

Subject: Response to recent concerns
Date: Monday, May 11, 2026 at 5:15:46 PM Mountain Standard Time
From: Beth Abramovitz
To: John Dougherty
CC: Mayor and Council, Shane Dille, Galovale Galovale
Attachments: image001.png

Mr. Dougherty,

Thank you for your correspondence and memorandums dated April 16, 27, 28, and May 4 regarding the work being done by Hudbay and its ties to the License Agreement between the Town of Sahuarita and Hudbay.

Regarding your assertion that Hudbay is in breach of contract for failing to file required pump installation reports with the Arizona Department of Water Resources (ADWR), Town staff has contacted ADWR directly and was informed they have requested Hudbay submit the appropriate reports. The License Agreement does not regulate Copper World's drilling of wells on its private property, nor does it require reporting to the Town regarding well development activities. As ADWR is the agency with regulatory authority over well drilling and associated reporting requirements, the Town has relied upon ADWR to address compliance matters and enforce any penalties it deems appropriate.

Your correspondence also raised concerns regarding the approximately 33.49 acre-feet of water utilized by Hudbay during testing of the new wells and the use of the Pima Mine Road/Nogales Highway recharge facility.

The recharge facility located at the northwest corner of Pima Mine Road and Nogales Highway is associated with the Pima Mine Road/Nogales Highway recharge project (Project Renews/CAP recharge). The facility does not have a simple or fixed "surface recharge area boundary" similar to a watershed. Rather, its recharge area is defined hydrogeologically as the portion of the Upper Santa Cruz Basin aquifer that experiences groundwater mounding and long-term storage effects resulting from infiltration.

While the physical recharge basins themselves are relatively small, approximately 17 to 30 acres for the Nogales Highway recharge site, this footprint represents only the location where water enters the ground and not the broader recharge area of impact. The actual recharge influence extends through the aquifer system and is reflected in groundwater response, including mounding and subsurface flow patterns.

As identified in the Green Valley Area Water Supply Study, multiple recharge facilities within this same corridor, including effluent ponds and other facilities, create overlapping

groundwater mounding zones. In practice, this means the recharge influence extends across a several-mile corridor rather than a single discrete parcel. The “core mounding zone,” where recharge impacts are strongest and most immediate, generally occurs within approximately one-half to one mile of the recharge basin.

Exhibit B of the Town’s License Agreement contains a depiction of the applicable recharge area, and the Town’s review indicates that the core mounding zone associated with the Pima Mine recharge facility overlaps with the area identified in Exhibit B. To satisfy the recharge requirement associated with Hudbay’s reported testing usage, approximately 35 acre-feet of recharge would have been necessary within this recharge area. Records indicate that approximately 1,683 acre-feet of water was recharged at the Pima Mine facility during the applicable period. Accordingly, the recharge amount attributable to Hudbay’s testing activities represents just over two percent of the total recharge volume at the facility. Based on this information, it is the Town’s position that the recharge requirement has been satisfied.

The Town appreciates that you reached out to Pima County for its input on this matter. However, it is important to note that Pima County has very limited authority over groundwater regulation. Authority over groundwater withdrawals resides with the State of Arizona through ADWR. Under state law, ADWR has control and supervision over groundwater and surface water use. Within the Tucson Active Management Area, which includes most of Pima County, ADWR regulates groundwater pumping, issues well permits, enforces conservation requirements, and administers assured water supply rules. Pima County does not regulate how much groundwater is pumped or determine who may pump groundwater.

Finally, with respect to your request that the Town terminate the License Agreement based upon the timing of Hudbay’s reporting, or lack thereof, of water usage, Paragraph 8 of the License Agreement does not establish a specific deadline by which such reporting must be submitted to the Town. Nevertheless, the Town is currently working with Hudbay to establish a regular reporting schedule for these submissions moving forward to address this concern.

As previously mentioned, the Town remains committed to monitoring the situation and will be responsive should Hudbay’s activities result in a material breach of the License Agreement.

Thank you again for your continued interest and engagement on this matter.

Regards,

Beth

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