

September 9, 2024

Mr. Thomas Buschatzke, Director
Arizona Department of Water Resources
1110 W. Washington St., Suite 300
Phoenix, AZ 85007

Re: Douglas Active Management Area Draft First Management Plan Informal Comments

Dear Mr. Buschatzke:

Riverview, LLP submits the following comments regarding the Arizona Department of Water Resources' ("Department") informal draft of the First Management Plan ("1MP") for the Douglas Active Management Area ("DAMA"). Our review of the DAMA 1MP remains ongoing and Riverview may supplement these comments upon completing review.

- 4.2.1.2 Agricultural Conservation Program Calculations (p. 43) – In calculating maximum annual groundwater allotments for irrigation grandfathered rights ("IGFR"), the Department proposes to assign to IGFRs irrigation efficiencies set at 80%, 83%, or 85% based on the number of acres in an IGFR. Experts in Arizona groundwater law have informed us that A.R.S. § 45-569(B) directs the Department to develop management plans and conservation requirements in a subsequent AMA that "follow as closely as practicable the program set forth in sections 45-565 through 45-568." Under A.R.S. §§ 45-566 through -568, when calculating IGFR water duties, the Department may not assign an irrigation efficiency greater than 80%. The draft DAMA 1MP does not indicate that it would be impracticable to calculate water duties for IGFRs in the DAMA using the statutory 80% irrigation efficiency limit that applies in the initial AMAs, however. Moreover, farms at or around 150 acres in size may be too small to practicably achieve the highest irrigation efficiencies. Therefore, Riverview suggests that the Department consider setting the maximum assigned irrigation efficiency in the DAMA at 80%, as required in the initial AMAs.
- Appendix 4A DAMA Consumptive Use (p. 55) – It is unclear from the draft DAMA 1MP how the Department determined the consumptive use requirements by crop set forth in Appendix 4A. Because crop consumptive use requirements are a key component of the IGFR water duty calculation, Riverview requests that the Department provide more information regarding the basis for its consumptive use figures to enable stakeholders to evaluate and provide meaningful feedback on crop requirements.

Thank you for the opportunity to comment on the informal draft DAMA 1MP. We appreciate the Department's commitment to protecting, conserving, and enhancing Arizona's water supplies. Riverview supports common-sense water conservation strategies in the Sulphur Springs Valley, and we appreciate the Department's willingness to engage with stakeholders throughout this process. If you have any questions, please do not hesitate to contact us.

Sincerely,

Riverview, LLP