

June 24, 2015

TO: DIRECTOR of AZ Dept. Water Resources

sscantlebury@azwater.gov

RE: Proposed INA: San Simon Valley Sub-Basin

Dear Sir:

My family owns a cattle ranch on the west slope of the Chiricahua Mountains. We also have a substantial amount of farm ground with 19 irrigation wells that are fallowed. We are in the cattle business, not the farming business but as the threat of an INA looms, we find ourselves in the farming business again to protect our investment.

Overall view:

What is the goal of all this? Slow the depletion of the aquifer? I'm not sure as there isn't a written goal that I have seen. It seems that everybody isn't in agreement on resources. Individuals have their own opinion to back up their position. It appears that people are jockeying to make sure they don't get cut off and no one is willing to put anything on the table to resolve the issue.

As I understand it, more or less:

1973

ADWR was thrown together by the legislature as a house of cards. It wasn't funded properly and wasn't given authority. We were required to register our wells and surface rights.

1980 ground water act:

Our 1973 water rights were compromised with rule changes .

Central Arizona Project canal was filled, Az. said the state owns the water.

Protected: mines, industry and municipalities, are safe from adjudication, no limit to pumping.

Active Management Areas designed to facilitate the allocation of CAP water. Farmers can use only the volume of water brought in by the canal. Rules vary from AMA to AMA.

Irrigation Non Expansion areas say that only farms that had been farmed in the last five years qualify. They essentially protect themselves from further adjudication.

The director of ADWR has the authority to make final decisions. That is a lot of power for one individual to have.

In my opinion:

The state keeps changing the rules. We were supposed to be protected as land owners in 1973 by registering our wells and surface water rights. The 1980 ground water act threw us under the bus.

INAs serve only to decide who is allowed to pump and only exacerbate the depletion of the aquifer by forcing land owners to pump to save their investment. INAs do not conserve water or mitigate the depletion of the aquifer. This system is referred to as priority rights. It is a classic case of 'tragedy of the commons' whereby 10% cause 90% of the problem.

The Arizona Legislature needs to strap their cojones on, scrap current ground water laws and rewrite Arizona ground water laws. It's not like reinventing the wheel. The states that pump from the Ogallala aquifer established regulations in the 1950s. Some work very well, others not so much but there are proven templates to model new water laws for Arizona. As I understand, most use a correlative water right approach whereby you can pump as many acre feet as regulated. If you need more acre feet for your crop, you have to lay land out, acquire more land, buy water allotments from someone in the same water or carry water credits forward. Here again, my opinion.

I oppose the INA in the San Simon Valley Sub-Basin.

A handwritten signature in black ink, appearing to read "Clay Rigg". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the right.