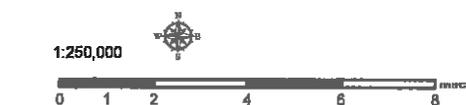


Figure 14 - Land Subsidence in the Willcox and Kansas Settlement Areas, Cochise County
 Based on ADWR Radarsat-2 InSAR Data
 Time Period of Analysis: 3.9 Years 03/26/2013 To 03/21/2014

© MDA 2010 - 2014

- 05/05/2010 To 03/21/2014**
- Subsidence Feature
 - Earth Fissures
 - Survey Monument
 - Hardrock
 - Subsidence**
 - Decorrelation/No Data
 - 24 To 28 cm
 - 20 To 24 cm
 - 16 To 20 cm
 - 12 To 16 cm
 - 8 To 12 cm
 - 4 To 8 cm
 - 0 To 4 cm
 - Highways and Interstates**
 - Interstate
 - US
 - State
 - Roads
 - Railway

Note! Colors assigned representing differing amounts of subsidence apply to this map only. Color codes may vary for other maps

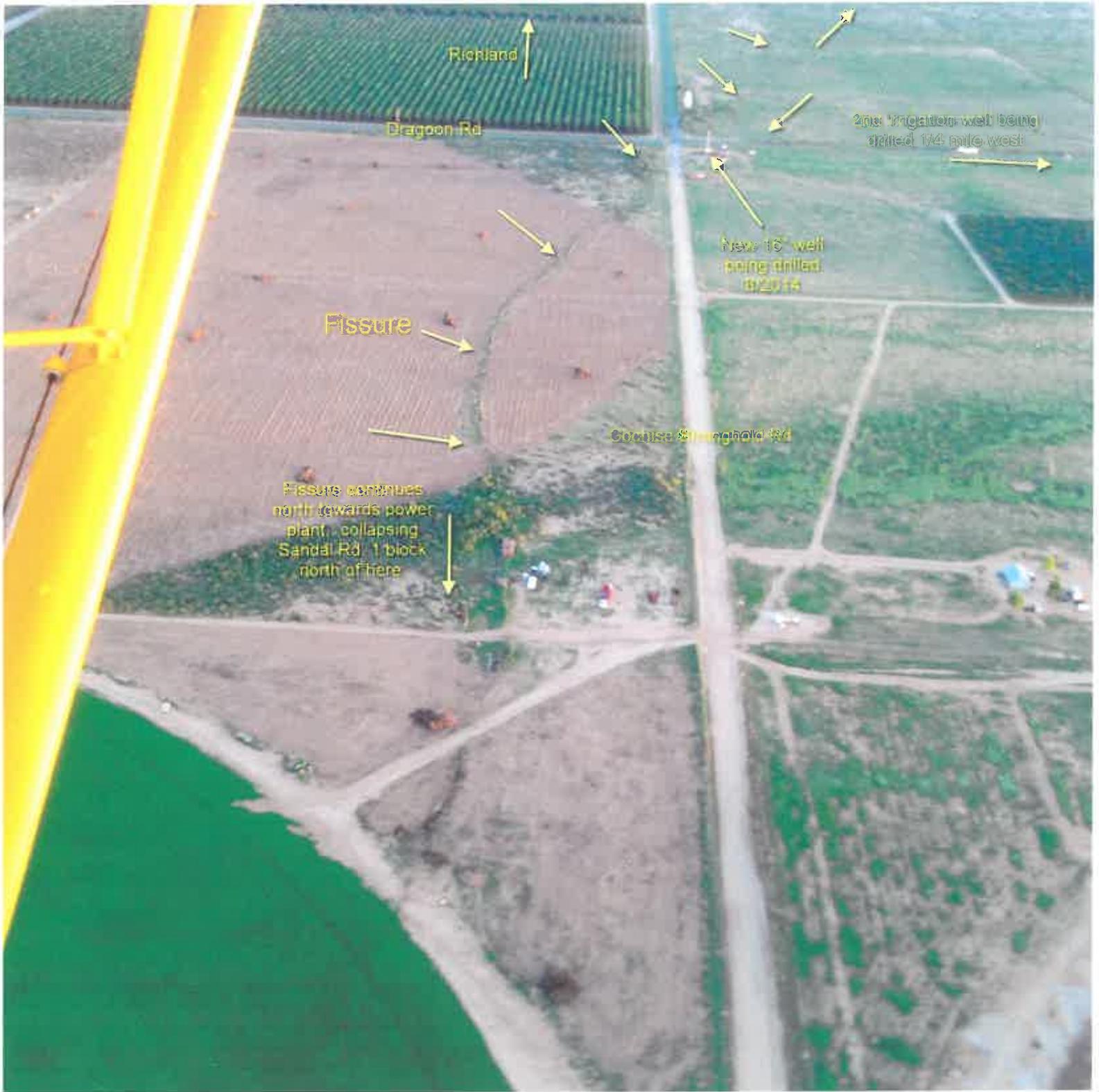


Decorrelation (white areas) are areas where the phase of the received satellite signal changed between satellite passes, causing the data to be unusable. This occurs in areas where the land surface has been disturbed (i.e. bodies of water, snow, agriculture areas, areas of development, etc).









Richland

Dragoon Rd

Fissure

Fissure continues north towards power plant, collapsing Sandal Rd, 1 block north of here

Cornise & Richland Rd

New 16" well being drilled in 2014

2nd irrigation well being drilled 1/4 mile west



New Irrigation Well

Earth Fissure Possible

Fissure Repair

Cochise Stronghold Road

Subject: Good job Roy! ADWR
From: Mark Spencer (mspencer@phoenixamg.com)
To: flgordon1@yahoo.com;
Date: Wednesday, September 3, 2014 9:30 AM

Hey Roy,

I received a copy of your interaction with ADWR. You may see me fly over once in a while as I photograph the area fissures. You may want to share these with ADWR. Th fissures north of the Richland Store are fairly new. You can see highway 191 in the top of the first photo. There is another area northwest of, and east of the Burch Rd and Kansas Settlement that is riddled with fissures. I've been tracking my well for 12 years and it is averaging a 5ft/year drop. I just had to deepen from 400 to 600 feet.

Best regards,

Mark Spencer

Office (520) 326-950

Ret. by D

Subject: Adjudication of water rights
From: Carol Broeder (carol.broeder@willcoxrangenews.com)
To: figordon1@yahoo.com;
Date: Wednesday, September 3, 2014 2:05 PM

Good afternoon.

I am trying to reach Roy C. Markle in Cochise, and this is the only e-mail address I have found.

I am working on a story, for the Sept. 10 edition of the Range News, on Murray McClelland's Aug. 28 request of the State Legislature to study the adjudication of water rights.

I have a copy of the letter Mr. Markle wrote to the Arizona Department of Water Resources, and I would like to be able to use it for the newspaper.

If you would like, I can send you the link to the first story in the series, which appears in the Sept. 3 edition of the Range News.

Please let me know.

Thanks!

Take care,

Carol Broeder

Arizona Range News

Willcox

Subject: Fw: "Whiskey's for drinkin'; water's for fightin'"
From: Sharon Gibson (namapriya@yahoo.com)
To: organic.ag@hotmail.com;
Date: Friday, September 5, 2014 1:47 PM

On Thursday, September 4, 2014 12:44 PM, Sharon Arthur <skarthur@cox.net> wrote:

Hi everyone!

I thought I'd send the link to an article in the Range News this week about the new deep wells being drilled in our area. We have been concerned since some folks' wells have gone dry and now we see big deep wells going in on Dragoon Rd and Cochise Stronghold Rd so close to the fissures.

http://www.coxrangenews.com/news/article_84fa64e0-32f0-11e4-9837-000119080000.html

Several of our legislators, Sen. Gail Griffin, Rep. David Gowan and Rep. David Stevens are scheduled to hold a meeting at the Sunsites Community Center on Tuesday, Sept. 23, at 5:30 PM –

Please pass this on to your friends and neighbors.



Sharon

In its prospectus document for investors, the Excelsior mine estimates water usage at 1532 acre-feet per year for the first 16 years and 2742 acre-feet per year for years 17-22 for an average of 2137 acre-feet per year over the expected life of the mine. (see link to PDF below).

Combined agriculture consumes approximately 167,000 acre-feet per year. ADWAR has estimated that combined agriculture consumes 90% of our water resources.

The majority of crops planted in our valley are high to very high water usage crops including (in order of water usage) alfalfa, feed corn, cotton, pecans and pistachios. Apples are medium water usage and vineyards are relatively low water usage.

Relevant issues

Subsidence and aquifer compaction

Subsidence is commonly known as earth fissures but also includes sinking land issues. Based on information from the US Geological Survey (USGS) and ADWAR, the subsidence in our valley is one of the worst in Arizona and is particularly bad around Richland and north toward the power plants (see link below for subsidence map) . Far worse than simply causing the land to sink and opening fissures is the compaction of the aquifer. When the ground water is drained from the aquifer, a void is left which allows the land to sink. This earth compaction reduces the volume of the aquifer so less water can be held underground, thus compounding the problem.

Drop in real estate values

* Next, we have devastation of real estate values. Some valley citizens are questioning whether to stay here or move elsewhere. Who wants to move into an area with major water availability issues? If faced with the decision now, I wouldn't move here.

Arizona water laws and state government policy

Up to this point, Arizona laws and policy concerning the use of water resources firmly favor farmers, ranchers and mining concerns with little protection for private citizens. These laws were written mostly in a different era and are arguably out of date and in need of revision to more accurately reflect the needs and desires of ALL state residents. We have an new administration whose attitude toward citizens' rights has yet to be determined.

So, what are our options?

First option – bury our heads in the sand, do nothing. I've already painted that scenario. 'Nuff said.

Pat. L. E

Second option – sabotage and eventual open warfare. Apparently, there have already been acts of sabotage against commercial wells. While I understand the level of frustration, this will lead to increased animosity, acts of violence and even possible deaths which will valley residents against each other and invite police and possible military intervention....do we wish to be divided internally and let others decide our fate? I sincerely hope not.

Third option – legal intervention.

Background: In the 1800s and through the 1900s, the norm was to locate resources, move into an area, remove the resources by whatever means necessary, deplete and pollute the groundwater and move on. The ordinary citizens - people like us - were expected to just pick up and move with the rest of the medicine show. Cochise County is riddled with ghost towns which tell the tale of resource depletion and area abandonment. We are no longer the Arizona Territories but you can't tell by our laws. Any one of us could, for example, be uprooted LEGALLY by a mining concern if they obtain the mineral rights to our land (which we do not inherently own). As stated above, the long term solution is to revise our laws and drag Arizona, albeit kicking and screaming, into the 21st century.

Current Arizona water laws do little or nothing to protect us from grossly excessive water usage. We do have several legal options: the Irrigation Non-expansion Area (INA) and the Active Management Area (AMA). An INA must be designated by the head of ADWAR. In 1965, the State Land Commission designated much of the Douglas basin a Critical Groundwater area which became the Douglas Irrigated Non-Expansion Area (INA) with the passage of the 1980 Groundwater Management Act (<http://pubs.usgs.gov/fs/2006/3055/>). Recent review by ADWAR and USGS led to their determination that the Willcox basin has plenty of water and that no INA or AMA is necessary even though our groundwater levels say otherwise (see aquifer level PDF below – our water drop is one of the worst in the state). An AMA can be voted in by special election. More will be explained on INA vs. AMA on the website. Please see the relevant link below for further information and more complete explanation.

Links to relevant information:

AMA vs. INA

http://www.azwater.gov/AzDWR/PublicInformationOfficer/documents/MohaveBOSPresentation_May2014.pdf

Subsistence graph:

<http://www.azwater.gov/AzDWR/Hydrology/Geophysics/documents/ADWRLandSubsidenceMonitoringReport Number1 Final.pdf>

Subsistence map :

http://www.azwater.gov/AzDWR/Hydrology/Geophysics/documents/KansasSettlementArea03-2012to03-2014_8x11.pdf

Aquifer level PDF:

http://www.azwater.gov/AzDWR/Hydrology/Library/documents/SW_Monitoring_Report_SubBasinMapBook_May_2012_final.pdf (see page 85 for Willcox basin....great comparison to other aquifers).

http://www.azwater.gov/AzDWR/Hydrology/Library/documents/OFR_13_Edits.pdf (see page 14 of second document for Willcox basin – shows median water level drop of 61.1 feet from 1993 to 2013).

Basin size and designation of Douglas basin INA: <http://pubs.usgs.gov/fs/2006/3055>

ADWR home page: <http://www.azwater.gov/azdwr/>

What is being done?

1. We are getting the word out initially with this handout.
2. We have three people representing domestic water users on the panel discussing water options. This panel includes farmers, vintners, ranchers, ADWAR, local representatives, mining interests and the power plant. **NOTE:** Feel free to contact the new head of ADWAR, the new Governor and our local representatives including Richard Searle and our state and federal representatives to put pressure on them....the more contact the better. Years ago, one of the largest letter writing campaigns in US history stopped the construction of a proposed dam downstream from Page on the Colorado River which would have destroyed a large portion of the Grand Canyon. Remember, "The squeaky wheel gets the grease".
3. We have a website under development that should be ready in approximately 2 weeks or around the week of 17 February. The website is www.willcoxaquifer.com.

Thank you for your time and interest.

"We must hang together or assuredly we will hang separately" – Ben Franklin, in a speech leading up to the Declaration of Independence from Great Britain.

Subject: RE: Richland Ranchetts Roads
From: Dannels, Mark (MDannels@cochise.az.gov)
To: flgordon1@yahoo.com;
Date: Monday, August 11, 2014 10:07 PM

Hello Frank,

Nice letter and I hope that helps?

Keep us posted and Good Luck,

Mark

From: frank gordon [flgordon1@yahoo.com]
Sent: Sunday, August 10, 2014 3:24 PM
To: Searle, Richard
Cc: Dannels, Mark; Wisheart, Dale; Gijanto,Sean; Marinez, Frances; TWARD@COCHISE.AZ.GOV
Subject: Richland Ranchetts Roads

Richard Searle

The State of Arizona requires that the local government units adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. See: Arizona Revised Statutes # 48-3601 through # 48-3627. (scroll down to chapter 21, article 1.) The Cochise County Board of Supervisors, which you are a member of, is included in the group of local governmental units mandated by the State of Arizona to promote the public health, safety, and general welfare of its citizenry.

The district you represent includes Richland Ranchetts which is an area that is in need of a review by the County Board of Supervisors. I know that property taxes are not used to maintain and construct county roads and that Highway User Revenue Funds (HURF) received by the county from the State of Arizona is what is used for the county roads and that the County Board Of Supervisors controls how these funds are spent within the county.

To continue, if the roads in Richland Ranchetts were improved by the county using (HURF) funds, the property values would be improved and therefore the property tax revenues going to the county would be improved. The County Board of Supervisors is allowed to take this action under State Statute # 28-6705 which states: public funds maybe expended by the County Board of Supervisors for the maintenance of public roads and streets laid out, constructed and opened prior to June 13, 1975 even if such roads and streets were not constructed in accordance with section "A" of this section. The roads in Richland Ranchetts were platted in 1963 and therefore are prior to June 13, 1975 and therefore are covered by State Statute # 28-6705.

The urgent need for the County Board of Supervisors to do a review of the Richland Ranchettes road situation is increasing due to the fact that two individuals who live in Richland Ranchettes have taken it upon themselves to scrape and remove dirt and sand from the roads in Richland Ranchettes and haul it away which has resulted in severe damage and erosion to the roads. the two individuals are

Ret. K F

Mark Conyer who lives at 78 East Kaibab way and his helper Kenneth E. Bechtel Jr. who lives at 190 East Havasu Way. This has been going on for years now and they need to be stopped.

Cochise County Sheriff Mark Dannels has assigned his Lieutenant Deputy Sean Gijanto to find a way to stop these two individuals from what they are doing to the Richland Ranchetts roads. The Cochise County Highway and Floodplain Department has Dale Wischart also looking into this situation. Both of these county departments need the County Board of Supervisors involvement in this situation.

When it comes to the State of Arizona's mandate that the county government promote the public health, safety, and general welfare of its citizenry, the Richland Ranchettes road situation deserves a review by the County Board of Supervisors and the Richland Ranchettes road situation needs to be resolved soon.

Sincerely,

Roy C. Markle

* County Road Maintenance System and has not been accepted by the Board of Supervisors for maintenance, then the use of HURF funds is governed by State Statute \$28-6705 which states

* 1. The Board of Supervisors may expend public funds for maintenance of public roads and streets other than legally designated state and county highways located outside the limits of an incorporated city or town. Before expending public funds thereon, such roads or streets shall be laid out, opened and constructed **WITHOUT COST TO THE COUNTY** and fully completed in accordance with plat approved pursuant to \$11-802 and \$11-806.1 and in **ACCORDANCE WITH STANDARD ENGINEERING ROAD SPECIFICATIONS** adopted by the County Board of Supervisors to insure uniform compliance.

* 2. Public funds may be expended by the Board of Supervisors for maintenance of public roads and streets laid out, constructed and opened prior to June 13, 1975 even if such roads and streets were not constructed in accordance with subsection "A" of this section.

* **PUBLIC/PRIVATE PARTNERSHIP:**

Since the County does not have adequate funds to upgrade all County roads, the Board of Supervisors approved Resolution 06-48 (Procedures for a Public and Private Partnership for the Improvement of Roads) whereby the users of eligible public roads may enter into a Public/Private Partnership with the County to participate financially in the upgrade of their road from a dirt surface to a chip sealed surface. The entire packet is available on the department Main Page. Currently, copies of the Resolution and applications can be downloaded from the Web site and are available by contacting the Admin Services Manager or staff at 1-800-752-3745; 1-520-432-9300 or by e-mail at highways@cochise.az.gov. Our staff will be available to help with questions.

* **ROAD IMPROVEMENT DISTRICT:**

Another method provided by State Statute for improving a roadway that does not qualify for public funds is to form a Road Improvement District. The basic requirement for formation of such a district is that a consensus to incur the necessary expenses must be reached by either a majority of the persons owning property or the owners of 51% of the property within the limits of the proposed district. Each parcel will then be assessed an equitable share of the costs on each parcel's tax bill.

* We would advise checking with the Cochise County Highway & Floodplain Department prior to purchasing property in the unincorporated areas of the County to find out the maintenance status of a road. It is our goal to provide a list of Maintained Roads on the Web Page in the near future. In the meantime, for this information, contact 1-800-752-3745, 1-520-432-9300 or e-mail highways@cochise.az.gov. Unpaved roads are not always smooth and are often slippery when wet. The public will experience an increase in vehicle maintenance costs when regularly traveling on rural County roads.

* **3. How often will my dirt road be graded?**

- The current grading schedule is as follows:
- Cascabel Road
 - Geronimo Trail to Milepost 13.5
 - Gleason Road

* All other roads are scheduled every nine to twelve weeks

* Primitive roads are scheduled once or twice per year

NOTE:

Res. 48

1961
A.P.
BROWN

Subject: Fw: Richland Ranchetts Roads
From: frank gordon (flgordon1@yahoo.com)
To: ktwjrn@aol.com;
Date: Friday, August 15, 2014 8:34 AM

On Wednesday, August 13, 2014 11:17 AM, "Marinez, Frances" <FMarinez@cochise.az.gov> wrote:

Mr. Markle

I am attaching Ordinance 040-10 for your review. Cochise County simply does not have the resources for funds to be applied to non-maintained roads.

Thank you.

Frances Marinez

Administrative Aide | Community Development

1415 Melody Lane, Bldg F | Bisbee, AZ 85603

1-800-752-3745 | 520-432-9302 direct

fmarinez@cochise.az.gov

From: frank gordon [mailto:flgordon1@yahoo.com]
Sent: Sunday, August 10, 2014 3:25 PM
To: Searle, Richard
Cc: Dannels, Mark; Wisheart, Dale; Gijanto, Sean; Marinez, Frances; TWARD@COCHISE.AZ.GOV
Subject: Richland Ranchetts Roads

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Pet. Dr. H

Richard Searle

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Sincerely,

Roy C. Markle

Re: record because paid a utility but state
was blocked.

ORDINANCE # 040-10

**ESTABLISHING GENERAL CRITERIA FOR CONSTRUCTING AND/OR
MAINTAINING PUBLIC, NON-COUNTY MAINTAINED ROAD RIGHT-
OF-WAY BY PRIVATE PARTIES AND SPECIFYING THE
INVOLVEMENT OF COUNTY STAFF**

WHEREAS, the laws of the State of Arizona authorize the Board of Supervisors to control and manage public right-of-ways and to regulate the extent and conditions of improvements within such right-of-ways; and

WHEREAS, there are publicly dedicated roads or easements granted to the public for road purposes that are not in the County Maintenance System; and

WHEREAS, the Board of Supervisors desires to have some ability to respond to the public complaints that a private person is constructing or maintaining a road in the public right-of-way in such a manner that may be hazardous, and

WHEREAS, the Board of Supervisors recognizes that some roads have a mixture of public and private rights-of-ways and that the County does not have the resources to survey these types of roads in order to make an absolute determination that the construction or maintenance activity is actually located in that public part of the right-of-way; and

WHEREAS, notice of the public hearing was published in the Official County Newspaper at least 15 days prior to the hearing,

NOW, THEREFORE, BE IT RESOLVED that the following is hereby established:

A. Definitions:

Public, non-maintained road rights-of-way: A width of land that has been dedicated to the public for roadway purposes or an easement that has been granted to the public for roadway purposes but that is not in the County's Road Maintenance System.

B. General Provisions

Constructing or maintaining a public, non-maintained road rights-of-way by a private person shall be done in such a way as to:

- 1. Not block off access to the public right-of-way.

Red Ex. I

Re: Establishing General Criteria for Constructing and/or Maintaining Public, Non-County Maintained Road Right-of-way by Private Parties

Page 2

- A private livestock fence that exists on the date of this Ordinance that crosses or otherwise encroaches on a right-of-way that is not maintained by the County may continue to exist; provided, however, that if the fence prevents travel on such a right-of-way by a person whose property is accessed by the right-of-way, the person who owns or maintains the fence must install a gate, remove the fence or otherwise ensure access on the right-of-way. No new fences will be allowed in or to cross a right-of-way unless by written consent of the Cochise County Engineer.

2. Not create hazards to the driving public.
3. Minimize storm water run-off onto private property.
4. Not create road side shoulders or ditches abutting the travelway that are too steep (typically no greater than about 4:1).

C. Staff Procedures

1. If the County receives a formal written complaint, staff will first research the status of the road right-of-way to determine if it involves a recorded public right-of-way. Staff will not survey the road to determine if the road construction or maintenance activity is actually in the public right-of-way.
2. If it is determined that the right-of-way is public, staff will investigate in a timely manner as determined by the County Engineer. If there appears to be a violation of the provisions of the Ordinance, staff shall attempt to contact the private person doing the construction or maintenance activities and make the person aware of the Ordinance and request the person to remedy the situation.

3. If the situation is not remedied, the County may put up a sign warning the traveling public of a potential hazard. The County Attorney's Office may also be requested to pursue an action to remedy the situation.

D. Effective Date

This Ordinance shall be effective 30 days after its approval by the Cochise County Board of Supervisors.

PASSED AND ADOPTED by the Cochise County Board of Supervisors this 20th day of July, 2010.

Ordinance # *040-10*

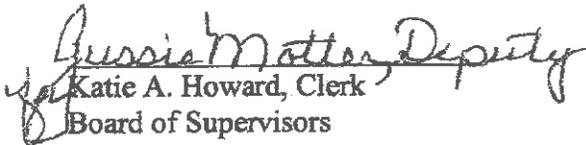
Re: **Establishing General Criteria for Constructing and/or Maintaining Public,
Non-County Maintained Road Right-of-way by Private Parties**

Page 3



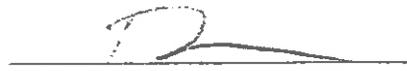
Pat Call, Chairman
Cochise County Board of Supervisors

ATTEST:



Gussie Mottler, Deputy
Katie A. Howard, Clerk
Board of Supervisors

APPROVED AS TO FORM:



Britt W. Hanson,
Chief Civil Deputy County Attorney

APR 18 2006
4pm - 0
0-3

Board of Supervisors

Patrick G. Call
Chairman
District 1

Paul Newman
Vice-Chairman
District 2

Richard R. Searle
District 3



Jody N. Klein
County Administrator

Katie A. Howard
Clerk

ORDINANCE # 035-06

REGULATING OBSTRUCTIONS, EXCAVATION, AND USE OF PUBLICLY MAINTAINED RIGHTS-OF-WAY

WHEREAS, publicly maintained rights-of-way within the unincorporated limits of Cochise County are used for purposes other than public ingress and egress; and

WHEREAS, Cochise County can impose restrictions and limitations on the use of publicly maintained rights-of-way pursuant to A.R.S. §11-251(4) and A.R.S. § 40-283(B) to protect the public safety and welfare;

WHEREAS, this Ordinance repeals Ordinance #34-04 and any portion of any resolution, rule or regulation conflicting with this Ordinance; and

WHEREAS, proper notice has been given.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors hereby rescinds Ordinance 34-04 and adopts Ordinance # 035-06 as follows:

A. DEFINITIONS

1. "Publicly maintained rights-of-way" means the entire width of the right-of-way for any road under the exclusive control of the Cochise County Board of Supervisors, whether held by deed, easement, dedication, or other claim of right, including bridges, and which have been included in the County Road Maintenance System.
2. "Encroachment" shall include any obstruction whether temporary or permanent unless expressly authorized by law, any sign, any landscaping, any new driveway or other road that connects to a road included in the County Road Maintenance System, the diversion of waters, any excavation whether or not conducted under a valid franchise, culvert installations whether new or replacement, and any other construction.
3. "Roadway prism" shall include the traveled road surface, shoulders, and ditches.

060414611

1
Pat. de J

4. "Permittee" shall include the person, partnership, company or political subdivision that signs the permit form and the person, partnership, company or political subdivision on whose behalf the work is intended to be performed. All such persons, partnerships, companies or political subdivisions shall be responsible for complying with the requirements of this Ordinance and permit conditions.
5. "Private Road" shall include any access serving more than one lot.

B. GENERAL PROVISIONS

1. No encroachment in, on or within a publicly maintained right-of-way shall be allowed without a written permit from the County Engineer, except an encroachment by authorized County Highway employees and contractors acting under a County contract. No permittee shall violate the terms and conditions of a permit unless a written variance is obtained from the County Engineer.

* 2. No excavation, fill or grading that requires a permit pursuant to the County Land Clearing Ordinance, which relates to a driveway or road that connects to a road within the County Maintained Road System, or which appears to be intended to eventually be connected to such a road, shall be allowed without a written permit from the County Engineer.

3. No vehicle shall be operated or any other activity conducted on any chip-seal, concrete or asphaltic concrete surface of a road included in the County Maintained Road System in a fashion which damages the road surface or base without a permit from the County Engineer unless the use is specifically authorized by law.

4. The County Engineer is authorized and instructed to prepare specifications and application and permit forms detailing the conditions and restrictions under which the encroachment is allowed.

5. All encroachments shall meet the standards noted in the *Cochise County County Road Design and Construction Specifications for Public Improvements*.

6. Any permit issued is revocable at will should it be necessary to protect the public safety, to protect the condition of a publicly maintained right-of-way or to allow for road expansion.

7. The County Engineer is authorized and directed to charge a permit fee in an amount authorized by the Board of Supervisors.

8. Emergency encroachments, including excavation for public utility repairs necessary to protect the public safety, are allowed without a permit provided a

permit is applied for within two working days, all traffic control and safety devices necessary are used, and final repairs are not performed until authorized by the County Engineer.

9. In the event an encroachment of a publicly maintained road occurs within the road prism without a permit so as to cause an immediate public hazard, the County may remove the obstruction and seek reimbursements of the costs involved from the responsible person. In all other cases, the provisions of A.R.S. §28-7053 and §28-7054 shall apply.
10. In the event a permittee has previously failed to comply with the conditions of a prior permit issued pursuant to this or previous Ordinance, then the permittee shall be required to submit a satisfactory security of performance in connection with any new permit application. This security shall be available to the County to correct any deficiencies not promptly remedied by the permittee. Satisfactory security shall consist of a performance bond or cash in the amount equal to 100% of the estimated cost of the repair. This security shall be refunded within 45 days after the date of the final inspection, if the permittee has satisfactorily complied with all permit requirements.
11. The permittee may be required to submit a certificate of insurance from an insurance company authorized to transact business in Arizona, as co-insured and shall provide not less than \$1,000,000 coverage for Public Liability and Property Damage.
12. The permittee assumes the responsibility for all liability for any injury or damage to any person or property, or to the County maintained right-of-way, caused by or arising out of the work performed pursuant to the Permit. The permittee shall indemnify, defend and hold harmless Cochise County, its officers, departments, employees and agents from and against any and all suits, actions, proceedings, claims, demands or damages of any kind, including all costs of legal defense arising out of the exercise of its permit which are attributed to any act or omission of the permittee, its agents, employees or anyone acting under its direction, control or on its behalf.
13. The County shall conduct inspections to verify that the encroachment has been constructed or installed per the approved permit prior to the commencement of the use and/or permit closure.

C. SPECIAL PROVISIONS RELATING TO EXCAVATION AND CONSTRUCTION

1. The County Engineer shall prepare written specifications to be included as conditions of publicly maintained right-of-way excavation and construction permits. The specifications shall include, but not be limited to the following:

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- a. Traffic control including signs specified in the *Manual on Uniform Traffic Control Devices*.
- b. Procedures for repairing road cuts.
- c. A requirement for 100% backfill compaction within the traveled road surface and 95% within the remaining roadway prism.
- d. A provision prohibiting pavement cuts except when approved by the county engineer per current county standards.
- e. A requirement that any repair shall restore the road to the same or better condition.
- f. A requirement that drainage shall not be altered so as to have an adverse impact on surrounding property.
- g. A notification that the permittee shall be responsible for verifying the location of utilities through Blue Stake.

2. A permit to excavate or construct shall be valid for the time period specified in the permit, which shall not exceed one year from the date it is issued. Permittees shall notify the County 48 hours prior to commencing work and no later than the next business day after completion. A copy of the permit shall be available at the location of the work, and shall be made available to the Engineering inspector upon request.

D. SPECIAL PROVISIONS RELATING TO UTILITIES

1. All utilities must be installed a minimum of 36 inches below the finished surface. Cable television cables shall be installed as specified by County franchise. In the event there are special public safety concerns in the opinion of the County Engineer, three-dimensional, as-built drawings may be required upon completion of construction. Cochise County shall not be liable for damages caused to utilities installed at a depth of less than 36 inches.

2. In the event a public utility line within the roadway prism becomes exposed or prevents roadway maintenance, the County Engineer may require that the line be lowered or moved without expense to the County.

3. Pursuant to A.R.S. §40-283(B) the requirements in this Ordinance supersede the provisions of any utility franchise.

E. VARIANCES

The County Engineer is authorized to grant variances from the restrictions and conditions specified herein where imposition of such restrictions and conditions would impose undue hardship, and where the purposes of this Ordinance will otherwise be served by such a variance, and provided the public safety and welfare will be protected.

F. REMEDIES

1. In the event the conditions of a permit are violated or a permit is not obtained, the County Engineer may suspend the permit, if any, and order that all work cease until the violation is corrected or a permit obtained. If the work is abandoned and not repaired to County specifications, the County may repair the work and recover the costs of repair from the person responsible. Where necessary to protect the public safety and welfare, the County Engineer may place a physical barrier to prevent access to a publicly maintained right-of-way until the permit violation is abated or a permit is obtained.

2. The County Attorney is authorized to initiate such other enforcement action as may be deemed necessary including, but not limited to, an action to enjoin the party from violating this Ordinance, and to impose fines or other sanctions allowed by Arizona law as may be necessary or desirable in order to compel the party violating this Ordinance to cease such violation and to comply with any permit that has been issued.

3. Any person commencing work without a permit shall be required to obtain a permit and shall pay the fee for starting work without a permit as specified by the Board of Supervisors.

G. PENALTIES

Any person who violates this Ordinance shall be guilty of a class 1 misdemeanor. Where Arizona law authorizes civil penalties or other sanctions, any party who violates this Ordinance shall be subject to such civil penalties or sanctions.

H. FEE SCHEDULE (See Attached)

I. EFFECTIVE DATE

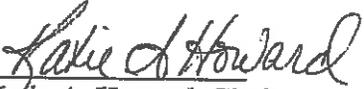
This Ordinance shall be effective 30 days after its approval by the Cochise County Board of Supervisors.

PASSED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS this 11th day of April, 2006.



Pat Call, Chairman
Board of Supervisors
Cochise County, Arizona

ATTEST:



Katie A. Howard, Clerk
Board of Supervisors
Cochise County, Arizona

APPROVED AS TO FORM:



Britt W. Hanson, Deputy County Attorney

060414611

From: frank gordon [mailto:fgordon1@yahoo.com]
Sent: Friday, August 22, 2014 12:01 PM
To: Michael J. Lacey
Subject: Unregulated Pumping of Ground Water

To: Michael J. Lacey, Director of The State of Arizona Department of Water Resources

The unregulated pumping of ground water in Sulphur Springs Valley in Cochise County has caused land subsidence and earth fissures through out the Valley. One earth fissure opened up under the intersection of Dragoon Road and Stronghold Road causing the County to make repairs to the intersection and post earth fissure warning signs. In spite of the problem at at this intersection, two new wells are being drilled near this intersection, which will go unregulated unless the Department of Water Resources declares Sulphur Springs Valley to be an Active Management Area. Another earth fissure opened up in Richland Ranchettes under Arabian Lane between Papago Way and Apache Way and continued east to the edge of Highway 191. Again, the County had to make repairs to these roads and post earth fissure warning signs.

Many of the existing water wells in Sulphur Springs Valley are being deepened or are being replaced with new deeper wells. Without active management of the ground water in Sulphur Springs Valley, the water table will continue to be lowered and the land subsidence and earth fissure problems will increase and the public's safety, health, and general welfare will be in greater jeopardy.

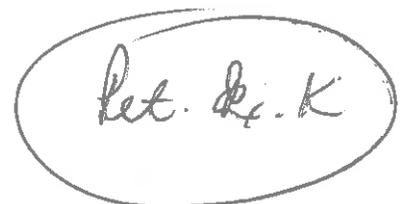
Sincerely,

Roy C. Markle

1842 N. Paint Pony Ln.

Cochise, Arizona 85606

PH.# (520) 826-3707

A handwritten signature, "Roy C. Markle", is enclosed within a hand-drawn oval. The signature is written in dark ink and is slightly slanted to the right.

Subject: RE: Unregulated Pumping of Ground Water
From: Michael J. Lacey (mjlacey@azwater.gov)
To: figordon1@yahoo.com;
Date: Tuesday, August 26, 2014 5:55 PM

ADWR SPECIAL ASSISTANT TO THE DIRECTOR,
LEGISLATIVE LIAISON - DOUGLAS W. DUNHAM

Mr. Markle:

ADWR monitors groundwater conditions throughout the State, including the Sulphur Springs Valley. Annual "index lines" include dozens of wells in the region. Last Thursday, I made a decision to conduct a more detailed "sweep" of water level conditions throughout the Willcox and Douglas basins due to heightened concerns about groundwater conditions in the area. That sweep will be conducted late this calendar year and will measure water levels in roughly 1000 wells in these basins. We last swept the area in 2005. ADWR's most recent statewide water level report (OFR #13) is found at the bottom of the link at:

<http://www.azwater.gov/2013/08/26/2013-Annual-Statewide-Water-Level-Report-13>

In addition to the water levels we collect in wells, ADWR also monitors land subsidence using satellites and Interferometric Synthetic Aperture Radar (InSAR). The program description and subsidence mapping can be found at:
<http://www.azwater.gov/2013/08/26/2013-Annual-Statewide-Subsidence-Monitoring-Report>. A recently published statewide subsidence monitoring report can be found at:

<http://www.azwater.gov/2013/08/26/2013-Annual-Statewide-Subsidence-Monitoring-Report-Number-1>.

There is much Cochise County information there.

Both the freshly collected water levels and InSAR data will be used to inform ADWR, elected officials, and the public about groundwater conditions and water management options in the area.

Some of the reports are large electronic files and may take significant time to download. Let me know if you wish hard copies of any or all of them.

Thank you for forwarding the information and for your interest in water management.

Michael J. Lacey

Director

Arizona Department of Water Resources

602.771.8426



PROTECTING ARIZONA'S
WATER SUPPLIES
for ITS NEXT CENTURY