

Arizona Department of Water Resources
Attn: Sharon Scantlebury
1110 West Washington Street, Suite 310
Phoenix, Arizona 85007

December 7, 2022

Re: Draft Substantive Policy Statement on the Drought Volume Exemption for the Assured Water Supply

Ms. Sharon Scantlebury:

Thank you for the opportunity to review the Draft Substantive Policy Statement. The Town believes the Draft Substantive Policy Statement on Drought Volume Exemption (DVE) needs further modifications. We support the concepts that a DVE can only grant Providers after the Designated Provider is: A. in the late-stage of their drought response plan, B. fully using its annual groundwater allowance, C. using all its available non-groundwater supply, D. quantification of a surface water supply that has not been fully used, E. long-term storage credits cannot be accrued the during the same year as a DVE, and F. the DVE excludes backup supplies and LTSCs identified in the current Designation.

Town of Queen Creek specific comments

1. We agree with the concept of implementing (or activating) each water provider's drought plan. Each water provider has tailored its drought plan specific to its end users and water supplies. We suggest changing the term "late-stage" to "appropriate stage" to allow each water provider to use the drought stage that best suits their needs.
2. The term "groundwater allowance" is confusing. Attachment 1 on the DAWS has terms "Total Groundwater to Meet Annual Demands", "Groundwater allowance AAC R12-15-724(A)(2)...", "Incidental Recharge ACC R12-724(A)(4)...", and "Total Groundwater Allowance" which is the sum of groundwater allowance plus incidental recharge. The substantive policy should define Groundwater allowance using ACC R12-15-724(A)(2). See comment 7 below.
3. The SRP water allocation includes a GW component, and the water provider reports the SRP GW used and offsets the GW use. Does the applicant need to use all the SRP GW components before requesting a DVE?
4. Does the DVE apply to each legal water supply or does it apply to a watershed? In other words, will the DVE volume combine CAP M&I and CAP NIA as one water supply or are these two separate supplies? For instance: if an entity has a CAP NIA supply of 100 af/year and a CAP M&I supply of 1,000 af/year. During a drought, NIA water is zero but the M&I supply is 1,000. The 80% of combined CAP is 880 af/yr. Assuming all the other DVE criteria is met, will a DVE be granted for the CAP NIA supply? The combine all the water supplies by the river could be applied to SRP System and the Colorado River system. Queen Creek believes each supply should be a contractual/legal supply, and the watershed in which the supply originated is irrelevant.
5. How will NCS (New Conservation Storage at the raised Roosevelt Dam) & the potential New Verde Storage (NVS) supplies be considered for DVE? The NCS & NVS supplies are unique because they contain multiple consecutive years when there is no inflow, and each water user

- determines when to take their supply. Two end users could have similar ownership capacities and have very different annual average water use. ADWR should balance the maximum possible use of each supply and not encourage the use of DVE. A possible solution is to have a DAWS volume and a DVE for each of these supplies. Each DAWS could be updated to reflect the DAWS and DVE volume. See comment seven below.
6. Guidance criteria F – A potential applicant should consult with the Department before participating in a voluntary system conservation program. Voluntary system conservation has taken place over the past several years and is being discussed for CY 2023. These guidance criteria should not penalize water providers that participated in the voluntary system conservation and suggest guidance criteria F become effective for Calendar 2024 and beyond.
 7. Attachment A of the DAWS should be modified to identify and quantify each provider's water supply and the maximum DVE for each supply. Adding another column that quantifies each water supply's DVE eligible volume would be helpful both in the DAWS and the DVE.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith DeVore', with a long horizontal line extending to the right.

Keith DeVore
Water Resource Manager
Town of Queen Creek

CC: Paul Gardner, Marc Skocypec, Doug Toy