



1 A.R.S. § 45-571(B), the Director has made the necessary modifications and is filing in the  
2 Department an order adopting the plan as modified simultaneously with this Summary and  
3 Findings. After reviewing the comments and evidence submitted during the hearing record  
4 period, the Director makes the following written summary and findings with respect to matters  
5 considered during the hearing record period.

6  
7 **II. Summary of Hearing and Findings**

8 A summary of the comments received during the hearing record period and the  
9 Director's responses to the comments are presented below. The Director received one written  
10 comment during the hearing record period.

11 *1. Well spacing requirements*

12 Comment: Commenter stated that they oppose well spacing requirements for wells that  
13 withdraw subflow.

14 Response: Management plans for the SCAMA are required to include "criteria for the location  
15 of new wells and replacement wells in new location", pursuant to A.R.S. § 45-563(B). See also  
16 A.R.S. §§ 45-451 and 5-567(A)(9). These requirements, contained in Section 7.8 of the Fifth  
17 Management Plan, are identical to those contained in the Third and Fourth Management Plans.

18  
19 *2. Assured Water Supply*

20 Comment: Commenter stated that they oppose the adoption of Assured Water Supply Rules for  
21 SCAMA.

22 Response: This comment does not relate to any specific provision of the Fifth Management Plan  
23 and is therefore outside the scope of this proceeding.

1 *3. Safe-yield*

2 Comment: Commenter stated that SCAMA is maintaining safe-yield so no additional  
3 conservation requirements are necessary in the fifth management plan.

4 Response: As noted in Section 2.6.4 of the Fifth Management Plan, “from 1985 to 2019, the  
5 Santa Cruz AMA has been in overdraft for all but four years, and as of 2019, the SCAMA is in  
6 a state of long-term overdraft.” Increasing conservation requirements in successive  
7 management plans is consistent with the incremental design of the plans in the Groundwater  
8 Code and can assist the SCAMA with achieving its management goal as required by A.R.S. §  
9 45-563(B).

10 *4. Surface Water Rights*

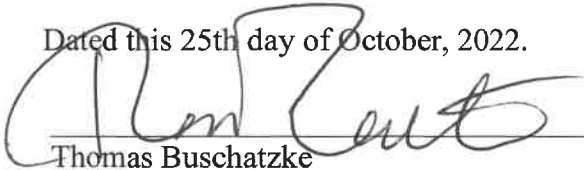
11 Comment: Commenter expressed concerns about phrasing related to senior surface rights and  
12 the regulation of surface water.

13 Response: As provided in A.R.S. § 45-451(B) the Groundwater Code “shall not be constructed  
14 to affect decreed and appropriative water rights.” However, the language in A.R.S. § 45-451(C)  
15 makes it clear that the legislature intended that wells withdrawing appropriable surface water in  
16 SCAMA can be subjected to conservation requirements and well location requirements adopted  
17 by the Department.

18 **III. Conclusion**

19  
20 The Director has determined it is appropriate to adopt the proposed plan, with the non-  
21 substantive modifications, as the Fifth Management Plan as described in the Order of Adoption  
22 issued simultaneously with this Summary of Hearing and Findings.

23 Dated this 25th day of October, 2022.

24   
25 \_\_\_\_\_

Thomas Buschatzke  
Director, Arizona Department of Water Resources