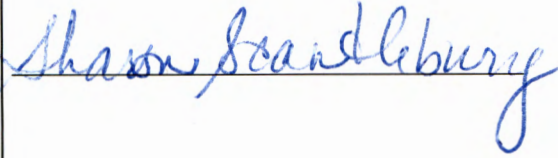


1 A copy of the foregoing is
2 sent by certified and electronic
3 mail this 13th day of October, 2023, to:

4 Christian J. Sawyer
5 510 Globo Lane
6 Douglas, Arizona 85607
7 cjsawyer@gmail.com

Certified No. 7020 0640 0000 7687 8812

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EXHIBIT A

1
2 **ARIZONA DEPARTMENT OF WATER RESOURCES**
3 **BEFORE THE DIRECTOR**

4 **IN THE MATTER OF THE ADOPTION**
5 **OF THE MANAGEMENT GOAL FOR**
6 **THE DOUGLAS ACTIVE**
7 **MANAGEMENT AREA**

ORDER OF ADOPTION
Date: July 28, 2023

8
9 **I. Order of Adoption**

10 In accordance with the requirements of Arizona Revised Statutes (“A.R.S.”) § 45-571,
11 Thomas Buschatzke, Director of the Arizona Department of Water Resources (“Director”),
12 hereby adopts the following statement as the Management Goal for the Douglas Active
13 Management Area (“AMA”):

14 “The management goal of the Douglas AMA is to support the general economy and
15 welfare of water users in the basin by reducing the rate of aquifer depletion by an amount
16 established in the first management plan and by additional reductions established in each
17 subsequent management plan every 10 years thereafter.”

18 On May 24, 2023, the Director issued the proposed Management Goal for the Douglas
19 AMA. A public hearing on the proposed goal was held in Douglas, Arizona on June 28, 2023.
20 The hearing record remained open for the submission of written comments until June 28, 2023
21 at midnight.

22 Simultaneously with this order, the Director is filing in the Department of Water
23 Resources (“Department”) a written summary and findings with respect to matters considered
24 during the hearing record period. As a result of additional review by the Director and in
25 response to comments, the Director has made modifications to the goal.

1 **II. Effective Date of Order for Purposes of Motions for Rehearing or Review**

2 Pursuant to A.R.S. § 45-571(C), a summary of this order, the Management Goal adopted
3 by this Order and the Director’s findings with respect to matters considered during the public
4 hearing will be published once each week for two consecutive weeks in Herald/Review Media,
5 beginning on July 28, 2023. This order shall be effective for purposes of motions for rehearing
6 or review on August 4, 2023, the date of the last publication.

7 Pursuant to A.R.S. § 45-114(C), any person may file a motion for rehearing or review of
8 this order and the Management Goal adopted by this order no later than August 27, 2023 at 5:00
9 p.m. Any motion for rehearing or review must be filed with the Docket Supervisor, Arizona
10 Department of Water Resources, 1110 W. Washington Street, Suite 310, Phoenix, Arizona
11 85007. A party is not required to file a motion for rehearing or review in order to exhaust
12 administrative remedies and may seek judicial review of the Management Goal once the
13 Director’s decision becomes final as provided in section III.

14 **III. Judicial Review**

15 This order shall become final for the purpose of judicial review as follows:

16 1. If no person files a motion for rehearing or review within the time allowed by section
17 III of this order, this order shall become final for the purpose of judicial review on August 27,
18 2023 and the Department shall post notice on its website that the order is final as of that date.

19 2. If any person files a timely motion for rehearing or review, the Director will issue a
20 decision on the motion and may modify the management goal after rehearing or review. After
21 the Director issues decisions on all motions for rehearing or review, the Director will publish
22 notice that the Management Goal is final once each week for two consecutive weeks in
23 Herald/Review Media. The notice will include a description of any modifications made after
24 rehearing or review. The Management Goal shall be final for the purpose of judicial review
25 when the notice is published for the second time.

1 IT IS HEREBY ORDERED that this goal is adopted as the Management Goal for the
2 Douglas Active Management Area.

3 Dated this 28th day of July, 2023.

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6 Thomas Buschatzke
7 Director, Arizona Department of Water Resources
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EXHIBIT B

1 period, the Director makes the following written summary and findings with respect to matters
2 considered during the hearing record period.

3 **II. Summary of Hearing and Findings**

4 A summary of the comments received during the hearing record period and the
5 Director's responses to the comments are presented below. Sixteen people presented oral
6 comments at the public hearing. The Director received 88 written comments during the hearing
7 record period.

8 Comment: Several commenters stated that the word "attempt" in the proposed goal
9 should be replaced with a stronger word and is not used in other AMA goals.

10 Response: A.R.S. § 45-561(12) defines safe-yield as a "management goal which
11 attempts to achieve and thereafter maintain a long-term balance..." The "attempting"
12 phrasing in the proposed goal mirrored this language. However, in response to
13 comments, the Department has opted to remove "attempting" from the proposed goal.

14 Comment: Several commenters stated the words "water users" includes non-local
15 entities (people who are not citizens of Arizona), inconsistent with the language of
16 "protecting and stabilizing the general economy of its citizens".

17 Response: The Department opted to use the words "water users" to be inclusive of those
18 who rely on AMA water supplies and who would be subject to AMA requirements.

19 Comment: Several commenters stated concern over high water use of large corporate
20 operations and said that local residents should be prioritized over non-local corporate
21 water users.

22 Response: This comment does not pertain to the proposed goal. Specific requirements
23 for different categories of water users will be considered as part of the development of
24 the management plan. The Director notes that any requirements considered for the
25 management plan must be within the Department's legal and regulatory authority.

1 Comment: Several commenters stated that the Department should take into account the
2 portion of the basin in Sonora, Mexico.

3 Response: The Department monitors hydrologic conditions in the basin and a
4 groundwater model may include consideration of broader groundwater flow influences.
5 However, the authority for an AMA is limited to the geographic boundaries of that AMA
6 within the State of Arizona.

7 Comment: Several commenters stated that the Department should mention agriculture
8 in the goal since it is tied to the local economy, using wording along the lines of
9 “consistent with preservation of the existing agricultural economy”.

10 Response: The term “water users” in the proposed goal is inclusive of both irrigation
11 and non-irrigation uses.

12 Comment: Several commenters stated Bisbee is not receiving water from the basin yet
13 was allowed to vote for the AMA.

14 Response: This comment does not pertain to the proposed goal. Regulations and
15 procedures associated with an AMA apply within the geographic boundaries of the
16 AMA. Voting eligibility requirements for the AMA are prescribed by statute in A.R.S.
17 § 45-415.

18 Comment: Several commenters stated that Earth fissures and land subsidence
19 necessitate a plan similar to the initial AMAs.

20 Response: This comment does not pertain to the proposed goal. Specific conservation
21 strategies will be developed as a part of the management plan.

22 Comment: Several commenters stated that they submitted complaints against
23 agricultural operations expanding after August 30, 2022 and are unaware of the status.
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1 Response: This comment does not pertain to the proposed goal. Analysis of compliance
2 with AMA requirements is ongoing and individuals may submit questions or reports
3 regarding compliance to the compliance portal:

4 https://app.azwater.gov/eForms/Forms/Complaint/DWR_Complaint.aspx.

5 Comment: Several commenters stated that the Department should collect data over the
6 next several years to adjust and improve the management practices.

7 Response: The Department will continue to collect water level data and reported water
8 use in the Douglas AMA and will begin the development of a groundwater model to
9 better understand hydrologic conditions within the basin. The Department has added
10 specificity to the goal, indicating that targets will be set for the rate of aquifer depletion
11 in the first management plan, with updated metrics and conservation requirements
12 included in subsequent management plans every ten years thereafter.

13 Comment: Several commenters stated that the goal should be similar or equivalent to
14 the goal of safe-yield, to stabilize groundwater levels, and/or raise water levels within a
15 set timeframe.

16 Response: The proposed goal is tailored to the unique water supply and demand
17 conditions in the Douglas AMA.

18 Comment: Several commenters stated that the goal should have a timeframe or set an
19 actual date for achieving the goal, with suggested timeframes ranging from immediate
20 to 50 years.

21 Response: Pursuant to A.R.S. § 45-569, an initial management plan is required to be
22 adopted not later than two years after the establishment of the AMA. The Department
23 has added specificity to the goal, indicating that targets will be set for the rate of aquifer
24 depletion in the first management plan and in subsequent management plans every ten
25 years thereafter.

1 Comment: Several commenters stated that groundwater quality degradation necessitates
2 a plan by the Department.

3 Response: This comment does not pertain to the proposed goal. Specific provisions
4 related to water quality may be considered as part of the development of the
5 management plan.

6 Comment: Several commenters stated the goal contains no metric regarding the targeted
7 amount of reduction in aquifer depletion.

8 Response: Because the Douglas AMA does not yet have a groundwater flow model on
9 which to base specific targets, the Department opted to leave specific quantitative targets
10 out of the goal and will instead include specific targets in each management plan. In
11 response to comments, the Department has added detail regarding those targets to the
12 goal, indicating that targets will be set for the rate of aquifer depletion in the first
13 management plan and in subsequent management plans every ten years thereafter.

14 Comment: Several commenters stated that irrigation should not be allowed during the
15 heat of the day when evaporation loss is high.

16 Response: This comment does not pertain to the proposed goal. Specific conservation
17 strategies will be established in the management plan.

18 Comment: Several commenters stated that the Department should impose fees, stricter
19 regulations, and/or extinguishment for largest water users and non-local water users.

20 Response: This comment does not pertain to the proposed goal. The Department does
21 not have the authority to impose withdrawal fees in the Douglas AMA. Regulatory
22 requirements for different categories of water users will be developed as part of the
23 management plan. The Director notes that any requirements considered for the
24 management plan must be within the Department's legal and regulatory authority.
25

1 Comment: Several commenters stated that preferences should be made for small to
2 medium sustainable farming practices.

3 Response: This comment does not pertain to the proposed goal. Specific requirements
4 for different categories of water users will be considered as part of the development of
5 the management plan.

6 Comment: Several commenters stated that the goal should reference the Santa Cruz
7 AMA Goal language “preventing long-term declines of local water tables”.

8 Response: The Douglas AMA is experiencing overdraft, which necessitates a different
9 goal.

10 Comment: Several commenters stated appreciation for the Department listening to the
11 community.

12 Response: The Department appreciates engagement from local stakeholders and
13 interested parties.

14 Comment: Several commenters stated that water levels continued to decline while the
15 Douglas Irrigation Non-Expansion Area (“INA”) was in effect, expressing concern over
16 inadequate regulation by the Department.

17 Response: This comment does not pertain to the proposed goal. An INA limits irrigated
18 acreage and does not include any authority to limit the volume of groundwater
19 withdrawals. The development of the management plan for the AMA will include
20 conservation programs designed to reduce withdrawals of groundwater.

21 Comment: Several commenters stated support for the AMA because regulations are
22 needed.

23 Response: The Department appreciates the support from the commenters.

24 Comment: Several commenters stated that increasing irrigation efficiency in the
25 agricultural industry should be taken into account.

1 Response: This comment does not pertain to the proposed goal. Specific requirements
2 for different categories of water users will be considered as part of the development of
3 the management plan.

4 Comment: Several commenters stated that there is available state and federal funding
5 for recharge projects.

6 Response: This comment does not pertain to the proposed goal. The Department is
7 responsible for reviewing and permitting proposed recharge facilities and will include
8 additional information about this process in the management plan.

9 Comment: The Department received a comment stating that they will be seeking judicial
10 review.

11 Response: Requirements for judicial review are included in A.R.S. § 45-114(C).

12 Comment: The Department received a comment stating that there is a lack of distinction
13 between the two basins in the Douglas AMA.

14 Response: The Department has adopted basin and sub-basin boundaries pursuant to
15 A.R.S. § 45-403, and no sub-basins for the Douglas groundwater basin have been
16 identified.

17 Comment: The Department received a comment stating that the goal should mention the
18 cattle industry.

19 Response: The Department opted to use the words “water users” to be inclusive of those
20 who rely on AMA water supplies and who would be subject to AMA requirements.

21 Comment: The Department received a comment stating that the Department should have
22 a staff member based in a Douglas office.

23 Response: The Department is committed to providing opportunities for the regulated
24 community to engage with staff through public meetings, online office-hours, and
25 customer service that is available during all business hours.

1 Comment: The Department received a comment stating that the goal should be a 5%
2 reduction in groundwater depletion across all sectors by 2035.

3 Response: Because the Douglas AMA does not yet have a groundwater flow model on
4 which to base specific targets, the Department opted to leave specific quantitative targets
5 out of the goal and will instead include specific targets in each management plan.
6 However, in response to comments, the Department has added detail regarding those
7 targets to the goal, indicating that targets will be set for the rate of aquifer depletion in
8 the first management plan and in subsequent management plans every ten years
9 thereafter.

10 Comment: The Department received a comment stating that the public should be
11 involved in the water use approval process.

12 Response: This comment does not pertain to the proposed goal. Pursuant to A.R.S. §
13 45-479, there will be a 180-day period during which any person residing in the AMA
14 may file a written objection to any application for a certificate of grandfathered right
15 and may request a hearing on the application.

16 Comment: The Department received a comment stating that there is a need to develop
17 an interactive 3-D map of the AMA for the public.

18 Response: This comment does not pertain to the proposed goal. A groundwater flow
19 model will be developed for the Douglas AMA to better understand aquifer conditions
20 in the AMA.

21 Comment: The Department received a comment stating that there is a lack of clarity on
22 whether the goal is planned depletion or safe yield.

23 Response: The goal is to reduce the rate of water level declines in order to move the
24 AMA towards sustainability.

25

1 Comment: The Department received a comment stating that the Department should set
2 a limit of 10 acre-feet per year for operations with fees for non-compliance and
3 confiscation and/or auction of property for continued non-compliance.

4 Response: This comment does not pertain to the proposed goal. The Department does
5 not have the authority to levy withdrawal fees in the Douglas AMA and is limited to the
6 compliance authority established in the groundwater code.

7 Comment: The Department received a comment stating that dairy, cattle, and mining
8 operations are industrial and exempt from regulation under the AMA.

9 Response: This comment does not pertain to the proposed goal. In an AMA, anyone
10 using more than 10 acre-feet per year for a non-irrigation use is required to obtain a
11 grandfathered right for withdrawal authority and may be subject to additional
12 conservation requirements under the management plan.

13 Comment: The Department received a comment stating that it was not clear that the
14 AMA boundaries exceeded the previous INA boundaries.

15 Response: This comment does not pertain to the proposed goal. Pursuant to A.R.S. §
16 45-412(B), a subsequent AMA shall not be smaller than a groundwater basin. The
17 Department provided a map of the AMA boundaries to Cochise County ahead of the
18 election.

19 Comment: The Department received a comment stating that the goal should focus on
20 ensuring future generations can live in the basin if they want.

21 Response: The goal is to reduce the rate of water level declines in order to move the
22 AMA towards sustainability.

23 Comment: The Department received a comment stating that there is a need to
24 incorporate local opinions in the goal to promote a collaborative relationship.

25

