

Resolution 09.B

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE ARIZONA MUNICIPAL WATER USERS ASSOCIATION  
REGARDING**

**THE 1980 GROUNDWATER MANAGEMENT ACT AND RURAL ARIZONA**

**WHEREAS**, the Cities of Avondale, Chandler, Glendale, Goodyear, Mesa, Peoria, Phoenix, Scottsdale, Tempe and the Town of Gilbert are members of the Arizona Municipal Water Users Association, a voluntary, non-profit corporation established by cities in the urban area of Maricopa County for the development of an urban water policy; and

**WHEREAS**, the 1980 Groundwater Management Act (GMA) established Active Management Areas, including the Phoenix Active Management Area, within which the GMA places limits on rights to withdraw groundwater, regulates the drilling of new wells, requires the metering of wells, the reporting of water use, the conservation of water, and prohibits new subdivisions for which there is not a 100-year assured water supply; and

**WHEREAS**, most provisions of the 1980 Groundwater Management Act do not apply outside of Active Management Areas; meaning, that in rural Arizona there are no restrictions on the drilling of new wells, no limitations on new uses of groundwater, and, absent action by the county board of supervisors, or city or town, lots in subdivisions may be sold even if there is not a 100-year adequate water supply; and

**WHEREAS**, the decision to subject only urban Arizona to mandatory water management requirements was based in part on the assumptions that rural Arizona did not have any serious water supply problems and would not experience any significant growth pressures, which assumptions have proven invalid; and

**WHEREAS**, the impacts of the 1980 Groundwater Management Act's water management provisions have proven significant and beneficial for municipal providers within Active Management Areas, not the least of which is a drought insurance program; and

**WHEREAS**, rural Arizona may benefit from some of the water management concepts in the 1980 Groundwater Management Act so long as such water management concepts are adopted in a manner that reflects the varied local conditions in rural Arizona.

**WHEREAS**, the Arizona Legislature has taken initial steps toward improving water management in rural Arizona, current statutes fall short of providing a consistent, comprehensive approach to water management in rural Arizona.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Arizona Municipal Water Users Association that the Association urges the Arizona State Legislature to provide rural Arizona, with the water management tools that can help rural Arizona to ensure its future prosperity by passing legislation to:

1. Prohibit the Arizona Department of Real Estate from issuing a public report to allow the sale of subdivided land, including dry-lot subdivisions, unless the Arizona Department of Water Resources has determined that there is an adequate water supply available to support the proposed subdivision.

An “adequate water supply” means:

- a. Sufficient groundwater, surface water, or effluent of adequate quality will be legally and continuously available to satisfy the water needs of the proposed, new residential use for at least 100 years; and
  - b. The financial capability has been demonstrated to construct the water facilities necessary to make the supply of water available for the proposed, new residential use, including a delivery system and any storage facilities or treatment works.
2. A private well to serve a new residential use may not be drilled without demonstrating an adequate water supply to the Arizona Department of Water Resources.
  3. The Arizona Department of Water Resources must be given the authority to enforce water conservation requirements for all water users.
  4. All wells must be metered or use an Arizona Department of Water Resources-approved measuring device with the amount of water withdrawn annually reported to the Arizona Department of Water Resources.

**DATED THIS 20<sup>TH</sup> DAY OF NOVEMBER, 2008**

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**Mayor Hugh Hallman, President**  
**Arizona Municipal Water Users Association**

**ATTEST:**

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**Steven L. Olson, Executive Director**  
**Arizona Municipal Water Users Association**