



Comments on 5MP Recharge Regulatory Language

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To whom it may concern:

Thank you for the opportunity to provide comments pertaining to the Recharge Subgroup's proposed changes to the Draft 5MP Recharge and Recovery language. I apologize for my comments being a few days late. Generally, I appreciate the idea of creating more areas where recovery is encouraged. Below are my comments:

1. Location(s) of Impact from the new Language: Before agreeing to any new regulations regarding shallow depth to water (i.e., areas less than 50 feet below land surface), it would be beneficial to understand where, geographically, these areas exist today within the Phoenix AMA. While one can surmise it is at least the Buckeye waterlogged area, are there other locations within the AMA such as riparian areas? While the draft language states that these areas will be defined by 2024, it would be important to know where these areas exist today before providing meaningful feedback on this concept. Likewise, it would be helpful to know where these areas exist within the other AMAs as presumably this program would be included in the management plans for the other AMAs.

Implementation: The draft language appears to (1) streamline the process to obtain a recovery well permit in these newly defined shallow groundwater areas and (2) assist with shallow groundwater issues while maintaining consistency with the management plan and management goal. However, more clarity should be provided on how the implementation of this policy would be handled through time. For example, how often is it permissible for shallow groundwater areas to be redefined by the Director and what are the implications for users with recovery wells approved in those areas? Additionally, if users seek to include supplies recovered outside the area of impact (AOI) of storage but inside a defined shallow groundwater area in AWS applications, would those supplies be exempt from proving physical availability in an AWS application just like supplies recovered in the AOI? What are the implications for AWS determinations relying on the recovery of stored water in shallow groundwater areas if that area is redefined or no longer designated by the Director? These are just a few examples.

2. Proposed Language 8-801(C): After review of the proposed language under 8-801(C), I suggest that this language should more explicitly note an exception for recovery outside the AOI of storage when recovery occurs in an area determined by the Director to be experiencing shallow depth to water conditions. The wording is confusing in that 8-801(A) attempts to cover that, but (C) still appears to read counter to (A). I suggest clarifying this language.

Thank you again. If you have any questions, please feel free to contact me at this email address or at 602.370.4952.

Sincerely,

Terri Sue Rossi

Water Resources Manager

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