

Elston Grubaugh

Subject: FW: Proposed APA Resolution 14-7
Attachments: Res 14-7 APA Resolution on Policy Issues 10_9_14 version from Brittany.pdf

From: Elston Grubaugh [mailto:egrubaugh@wmidd.org]
Sent: Monday, October 20, 2014 1:46 PM
To: Mike Gazda
Subject: FW: Proposed APA Resolution 14-7

Mike:

Susan Angulo has sent out the proposed APA Resolution 14.7 and I thank you and the APA staff for the opportunity to review the Resolution prior to tomorrow's meeting, which I am unfortunately not able to attend. Therefore, I would like to take this opportunity to make two comments on the Resolution.

Regarding paragraph 2 on page 2.

As written the paragraph is somewhat confusing in that it states "In their application, these statutes (Titles 30 and 45) sufficiently encourage and support irrigation and agricultural uses, and as a consequence, an allocation methodology that provides **additional special consideration to agricultural uses is not necessary**", and then concludes with the statement "the Commission directs its Consultants, as they proceed with their work, to **not consider an allocation methodology that provides special consideration to agricultural uses.**" This second statement, as the concluding sentence of the paragraph, can be read as indicating that the preference language in Titles 30 and 45 will not be applied.

I suggest that Paragraph 2 on page 2 be changed to read:

Titles 30 and 45 of the Arizona Revised Statutes, which govern the disposition of Hoover Power by the Authority, inherently provide special consideration for agriculture. Particularly, Title 30 contains a "preference" for districts, which by definition, generally includes public entities that provide water and power to agricultural users in the State. In their application, these statutes sufficiently encourage and support irrigation and agricultural uses, and as a consequence, an allocation methodology that provides additional special consideration to agricultural uses is not necessary. Accordingly, the Commission directs its Consultants, as they proceed with their work, to not consider an allocation methodology that provides additional special consideration to agricultural uses in the Post-2017 Hoover Power Allocation Process.

This language maintains consistency of terms, gives the paragraph a correct parallel structure, and clarifies the meaning to plainly indicate that the language of Titles 30 and 45 will be applied, which I believe to be the Commission's intent.

Regarding Paragraph 3 on page 2, it is still not clear to me how the use of "pumping equivalent" loads to adjust an applicant's historical load data will apply to an APA customer who is not a CAP district, is not in a groundwater AMA, has not participated in an "in-lieu" recharge program, and has no full

groundwater replacement option. Perhaps a separate application form would be appropriate for such districts.

That's again for the opportunity to provide comments to the Commission, APA staff and APA consultants as they move forward in developing the process for the allocation of Post-2017 Hoover Power.

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