

Mr Thomas Buschatzke,
Director ADWR
Email: sscantlebury@azwater.gov

May 16, 2015

RECEIVED
MAY 16 2015
LEGAL
DEPT OF WATER RESOURCES

My name is Larry Romney, I am the manager of the farm located 4 miles North of Bowie Arizona, owned by the Turley Charitable Remainder Trust and Marshall and Ellen Turley. I have managed this land since 2004 and previously owned and operated farm land in the Bowie area from 1988 to 1997. I have a Bachelor of Science degree in agronomy from BYU and a Master of Science Degree in Agronomy from New Mexico State University. I have been involved in agriculture in various ways my entire life.

My first exposure to the idea of an INA in the Bowie San Simon Basin was at a meeting this past November or December in Bowie of a number of local Farmers. At this meeting the proponents of this petition outlined what an INA was and how it worked. It was obvious that the presenter's had studied and planned the implementation of this INA for some time. The majority of the attendees including myself were opposed to the idea because the rule of the INA if implemented at this time would mean a loss of irrigation rights to thousands of acres that had been previously irrigated but not in the last five years. Our loss would be approximately 1200 acres of irrigation rights. Economically the loss would be a little over \$3,000,000 dollars to ourselves alone. Springing this law upon us at this time would be devastating to those farmers who had not been involved in preparing and planning the implementation of this ill conceived law. The opposition to the proposal at that time was strong enough that we concluded its failure.

At this meeting I asked the proponents what scientific evidence that they had that showed cause to implement an INA. The response was that it was obvious that if other land was put into production the water supply would be in jeopardy. I believe some of this thought was a result of the discussions that were taking place in the Willcox basin. Again I asked to what degree the evidence verifies their concerns. They indicated that the evidence was in process and that the ADWR was sweeping the area measuring well depths so that the science could be evaluated and shown to support the implementation of the INA but they did not have that information at that time.

Listening to the reasoning of the petitioners I have come to the conclusion that there are 3 possible reasons they are petitioning for the INA. The 3 possible reason are: 1) there is an increasing decline in water level shown by scientific evaluation of the current available data 2) there is an emotional response to others using the aquafer and a fear that their water will be jeopardized 3) this is a pre-meditated and planned attempt to take control of the basin by the unscrupulous use of the law.

It is important to recognize that large differences exist between basins. The statis of the Willcox basin is determined by the science derived from that basin and Bowie-San Simon from data from that basin. Results could be totally different. I have proceeded to evaluate the rules and regulations to determine what would be necessary to have the director designate this basin as an INA and determine those facts using Bowie-San Simon data. ARS 4-432 clearly state that the director must show that there is insufficient ground water to provide a safe supply for irrigation of the cultivated lands in the area at the current rate of withdrawal. It does not say previous or future withdrawal rates, but current withdrawal rates must indicate a significant threat to the supply of water in the area.

With this focus of the director's duty I have taken the 5 wells on my property that the ADWR has recorded and evaluated previous and current water levels and present them to you as follows: Each water level graph is attached as given on the ADWR website. For the sake of length, I will provide the average of the 5 wells in this report, but each individual well is included in this writing.

It is obvious from looking at the graph that the rate of decline from the 1950's into the 1980's is much greater than the current rate of decline from the 1990's to 2015. I therefore calculated each well and compared the rate of decline of the 1950's - 1980's and 1990's to 2015. The average annual rate of decline from the 1950's -1980's was 6.0 feet per year. The rate of decline from 1990's to 2015 was 1.03

feet per year. In other words, the current rate of decline is $1/6^{\text{th}}$ the rate of decline as the previous period. In addition, this slowed rate of decline occurred during an ongoing 12 year drought.

In 1980 when the water management law was established and Douglas and Joseph City basins were designated INAs all basins were considered but only those two were designated. The next year the Director designated the Harquahala basin an INA. If we were not designated then why would we be now when our declination rate is $1/6^{\text{th}}$ what it was then?

Mr. Director, the current rate of withdrawal cannot possibly be considered insufficient, when evaluating the scientific evidence your agency has provided! In addition to the water level data, let us consider the time of use calculation that is possible with the information provided by ADWR. Included in your water level data is the well depth and current static water level. If we divide the depth of the water (which is obtained by subtracting the static water level from the depth of the well) by the rate of decline we can get an approximation of the number of years we could expect to have water available. As done previously we average the 5 wells your agency has provided information. Using the 1950's to 1980's rate of decline divided in to the depth of water it would take 201 years to deplete the water in those wells. It would take over 1,215 years to deplete the water in those wells at the current rate of decline. Again Mr. Director, how can you justify taking away my irrigation rights when there is over a thousand years of water in this basin based upon data from your department?

The 2012 (paper to evaluate data to separate Bowie as a sub basin) listed the peak land use for irrigation in the basin to be in the 1970's. It estimated there were approximately 35,000 acres planted to crops at that time. Currently even with the newly expanded orchards in the area, it is estimated there are 20,000 acres in cultivation. Water level declination currently is $1/6^{\text{th}}$ the amount of the 1970's. Irrigation methods are currently much more efficient. Drip irrigation, under limb sprinkler, pivot sprinkler irrigation are all much more efficient uses of water than furrow irrigation that was used previously. With these current methods of irrigation, acreage could be expanded significantly over the 35,000 acres planted in the 1970's and still have available water for over 200 years. We currently sit at 20,000 acres, why would we want to limit our resources of agricultural production by imposing an INA that would stifle agricultural production in our state? Short cited and selfish we would be called by the writers of history. We could easily plant the 15,000 acre difference to the advantage of those current property owners that have the assets of wells, ditches, etc. in place. Mr. Director, to render our assets that we have not used in the last 5 years null and void would be a travesty. Those of us that have chosen to not use our water in the last five years have been the ones preserving our water and do not deserve to have our rights taken. Such a transaction could only be viewed as an unjustified taking by the state manipulated by unscrupulous neighbor petitioners taking advantage of this unfair law. A reprieve by increasing the time to irrigate and qualify additional land would be the only fair way to implement an INA and I don't think the law as written would allow such a ruling. Under these conditions the only reasonable way to rule on the petition would be its rejection and refusal to consider another petition for a period of years.

Mr. Director of the three reasons for supporting an INA in the Bowie-San Simon basin given above by the petitioners, none have merit. The first if proven by scientific evidence would be valid but the other two do not meet the criteria given in ARS 45-432. The scientific evidence overwhelmingly shows the aquifer is strong and plentiful as shown by your department's data and independent hydrologist reports that have been presented. The second reason of fear of the unknown is not a foundation of merit and certainly the third reason of a plotted attempt to dominate the basin's irrigation rights by cheating neighbors of their rights is not morally right or is it listed in the statute as a valid reason to declare an INA. With all the information I have found the only reasonable ruling of this petition would be its rejection. Thank you for your time and consideration.

Larry Romney

COMPARISON TABLE OF RATE OF DECLINE

WELL#	50'S-80'S	90'S-2015
1	8.17	1.32
2	-	0.54
3	4.28	1.04
4	8.44	(1.11) INCREASE
5	3.13	1.2
	-----	-----
AVERAGE DECLINE FEET/YEAR	6.005	1.03

COMPARISON TABLE YEARS OF WATER

WELL#	50'S-80'S	90'S-2015
1	158	980
2	-	2148
3	113	465
4	48	RISING
5	486	1268
	-----	-----
AVERAGE YEARS OF WATER	201	1215

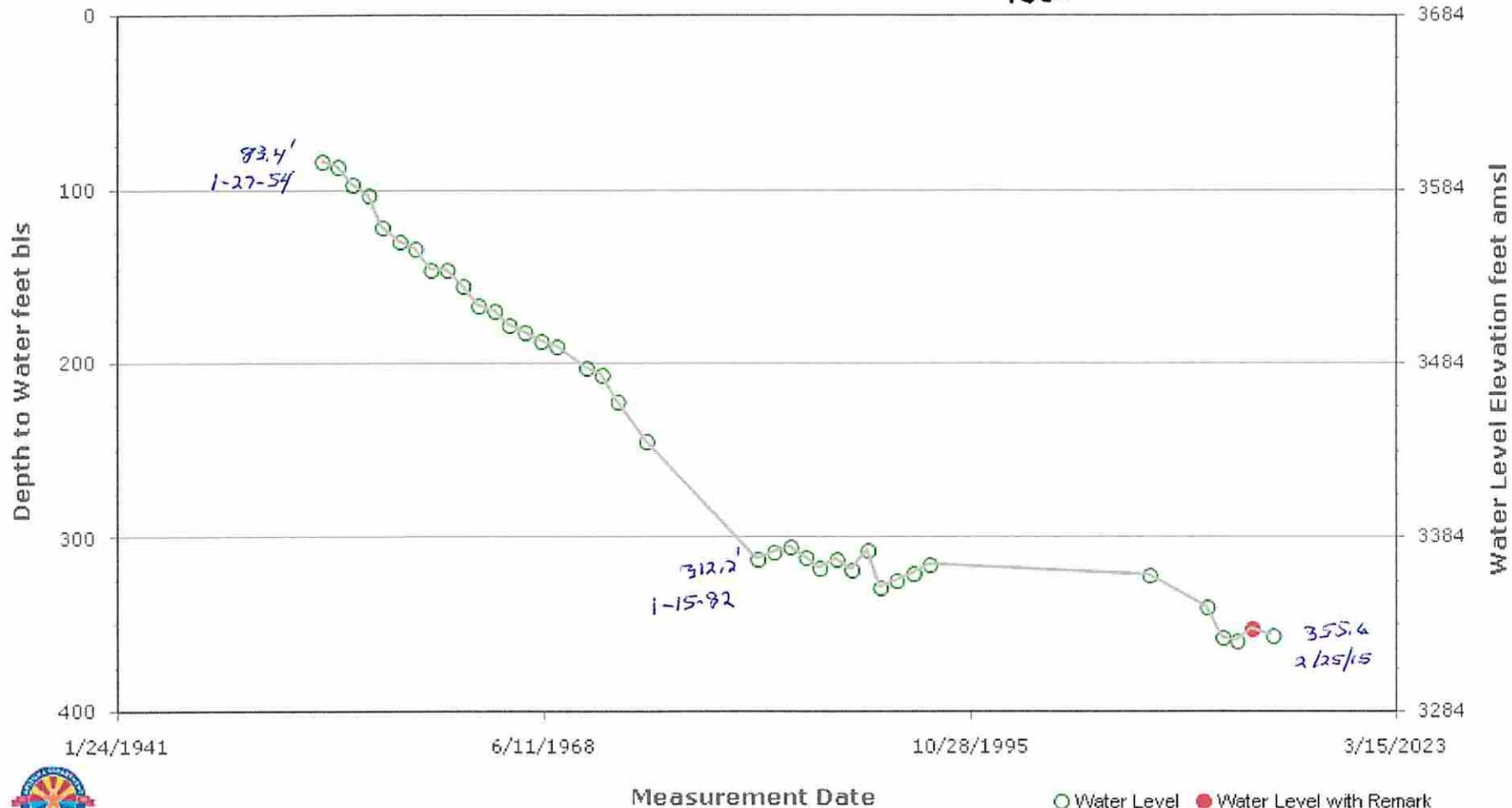
D-12-28 15 BCB

Well Info Map Reset Graph Auto Site Hydrograph Email Help

Arizona GroundWater Monitoring Site Hydrograph

Local ID	Site ID	Registry ID	Latitude NAD27	Longitude NAD27	Alt. (ft amsl)	Water Use	Well Depth (ft)	Case Dia. (in)	Drill Date	Latest WL Date	DTW (ft)	WL Elev. (ft)
D-12-28 15BCB	322334109285801	625831	32° 23' 36.5"	109° 29' .9"	3684	IRRIGATION	1000	16	1/1/1952	2/25/2015	355.6	3328.4

1650



GWSI is ADWR's technical database of well locations, construction data, and water levels.

Created on 3/28/2015

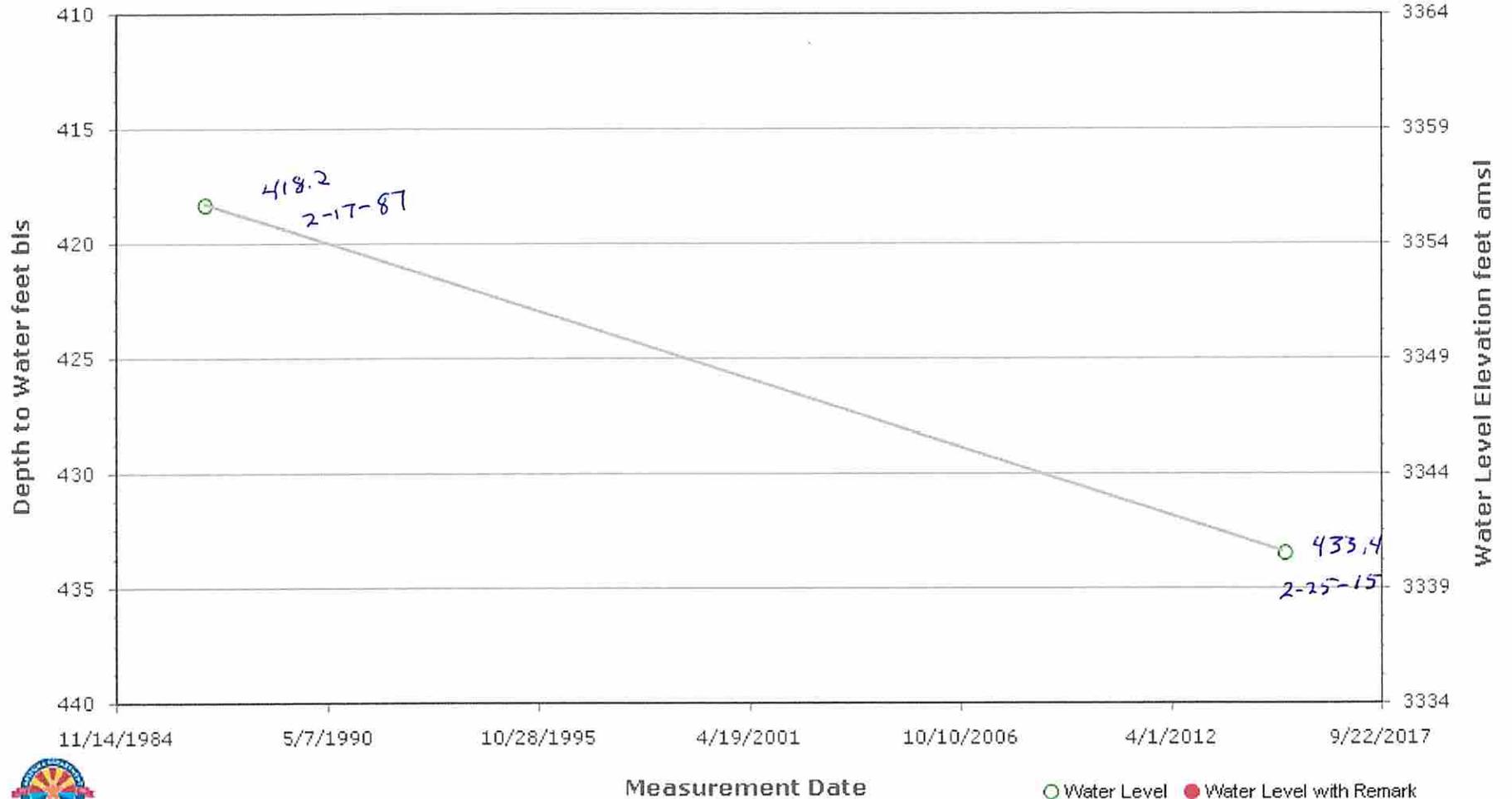
headquarters well

Well Info Map Reset Graph Auto Site Hydrograph Email Help

Arizona GroundWater Monitoring Site Hydrograph

Local ID	Site ID	Registry ID	Latitude NAD27	Longitude NAD27	Alt. (ft amsl)	Water Use	Well Depth (ft)	Case Dia. (in)	Drill Date	Latest WL Date	DTW (ft)	WL Elev. (ft)
D-12-28 20CBB	322238109310201	606323	32° 22' 34.3"	109° 31' 3.6"	3774	IRRIGATION	1600	20		2/25/2015	433.4	3340.6

Set x
Set y
Measurement Ren



GWSI is ADWR's technical database of well locations, construction data, and water levels.

Created on 3/28/2015

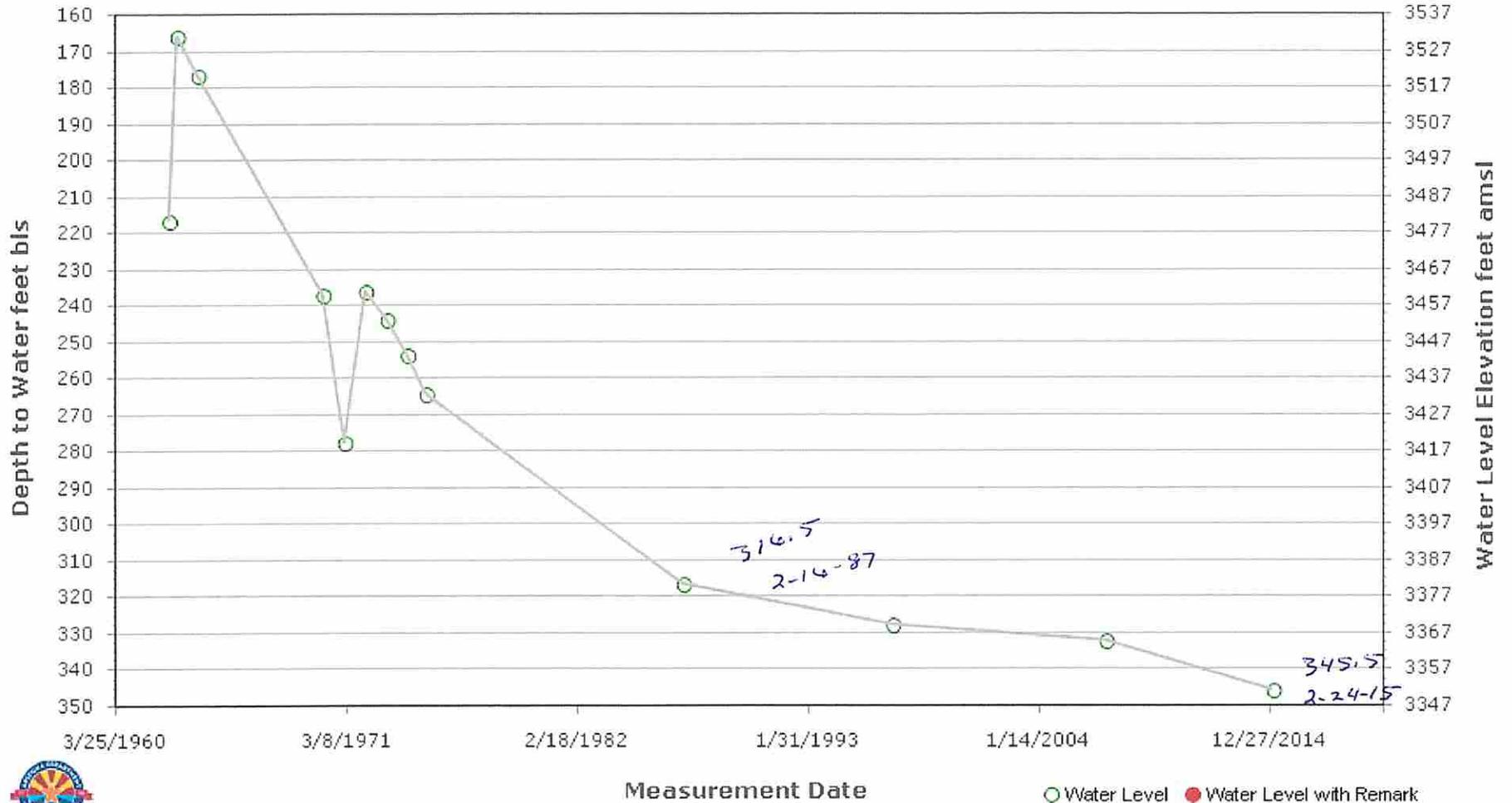
Big well SW corner

NW corner

- Well Info
- Map
- Reset Graph
- Auto Site Hydrograph
- Email
- Help

Arizona GroundWater Monitoring Site Hydrograph

Local ID	Site ID	Registry ID	Latitude NAD27	Longitude NAD27	Alt. (ft amsl)	Water Use	Well Depth (ft)	Case Dia.(in)	Drill Date	Latest WL Date	DTW (ft)	WL Elev. (ft)
D-12-28 16ACB	322334109292901	625832	32° 23' 39.2"	109° 29' 32.0"	3697	IRRIGATION	830	16	1/1/1962	2/24/2015	345.5	3351.5



GWSI is ADWR's technical database of well locations, construction data, and water levels.

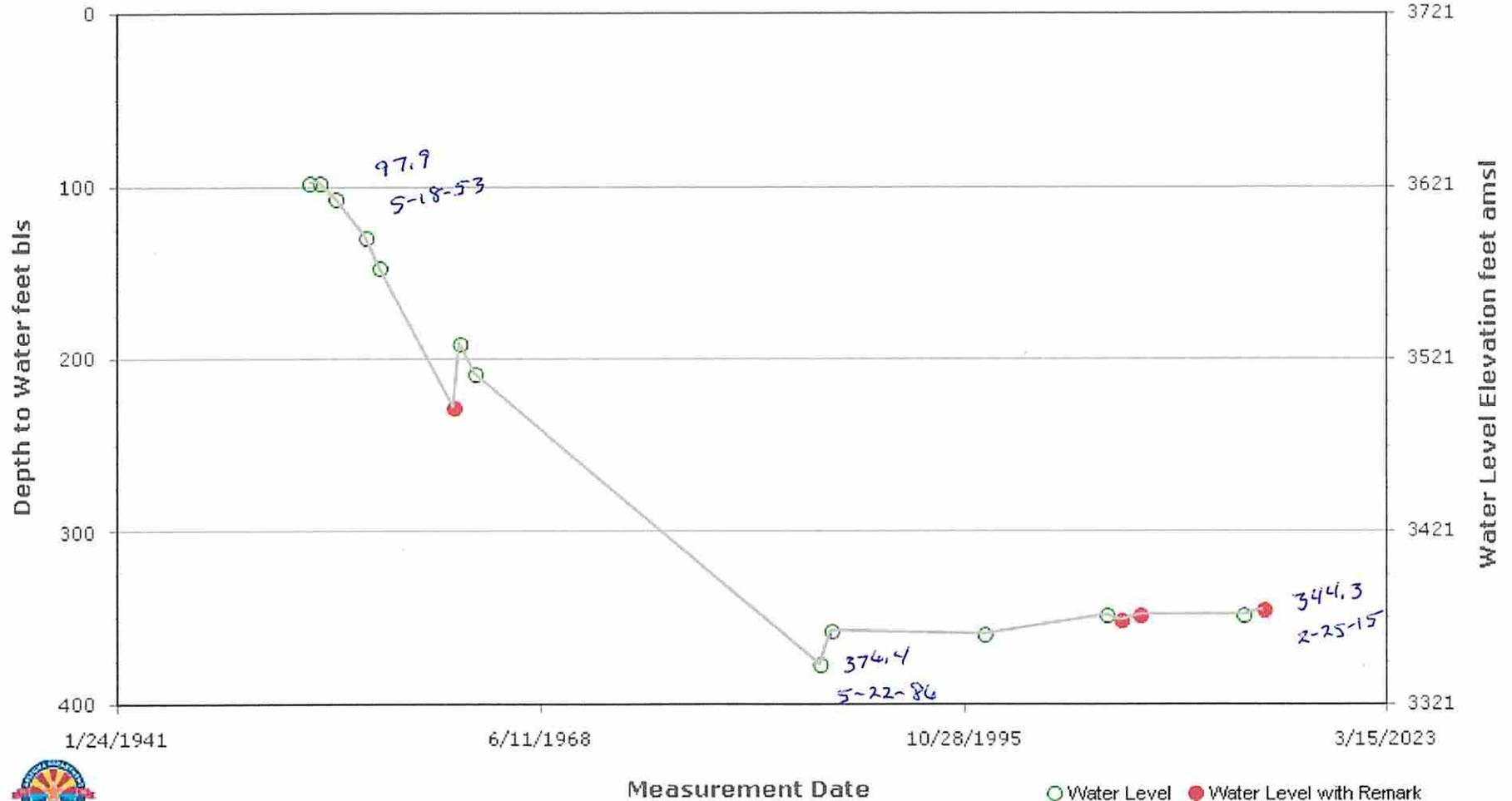
Created on 3/28/2015

state-deeded line - gate

- Well Info
- Map
- Reset Graph
- Auto Site Hydrograph
- Email
- Help

Arizona GroundWater Monitoring Site Hydrograph

Local ID	Site ID	Registry ID	Latitude NAD27	Longitude NAD27	Alt. (ft amsl)	Water Use	Well Depth (ft)	Case Dia.(in)	Drill Date	Latest WL Date	DTW (ft)	WL Elev. (ft)
D-12-28 16CCC	322302109300001	625833	32° 23' 5.7"	109° 30' 1.7"	3721	UNUSED	750	16	3/1/1953	11/4/2013	347.8	3373.2



GWSI is ADWR's technical database of well locations, construction data, and water levels.

Created on 3/28/2015

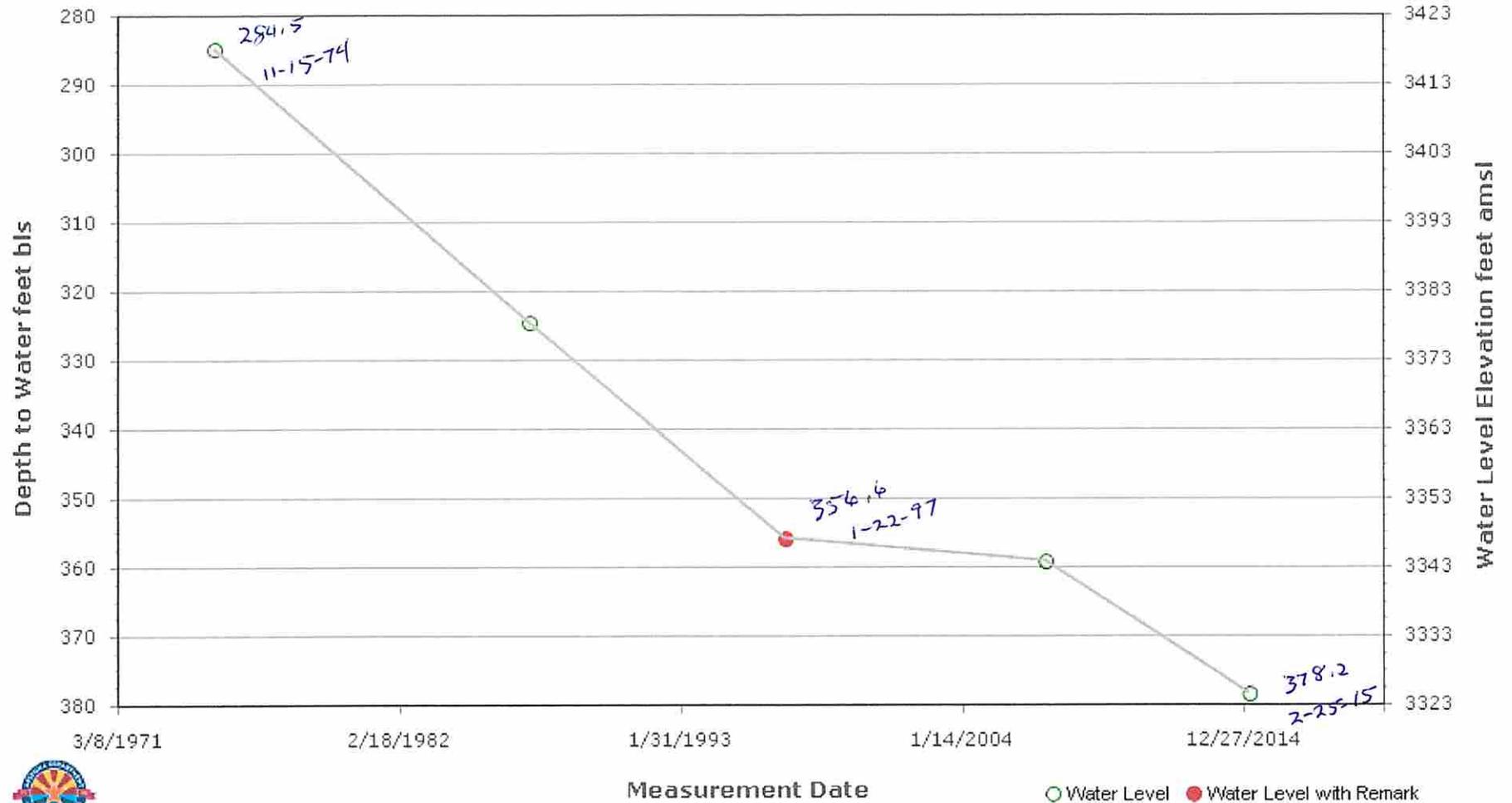
Electric - Equipped

- Well Info
- Map
- Reset Graph
- Auto Site Hydrograph
- Email
- Help

Arizona GroundWater Monitoring Site Hydrograph

Local ID	Site ID	Registry ID	Latitude NAD27	Longitude NAD27	Alt. (ft amsl)	Water Use	Well Depth (ft)	Case Dia. (in)	Drill Date	Latest WL Date	DTW (ft)	WL Elev. (ft)
D-12-28 16CDD	322302109293101	625835	32° 23' 1.3"	109° 29' 33.1"	3703	IRRIGATION	1900	16	7/24/1974	2/24/2015	378.2	3324.8

- Set X
- Set Y
- Measurement Ref



GWSI is ADWR's technical database of well locations, construction data, and water levels.

Created on 3/28/2015