

August 29, 2022

Arizona Department of Water Resources
1110 W. Washington St Ste 310
Phoenix, AZ 85007

Attn: Mr. David Keadle

RE: Application to Partially Sever and Transfer (ST Application) Certificate of Water Right No. 3696.0002 (Application No. A-3906.0003).

In response to the letter issued by ADWR dated August 23, 2022. Please find Bonita Creek Water Company responses to questions regarding our water intake and the need for a system to help prevent our intake from becoming inoperable.

AMENDED APPLICATION

1. **Item 14** – Location of Point of Water Diversion (see Attachment 3 – Information Regarding Proposed Transfer) states: “The BCWC will divert appropriable water at a point along Bonita Creek located in the NW1/4 SW1/4 Section 32, T12N, R11E.” Additionally, the application describes “BCWC diverting appropriable water of Bonita Creek and/or withdrawing water from wells adjacent to Bonita Creek to deliver to its water customers.” Your E-mail indicates that the current diversion structure is either damaged or non-operational.
 - (a) *Please confirm if the current diversion structure is intended to be the point of diversion as indicated on the Amended Application. If there will be a change or addition to the proposed diversion(s) and the location(s) of the point(s) of diversion, please provide the respective locations and nature of the diversion(s). If you plan to modify the current diversion, please detail the nature and extent of that modification with relevant documentation (if possible).*
 - (b) *Please provide a timeline for when the point(s) of diversion will be operational and any documentation (if possible) supporting that timeline.*
 - (c) *Please note: The Department’s review of your application pursuant to A.R.S. § 45-172 cannot proceed until the Department receives sufficient information regarding the proposed point(s) of diversion.*

BCWC RESPONSE:

1a) Our current diversion structure will remain as described in the Amended Application. Regarding additions to the existing diversion point, we would like to add two pieces. 1) A check gate, as seen in attached photo, that would be placed near our intake to help regulate the water we pump when creek is muddy, has high organics, snow season, etc. See illustration on last page. 2) A small concrete/block containment wall that would encompass the check gate and surround 3 sides of our pump intake, so to prevent debris from entering our intake. The creek flow would not be disturbed and would continue to flow around the added containment wall and intake as it does today. This would all need to be engineered.



Check Gate Example

BCWC RESPONSE continued:

1b) Our intake is operational. The reason for the request is that we have great difficulty when storms arise, which are often and unannounced. When debris of all kinds come rushing down the creek it jams up our intake. We rely on volunteers with the hopes of track-hoe machinery to dislodge large branches, logs, boulders and accumulated silt to free up the intake to pump again.

2. **Item 18** – Describe Diversion Works (see Attachment 3 – Information Regarding Proposed Transfer) states: “The BCWC water diversion and distribution system includes a pump that is installed at a point along Bonita Creek (Latitude 34.382222, Longitude -111.220533 WGS84), a water treatment plant (Latitude 34.382521, Longitude -111.219785 WGS84), and two water storage tanks (Latitude 34.382525, Longitude -111.217921 WGS84) located in Section 32, T12N, R11E.”

- (a) *Please confirm if there will be a change to the diversion works currently described in the Amended Application.*
- (b) *For any new proposed/future surface water diversion and/or well construction the Department requests an explanation of changes and the proposed timeline for the diversion works to become operational.*
- (c) *Please note: The Department’s review of your application pursuant to A.R.S. § 45-172 cannot proceed until the Department receives sufficient information regarding the proposed diversion works.*

BCWC RESPONSE:

- 2a)** There will be no creek changes to our current diversion point from where we pump.
- 2b)** There are no wells from how we pump. Only surface water. No changes will be made to our existing diversion point location or in the procedure of how we pump.

The Department recognizes that the Water Transfer Agreement already has been executed. The Department requests:

1. If applicable, an explanation as to how any proposed change in the point(s) of diversion and diversion work(s) might affect the Water Transfer Agreement (Attachment 5) and Resident Agency Agreement(s) (Exhibit 16.1.7 to the Water Transfer Agreement). Please also indicate if any amendments are intended and, if so, please provide copies of such amendments.
2. Please note: As recognized by SRP and BCWC, "the quantity of water authorized to be severed and transferred by [the Department] cannot lawfully be exceeded." Application, at 30.

BCWC RESPONSE:

- 1) The additions we are requesting should in no way effect the current Water Transfer Agreement nor the Resident Agency Agreements. We furthermore don't believe any amendments are needed for what we are requesting, however, if ADWR and or SRP feels an amendment is necessary, we would be open to discuss.
- 2) We are in no way looking to exceed our water consumption per agreement. This request is to actually help allow us to pump the water that's been agreed too.

The Bonita Creek Water Company and our board greatly appreciate your efforts in working with us in hopes we can find a solution to better provide for our community during these difficult times when we are not able to pump from our creek.

We look forward to discussing further on how we can make this work. Thank you again for your time and consideration.

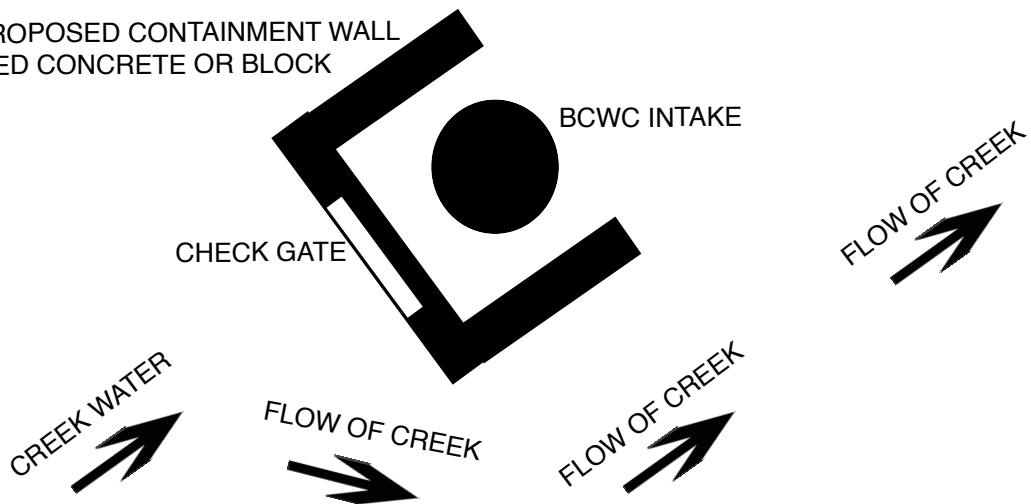
Bryan Staley, President
BCWC Board

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PHOTO OF CURRENT BONITA CREEK WATER COMPANY INTAKE

EXAMPLE OF PROPOSED CONTAINMENT WALL
REINFORCED CONCRETE OR BLOCK



**TOP VIEW RENDERING
EXAMPLE OF PROPOSED
CONTAINMENT WALL, CHECK GATE AND INTAKE**