



Docket Supervisor - ADWR <docketsupervisor@azwater.gov>

Formal Comment Letter on AMA Management Goal for Douglas Basin

1 message

Nav Athwal <nav@terraagventures.com>

Wed, Jun 28, 2023 at 3:19 PM

To: Natalie Mast <nlmast@azwater.gov>, sscantlebury@azwater.gov, docketsupervisor@azwater.gov

Cc: Dale Lehman <[Personal Identifying Information]>, [Personal Identifying Information] prattpecanfarm@gmail.com, Doc Rocky

<[Personal Identifying Information]>

Good afternoon Natalie,

I previously sent you an informal comment letter on behalf of local farmers in Arizona regarding the proposed ADWR Management Goal.

With some slight modifications, me and my fellow farmers would like to submit a formal comment letter which is attached to this email.

As I've mentioned before, agriculture is the lifeblood of the local economy in the Douglas Basin and without it, there isn't really an economy left. We of course feel sustainability is key but any management goal adopted pursuant to the Douglas AMA needs to keep this key fact in mind - that without sufficient water, there is no agriculture and without agriculture there is no economy.

As such, we feel specifically emphasizing the agricultural economy in the goal is critical in recognizing just how dependent Douglas is on farmers, ranchers and those that serve this critical demographic.

Thank you for your consideration of our comments and I am available, of course, to answer any questions. If you could confirm that you received this email and attached letter, I would very much appreciate it.

Warmest Regards,

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Nav Athwal

Managing Partner

[Terra Ag Ventures](#)

925-236-0183

**2023-6-23 - Comment Letter Re Douglas AMA Management Goal.pdf**

421K

June 23, 2023

Via Email nlmast@azwater.gov

Natalie Mast
AMA Director
Arizona Department of Water Resources
1110 W. Washington Street, Suite 310
Phoenix, Arizona 85007

Re: Comments Regarding Proposed Management Goal for the Douglas AMA

Dear Ms. Mast:

On May 24, 2023, the Director of the Arizona Department of Water Resources (“ADWR” or “Department”) proposed the following management goal for the recently designated Douglas Active Management Area (“Douglas AMA”):

The management goal of the Douglas AMA is to support the general economy and welfare of communities in the basin by attempting to reduce the rate of aquifer depletion by 2035 and by further attempting to reduce the rate of aquifer depletion every 10 years thereafter.

We, the undersigned farmers within the Douglas AMA, are submitting these comments in response to the proposed management goal.

As discussed in more detail below, there are unique circumstances that the Department must take into account in developing the management goal for the Douglas AMA. First, the Douglas AMA was designated as a result of a local election, not on the basis of hydrological data motivating the Department to act. As discussed below, there is currently insufficient hydrologic data to support adoption of a management goal with strict hydrologic goals or requirements. Second, the Douglas AMA does not have access to meaningful supplies of water other than groundwater. For that reason, long-term depletion of the groundwater basin is a reality that must be factored into any management goal. Third, the citizens of the Douglas basin rely on agriculture for their livelihood. The management goal must expressly protect and help preserve the agricultural economy.

The proposed management goal is a step in the right direction in that it recognizes long-term depletion of the Douglas groundwater basin and does not seek to impose strict reductions in

groundwater use by a date certain or unachievable goals such as “safe yield.” However, the proposed goal fails to expressly protect the agricultural economy and related communities within the Douglas basin. The proposed goal presumes that reducing the rate of aquifer depletion will support the general economy and welfare of communities in the basin, but that may not be the case. Rather, continued reductions in the rate of aquifer decline may not be sustainable and could harm the agricultural economy and communities in the basin.

Accordingly, we request the Department to modify the proposed management goal as follows:

The management goal of the Douglas AMA is to attempt to reduce the rate of aquifer depletion by 2035 and every 10 years thereafter to the extent consistent with preservation of the existing agricultural economy and the welfare of communities within the AMA.

This language ensures that future management actions taken by ADWR to attempt to reduce the rate of aquifer depletion will be consistent with preservation of the agricultural economy in the Douglas AMA.

I. Hydrologic Data for the Douglas AMA Does Not Support Adoption of a Management Goal with Strict Hydrological Requirements.

Unlike the other AMAs, the Douglas AMA was designated by local election. The AMAs designated by the State Legislature benefitted from study and deliberation regarding the hydrological, economic, and public policy impacts of designating those AMAs. In contrast, the local election process forced the decision to designate the Douglas AMA upon an unprepared and uninformed electorate that had less than three months from the call for the AMA election to educate themselves regarding groundwater conditions, the need for additional groundwater use restrictions, and the impacts that formation of an AMA would have on future access to water, property values, and the economy within the Douglas groundwater basin. As a result, ADWR is now required to develop a management goal and management plan for the AMA without statutory guidance and adequate time to properly study groundwater conditions within the basin.

As the Department acknowledged at public meetings regarding the proposed management goal, there is currently not a functional groundwater model for the Douglas groundwater basin and significant hydrological data is needed to complete a model and understand groundwater issues within the basin. Given the lack of data regarding hydrologic conditions in the basin, ADWR should avoid setting any management goal with strict hydrological requirements.

Further, the groundwater data that is available indicates that groundwater levels are stable and even rising in many areas of the basin. For example, in a recent study, the ADWR found that groundwater levels within the Douglas basin declined at a median rate of only 1.0 foot per year between 2005 to 2015.¹ Moreover, during the same period, ADWR found that the overall median depth to groundwater in the Douglas basin actually decreased from 158.9 feet below land surface (flbs) to 141.1 flbs (i.e., median groundwater levels increased during that period).² While there are localized areas in which groundwater levels have declined at rates greater than 1.0 foot per year, groundwater levels have either remained steady or increased in many areas of the basin.

Moreover, it is unlikely that the Douglas basin would have experienced significant increases in the rate of groundwater level decline in future years. This is because that the majority of the Douglas basin has been regulated as an irrigation non-expansion area (“INA”) since the enactment of the Groundwater Management Act of 1980. The Douglas INA prevented any new lands from being irrigated within the INA boundaries. Although the past two decades have seen historically irrigated acreage throughout the former Douglas INA being brought back into production, the INA placed an upper limit on the amount of acreage that could have been irrigated.

The uncertainty resulting from the lack of available hydrologic data is made worse by the fact that the Douglas basin spans the international border with Mexico. Without additional data, ADWR is not in a position to assess what type of impact groundwater use in Mexico will have on the Douglas AMA or reliably predict future aquifer conditions. In addition, ADWR does not have regulatory jurisdiction over groundwater uses in Mexico, which uses could influence aquifer conditions in the Douglas AMA.

The lack of hydrological information combined with the complications resulting from the basin spanning an international border support the Department adopting a flexible management goal that places protecting the existing agricultural economy and communities over achievement of strict hydrologic requirements.

II. The Douglas AMA Does Not Have Access to Water Supplies other than Groundwater.

Unlike other AMA’s in the state, the Douglas AMA does not have any significant in-state surface water resources and does not have access to Colorado River Water delivered through the Central Arizona Project. This is significant, because other AMAs rely heavily on these water resources to meet their needs while working toward their own management goals.

¹ ADWR, *Douglas and Willcox Basins and San Simon Valley Sub-basin, South Eastern Arizona - Hydrologic Monitoring Report No. 9*, May 2016, pp. 14-15.

² *Id.* at 9-11.

Given the generally stable groundwater conditions and the lack of alternative water resources within the Douglas basin, the Department should avoid adopting an overly aggressive management goal that would unnecessarily restrict access to groundwater and damage the regional economy within the Douglas AMA. Rather, the management goal for the Douglas AMA should allow for long-term depletion of the aquifer consistent with protection of the agricultural economy and communities within the basin.

III. The Agricultural Economy and Welfare of the Douglas AMA Communities Must be Protected in the Management Goal.

A significant consequence of the Douglas AMA designation through local election versus legislation is the lack of an economic impact assessment conducted to understand how the designation may impact the citizens of the basin. The legislature enacted the Groundwater Code “in the interest of protecting and stabilizing the general economy and welfare of this state and its citizens”.³ Thus, it is imperative that the economic impact to the citizens of the Douglas basin is considered.

Agriculture is the lifeblood of the communities in the Douglas basin. It is the primary groundwater use, economic driver, and job producer.⁴ This has been the case since before the formation of the Douglas INA in 1980. In particular, the economies within Sunizona, Elfrida, McNeal, and Douglas areas are heavily dependent on continued access to groundwater for agricultural production. This is evident by the numerous comments ADWR has received from an array of farmers in the Douglas basin area. A management goal that fails to protect long-term access to adequate supplies of groundwater for irrigation and other agricultural uses would have a devastating impact on the economies in these areas and contradict the very purpose of the Groundwater Code.

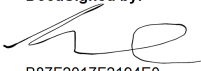
Although the proposed goal provides that its purpose is to protect the general economy and welfare of communities in the basin, the proposed goal presumes that reducing the rate of aquifer decline will achieve that purpose. However, continued reductions in the rate of aquifer decline may not be sustainable and could harm the economy and communities in the basin. Therefore, in addition to expressly protecting the agricultural economy, we request that the management goal be modified to clarify that future actions to reduce the rate of aquifer decline will only be taken to the extent consistent with preservation of the existing agricultural economy and the welfare of communities in the AMA.

³ A.R.S. § 45-401.


⁴ In 2014, the estimated groundwater use in the Douglas basin for agriculture was 45,500 acre feet, compared to municipal groundwater use of 4,800 acre-feet. See ADWR, *Douglas and Willcox Basins and San Simon Valley Sub-basin, South Eastern Arizona - Hydrologic Monitoring Report No. 9*, May 2016, p. 16.

We appreciate the ADWR for providing the opportunity to comment on the proposed management goal and for taking the time to consider the Douglas communities and agricultural economy which will be impacted by the designation of the Douglas AMA.

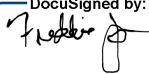
Sincerely,

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