

ARIZONA DEPARTMENT OF WATER RESOURCES  
PUBLIC COMMENT HEARING ON:  
THE PROPOSED MANAGEMENT GOAL  
FOR THE DOUGLAS ACTIVE MANAGEMENT AREA

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Phoenix, Arizona  
June 28, 2023  
4:00 p.m.

Prepared by:  
Vicki L. O'Ceallaigh Champion  
Certificate No. 50534

Perfecta Reporting  
(602) 421-3602

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1 June 28, 2023

2 4:00 p.m.

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4 P R O C E E D I N G S

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6 MR. RIGGINS: Good afternoon, everybody.

7 For the record, today is June 28, 2023, and the time  
8 is 4:00 p.m. We are here at the Douglas Visitor  
9 Center located at 345 16th Street, Douglas, Arizona.  
10 This is the time and place for the public hearing on  
11 the proposed Management Goal for the Douglas Active  
12 Management Area.

13 My name is John Riggins. I am the Statewide  
14 Planning Manager at the Arizona Department of Water  
15 Resources, and I will be the hearing officer for  
16 today's hearing.

17 With me at the hearing is Michellsey  
18 Benally, AMA Program Manager. Michellsey will  
19 provide some background and an explanation of the  
20 Proposed Management Goal. Also with me today --

21 UNIDENTIFIED SPEAKER: Could you point out  
22 who is who.

23 MR. RIGGINS: Sure.

24 THE COURT REPORTER: I'm sorry. This is  
25 Vicki, your court reporter. The audio is quite

1 poor.

2 MR. RIGGINS: Okay. Thank you, Vicki.

3 (Off the record. Audio issues.)

4 MR. RIGGINS: As I was stating, also with me  
5 today from the Department are: Karen Nielsen,  
6 Deputy Counsel; Natalie Mast, AMA Director; Mike  
7 Ortiz, AMA Establishment Coordinator, sitting back  
8 there; Brandon Thalman, Data Specialist, also  
9 sitting next to Mike; Public Information Officer,  
10 Shauna Evans; and Sharon Scantlebury, our Docket  
11 Supervisor.

12 We also have a court reporter, Vicki, who  
13 will be attending virtually to record and transcribe  
14 what is being said today, so it is important for  
15 speakers to please use the microphone, speak up, and  
16 speak slowly so that the court reporter can  
17 accurately record your comments. If anyone has  
18 difficulty hearing me or a speaker, please let me  
19 know, and we have already tested that out.

20 For those in person, if you haven't already  
21 done so, please sign the sign-in sheet on the table  
22 near the entrance. There are also speaker cards on  
23 the table. If you would like to speak today, please  
24 fill out a speaker card if you haven't done so  
25 already, and you can submit that card to Mike Ortiz,

1 in back, or Sharon Scantlebury.

2           For those on the webinar, we have provided a  
3 link to the virtual speaker card in the chat box and  
4 on the screen. The chat box can be opened by  
5 clicking the speech bubble icon at the bottom of the  
6 screen. If you would like to speak via webinar  
7 today, please use the virtual speaker card, and  
8 staff will call on you when it is your turn to  
9 speak. Everyone was muted upon entry into the  
10 webinar today, so please unmute yourself when it is  
11 your turn to speak.

12           For those participating via telephone and  
13 not on the webinar and you would also like to make a  
14 verbal comment, please state and spell your name,  
15 and we will call on you when it is your turn to  
16 speak. If you would not like to make a comment,  
17 please simply stay silent. We will call on all  
18 telephone participants to speak after we call the  
19 webinar participants.

20           Persons presenting comments at the hearing,  
21 whether in person or virtually, will be subject to a  
22 three-minute time limit to ensure all who wish to  
23 speak receive an opportunity to do so.

24           The purpose of this hearing is to provide  
25 members of the public the opportunity to make

1 written -- oral or written comments on the proposed  
2 management goal for the Douglas Active Management  
3 Area. We will not be responding to questions or  
4 comments at this hearing today. However, we will do  
5 so in writing as part of the formal management goal  
6 adoption process. If anyone has any questions or  
7 comments on issues or programs that are outside the  
8 scope of this hearing, you can contact me or one of  
9 our staff after the hearing.

10           Today's hearing will be conducted in a  
11 formal manner. As I mentioned previously, a court  
12 reporter is recording everything being said. A copy  
13 of the transcript of the hearing will be available  
14 for review at the Department's office and will also  
15 be posted on the Department's website when it is  
16 available. This meeting is also being recorded via  
17 Webex and will be available online within a few  
18 days.

19           At the conclusion of the hearing, I will be  
20 accepting any written comments or documentary  
21 evidence that anyone may wish to submit to the  
22 Department regarding the proposed management goal.  
23 The Department will also accept written comments  
24 until midnight today. Written comments, submitted  
25 up until midnight today, should be submitted to the

1 Department's Docket Supervisor, Sharon Scantlebury,  
2 by email to docketssupervisor@azwater.gov or fax at  
3 (602) 771-8686.

4 A copy of the public notice with Sharon's  
5 contact information is posted on the Department's  
6 website, and her business cards are located on the  
7 table near the entrance if you would like one.

8 Within 30 days from today, the Director will  
9 make and file in the department a written summary  
10 and findings with respect to the comments and  
11 evidence received at this hearing and prior to  
12 midnight today.

13 If the findings -- if in the findings, the  
14 Director decides to adopt the management goal, the  
15 Director will make and file with the Department an  
16 order adopting the goal pursuant to the findings.  
17 Notice of the order will be sent to all persons who  
18 signed the attendance sheet today and to all persons  
19 who submitted comments or evidence prior to the  
20 close of the record. Please make sure you provided  
21 your physical or email address to receive a copy of  
22 the Notice.

23 The Director will also publish the  
24 management goal, findings, and order of adoption  
25 once a week for two consecutive weeks in

1 Herald/Review Media. Pursuant to Arizona Revised  
2 Statutes, Sections 45-571 and 45-114, Subsection  
3 (C), any person may file a request for rehearing or  
4 review of the order of adoption within 30 days after  
5 the second publication of the notice.

6 The last day for filing requests for  
7 rehearing or review will be identified in the  
8 published notices of the order of adoption. If no  
9 one files a timely request for rehearing or review,  
10 the goal will become final.

11 If a timely request for rehearing or review  
12 is filed, the Director will have 60 days after  
13 receiving the request to issue a decision on the  
14 request.

15 The Director may grant a rehearing, grant a  
16 review without a rehearing or deny the request.

17 Any person may seek judicial review of the  
18 Director's decision to adopt the management goal as  
19 provided in Arizona Revised Statutes, Section  
20 45-114, Subsection (C).

21 So now I will turn the hearing over to  
22 Michellsey Benally, who will describe the proposed  
23 goal in greater detail. Michellsey.

24 MS. BENALLY: Thank you, John.

25 Good afternoon. Thank you, everybody, for



1 being here today, and thank you for allowing us to  
2 be here today, as well.

3 My name is Michellsey Benally, and I am the  
4 AMA Program Manager for the Arizona Department of  
5 Water Resources. The purpose of this presentation  
6 is to present information on the proposed Management  
7 Goal for the Douglas AMA.

8 The legal structures for Active Management  
9 Areas established under the 1980 Groundwater  
10 Management Act, which created ADWR, imposed  
11 groundwater regulations in the initial irrigation  
12 non-expansion areas and active management areas and  
13 it authorized the establishment of new AMAs and INAs  
14 by either local initiation or by designation of the  
15 ADWR Director -- ADWR Director. Sorry.

16 The initial AMAs were Prescott, Phoenix,  
17 Pinal, and Tucson. The Santa Cruz AMA was split out  
18 from the Tucson AMA in 1995 and is still considered  
19 an initial AMA, because it did not change the  
20 geographic footprint of those initial AMAs. The  
21 establishment of the Douglas AMA in December of last  
22 year was the first ever subsequent AMA and a part of  
23 the first expansion of regulated areas since the  
24 1980s.

25 On August 30, 2022, in response to a

1 petition that was filed by residents pursuant to  
2 A.R.S. § 45-415, the Board of Supervisors of Cochise  
3 County called for an election to be held on  
4 November 8, 2022, on whether the designated -- on  
5 whether to designate the Douglas Groundwater Basin  
6 as a subsequent AMA. The AMA was designated on  
7 December 1, 2022, with the certification of that  
8 election.

9           This map shows the delineation of the  
10 Douglas AMA as well as the previous Douglas INA  
11 boundaries, all of which lie entirely within Cochise  
12 County.

13           This slide shows the statutory framework for  
14 establishing a management goal in a subsequent AMA.  
15 The management goals in the initial AMAs were all  
16 established in statute, so this is the first time  
17 these statutes have been put into practice.

18           In January, ADWR began a public process to  
19 collect public input and to propose a management  
20 goal. Today's hearing is a continuation of that  
21 process, and is a portion of the formal legal  
22 process used to adopt the management goal. Written  
23 and verbal comments may be submitted during this  
24 hearing. Any additional written comments not  
25 presented during today's hearing must be submitted

1 no later than midnight today to docketssupervisor@  
2 azwater.gov. We will present this email address  
3 again at the end of the presentation.

4           Based on the results of the election, the  
5 Douglas AMA was designated on December 1, 2022.  
6 ADWR held an information session on January 5, 2023,  
7 to discuss the goal framework and initiate the  
8 informal public comment period. The initial draft  
9 of the Douglas AMA Management Goal was discussed  
10 during a public meeting on April 11, 2023, at  
11 Douglas High School. From January to April, ADWR  
12 accepted informal comments and worked to revise the  
13 goal in response to those comments.

14           On May 24, 2023, ADWR published the proposed  
15 management goal, which is the topic of the hearing  
16 today. On April 24th and 31st, a public notice was  
17 published in Herald/Review Media and on ADWR's  
18 website announcing today's hearing and opening the  
19 formal comment period on this plan, which closes  
20 today at again at midnight. ADWR will publish  
21 written findings from today's hearing within 30 days  
22 and may adopt the goal at that time.

23           This slide shows the management goal  
24 language for the five initial AMAs. ADWR considered  
25 these existing goals and experience in analyzing

1 these existing goals in laying out a framework and  
2 principles for the Douglas AMA management goal.

3 ADWR presented a number of principles for  
4 the Douglas AMA management goal. The goal should  
5 move the AMA towards long-term water sustainability  
6 by setting certain water resource management  
7 criteria to decrease outflows from and increase  
8 inflows to the aquifer.

9 The goal should be measured or contained  
10 within -- contained -- sorry. Let me start that  
11 again.

12 The goal should measured or should be  
13 measured or contain some kind of evaluation  
14 criteria. There must be a timeline in which to  
15 achieve the goal. The goal must be achievable and  
16 appropriate for the Douglas AMA. Finally, the goal  
17 must be legal, reasonable, and defensible.

18 Based on the goals for the other AMAs, ADWR  
19 laid out a framework for the Douglas AMA management  
20 goal. This framework includes the goal itself, the  
21 desired outcome, which is generally broad and  
22 long-term, the objective, which is a specific and  
23 measurable action that must be achieved to reach the  
24 goal, and a timeline, the time by which the goal  
25 should be achieved.

1           Please note that specific strategies to  
2 achieve the objective may change over time and  
3 aren't typically included in the goal statement.

4           UNIDENTIFIED SPEAKER: Sorry to interrupt.  
5 Is there a way to stop that shaking?

6           MS. BENALLY: Unfortunately, it's the air  
7 conditioning in here.

8           MR. RIGGINS: We could turn it off.

9           UNIDENTIFIED SPEAKER: He said it will stop  
10 when the air conditioning turns off.

11          MS. BENALLY: Oh, we don't want to die in  
12 here.

13          Okay. I'm going to continue. With all of  
14 these things in mind, the Director has provided the  
15 following as the proposed management goal: "The  
16 management goal of the Douglas AMA is to support the  
17 general economy and welfare of water users in the  
18 basin by attempting to reduce the rate of aquifer  
19 depletion by 2035 and every 10 years thereafter."

20          To further explain the proposed goal, we'll  
21 now go through the specific language in the goal and  
22 how it fits into the template. The portion that  
23 fits the "goal" component is "to support the general  
24 economy and welfare of water users in the basin..."  
25 The first portion of this phrase echoes language

1 used in the Declaration of Policy for the  
2 Groundwater Code, which describes the importance to  
3 the State of managing water -- of managing  
4 groundwater supplies. This phrase also refers  
5 generally to "water users" to be inclusive of those  
6 who rely on AMA water supplies.

7           The next portion of the goal is the  
8 measurable objective: "reduce the rate of aquifer  
9 depletion." which includes attempting -- wait.  
10 Sorry -- "attempting" here to mirror the language  
11 used to define safe-yield for several of the initial  
12 AMAs.

13           The last portion of the goal is the  
14 timeline: "by 2035 and every 10 years thereafter."  
15 This language both establishes an initial timeline  
16 in which to achieve some progress towards the goal  
17 and establishes a cycle for ongoing evaluation of  
18 the rate of the aquifer depletion in the AMA. This  
19 would allow future management plans to be responsive  
20 to changes in aquifer conditions in the AMA.

21           Bringing each of these components back  
22 together, the proposed goal for the Douglas AMA is  
23 "to support the general economy and welfare of water  
24 users in the basin by attempting to reduce the rate  
25 of aquifer depletion by 2035 and every 10 years

1 thereafter."

2           Thank you for your time and attention. With  
3 that, I will hand it back over to John, who will be  
4 calling up speakers.

5           MR. RIGGINS: Thank you, Michellsey.

6           So that brings us to (indecipherable). For  
7 those participating via telephone through the  
8 webinar and would like to make a verbal comment,  
9 please state and spell your name now. We will call  
10 on you when it is your turn to speak  
11 (indecipherable) telephone participants.

12           If you would not like to make a comment,  
13 please simply stay silent. We will call on  
14 telephone participants after the webinar.

15           Do we have anybody participating on the  
16 telephone? We do not. We will call for telephone  
17 participants again later.

18           So that brings us to the in-person speaker  
19 cards, and I see we do have a few. So please be  
20 advised those presenting comments at the hearing,  
21 whether in person or virtually, will be subject to a  
22 three-minute time limit to ensure all who wish to  
23 speak receive an opportunity to do so.

24           I will now -- or Natalie will begin calling  
25 the names of the persons who filled out speaker

1 cards here in person.

2           If you wish to speak and you have not filled  
3 out a speaker card, they are available at the back  
4 table with Tereza, and you can pick one up and  
5 submit them to Tereza or to any of the ADWR staff  
6 here in the room.

7           When we call your name, please come up to  
8 the podium in the front and state and spell your  
9 name for the record, identify any person or entity  
10 that you represent, and then give your comments.

11           So Natalie will begin calling the names.  
12 Again, just a reminder, there is a three-minute time  
13 limit that will start as soon as you begin speaking.

14           MS. MAST: Great. The first person who  
15 turned in a comment card is Christian Sawyer.

16           MR. SAWYER: Would you say the time limit on  
17 the --

18           MS. MAST: Three minutes.

19           MR. SAWYER: Our audio is good?

20           MR. RIGGINS: We may have to -- because we  
21 are checking audio through here, can the on-line  
22 participants --

23           MR. SAWYER: Do I use the microphone?

24           MR. RIGGINS: Use the microphone, sir. If  
25 you don't mind, just --



1 MR. SAWYER: Check one, two, three.

2 MR. RIGGINS: On line, can everybody --  
3 Vicki, our court reporter --

4 THE COURT REPORTER: I think I can hear it.

5 MR. RIGGINS: Okay. Go ahead, Mr. Sawyer.

6 MR. SAWYER: All right. Your proposed goal  
7 is the only potential AMA goal that would reference  
8 our groundwater codes declaration of intent which  
9 states that the interest of the code is, "Protecting  
10 and stabilizing the general economy and welfare of  
11 this State and its citizens, but it would also  
12 distort and undermine that declaration by language.  
13 Instead of "protecting" and "stabilizing," your goal  
14 is to "support."

15 Instead of identifying our geography and its  
16 citizens, your goal is in service of water users in  
17 the basin, ambiguously inclusive language, but also  
18 dangerous. The proposed goal would also regress  
19 (indecipherable) by using the word "intent" rather  
20 than "achieve" or any kind of serious language.

21 Director Buschatzke recently defended the  
22 inclusion of this word with an irrational and  
23 illegally indefensible argument at the recent water  
24 policy counsel meeting.

25 Your proposed goal aspires, at most, to

1 reduce the rate of aquifer depletion leaving the  
2 door open for a planned completion and management  
3 plan which will lead our community towards  
4 (indecipherable) organization and the slow death of  
5 agriculture, as has happened with the Pinal AMA's  
6 planned completion goal.

7 MR. RIGGINS: Mr. Sawyer, I apologize. We  
8 are going to need to move that closer there. I  
9 apologize.

10 MS. MAST: Start it over for you.

11 UNIDENTIFIED SPEAKER: Vicki -- Natalie,  
12 we'll be fine.

13 MR. RIGGINS: I apologize.

14 MS. MAST: No. You are fine.

15 MR. RIGGINS: Vicki, on line, you can hear?  
16 You heard the last comments --

17 THE COURT REPORTER: The audio is quite  
18 difficult.

19 MR. RIGGINS: Would you like Mr. Sawyer to  
20 start over?

21 MS. MAST: Why don't you go ahead and  
22 start --

23 (Indecipherable).

24 MR. RIGGINS: How is the audio now, Vicki?

25 THE COURT REPORTER: I'm sorry?

1 MR. RIGGINS: Is the audio better?

2 MS. MAST: Oh, boy.

3 THE COURT REPORTER: I didn't catch what you  
4 said. I'm sorry.

5 MS. MAST: The mic is not by you, so she  
6 can't hear you, so Mr. Sawyer needs to come a little  
7 closer.

8 (Indecipherable).

9 MS. MAST: Sorry about that.

10 THE COURT REPORTER: I also cannot identify  
11 who is speaking. There is just a lot of voices, and  
12 I don't know who is speaking, and the audio is  
13 terrible.

14 MR. SAWYER: Vicki, can you hear me now?

15 THE COURT REPORTER: I can hear that.

16 MR. RIGGINS: Okay. So, Vicki, this is  
17 John Riggins, the Hearing Officer. Mr. Sawyer,  
18 Christian Sawyer, is going to be giving some  
19 comments. (Indecipherable).

20 MR. SAWYER: All right. Take 2. Christian  
21 Sawyer speaking. The proposed goal is the only  
22 potential AMA goal, which would reference our  
23 groundwater codes declaration of intent which states  
24 that the interest of the code is, quote, "Protecting  
25 and stabilizing the general economy and welfare of

1 this State and its citizens, but the proposed goal  
2 would also distort and undermine that declaration by  
3 using weaker language. Instead of "protecting" and  
4 "stabilizing," your goal is to, quote, "support."  
5 Instead of identifying our geography and its  
6 citizens, your goal is in service of water users in  
7 the basin, which as you mentioned is inclusive, but  
8 not -- they should not be. It's ambiguous.

9           The proposed goal would also regress  
10 (indecipherable) by using the word "intent" rather  
11 than "achieve" or any kind of serious language  
12 that would be measurable and meaningful.

13           Director Buschatzke recently defended the  
14 inclusion of this word with an irrational and  
15 illegally indefensible argument at the recent water  
16 policy counsel meeting.

17           Your goal aspires, at most, to reduce the  
18 rate of aquifer depletion leaving the door open for  
19 a planned completion and management plan which will  
20 lead our community towards organization and the slow  
21 death of agriculture, as has happened with the Pinal  
22 AMA's planned completion goal.

23           You have set the bar as low as you felt you  
24 might get away with, lower than any other AMA, and  
25 you have done so with rural communities like ours,

1 most in need of good help (indecipherable) such as  
2 from our public service and the agency whose mission  
3 is protecting and enhancing Arizona's water supplies  
4 for current and future generations.

5           There is nothing in ADWR's mission statement  
6 about supporting or attempting or unidentified water  
7 users. You are hoping that the AMA goal, which  
8 undermines the law, will be your shield from any  
9 accountability. You have made the mistake of  
10 believing that the Douglas AMA goal is the AWR's  
11 goal when it is that basin's goal, and your job is  
12 to help us achieve our goal.

13           The goal that I propose to you and to my  
14 neighbors here is the management goal of the Douglas  
15 AMA is to protect and stabilize the general  
16 economy and welfare of the basin and its residents  
17 by eliminating the long-term declines of local water  
18 tables by 2015 and thereafter.

19           I have extensive and grounded arguments for  
20 every word in this management proposal appealing to  
21 our statutes, policy precedent, previous public  
22 comments made by both residents, politicians, and  
23 your administration.

24           (Indecipherable) have been reviewed and  
25 affirmed by previous AMA directors, policy experts,

1 local residents like myself, (indecipherable),  
2 lawyers and attorneys.

3           Between the strength of the arguments and  
4 the statutory violations you have made in the  
5 management goal process, I'm confident that it would  
6 secure a recall, if you adopt the proposed goal and  
7 (indecipherable) judicial review.

8           Do not underestimate the importance and the  
9 power of the residents in the basin and don't  
10 underdeliver your efforts to create a transparent  
11 and cooperative working relationship with all of us.  
12 Thank you.

13           MR. RIGGINS: Thank you.

14           THE COURT REPORTER: May I request that that  
15 written statement be left with the Chairperson.

16           MR. RIGGINS: It will be emailed.

17           THE COURT REPORTER: Thank you.

18           MS. HAMERS: Next comment card is Alice  
19 Hamers.

20           MR. RIGGINS: Vicki, how is the audio? This  
21 is Hearing Officer. How was the audio on that  
22 last --

23           MS. HAMERS: (Indecipherable) my three  
24 minutes. My name is Alice Hamers. I live in  
25 McNeal. I would like to say that, first -- oh,

1 there we go. (Indecipherable.)

2           So let's say a goal is not attempted. A  
3 goal is set. You don't say, "My goal is to attempt  
4 to paint the bathroom." My goal is to paint the  
5 bathroom. You may succeed exact not -- not succeed  
6 exactly as planned, but your goal is set. You are  
7 going to paint the bathroom.

8           Now we need to set the goal for the AMA.  
9 Following the Santa Cruz AMA goal, quote,  
10 "preventing long-term declines of the local water  
11 tables," thus helping stabilize groundwater would be  
12 totally appropriate and an economically sound goal  
13 for the Douglas basin, or better yet, simply set the  
14 goal as preventing the decline of local water  
15 tables.

16           Also essential is to stop the unsustainable  
17 withdrawal of groundwater by the endless  
18 proliferation of nut orchards and the huge  
19 industrial agricultural interests that have moved  
20 into both Douglas and Willcox Basin, because there  
21 was no regulation of groundwater withdrawal.

22           An aside, under the state revoke the well  
23 drilling requirements for the Saudi alfalfa growers,  
24 just an aside.

25           The ADWR needs to work with, not encumber

1 with paperwork and out-of-the-park fees, the small  
2 to medium-sized agriculture and commercial ventures  
3 that add significantly now to the economic and  
4 general well-being of our communities. ADWR's  
5 overall goal is to promote economically viable  
6 communities through San (indecipherable) the scarce  
7 water resources in a desert climate.

8           Without water above ground or subterranean,  
9 there is no economy at all, period. Therefore, it  
10 is the responsibility of ADWR to preserve and  
11 encourage commercial and agricultural endeavors that  
12 do not threaten the depletion of the groundwater in  
13 the Douglas Basin, or Willcox Basin, or anywhere  
14 else in Arizona, and also to protect residential  
15 wells from going dry and to focus on two goals:  
16 One, preventing overall groundwater decline; and  
17 two, specifically ensure that giant corporate  
18 agriculture, nut orchards, and any other large  
19 commercial venture developments are strictly limited  
20 in the amount of groundwater pumping allowed.

21           If these large scale enterprises cannot  
22 exist with that, the unsustainable use of  
23 groundwater, then they simply do not belong in the  
24 Sulpher Springs Valley. I'd also like to --

25           MS. MAST: Ma'am, that's your time.



1 MS. HAMERS: Okay. Also, be careful of what  
2 you ask for, because you'll probably  
3 (indecipherable) the INI. Look at the difference --

4 MS. MAST: Thank you. Thank you.

5 MR. RIGGINS: Ma'am.

6 MS. MAST: Thank you. Thank you.

7 The next comment card is for Alegra  
8 Davidson.

9 MS. DAVIDSON: I'm Alegra Davidson, and I  
10 did not prepare a comment. I would like to make a  
11 comment. Two things: One, it sounds like your  
12 goals are very far into the future, and I think that  
13 you should consider what is actually happening in  
14 the aquifer at the moment and the actual time that  
15 it's going to take to stabilize that.

16 My other comment is just that it talks about  
17 preserving the economy of the area. I think that  
18 you should consider only preserving the economy of  
19 the residents of the area, not the economy of the  
20 imported companies that have moved in and don't --  
21 are not residents at all. I think that we should be  
22 concerned about what's happening locally to us and  
23 to all the residents, whether they are farming or  
24 whether they are just residing in that area.

25 And I think that this can be done by setting

1 moderately high limits on the amount of water  
2 extraction per person, per farm, or per corporation.  
3 I would suggest something like 10 acre feet a year.  
4 I don't know if that's reasonable or not, but there  
5 are individuals that are pumping enormous amounts of  
6 water, and it's unfair to the residents that have  
7 been living here for years. Thank you.

8 MR. RIGGINS: Thank you.

9 MS. MAST: The next comment card is Elaine  
10 Bailey.

11 MS. BAILEY: First of all, I want to thank  
12 everybody that's sitting at the table for being here  
13 today and listening to all of us, because we greatly  
14 appreciate it. This is our home. We live here. We  
15 love it, and we want to stay here, and so, as you  
16 can tell, many of us, most of us, all of us, feel  
17 very, very passionate about our homes.

18 There are some things I'm confused about.  
19 As of August 30th, things were put into place  
20 depending on the actual vote where we all got to go  
21 and voice our opinion and vote. And, at that time,  
22 it was said that things will be restricted, things  
23 will continue, or they will be null and void. Well,  
24 it passed. We voted, and it passed.

25 And so I'm very concerned, because it says

1 land was not to be cleared. Well, if you look out  
2 my front window, there is land being cleared right  
3 and left. There is millions of trees, grapes that  
4 have been planted. Let me emphasize millions,  
5 all right, and everything is being irrigated.  
6 Everything.

7 I have already run out of water once. Okay?  
8 We had to go deeper. If I -- I cannot go deeper.  
9 The next thing I have to do is put in a new well,  
10 and that doesn't make me real happy to the tune of  
11 \$40- to \$50,000.

12 I'm happy if the water goes to our local  
13 ranchers and our local farmers, but that's not the  
14 case when people are putting in millions of trees.  
15 They don't live here. They have nothing to do with  
16 being here. I don't understand how it's legal,  
17 because the way everything was written up, this is  
18 not legal, and there is no follow through.

19 All I hear every day on the news is, "Oh,  
20 God. We have problems in Arizona." We do, and I  
21 don't understand. If we are having such problems in  
22 our state, then why are these people and  
23 corporations being allowed to grow and come in in  
24 the first place? Why do we have pivots that are  
25 running 24/7 when during the heat of the day,

1 60 percent of that water is being evaporated?

2 We're all intelligent people. We have to  
3 know that what's going on here is wrong, and it  
4 doesn't take a brain scientist to realize this.

5 Help our community. This is our home. I  
6 don't know who lives here at the table or the first  
7 row, to be honest with you, but I live here, and I  
8 know that I'm speaking for many, many people. Thank  
9 you.

10 MS. MAST: The next comment card is Jackie  
11 Watkins.

12 MS. WATKINS: Hi. I'm Jackie Watkins. I'm  
13 a local farmer. My family has been farming here for  
14 over 150 years, farming and ranching. My husband  
15 and I have a farm, and we raise cows, sheep, and  
16 irrigated alfalfa and pecans. The pecan tree is one  
17 of the only native nut trees to North America.

18 The groundwater code that started in 1945  
19 was the first attempt in Arizona to regulate the use  
20 of groundwater. In 1965, the Douglas Basin was  
21 declared a critical groundwater area and limited the  
22 drilling of new irrigation wells.

23 Then in 1980, it was declared the Douglas  
24 Irrigation Non-Expansion Area. This limited the  
25 irrigation to those acres that were irrigated in the

1 preceeding five years. With all of this, our  
2 groundwater is still depleting. We need to do  
3 something. The IMA only controlled the use of  
4 irrigation water, not industrial or other  
5 agriculture use.

6           With the AMA, it will control and help the  
7 groundwater depletion by all users of the basin. I  
8 support the groundwater basin -- or AMA, and one way  
9 to increase the groundwater levels and increase the  
10 aquifer is through recharge.

11           One of the agencies that can help us do that  
12 is the Whitewater Draw Natural Resource Conservation  
13 District, which is part of the State Land  
14 Department's agencies that we have, and they can get  
15 funds from the USDA Natural Resources Conservation  
16 Services that can help get projects for the area.

17           So we need to try to find solutions to  
18 increase the aquifer groundwater and not deplete it.  
19 Thank you.

20           MS. MAST: The next comment card is Ron  
21 Bemis.

22           MR. BEMIS: Thank you. My name is Ron Bemis  
23 from McNeal. I just want to take a brief moment.  
24 Our family has been farming and ranching here for  
25 approximately 115 years in the middle of the Valley.

1 And as just said, farming has been going on here for  
2 a very long time, and it has been increasing in  
3 water efficiency and technology through the decades.  
4 We need to continue that.

5           And with that said, my comment about your  
6 proposed management goal is it includes -- does not  
7 include the word "agriculture" in it anywhere, and  
8 that is critically important when it comes to  
9 funding from federal, state, and nonprofit agencies  
10 to implement conservation issues. And I would very  
11 much like to see that wording included in your  
12 statement. Thank you very much.

13           MS. MAST: The next comment card is Stella  
14 Brown.

15           MS. BROWN: I can pass. Everything has  
16 already been said.

17           MR. RIGGINS: Thank you.

18           MS. MAST: Next I have a comment card from  
19 Chris from McNeal.

20           CHRIS: I found a flier in the WalMart  
21 parking lot. They are scattered all over, and they  
22 say the Arizona Department of Water Resources all  
23 over them. Did you guys put these all over? I'm  
24 told this is littering when you leave these all  
25 over. These were all over the parking lot, so

1 somebody has been posing as you people.

2 I have been told the golf courses, the  
3 mines, and the dairy are all in the same category;  
4 is that correct? Are they industrial and exempt?

5 MR. RIGGINS: So we are not responding to  
6 questions. We are --

7 CHRIS: Okay. Well, okay. For those people  
8 who need to wake up and see what is going on that  
9 don't know, I believe dairies and mines and golf  
10 courses are under industrial, and they are exempt.

11 And then the boundaries, how you expanded  
12 them from the INA to the AMA, I believe I read those  
13 people will be charged \$1,000 that weren't in the  
14 IMA, and I don't know why they are doing that to  
15 them, what they did wrong. I guess that's about it.

16 MR. RIGGINS: Thank you. And thank you for  
17 providing this flier. I don't think this is  
18 something the Department would post or leave in a  
19 parking lot.

20 MS. MAST: Next comment card is Fred Davis.

21 MR. DAVIS: Hi. I'm a fourth generation  
22 rancher here in Cochise County. I guess this is  
23 kind of a moot point, since you are not answering  
24 any questions, but I have quite a few questions on  
25 the people who were included and who weren't

1 included on the vote on this AMA. The City of  
2 Bisbee was included. They received no water from  
3 the Douglas Basin. It all comes from Naco, which  
4 was grandfathered in. It's coming from the  
5 San Pedro Basin.

6 And I was also told that Rucker Canyon  
7 people were not included in the vote. I don't think  
8 it was very clear to begin with that the boundaries  
9 exceeded the IMA. There were a lot of people who  
10 weren't aware it was going to include their property  
11 that was excluded from the IMA. Thank you.

12 MR. RIGGINS: Thank you. I appreciate your  
13 comments, sir. Although we are not responding to  
14 questions and comments here today, we will respond  
15 to any questions or comments from this hearing today  
16 as part (indecipherable).

17 MS. MAST: The next comment card is Kris  
18 Mayes.

19 MS. MAYES: Good evening. Hello everyone.  
20 thank you for allowing me to be here. My name is  
21 Kris Mayes. I'm an Arizona Attorney General. As  
22 someone who grew up on farm in Prescott, Arizona, I  
23 know how important rural Arizona is to our state,  
24 and I also know how often it feels like rural  
25 Arizona is a thorn, taken for granted, and doesn't



1 always have a seat at the table.

2 I'm joining you tonight, because I care  
3 deeply about this issue, and I care about your  
4 concerns.

5 Many of you probably have land that has been  
6 in your family for generations. Many of you want  
7 assurance that there will be water for generations  
8 to come. What we all understand at its core is that  
9 if we don't have water, we can't survive.

10 Because much of rural Arizona isn't covered  
11 by the Groundwater Management Act of 1980, our state  
12 has become ripe for mega farms, hedge funds looking  
13 to mine and sell our water, and water  
14 (indecipherable) crop growers who have either  
15 depleted their own aquifer in their own country and  
16 simply taking advantage of our lax water laws where  
17 they can.

18 These entities have money to drill deeper  
19 and deeper wells, some a half a mile deep, while  
20 small farmers, ranchers, and residents are left with  
21 dewatered wells and land subsidence. This is  
22 unsustainable for anyone.

23 As we know, Cochise County is not alone. In  
24 La Paz County, as someone recently mentioned,  
25 residents are feeling the deeply negative impacts of

1 the decision by the State of Arizona to allow Saudi  
2 Arabia and (indecipherable) corporations to farm  
3 alfalfa, drilling numerous deep water wells that  
4 have dewatered the wells for residents and ranchers  
5 causing lands subsidence all so the Saudis can send  
6 alfalfa back to Saudi Arabia for their cows. None  
7 of this makes sense, but it is the result of years  
8 of neglect by the political leadership of our state,  
9 and that must come to an end.

10           The very fact that the voters here took  
11 matters into their own hands to create an AMA is a  
12 sign of the failure of the State to help local  
13 communities to manage their groundwater supplies.  
14 The objective of ADWR should be to ensure that the  
15 young people of our counties, Cochise County, La Paz  
16 County, Yavapai County, will be able to stay in  
17 Cochise County for their lives and the lifetimes of  
18 their children if that is what they desire.

19           I know that there are many opinions to be  
20 shared tonight. We have heard some of them already  
21 about the proposed AMA goal, but here is my initial  
22 reaction, especially as a former Arizona Corporation  
23 Commissioner, about this proposed goal. As an  
24 Arizona Corporation Commissioner, we passed the  
25 Renewable Energy Standard, which had stringent

1 requirements with an -- and I know you are going to  
2 cut me off here in a second. Here -- okay. All  
3 right.

4           Here is what I would say about this goal:  
5 This goal lacks specificity, teeth, bench marks, and  
6 accountability. The use of the words, quote,  
7 "attempt to" is less than ambitious. I have far  
8 more to say, and I will submit those comments for  
9 the record. Thank you.

10           MS. MAST: The next comment card is Young  
11 Mayberry.

12           MR. MAYBERRY: As indicated, my name is  
13 Young Mayberry. I come from St. David, Arizona.  
14 Incidentally, my forebears were the first anglos in  
15 the San Pedro Valley who arrived on November 29 in  
16 1877, creating Tombstone, creating Bisbee, creating  
17 Fort Huachuca -- actually, (indecipherable)  
18 concurrent with Fort Huachuca, so we have been here  
19 a long time.

20           I'm a farmer, a 28-year Air Force officer  
21 retiree, and I have returned to my home. I  
22 recognize that where I live is not in the Douglas  
23 active managed area, but I also recognize that as  
24 goes this AMA, so goes the rest of Cochise County,  
25 which I am a very active participant in.

1           What I see here is perhaps a loyal  
2 attempt -- I am -- I don't mean any disrespect for  
3 the Arizona Department of Water Resources, but what  
4 I see missing is local people being involved in the  
5 establishment of the goal. It seems to me that  
6 somehow by voting in this AMA that we -- I consider  
7 ourselves "we" in this sense, because I must in this  
8 context -- I have a vested interest in this -- it  
9 seems to me that we are turning over our  
10 responsibility for establishing a goal to people in  
11 Phoenix, who are not farmers, not ranchers, and not  
12 Cochise County residents.

13           To make a goal real for us, we in Cochise  
14 County, especially this Douglas AMA, need to be  
15 involved in the goal process. If we are not  
16 involved in the goal process, that becomes the  
17 them-against-us, and we need to quit the  
18 them-against-us and have it be us, most emphasis on  
19 us. That way we can come up with a way that we, the  
20 local people, who understand our interests and our  
21 needs, are the ones who are making the goals and the  
22 actions for those goals to be met.

23           So that's what I'm seeing in this back and  
24 forth, you know, the issues of the (indecipherable),  
25 so on and so forth, whatever. We need to involve us

1 in that process, not them making a goal for us so  
2 that we can combat that. We make the goals. We  
3 make the actions. We control our water. We are  
4 doing that with the St. David Irrigation District in  
5 St. David. We have had a goal. I mean, we have a  
6 district of sorts.

7           Since 1880, we regulate our water, and boy,  
8 can we fight over it. Okay? As it's been said,  
9 whiskey is for drinking and water should be fought  
10 over, and we do a good job about that, but we do  
11 have our water resources, and we manage it. Thank  
12 you.

13           MS. MAST: The next comment card is Michael  
14 Gregory.

15           MR. GREGORY: My name is Michael Gregory.  
16 I'm a resident of McNeal for the past 50 years. I  
17 have a small orchard, a couple little small green  
18 houses, noncommercial.

19           I am -- was very much in favor of the AMA.  
20 I helped them (indecipherable). I am very  
21 disappointed in the goal, as I have told you before  
22 at the informal meetings and several editorials in  
23 various newspapers around the state and in personal  
24 letters to the Department.

25           You have heard both of my comments already

1 given by other people today, so I'm not going to go  
2 over those now. I just would like to note that what  
3 I have said in the past I would like included in  
4 today's record, by reference, what I have said in  
5 informal meetings to you in the past, which is  
6 basically that the goal that you have proposed does  
7 nothing to protect our water.

8           It allows so many loop holes, so many  
9 slippery ways out, and does not at all put any  
10 pressure on the people who are using most of our  
11 groundwater as people have noted to export out of  
12 state in the way (indecipherable) from their cattle  
13 and their other crops, and that is something that we  
14 need to end.

15           We need to protect the groundwater, as  
16 people have said. We should stop the groundwater  
17 decline, not attempt to do it, but to do it. Thank  
18 you.

19           MS. MAST: Next comment card is Gerry  
20 Gonzalez.

21           MR. GONZALEZ: Good afternoon. I'm Gerry  
22 Gonzalez, and I farm in the Double Adobe area. I  
23 have pecans and irrigated pasture. Beyond that,  
24 there has been a lot of things said here today, and  
25 I agree with most of them, and I support all that,

1 but what you are up against is 100 years of people  
2 in small farms and ranches working hard to conserve  
3 water, who have become waterless.

4 Water is our blood line, and that's how we  
5 make a living here. It's small farms, and it's not  
6 right while megafarms come in and take all the water  
7 that took us 100 years to save.

8 We should show on your plans -- I would like  
9 to see a real objective, get rid of mega farms in  
10 Cochise County. We were all right without them.  
11 This is a small farm, cattle country area, and  
12 that's the basis for our economy, and that brings  
13 the most benefit to the most people here in Cochise  
14 County.

15 So we can talk and use a lot of beautiful  
16 words about plans and strategies and all that, but  
17 until you can show me what you are going to do to  
18 limit those people coming in and stealing our water  
19 that we said we worked 100 years to save, I'm not  
20 excited. I'm not buying it. Thank you.

21 MS. MAST: Next comment card is for Lupe  
22 Diaz.

23 MR. DIAZ: My name is Lupe Diaz. I'm state  
24 representative in LB19. We represent Cochise  
25 County, Graham, Greenlee, Santa Cruz, and part of

1 Pima County. As we look at the water issue here in  
2 this area, I have been able to talk to a lot of  
3 different people in both Willcox and some in the  
4 Douglas area, as well, about their usage. There is  
5 a lot of different concerns about how the small  
6 ranchers and farmers are going to be able to sustain  
7 their livable incomes and their farms and their --  
8 you know, their income.

9           And so one of the questions that I had at  
10 the last hearing was is ADWR in establishing the AMA  
11 and its goals considering Mexico, because the water  
12 basin not only cuts itself off at the border. The  
13 water basin also runs into Mexico, and so as Mexico  
14 uses the water, it is -- it's also lowering the  
15 water table.

16           And I asked if there was any way that we can  
17 not penalize the citizens in the United States, but  
18 somehow be able to determine or even come up with --  
19 even come up with an average or some kind of a  
20 number that says, okay, there is this much activity  
21 going on across the border. We can kind of estimate  
22 what is happening across the border, and then we  
23 can -- we can take that into consideration.

24           Because what I think is going to happen is  
25 that we are going to try to limit ourselves like we



1 often do in the United States, and then we turn  
2 around and penalize our own people rather than the  
3 national agreements that we might have with some of  
4 those foreign actors.

5           The other thing that we have is that we want  
6 to be objective. We went ahead and -- last year we  
7 went ahead in legislature, and legislature is not  
8 sitting on their laurels not doing anything. I want  
9 to tell you right now that we are all considering  
10 this water shortage and the drought situation in  
11 this state. You know, some other people and some  
12 other folks feel like we are not doing anything, and  
13 that it's legislature's fault, and it is not.

14           We put \$1 billion into mitigation for  
15 the State of Arizona last session, and there is  
16 \$200 million for creative -- for refundable loans  
17 and also grants for ranchers, farmers, small home  
18 users for being able to harvest water, learn how to  
19 do, you know -- just how to do the landscaping so  
20 they can capture the water.

21           We have been looking at ways to recharge in  
22 different areas. I know that the Willcox water  
23 basin is different than this one, but I know that we  
24 have been in contact with the county on recharge.  
25 Thank you very much. We are very active.

1 MR. RIGGINS: Thank you.

2 MS. MAST: Next comment card is Gail  
3 Griffin.

4 MS. GRIFFIN: Good evening. Thank you for  
5 being here and taking comments. A lot of comments  
6 have been made. I'm going to hand in some comment  
7 cards that others had given me to turn in.

8 What I'm hearing is that the customs and  
9 cultures of the area need to be taken into  
10 consideration. And the custom and cultures in this  
11 particular area and basin has been in agriculture,  
12 farms, and ranches primarily, continued use and a  
13 goal similar to Pinal County as long as is viable,  
14 but the users in the basin, as has been mentioned,  
15 Bisbee does not get their water from the basin.  
16 They get it from the San Pedro. It is a natural  
17 border, and that's been commented on, and so there  
18 is -- I'm going to give you copies of what the  
19 legislature has spent with \$360 million this year to  
20 address water security as well as a resolution that  
21 spells out some of the things that the State of  
22 Arizona has been doing over the years from the  
23 authorities and earlier and what needs to be done in  
24 addition.

25 And we are addressing recharge issues. We

1 are putting money where our mouth is, and that money  
2 is available for cities, counties, communities. And  
3 recharge, 95 percent of the rains we get evaporates  
4 before it gets into the ground, so there are other  
5 things that can be done.

6           So I'm going to turn in information about  
7 and statistics about groundwater withdrawals and the  
8 withdrawals back in 1974 were higher than it is  
9 today, so I will be handing these in for you and  
10 happy to stick around and talk to anybody that would  
11 like to discuss the issue. Thank you.

12           MS. MAST: Next comment, Ash Dahlke.

13           MS. DAHLKE: I came in a little late. How  
14 many minutes do I have?

15           MS. MAST: Three minutes.

16           MS. DAHLKE: Perfect. Okay. So we'll see  
17 how much I get through.

18           So I'm a Douglas groundwater basin resident,  
19 and the proposed management goal that ADWR has for  
20 the basin is inadequate in addressing the current  
21 groundwater situation in the valley. I encourage  
22 ADWR to strengthen the goal in something that is in  
23 line with other AMAs, something that is measurable,  
24 unambiguous, and that is in line with ADWR's  
25 mission.

1           The word "attempt" in the current goal  
2 completely undermines the purpose of active  
3 management, makes the goal unable to be measured,  
4 and should be removed from the goal altogether.

5           During ADWR's first Douglas AMA meeting in  
6 January, you stated -- ADWR stated that the goal in  
7 effect need to be measurable. The proposed goal  
8 does not include any metric to make it measurable,  
9 and none of the management goals in existing AMAs  
10 contain language as the word "attempt."

11           ADWR on their website also has documented  
12 subsidance and groundwater depletion in the Douglas  
13 aquifer, and it is clear from public presentations  
14 and reports found on the website. The residents of  
15 the basin deserve a management goal that is concrete  
16 and in line with initial AMAs across the State of  
17 Arizona.

18           (Indecipherable) ADWR should be doing this.  
19 All management plans will fall under ADWR management  
20 goal. Therefore any goal proposed by ADWR should be  
21 written to best support this.

22           According to ARS 45-141 our waters belong to  
23 the public at large, and we need an AMA goal that  
24 works for local residents. The goal should follow  
25 the law with a strong assertion that it's the public

1 whose rights to a stable water supply is protected  
2 over the (indecipherable) extracting free  
3 groundwater for their own profit.

4           The public at large voted this AMA into  
5 place after 40 years of enacting through ADWR and we  
6 have a right to have our groundwater protected. The  
7 goal should achieve and maintain stabilized local  
8 water tables within 25 years and remain at those  
9 levels for the following decades.

10           As stated above, the goal ultimately  
11 influences management plans, and therefore, the goal  
12 should be in line with ADWR's mission, which states  
13 that they are protecting and enhancing Arizona's  
14 water supplies for current and future generations.

15           Currently, the proposed goal will not do  
16 much of anything to protect and enhance the Douglas  
17 groundwater basin, but will continue the depletion  
18 of the aquifer, which will in turn endanger the  
19 welfare and economy of the Douglas groundwater basin  
20 and its residence. Thank you.

21           MR. RIGGINS: Thank you.

22           One second. Can we get our -- is there  
23 anyone else in person who would like to submit a  
24 speaker card? Last call. See any hands?

25           Thank you everybody for providing comment.

1 Let the record reflect that no one else in person  
2 wishes to speak.

3 Do we have any virtual speaker cards?

4 MS. MAST: No. We do not.

5 MR. RIGGINS: Last call for any virtual  
6 speaker cards?

7 Let the record reflect no one else wishes to  
8 speak.

9 Do we have any telephone participants?

10 Hearing none, that will move us to the public  
11 comment portion. Is there anyone else here who  
12 would wish to submit any written comments or  
13 references they brought with them?

14 If you don't wish to read it into the  
15 record, you can please provide any comments to  
16 Sharon Scantlebury if you do not wish to read them  
17 into the record. If you do wish to read them into  
18 the record, come to the podium, state your name,  
19 identify who you represent, any entity you  
20 represent, and then give your comments.

21 UNIDENTIFIED SPEAKER: How do we get written  
22 comments into your record?

23 MR. RIGGINS: So written comments -- and  
24 I'll -- Ms. Mast? Yes.

25 There is the comment there. As I mentioned

1 earlier, written comments on the proposed management  
2 goal may be submitted until midnight tonight.

3           If you would like to submit written comments  
4 after the close of the hearing, please fax or e-mail  
5 them to Sharon Scantlebury, the department's docket  
6 supervisor. The fax number is (602) 771-8686, and  
7 her e-mail address is docketsupervisor@azwater.gov.  
8 And her business cards are available at the table  
9 and information is being shown on the screen  
10 currently.

11           I appreciate everybody's patience and  
12 flexibility with our audio and screen issues  
13 throughout this hearing. I appreciate all the  
14 comments that everybody made. Thank you for  
15 attending to those in person and on line.

16           So with that, this public hearing is now  
17 adjourned. Thank you all again for attending and  
18 providing comment. Thank you.

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C E R T I F I C A T E

BE IT KNOWN that the foregoing proceedings were reported by Vicki L. O'Ceallaigh Champion Schulte, Certified Reporter, Certificate No. 50534, State of Arizona, and reduced to written form under my direction; that the foregoing 47 pages constitute a full, true, and accurate transcript; all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 18th day of July, 2023.

*Vicki L. O'Ceallaigh Champion*  
Vicki L. O'Ceallaigh Champion  
Certified Court Reporter  
Certified No. 50534