

JANICE K. BREWER
Governor



HERBERT R. GUENTHER
Director

ARIZONA DEPARTMENT OF WATER RESOURCES

3550 North Central Avenue, Second Floor
PHOENIX, ARIZONA 85012-2105

(602) 771-8500

December 1, 2009

Tucson Pima Water Study
PO Box 2344
Tucson, Az. 85701

RE: Comments on Draft Phase II Staff Report

Dear Tucson/Pima Water Study Team:

The Arizona Department of Water Resources appreciates the opportunity to comment on the Draft Phase II Staff Report which was recently released.

In the Respect for the Environment section, the report lists several goals and recommendations. Recommendation 1.2 states that *"The City and County should evaluate the effectiveness of programs and policies, within their respective jurisdictional areas and water service areas, regarding the protection of groundwater-dependent and hydro-riparian areas from groundwater withdrawal and surface water diversions. This protection will be accomplished by evaluating the feasibility of **prohibiting, where legally possible, new non-exempt wells and limit pumping of new exempt wells within and near shallow groundwater ecosystems...**"* (emphasis added).

Arizona Revised Statutes, Title 45, Chapters 2 and 3.1, give the Arizona Department of Water Resources express authority over the drilling of wells throughout the state, as well as the authority over providing limitations on withdrawals/recovery from wells located within the Tucson AMA. Local jurisdictions may not have the legal ability to prevent the drilling of private wells, nor of limiting the pumpage from them. Therefore as a clarification, we suggest that the language in Recommendation 1.2 be modified. A suggested correction could include language such as "...City and County should promote changes to State law regarding drilling and pumping of wells within and near shallow groundwater ecosystems."

Please feel free to contact me if you have any questions about this clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Tannler", written over a horizontal line.

Jeff Tannler, Area Director
ADWR Tucson AMA
400 West Congress, Suite 518
Tucson, AZ 85701