DEPARTMENT OF WATER RESOURCES

BEFORE THE DIRECTOR

IN THE MATTER OF THE APPLICATION OF ) AWS No. 2008-005
THE CITY OF BENSON FOR A ) DECISION AND ORDER
DESIGNATION AS HAVING AN ) No. 41-401803.0001
ADEQUATE WATER SUPPLY )

I. INTRODUCTION

On April 19, 2007, the Department of Water Resources (Department) received an application from the City of Benson (Benson) requesting that the Department modify Benson’s designation of adequate water supply pursuant to A.R.S. § 45-108 and A.A.C. R12-15-701 et seq.

After receiving Benson’s application to modify its designation of adequate water supply, the Department reviewed relevant information regarding the designation request, including: 1) the hydrologic study submitted with the application and other information on file with the Department for the proposed source of groundwater supply; and 2) information regarding Benson’s financial capability to construct the necessary delivery system, treatment works and storage facilities. Based on that information, the Department makes the following Findings of Fact, Conclusions of Law, Order of Designation and Conditions of Designation:

II. FINDINGS OF FACT

A. General

1. Benson is a municipal provider and has the right to withdraw groundwater for service to its customers pursuant to A.R.S. § 45-453.

2. Benson currently serves water through its distribution system to its customers.

B. Water Demands

3. Benson’s current demand as of calendar year 2007 is 843 acre-feet per year (current demand).
4. Benson’s committed demand as of calendar year 2007 is 260 acre-feet per year (committed demand).

5. Benson’s projected demand in 2021 is 12,371 acre-feet (2021 projected demand). The 2021 projected demand does not include the current demand or the committed demand, but does include the annual demand at build-out of plats reasonably projected to be approved and customers reasonably projected to be added through calendar year 2021.

6. Benson’s annual estimated water demand in 2021, which is the sum of its current demand, committed demand, and 2021 projected demand, is 13,474 acre-feet per year (2021 annual estimated water demand).

C. Groundwater: Physical, Continuous and Legal Availability

7. Benson has the right to withdraw and deliver groundwater to its customers pursuant to A.R.S. § 45-453.

8. Historic hydrologic information demonstrates that depth-to-static water levels within the Benson service area currently average 665 feet below land surface.

9. Benson has demonstrated that after withdrawing 13,474 acre-feet per year of groundwater for 100 years, the depth-to-static water level within Benson’s service area is not expected to exceed 1,200 feet below land surface.

10. Benson has demonstrated that it has, or will construct, wells of sufficient capacity to satisfy its 2021 annual estimated water demand of 13,474 acre-feet per year for at least 100 years.

D. Water Quality

11. Benson will be regulated by the Arizona Department of Environmental Quality as a public water system pursuant to A.R.S. §§ 49-351, et seq.

E. Financial Capability

12. Benson has constructed adequate delivery, storage, and treatment works to satisfy its 2017 annual estimated water demand pursuant to A.A.C. R12-15-720(C)(1). In addition, Benson has entered into an “Annexation Development Agreement” (Agreement) with Sands Properties, LLC, an Arizona
limited liability company (Developer), dated September 20, 1999. The Agreement states that the
Developer "will build and pay for the cost of the water mains, wells, pumping and storage facilities and
all other infrastructure needed to provide water service" to the annexed area consisting of the Sands
Ranch development.

III. CONCLUSIONS OF LAW

Having reviewed the Findings of Fact, the Department makes the following Conclusions of Law:

1. Benson has demonstrated that sufficient groundwater will be physically available, continuously
available and legally available for at least 100 years, to meet its 2021 annual estimated water

2. For purposes of A.A.C. R 12-15-716 (B)(3)(c)(ii), Benson’s annual estimated demand that will be met
with groundwater is 13,474 acre-feet per year.

3. The water supply served by Benson will be of adequate quality pursuant to A.A.C. R12-15-719.


5. Benson has satisfied all the requirements for a designation of an adequate water supply.

IV. ORDER OF DESIGNATION AND CONDITIONS OF DESIGNATION

Having reviewed the Findings of Fact and Conclusions of Law, the Director hereby issues this Decision
and Order designating Benson as having an adequate water supply, subject to the following conditions:

1. The Director reserves the right under A.A.C. R12-15-715(C) to periodically review and modify the
designation for good cause as conditions warrant.

2. Pursuant to A.A.C. R12-15-715, the Director may revoke this designation at any time if the findings of
fact or the conclusions of law upon which the designation is based change or are invalid, or if an
adequate water supply no longer exists.

3. The Director’s determination that an adequate water supply exists for Benson is based on its review
of the water supply pledged by Benson.

4. Benson shall submit an application to modify this decision and order designating Benson as having
an adequate water supply when the sum of Benson's current demand, committed demand and two-
year projected demand exceeds 13,474 acre-feet, or by December 31, 2019, whichever is earlier.

5. Pursuant to A.A.C. R12-15-719, Benson shall satisfy any state water quality requirements established
for its proposed use after the date of this designation.

6. Benson shall annually provide to the Department the following information in the manner prescribed
in A.A.C. R12-15-715:

   a. The projected demand at build-out for customers with which Benson has entered into a notice of
      intent to serve agreement in the previous calendar year.

   b. An estimate of the demand of platted, undeveloped lots located in Benson's service area.

   c. A report regarding Benson's compliance with water quality requirements.

   d. The depth-to-static water level of all wells from which Benson withdrew water during the previous
      calendar year.

   e. The total quantity of water from any source, withdrawn, diverted, or received by Benson for its
      customers' residential and non-residential use during the previous calendar year.

   f. Any other information requested by the Director to determine whether Benson is continuing to
      meet all the requirements necessary to maintain this designation of adequate water supply.

IT IS HEREBY ORDERED THAT THE CITY OF BENSON BE DESIGNATED AS HAVING AN
ADEQUATE WATER SUPPLY UNTIL DECEMBER 31, 2021.

DATED this __ day of ____, 2008.

Herbert R. Guenther
Director
Arizona Department of Water Resources
A copy of the foregoing

Decision and Order mailed
by certified mail this
16th day of July, 2008,
to the following:

Brad Hamilton
City of Benson
120 W. 6th Street
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First class mail copies to:

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Sent by: Rick Obenshain