



May 18, 2015

Richard G. Parks
P.O. Box 2831
Arizona City, AZ 85123

Sharon Scantlebury
Docket Supervisor
Arizona Department of Water Resources
3550 North Central Avenue
Phoenix, AZ 85012

RE: Submission of Written Comments and Transcript of Oral Comments Opposing a Petition for an Irrigation Non-expansion Area (INA) in the San Simon Sub-Basin given at the May 16th, 2015 Hearing.

Dear Ms. Scantlebury:

I am enclosing a copy of a written comment opposing a petition for an Irrigation Non-expansion Area (INA) in the San Simon Sub-Basin and a transcript of my oral comments, which I tried to present at the hearing in Bowie on May 16, 2015.

I say, "tried", in connection with the oral comments because I was prevented from giving these comments at the hearing by an onerous and objectionable "3-minute" time limit imposed by the ADWR chairperson.

When I raised my objection to this unacceptable restriction on such an important matter, she assured me that if I gave you a copy of the transcript of my oral comments, they would be entered into the record in their entirety as though I had been permitted to give them without the time limit. I intend to hold the ADWR to this promise. Should this commitment not be honored, it would be an obvious attempt to silence opposition to the INA petition by severely limiting public comment.

I already gave you a copy of my separate written comment and typed speaking notes for my oral comment at the hearing. I have enclosed the transcript these oral notes that corrects one minor typographical error on item (13) on page 3. (words "of between" should read "between") I also added a notation below the title identifying these notes as my oral comments to indicate that they were presented at the public hearing on May 16, 2015.

Inasmuch as they are identical to the original speaking notes I gave you, except for the elimination of the typographical error on page 3 and the added identifying notation below the title, I would like you to substitute these for the ones I gave you at the hearing for the sake of completeness and accuracy.

I am also drafting a follow up letter to the ADWR, which I want entered into the record along with my earlier comments. I will forward a copy of that to you separately.

Thank you for your help with this request.

Best regards,



Richard G. Parks

Enclosure

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

Delivered by Richard G. Parks
At a Public Hearing for the proposed INA
Held Saturday, May 16, 2015
in Bowie, Arizona

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- (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 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.

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Comment Regarding Petition for
Irrigation Non-expansion Area in
The Bowie – San Simon area

Submitted May 16, 2015 by Richard G. Parks
P.O. Box 2831, Arizona City, AZ 85123

On March 18, 2015, the Arizona Department of Water Resources (ADWR) issued a “temporary” prohibition on the irrigation of new acres within a proposed Irrigation Non-Expansion Area (INA) in the Bowie – San Simon area in response to a petition from a small number of local irrigation operations.

Consequently, only those lands irrigated in the five years preceding that date may be irrigated during this prohibition. The prohibition will remain in effect until the Director of the Department makes a final determination on the INA petition.

If the Director decides to designate an INA, an order of designation will be issued that will permanently prohibit all new irrigation the San Simon Valley sub-basin. If the Director decides not to designate an INA, the prohibition on new irrigation within the sub-basin will be lifted.

What are the facts regarding the groundwater situation in the San Simon sub-basin?

According to ADWR Open-File Report number 12, the San Simon sub-basin occupies 1,701 square miles within in Arizona, extending an additional 229 square miles into New Mexico for an overall total of 1,930 square miles. The report also documents the fact that the Bowie and San Simon Valley area in the proposed INA has a clearly established hydraulic connection to the rest of the sub-basin. The report also confirms that there is no scientific basis to support imposition of the INA proposed by the petitioners.

According to ADWR Report 12 and a cooperative map series report issued by both ADWR and the US Geological Survey (USGS), report number 19, the San Simon sub-basin consists of two aquifers separated by a layer of impermeable “blue clay” except near its margins. A reported 25 million acre-feet of recoverable water was estimated to exist within the aquifer. 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.

The San Simon sub-basin aquifer is actually much deeper than 1200 feet and therefore holds more groundwater than estimates would indicate. The report notes that bedrock forms a large subsurface depression within the sub-basin at depths commonly ranging from about 1600 feet to well over 8000 feet. Both reports estimate that depths of water-bearing basin fill material within the aquifer extends at least 7000 feet below the land surface.

Even allowing for varying depths of water bearing strata within the aquifer, there is probably a total water storage capacity of between 50 million acre-feet to 75 million acre-feet of recoverable groundwater in the San Simon sub-basin.

Reports by ADWR and USGS further show that the amount of irrigated acreage peaked in the 1970's and has declined ever since, through to the present day. The current rate of withdrawal is a fraction of what it was in those earlier years.

The primary reason for reduction of irrigated acreage and water use is elimination of federal subsidies for certain types of crops such as cotton. Reduction in irrigation pumping is attributable to a steady reduction in irrigated acreage due to normal agricultural economics rather than any depletion of the vast reserves of groundwater within the San Simon sub-basin.

Given the declining rates of water withdrawal in the sub-basin and the extremely low rural population density on the surface above this aquifer, experts have estimated that water reserves above the conservative 1200-foot level would last over 2000 years. If additional water reserves below 1200 feet were factored in, depletion would not begin to occur for approximately 3000 years.

Put another way, if groundwater withdrawal had started during the beginning of the Roman Empire, the aquifer would still be producing plenty of water at the present time.

There is no water crisis in the San Simon sub-basin requiring imposition of an INA. There is, however, an abuse of the INA process.

Only a relative handful of people and companies out of a much larger number of water users have petitioned for the designation of an INA encompassing the San Simon Valley Sub-basin. These individuals and corporations are well aware of the vast reservoirs of groundwater available in the two aquifers that comprise the San Simon sub-basin. Their motivation for the INA petition is primarily greed and arrogance. They are abusing the INA process for the purpose of eliminating competition and to wrongfully appropriate the irrigation rights of other water users.

The number of petitioners is in fact so small that it is highly likely that the petition does not actually meet the legal requirements for consideration by the ADWR. Many of those using water from the sub-basin for crop irrigation were not counted in the ADWR assessment of the number of irrigation operations in the affected area. And information presented to the ADWR by the petitioners was "cherry picked" or distorted in an attempt to justify approval of the INA petition.

INA petitioners are clearly trying to enlist the help of the ADWR and the State of Arizona to establish what amounts to a cartel for the purpose of restraining trade. Anecdotal stories of a conspiracy to keep out California investors have surfaced along with reports of a so-called "gentleman's agreement" hinting of collusion to deprive other landowners of their constitutional and statutory prerogatives.

People have a right live their lives free of the corrosive effects of corruption and to develop their land as they see fit without the heavy hand of government bureaucracies choosing winners and losers. 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.

Land that has had irrigation rights stripped away is worth far less than it would otherwise be. People who have invested in that land did so because it exists in an area where water is plentiful and where there were no AMAs or INAs. These landowners will suffer significant economic damage from what amounts to a regulatory taking.

Years of litigation will almost certainly ensue with attending adverse media attention and political maneuvering. And economic damage to the area will be substantial, as beneficial agricultural investment will be severely curtailed leading 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.

The INA petition should not be approved because the San Simon sub-basin isn't even remotely close to depletion. The petitioners are wealthy individuals and corporations who have identified the INA process as a convenient vehicle to run roughshod over the rights of other landowners in the area. They seek to line their own pockets by hijacking the process in a bid to deprive everyone else of water rights for generations to come and eliminate business competition.

Reports by ADWR and USGS clearly show that these agencies already know that the San Simon sub-basin has adequate water storage reserves and appropriate withdrawal rates that are sustainable far into the distant future. There is absolutely no statutory, scientific, environmental or economic basis for granting the INA petition and it must therefore be denied.