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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

August 25, 2009

Mr. Robert Abbey, Director
Bureau of Land Management
1849 C Street NW (WO350)
Washington, D.C. 20240

Re: Notice of Proposed Withdrawal, Solar Energy Study Areas, Arizona

Dear Mr. Abbey:

The Arizona Department of Water Resources (Department) has reviewed the "Notice of Proposed Withdrawal [for solar energy study areas] and Opportunity for Public Meeting; Arizona, California, Colorado, Nevada, New Mexico, and Utah" published in the *Federal Register* June 30, 2009 and we submit the following comments.

Under Arizona law:

"The director [Department of Water Resources] has general control and supervision of surface water, its appropriation and distribution, and of groundwater to the extent provided by this title, except distribution of water reserved to special officers appointed by courts under existing judgments or decrees."

Arizona Revised Statutes § 45-103

The Department of Water Resources is thus the appropriate state authority for the Bureau of Land Management to work with regarding water resources in analysis of the appropriateness of solar energy study areas in Arizona

Based on the map "Solar Energy Study Areas in Arizona (SOL142)" the Gillespie Study Area withdrawal would be located in the Phoenix Active Management Area (AMA). The statutory goal for the Phoenix AMA is to achieve safe-yield by the year 2025. This is to be achieved through increased use of renewable water supplies and decreased groundwater withdrawals in conjunction with efficient water use. Solar energy projects utilizing groundwater in the Gillespie Study Area would be subject to regulatory requirements associated with the AMA, which include provisions found in Title 45 of the Arizona Revised Statutes (ARS), the Arizona Administrative Code Title 12 - Chapter 15, and requirements in the Phoenix Active Management Area, including the Third Management Plan. In general requirements in AMAs will ratchet down through time and a Fourth Management Plan is under development. Because of regulatory

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requirements in the Active Management Areas project applicants will ultimately be required to provide detailed hydrogeologic information to the Department for required permits.

The Brenda and Bullard Wash Solar Energy Study Areas are not in Active Management Areas but we do point out that available hydrogeologic information is limited in those areas. Water use in those areas is subject to a beneficial use standard as identified in ARS Title 45.

The Department suggests that BLM maintain close coordination with the Department during planning for and analysis of solar energy development. Thank you for the opportunity to participate in this process. If you have any questions, please contact Mr. Bill Werner at 602-771-8412

Sincerely,

A handwritten signature in cursive script that reads "Herbert R. Guenther". The signature is written in black ink and is positioned above the printed name.

Herbert R. Guenther