



December 3, 2021

Via E-mail

Arizona Department of Water Resources
1110 W., Washington St., Suite 310
Phoenix, Arizona 85007

**Re: Phoenix AMA 5th Management Plan, Chapter 8 Regulatory Language Modifications
- Proposed Recharge & Recovery Siting Criteria**

Dear ADWR Management Plans Team:

The Water for Arizona Coalition appreciates the opportunity to comment on the draft Recharge and Recovery Siting Criteria for the Phoenix AMA 5th Management Plan. We learned the public comment period ended recently, but are hopeful you'll consider our concerns as additional feedback from Arizona's water community.

We support ADWR's efforts to ensure water storage and recovery does not exacerbate water supply problems occurring in the Phoenix AMA, but do have concerns related to the proposed language incentivizing recovery from areas of shallow groundwater (< 50 feet below land surface) and its potential impact to sensitive aquatic habitat. Recognizing the proposal may be an effort to address the hydrologic disconnect between areas of aquifer replenishment and overdraft, the definition of shallow groundwater needs to be carefully considered. As currently written, the definition encompasses a broad range of geohydrologic locations and source water (e.g., shallow groundwater mounding under recharge projects, subflow adjacent to stream channels) along with the associated complex legal determinations. Our primary concerns are listed here:

- Locating recovery wells in areas of shallow groundwater may occur in close proximity to stream channels adversely impacting streamflow, riparian galleries, or wetland habitat. These sensitive ecological areas supporting critical biodiversity rely on shallow water levels. As groundwater levels decline, riparian vegetation becomes stressed, resulting in loss of shallow-rooted plants followed by deep-rooted species and eventual loss of habitat. Riparian degradation and loss have been well documented throughout the state as a result of subsurface declines in water levels.
- Wells completed in or near the floodplain alluvium of a stream channel may be found to be withdrawing subsurface water that is considered to be "subflow" or surface water and is governed by Arizona's Surface Water Code, rather than the Groundwater Code. Under these circumstances, the well owner is required to apply for a Permit to

Appropriate Public Water and will be subject to the General Stream Adjudication process. Incentivizing well construction in the subflow zone will create more conflict between surface water right holders and further complicate the long-standing adjudication process.

The Water for Arizona Coalition supports the public-interest need to ensure protection of both ecologically sensitive areas and limited, non-renewable groundwater resources in the region. We appreciate ADWR's effort to incorporate stakeholder feedback in the completion of the Fifth Management Plan and thank you for the opportunity to provide comments on this important proposal.

Sincerely,



Kevin Moran, Senior Director, Water Program
EDF & Chairman, Water for Arizona Coalition




Haley Paul, Policy Director
National Audubon Society/Audubon Southwest



Kim Mitchell, Senior Water Policy Advisor
Healthy Rivers Program
Western Resource Advocates



Chris Kuzdas, Arizona Program Manager
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Todd Reeve, Director
Business for Water Stewardship



Sinjin Eberle, Communications Director,
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American Rivers

The Water for Arizona Coalition is a community of Arizonans who support innovative practices and smart policies to ensure a reliable water supply to meet the state's needs. Organizational support is provided by solution-oriented groups like American Rivers, Audubon Arizona, Business for Water Stewardship, Environmental Defense Action Fund, and Western Resource Advocates that collectively have over 60,000 Arizona members, as well as hundreds of hunters, anglers, and outdoor recreation enthusiasts across the state. Kevin Moran, a longtime Arizonan and former government relations consultant and is the Chairman of the Coalition.

