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Tom Buschappzke, Director
Arizona Department of Water Resources
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RE: Proposed Irrigation Non-Expansion Area (INA) for San Simon Valley Sub-basin

Ladies and Gentlemen:

My name is Robert W. Walton. I am the registered owner of commercial irrigation well 55-612451. This well was completed on January 1, 1967. It was extended to 625 feet in depth and a 20-inch casing was installed for the entire depth. At the time of completion the production was 800 g.p.m. with zero (0) draw down. For many years after completion it irrigated a farm of 162 acres.

Seeing a good investment, I purchased the farm and well in 1998 and farmed 80 acres of grain in 1999. I then went into semi-retirement, concentrating on my trade which is construction. I decided to fallow the property but I have maintained the well and irrigation system so that I may return to farming or sell the farm as a nest egg for my total retirement. I have also a second domestic well with a 16-foot diameter windmill which has run continuously to support a ten-acre plantation of native vegetation and a large pond which I keep full to attract wildlife. To improve the soil and control weeds, I have seeded the entire property with native grass and I have cut irrigation swales across the entire property, catching storm and irrigation water overflow from farming operations to my west.

On May 14, 2015, I spoke to a gentleman by the name of Jeff Trembly who told to me that if the subject INA is approved by Director Buschappzke, I will no longer

have use of my commercial well nor will I be able to irrigate more than two acres of my property. In other words for all practical purposes, I will no longer have a farm and I will not have the nest egg for my retirement which I have so diligently pursued.

One of God's Ten Commandments is "Thou Shall Not Steal". As a Christian man, I am obligated to uphold God's Commandments. The proposed INA is unlawful and I would be a serious mistake to attempt its enactment. There are numerous flaws in the proposal. The following are just a few which I bring to your attention:

1. Per 45-432, it has not been demonstrated that there is "insufficient groundwater at current rates of withdrawal".
2. Per 45-432 it has not been demonstrated that an Active Management Area (AMA) is not necessary.
3. Per 45-433, there is no authority for limiting non-petitioners to "Irrigation users of groundwater" during the last 5 years only and per 45-402 there is no definition for "irrigation users of groundwater" which would promote such as 5-year limitation.
4. Per 45-402 the phrase "irrigation use" is defined (#23) and no reference is made to a 5-year limitation.
5. The Department's document called "Initiation of Procedures to Designate an Irrigation Non-Expansion Area for the San Simon Valley Su-basin" provides no authority for the five year limitation stating: "*For purposes of this analysis*, the Department sought to identify individuals/entities who had irrigated within the sub-basin within the five year period preceding the date of the receipt of the Petition."
6. Per 45-402(18) which *is* cited by the Department, the definition of "irrigate" is provided with no reference to a five year limitation.
7. In generating the list of "additional non-petitioners, the Department says it sought "input from the public" but fails to state how this input was obtained.
8. As my irrigation well is properly registered with the Department with all the information available on line, it would seem to me that one very logical way to generate a list of "irrigation users" who might wish to be placed on the list of

"additional non-petitioners" would be to begin with the list of irrigation well owners such as myself. I can state that I was not contacted by the Department to see if my name should be placed on the list of "additional non-petitioners".

I wonder if this was an oversight or was any attempt even made to contact any of the "non-petitioner" irrigation well owners? Should the Department have failed to contact the "non-petitioner" irrigation well owners, such failure would represent a serious defect in the process of determining whether or not the "petitioners" would constitute the required 25%.

In consideration of this oversight, I can state that my name without question belongs on the list of non-petitioners because as indicated above, I have been an "irrigation user of groundwater" continuously since the year 1999 by virtue of the fact that I have been drawing groundwater with my windmill continuously (24/7/365) and irrigating approximately 10 acres of native vegetation to the present day.

9. The INA proposal contains a convoluted and unlawful logic in that those making a "substantial capital investment" going back 10 years, thought never having irrigated, will be considered to have "irrigated" and shall be allowed to irrigate in the future. At the same time it is proposed that anyone who made a "substantial capital investment" prior to 10 years ago, even though he did "irrigate", is to be deprived of his right to irrigate in the future. This is exactly opposite to the lawful process whereby the prior user has the right.

10. It appears to me that the proposed INA is unfairly and unlawfully slanted to the "Johnny-Come-Lately" big money boys who believe that they can steal the water rights of the smaller farmer and control all water in the Valley from here on out. Should this INA proposal be approved by the Director, it will represent a travesty of justice which would have serious consequences for Arizona. That this proposal is a violation of God's commandment, "Thou Shall Not Steal", is the paramount consideration. In the name of all of us who wish to preserve and protect not only our natural resources but also our rights to "life, liberty and property" as guaranteed by the United States Constitution, I strongly urge the Director to reject this petition for an Irrigation Non-expansion Area.

Very Truly Yours,

Robert W. Walton