



640 N Mesa Dr  
PO Box 1466  
Mesa, Arizona 85211-1466

mesaaz.gov

December 10, 2009

Senator Herb Guenther  
Chairman  
Arizona Water Banking Authority  
3550 North Central Avenue  
Phoenix, Arizona 85012

RE: Comments to the AWBA Draft 2010 Plan of Operation

Dear Senator Guenther,

The City of Mesa appreciates the opportunity to review the Arizona Water Banking Authority (AWBA) Draft 2010 Plan of Operation. The City is grateful for the valuable service that the AWBA provides to the State of Arizona. Mesa fully supports the efforts to maximize the use of Arizona's annual allocation of the Colorado River. Based on the operational methodology detailed in the Draft 2010 Plan of Operation, the City of Mesa respectfully submits the following comments for review and consideration.

Although the AWBA has taken on responsibilities beyond the firming of CAP water for municipal use, Mesa feels it is important that the Bank never lose sight of the fact that by statute the Bank can only store otherwise unused CAP water, and per its agreement with the Southern Nevada Water Authority cannot "engage in interstate banking to the detriment of any water user in Arizona." Direct delivery of CAP water to end users is and must remain the priority for CAP water in Arizona.

On occasion, direct users of CAP water may require larger water deliveries than projected. The Bank was designed with the purpose of "soaking up" excess water like a sponge; not with the purpose of taking priority over direct uses. Fortunately, the Bank can operate as intended by reserving use of the available USF capacity for the later portion of the year. That way, should a direct user of CAP water require additional deliveries of subcontracted water during the course of the year, such higher priority uses can be satisfied.

According to the proposed "Water Delivery Schedule" in the Draft 2010 Plan of Operation, the bulk of the AWBA water deliveries (approximately 70%) would occur in the first seven months of the year. It would be prudent for the AWBA water deliveries to USFs to instead be distributed towards the end of the year. CAP Subcontractors, such as the City of Mesa, have an important public health-and-safety obligation to their customers to ensure a sufficient supply of water will be available for consumption. Unfortunately, the Draft AWBA 2010 Plan of Operation could conflict with these obligations. The City of Mesa requests that you review these comments, and adjust the proposed delivery schedule for year 2010.

Arizona Water Banking Authority  
December 10, 2009  
Page 2

Last, please note that the Draft Plan defines Excess Water as “all water available for delivery through the CAP in excess of the quantities scheduled under long-term contracts and subcontracts.” In point of fact, the Revised Stipulation defines Excess Water as “all Project Water that is in excess of the amounts used, resold, or exchanged pursuant to long-term contracts and subcontracts for Project Water service.” Although we understand that the Bank desires to tie its water availability to CAP water that is not “scheduled”, the CAP subcontracts expressly allow for delivery schedules to be amended; subcontract delivery schedules often are amended during the course of the year, and the Central Arizona Water Conservation District has an obligation of good faith to meet subcontract water delivery requests.

Thank you for your consideration of the City’s concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'BD', enclosed within a large, hand-drawn oval.

Brian Draper  
SROG Programs Coordinator

BD:nt:4223

c: Jack Friedline, Deputy City Manager  
Kathryn Sorensen, Director, Water Resources Department