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Oral Comments on Petition for an
INA in the Bowie – San Simon Area

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LEGAL
WATER RESOURCES

- (1) I am just an average citizen and not an expert. But I am not a toaster either. I can ask questions and educate myself enough to make important choices.
- (2) The founding fathers of the American Republic believed enough in ordinary people like me to give us the reins of government.
- (3) They understood the good sense and wisdom of the common individual to make important decisions.
- (4) If the founders of our republic were willing to trust ordinary citizens, can the ADWR do any less?
- (5) I hope my comments in the matter at hand will be taken into consideration by the ADWR.
- (6) The San Simon sub-basin is 1,701 square miles within in Arizona & an additional 229 square miles into New Mexico totaling 1,930 square miles.
- (7) The Bowie and San Simon area has a clearly established hydraulic connection to the rest of the sub-basin.

- (8) ADWR Report number 12 and report number 19 jointly issued by ADWR and USGS shows the San Simon sub-basin holds a minimum of 25 million acre-feet of water.
- (9) This estimate only includes water to a depth of 1200 feet below the land surface. Water deeper than that is excluded from the reported total.
- (10) San Simon sub-basin aquifer is actually much deeper than 1200 feet and holds more water than estimates indicate. Experts don't really know how much more water is actually in the sub-basin.
- (11) The sub-basin bedrock forms a large subsurface depression at depths ranging from about 1600 feet to well over 8000 feet.
- (12) ADWR and USGS reports estimate that the aquifer extends at least 7000 feet below the land surface.
- (13) Given the size and depth of the aquifer, There is probably somewhere of between 50 million to 75 million acre-feet of groundwater in the San Simon sub-basin.

- (14) Reports by ADWR and USGS show that the amount of irrigated acreage peaked in the 1970's and has declined through to the present day.
- (15) The reason for reduction of irrigated acreage and water use is elimination of federal subsidies for crops like cotton. Reduction in irrigation is attributable to normal agricultural economics rather than depletion of water reserves in the aquifer.
- (16) Given declining rates of water withdrawal and low rural population density above the aquifer, experts estimate water reserves above 1200-foot level would last over 2000 years.
- (17) With additional water reserves below 1200 feet factored in, depletion would not begin to occur for approximately 3000 years.
- (18) Put another way, if groundwater withdrawal started at the beginning of the Roman Empire, the aquifer would still be producing plenty of water at the present time.
- (19) There is no water crisis in the San Simon sub-basin requiring imposition of an INA. This is really an abuse of the INA process.

- (20) A relative handful of people and companies have petitioned for the designation of an INA encompassing the San Simon Valley Sub-basin.
- (21) The number of petitioners is in fact so small that the petition does not actually meet the legal requirements for consideration by the ADWR.
- (22) The petitioner's motivation for the INA petition is primarily greed and arrogance. They are abusing the INA process to eliminate competition and to wrongfully appropriate the irrigation rights of other water users.
- (23) Many water irrigators were not counted in the ADWR assessment.
- (24) And information presented to the ADWR by the petitioners was "cherry picked" or distorted to justify approval of the INA petition.
- (25) INA petitioners are trying to enlist the ADWR and the State of Arizona to aid in establishing a water cartel for the purpose of restraining trade and enriching themselves.

- (26) There are anecdotal stories of a conspiracy to keep out California investors and a “gentleman’s agreement” circulating between petitioners in a bid to deprive other landowners of their water rights.
- (27) People have a right live their lives free of such corruption and to develop their land as they see fit without government bureaucracies picking winners and losers.
- (28) The present INA petition doesn’t pass the smell test and smacks of collusion to deprive the majority of the population of their water rights in order to benefit a handful of wealthy individuals and corporations.
- (29) Land where irrigation rights are stripped away is worth far less than it would otherwise be.
- (30) People who have invested in this land did so because it exists in an area where water is plentiful and where there were no AMAs or INAs.
- (31) These landowners will suffer significant economic damage from what amounts to a regulatory taking.

- (32) Years of costly litigation will almost certainly ensue with attending adverse media attention and political maneuvering.
- (33) And economic damage to the area will be substantial as needed agricultural investment will be severely curtailed.
- (34) This will lead to a decline in the standard of living for the local population, many of whom are still suffering from the effects of the recent Great Recession.
- (35) The INA petition should not be approved because the San Simon sub-basin isn't even remotely close to depletion.
- (36) The petitioners are wealthy individuals and corporations who are using the INA process to run roughshod over the rights of other landowners in the area.
- (37) They seek to line their own pockets by hijacking the process in a bid to deprive everyone else of water rights and eliminate business competition.

(38) Reports by ADWR and USGS clearly show that these agencies already know that the San Simon sub-basin has plenty of water storage reserves and low withdrawal rates sustainable far into the distant future.

(39) There is absolutely no statutory, scientific, environmental or economic basis for granting the INA petition and it must therefore be denied.