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October 3, 2014

Mr. Michael A. Gazda,  
Interim Acting Executive Director  
Arizona Power Authority  
1810 W. Adams Street  
Phoenix, AZ 85007  
[Mike@powerauthority.org](mailto:Mike@powerauthority.org)

Re: Comments to APA Application for Post-2017 Hoover Power,

Dear Mr. Gazda:

This office serves as Counsel to the Tohono O'odham Utility Authority, formerly Papago Tribal Utility Authority, the utility entity of the Tohono O'odham Nation, a federally recognized Indian tribe at Sells, Arizona. Representatives of TOUA and this office have attended the various meetings and workshops pertaining to the Post-2017 Applications for Hoover Power through APA, including the most recent workshop held on September 29, 2014. Based on review of relevant documents and attendance at these meetings and workshops, TOUA offers the following comments to the "DRAFT 2017 Hoover Allocation Request" Document:

**1. Section 2 ("Entity Type").** TOUA approves the inclusion of "Federal Indian Tribe, or agency thereof," among the categories of entities that may make application using this document form.

**2. Sections 4 through 11.** TOUA agrees with comments made by several interested parties at the September 29, 2014 Workshop that, rather than relying on a hard copy application form which, once received, will have to be retabulated by the Authority, APA should develop and adopt a "fillable" form which may be accessed and completed online by the applicants. This would eliminate some prospect of error in data entry in favor of the applicants themselves being responsible for entry of the data.

**Sections 8A and 8B.** These sections call for applicants to furnish data on "In-Lieu Water Use," for pumping of "non-permanent, non-groundwater supplies that the entity used instead of pumping groundwater." Tohono O'odham Nation receives its permanent water supply pursuant to several Congressional enactments, most notably the Southern Arizona Water Rights Settlement Act of 2004. Pursuant to that legislation, the Nation receives surface water from and through the

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Central Arizona Project and it is delivered to the Nation by the United States government. Accordingly, these Sections 8A and 8B are of limited applicability to the Nation and its potential requests for a Hoover allocation.

Thank you for the opportunity to comment on the application. Please call or email with any questions.

Sincerely,

STRICKLAND & STRICKLAND, P.C.

A handwritten signature in black ink, appearing to read "Robert F. Palmquist", written over a horizontal line.

Robert F. Palmquist

RFP/rjl