

arizona municipal water users association

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January 7, 2009

Mr. Herb Guenther, Director
Arizona Department of Water Resources
3550 North Central Avenue
Phoenix, Arizona 85012

RE: Effluent Regulation

Dear Mr. Guenther:

On behalf of the Arizona Municipal Water Users Association (AMWUA) members, I am writing to convey AMWUA's opposition to the Arizona Department of Water Resources' (ADWR) proposal that would prohibit the transfer of effluent across of basin boundaries. AMWUA does not believe such regulation is necessary.

Under current law, the ADWR is not authorized to regulate effluent, as the ownership, management, and control of effluent lies with the entity generating the effluent. Any changes in the current legal structure must be carefully considered by all affected water interests to assure the ramifications from the legislation are well understood and clearly justified. No such discussion has occurred nor justification been demonstrated by key stakeholders.

AMWUA members have invested hundreds of millions of dollars in the infrastructure and programs necessary for the effective management of effluent supplies and do not want to see those investments and essential programs undermined after decades of successful management. Since the specific problem this proposed legislation seeks to remedy is unclear, pursuing a blanket prohibition on the inter-basin transfer of effluent will likely lead to costly, unintended consequences.

ADWR may argue that it should have the authority to prohibit inter-basin transfers of effluent because it sees that action as a "natural extension" of the 1980 Groundwater Code. **AMWUA disagrees.** The Arizona State Legislature enacted the 1980 Groundwater Code, in part, to slow the declining groundwater levels and to mitigate the resulting damage in areas where such management was critical for long-term stability of groundwater supplies. ADWR has presented no evidence of a water management benefit or a water management crisis that would necessitate a prohibition on effluent transfers.

Thank you for your consideration.

Sincerely,



Steven L. Olson
Executive Director