

Overview of Potential 2009 Water-Related Legislation

Arizona Department of Water Resources Legislative Agenda

Drought Emergency Inter-basin Groundwater Transfers

Provides for inter-basin groundwater transfers for drought emergencies if certain, specified criteria are met; this is a session law.

Technical Correction

This technical correction corrects an incorrect statutory reference resulting from last year's legislation allowing the City of Williams to transport groundwater across basin boundaries.

Surface Water Enforcement

This authorizes the Arizona Department of Water Resources (ADWR) to enforce existing surface water diversion and impoundment permit requirements using the groundwater Code enforcement authority of ADWR as a model; enforcement authority would include civil penalties of up to \$10,000 per day.

Prohibition on the Inter-basin Transportation of Effluent

This will expand the inter-basin transportation of groundwater prohibition to include a prohibition on the transportation of reclaimed wastewater outside of the basin in which it was generated.

Designated Funding Sources for ADWR Activities

This will develop a funding mechanism to offset the impact from General Fund reductions.

Excess Central Arizona Project Water for Specified Purposes

This will establish a mechanism by which excess Central Arizona Project (CAP) water can be set aside for the Arizona Water Banking Authority (AWBA) and the Central Arizona Groundwater Replenishment District (CAGR) as replenishment reserves.

Central Arizona Water Conservation District Legislative Agenda

CAGR Revenue Bonding Authority

Key provisions include:

- Authorizing CAWCD to issue revenue bonds to acquire water rights and develop infrastructure to perform its replenishment obligations and removing the current statutory prohibition against using replenishment revenues to repay bonds.

- Providing that revenues from CAP subcontractors and CAWCD's ad valorem taxes cannot be used to repay revenue bonds issued for replenishment purposes.
- Increasing the maximum aggregate outstanding principal amount on bonds issued by CAWCD from \$250 million to \$500 million.
- Authorizing the collection of annual "membership dues" from CAGR D member lands and member service areas, regardless of the volume of excess groundwater used by the member, revenues from membership dues must be used to acquire water rights and develop infrastructure for replenishment purposes, including bond debt service.

AMWUA Legislative Agenda

The AMWUA Sustainability Stakeholders Group has developed a series of legislative proposals that are intended to help ensure that:

1. Prospective member lands and member service areas comply with CAGR D's enrollment process and pay an enrollment fee.
2. CAGR D is operating under a Plan that continues to demonstrate consistency with the groundwater management objectives for the Phoenix, Tucson, and Pinal AMAs.
3. CAGR D can continue to fulfill its responsibilities under the Plan, even if certain portions of the Plan are no longer consistent with the management goal.

CAGR D Enrollment

Proposed statutory changes would:

- Amend current law to require the Member Land (ML) Declaration be approved by CAWCD prior to recordation and that CAWCD be a party to the ML Agreement.

ADWR Oversight and Expiration of the CAGR D Plan of Operation

Proposed statutory changes related to ADWR's Oversight of the Plan of Operation would:

- Amend the statutes related to the ADWR Director's review of the Plan of Operation to give the Director the authority to determine, any time between the second anniversary and the eighth anniversary of the Plan, that the Plan is no longer consistent with the management goal for one or more AMA. Currently, the ADWR Director has this authority only between the second and sixth anniversary of the Plan.
- Require CAGR D to submit any revised Plan within one calendar year of the ADWR Director's notification to submit a revised plan, unless the Director extends this time for good cause. Currently, CAGR D has two years to submit a revised Plan.

Proposed statutory changes related to the Expiration of the Plan of Operation would:

- Prevent provisions of the current ten-year Plan from expiring that are not affected by the Director's determination that a revised Plan is not consistent with the management goal of an AMA.
- Ensure that the current ten-year Plan remains effective until at least one year after the date the next ten-year Plan must be submitted to ADWR.

League of Arizona Cities and Towns Resolution

Mutual Aid Agreements

- Allows a county, city, town or district providing water or wastewater services to enter into mutual aid agreements with non-governmental entities that provide water or wastewater services under the regulation of the Arizona Corporation Commission.
- Requires these agreements to address responding to emergencies that affect water or wastewater services and specify how the service provider that requests the aid will reimburse the cost of the responding service provider.