

From: [Robert Whitten](#)
To: [Sharon Scantlebury](#)
Subject: San Simon Sub Basin INA proposal comments
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From: Robert Whitten
Parcel Owner within Proposed INA
Po Box 34
Alpine, Arizona 85920
Email: rdub@frontiernet.net

July 17, 2015

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

To: Thomas Buschatzke, Director of Arizona Department of Water Resources

This is my written comments of opposition to the Irrigation Non-Expansion Area for the San Simon Valley Sub-basin. I consider myself a Bowie native and grew up there from 1956 in diapers through about 1990. I pay taxes on a few small parcels within the proposed INA and I can't think of a better place for retirement.

In my opinion this is very pre-mature decision you are being asked to make as requested by Corporate America wanting to "Close the door" behind them, eliminate any competition and ignore the American public. I am more concerned with excessive Government Regulation to protect a few and suppress the general public without complete analysis of the true facts, not just manipulated statistics, politics and self-indulgence that will bias your decision. From all the comments that I have read on your website the overwhelming majority of local users are OPPOSED to the petition.

I am requesting the temporary prohibition announced March 18, 2015 be suspended immediately and this petition be dismissed with prejudice due to the petitioners showing bad faith and misleading the department by applying for or drilling new wells that were not accounted for in your findings, in addition to misrepresenting true acreage of land under irrigation within the last 5 years.

There are laws for Fraud and Collusion, the Arizona Attorney General should be notified of any decrepitencies found during data review or ground truthing. I hope that someone from ADWR will actually leave their desk to complete 100% of the ground truthing, something other than Google Earth on the internet or can somebody just squirt water on the computer screen and claim that their land has been irrigated☺? If the statements of

irrigation ribbon being spread on non-irrigated land are true, there should be some sort of income receipt from those parcels, if not, the IRS may want to be aware of a fraudulent scheme.

The petitioners were well aware of the water situation prior to investing in the area, it is bad business practice to invest in something without doing the proper research. Now they are acting like the "Jackal chasing away the Raven" when they think their livelihood might be threatened by the competition. Dogmatic Paranoia is a common trait of Corporate America.

Only Irrigation use wells will be affected by this proposal, you have not considered the potential of other high water use industries such as, mining, power generating stations, recreation or even aquaculture. Again, this is Corporate America that may come in and do as they please with your blessing. Establishment of an INA does not prohibit irrigation expansion, it just makes it cost prohibitive to the general public or family farmer, giving full advantage to the large Corporations.

The Social and Economic impacts have never been addressed. I don't see any comments from Graham County or Cochise County Board of Supervisors nor the County Assessors of how this may impact the counties in the future. I see this as elevating the value of irrigated parcels and devaluing any parcel greater than 2 acres in size. I will expect to see the land parcel values to be assessed at true market values of purchase price to reflect fair and equitable taxation. The director shall give full consideration to public comment and to recommendations made by local political subdivisions. There should not be any decision made based on the "Good Ole Boy" syndrome of who wines & dines who and who crosses who's palm with the best deal. My experience with the Public meetings and Public comments that are mandated by law, are; 1. The Government has already made its decision on the topic and; 2. None of the comments will change or alter that decision. The public meetings and comment period should have been initiated prior to the temporary prohibition being announced. I thought that Executive Orders were reserved for Barrack Obama to abuse.

Natural Resources Conservation Service (NRCS), Arizona Game & Fish, US Fish and Wildlife Service, US Geological Survey should all have some sort of standing or comments, be it pro or con. They may want ALL the wells shut down.

Water Conservation starts with the user not the government. In the mid '70s when the Pistachio Corp came to the area, was the first big step to wise use of our resources that I observed, Drip irrigation was a relatively new concept in the area, and the Pistachio tree was a very water efficient plant compared to other crops, orchards or vineyards. Row Cropping and flood irrigation was a gross misapplication of water, today with the pivot or sprinkler systems, it is more efficient, but still when the Relative Humidity is down to 8% or 12% there is a loss to evaporation. In the early '70s when most of the pumping was natural gas powered, only those farmers that had already started converting to electric pumps survived the economic crisis. I saw the "Shallow Well theory" used, which employed more shallow wells,

using less Horse Power to pump the same amount of water, virtually recirculating or recycling the water within the field and less dependency on the deep water. This shows that true farmers are a resilient bunch. Now if you throw in Corporate America or Government Regulation things will go sour in a hurry!! Agricultural technology for wise water use has made leaps & bounds of progress since the '60s & '70s when the water use was at its peak, I am fairly confident that technology will only improve in the future.

A comprehensive Management Plan from the petitioners within the proposed INA should be in place and approved by the State and County prior to recognition if an INA, reflecting the evolution of the Groundwater resource, moving the basin toward its long-term water management improvement and sustainability. The plan should include mandatory conservation programs for users withdrawing, distributing or receiving groundwater and designed to achieve reductions in withdrawals of groundwater.

When I read A.R.S. § 45-402 that only references the Santa Cruz INA, (Are these some of the same petitioners that initiated the Santa Cruz INA?) I do have some objections to the limits of "two or more acres of land" If this was changed by the legislature to read "one hundred and sixty or more acres of land" to be more aligned with the Homestead Act, I would be more inclined to support a San Simon INA. Also, there is the gray area of "substantial capital investment was made for on-site irrigation facilities or improvement of land for irrigation use, that land may be irrigated" this is very subjective and easily manipulated by political pressures and whims of the state. My point being that a full circle pivot only irrigates approximately 80% of the square parcel that it is placed on, the average pivot is on 160 acre parcel with 131 acres under irrigation and 29 acres not under irrigation. If the pivot is converted to an orchard the 29 acre addition is not a "substantial capital investment". The pivot salvage income would more than cover the cost to rehabilitate the additional acreage with no additional capital investment. Compared to new irrigation requirements in your examples of Attachments A&B, the retired mom & pop that bought their 40 acre parcel wanting to develop a little slice of heaven for retirement has a significant capital investment just in lawyer fees to cope with the bureaucratic red tape that this proposal will create for eternity.

Now that you have read my rants & raves, pack up a lunch and take a drive to Eagle Creek, in Greenlee County, just 40 miles from the San Simon Sub-Basin, to see the wells supplying the Morenci mine. You will find numerous wells pumping 3000 to 5000+ GPM from 1200 to 1500+ foot depth (ADWR data doesn't seem to be real accurate here) that run 24 hrs. a day for about 10 months out of the year, they claim to be pumping out of a lower aquifer that doesn't affect the upper water tables. I still haven't figured out how they drink out of the bottom of the glass without affecting the top of the glass. It is my belief, when pumping that volume of water for the extended duration, will have far reaching effects, including the San Simon sub-basin.

"Everyone is entitled to his own opinion, but not his own facts."
Moynihan

Thank You, s/s Robert Whitten