



December 9, 2022

Sharon Scantlebury  
Docket Supervisor  
Arizona Department of Water Resources  
1110 W Washington St., Suite 310  
Phoenix, Arizona 85007

### **Drought Volume Exemption Substantive Policy Statement**

The Arizona Municipal Water Users Association (AMWUA) appreciates the opportunity to provide these comments on ADWR's proposed Substantive Policy Statement addressing the Assured Water Supply Drought Volume Exemption. AMWUA is supportive of the Substantive Policy Statement and believe that ADWR is taking a reasonable approach to what should be expected from a water provider requesting the exemption when surface water supplies are significantly reduced. As a matter of principle, the AMWUA cities remain committed to the Phoenix AMA Management Goal of safe-yield, and believe that our groundwater resources must be safeguarded, even in times of stress upon our renewable supplies.

We would like to offer the following suggestions and requests for clarification:

#### **"Late-stage Drought Response Plan"**

Section A of the Substantive Policy requires that an applicant must be implementing a "late-stage drought response plan" to qualify for approval of a Drought Volume Exemption. In recognition of the immense diversity of water provider Drought Preparedness Plans, we suggest that ADWR adjust this section to permit implementation of a "late-stage drought response plan" *or demand reduction measures* such as those listed in Section A. This suggestion is not intended to make the requirement less rigorous but is rather to acknowledge that water providers take many different approaches to implementation of their Drought Preparedness Plans.

A.R.S. 45-342 requires that community water systems prepare a multi-stage Drought Preparedness Plan to respond to water shortage conditions. The statutes provide significant latitude for the contents of Drought Preparedness Plans, and municipal water providers all have unique Plans that are tailored to their specific communities. The Plans vary significantly: some providers have plans that are geared towards water shortage emergencies in the later stages due to infrastructure failure; some Plans utilize earlier stages to take significant action, while other Plans give wide, non-binding discretion to the water provider in each stage on appropriate conservation activities. Limiting the Policy to only a "late-stage drought response plan" could make compliance easy for providers with lenient Plans, while simultaneously

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challenging providers who are implementing serious conservation measures earlier in their Plans.

This suggestion to require use of a “late-stage drought response plan” or implementation of demand reduction measures will avert unintended consequences and issues with implementation across the wide spectrum of Drought Preparedness Plans, while still maintaining the spirit of the Policy that applicants should be making significant efforts to reduce water demand prior to receiving this Exemption.

### **LTSC Alternative Supply**

Section F of the Policy dictates that the applicant must use alternative sources of water expressly pledged as “back-up supplies.” In the case where LTSC are the pledged back-up supplies, is the calculation to satisfy Section F that the applicant must use the average annual volume of LTSC, or 1/100 of their pledged volume? This would be consistent with the Groundwater Allowance requirement in Section B. and the planning assumption of water providers that those supplies are to be used throughout the 100-year period.

### **Supplemental Groundwater**

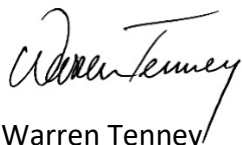
The Designations of many water providers include “Supplemental Groundwater” supplies that are specified for use to supplement surface water supply shortages. Please provide clarification on how the use of supplemental groundwater supplies affects an applicant’s eligibility for a Drought Volume Exemption, and any interplay between these supplies and the Draft Substantive Policy. Are the supplemental groundwater volumes usable without applying for a Drought Volume Exemption? If not, and a Drought Volume Exemption approval is required to use the supplemental groundwater volumes, will that affect how the physical availability volumes are carried over between Designations pursuant to R12-15-710(G)?

### **Timing**

Please clarify when the Drought Volume Exemption request should be submitted. Will applicants be required to wait to apply for the Exemption retroactively, after the Annual Report for the prior calendar year has been submitted?

We hope these comments help to refine the Draft Substantive Policy Statement and we appreciate the opportunity to comment. We support ADWR’s efforts to protect our groundwater resources and believe this Policy Statement furthers that pursuit. Please do not hesitate to reach out if you have any questions or comments regarding this submission.

Sincerely,



Warren Tenney  
Executive Director