their land is worth. The most high profile example was the Headwaters Forest bailout, where corporate raider Charles Hurwitz ran off with more than \$480 million for land that an Interior Department land appraiser concluded had a market value of less than \$100 million.

A news story by Kenneth Weiss and John Johnson in the Times earlier this week described how lawyers for the Hearst family are taking advantage of a new entirely legal scam whereby 19th century records known as certificates of compliance can be used for such purposes as creating ocean-front parcels and subdivisions, overriding existing zoning restrictions, even though the original parcels may have been inland and worthless terrain. As the news story made clear, developers have been using the law as leverage to extort huge sums from conservation groups as the price for easements protecting the land.

Hearst lawyers have amassed a parcel of documents that could allow the corporation to chop the 83,000-acre ranch into 279 parcels and create oceanfront subdivisions. According to the Los Angeles Times, Steven Hearst has suggested that the Hearst Corporation may be willing to forego such plans if the government will pony up \$300 million or more to buy them out.

Babbitt defends the use of certificates of compliance to maximize the value of the land. "I would advise any client who is considering alternative uses to perfect their rights," he told the Times. "It's good, proper and correct to do that." Yes, this is the Interior Secretary who, with vice president Al Gore, railed against developments eroding America's natural treasures. Is there a better argument than Babbitt for the Naderites' case that on the practical level the two parties are one, and the despoliation continues whether Babbitt or Gale Norton run Interior or which one of them spins through the revolving door and go to work for a firm like Latham and Watkins. **CP**