



AMWUA

2000

LEGISLATIVE SUMMARY

FINAL

MAY 2, 2000

**amwua**  
arizona municipal water users association

ARIZONA MUNICIPAL WATER USERS ASSOCIATION

**"FINAL"**

*2000 Legislative Summary*

44<sup>th</sup> Legislature Second Regular Session

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\* Indicates change from previous week.

**S 1020      ~~SAFE SCHOOLS APPROPRIATION~~ THE JOHNSON RANCH  
GROUNDWATER TRANSFER PROPOSAL “STRIKER”**

(Burns) Johnson Ranch is a mega-development of an estimated 4,400 plus homes located south of Queen Creek in northern Pinal County which straddles the border of the Phoenix and Pinal AMAs. One of the groundwater transportation limitations of the 1991 Groundwater Transfer Act was a prohibition on water providers from withdrawing groundwater pursuant to their service area right in the Pinal AMA and transporting that groundwater away from the Pinal AMA. A strike everything amendment was offered to allow a water provider in the Pinal AMA to transport groundwater withdrawn in the Pinal AMA to another initial AMA, in this case the Phoenix AMA, if the transfer is made within the service area of that water provider and the service area is located entirely within Pinal County. In addition, the amount of groundwater so transported in any year would have to be less than twice the amount of groundwater needed to meet the current and committed demands of the water provider in the Pinal AMA portion of the service area. The use of such groundwater in the Phoenix AMA would also have to comply with the management plan and AWS rules for the Phoenix AMA. However, the groundwater replenishment obligation incurred by the transfer must be satisfied by replenishment in the Pinal AMA. The replenishment obligation would also include any replenishment obligation incurred through the implementation of any Indian water rights settlement that encompasses any part of the service area. (It appears that at least one of the wells that would withdraw the groundwater for transport is located in the so-called “protection zone” contemplated in the on-going Gila River Indian Community (GRIC) water rights settlement negotiations.) The total amount of the replenishment obligation shall be at least equal to twice the amount of the groundwater withdrawn for transportation with at least the amount of groundwater withdrawn for transportation replaced in the subbasin from which it was withdrawn in a location within one mile of the location of the withdrawal. Finally, these provisions would not become law unless the Gila River Indian Community files a pleading in United States District Court waiving all objections to these provisions by December 31, 2000.

Status

Do pass as striker from House Approp *con enchufe*.  
Do pass from House Rules.

## AMWUA Position

Oppose.

We have to conditionally oppose this act until we can be assured that it does not negatively impact the water rights settlement negotiations with the GRIC. It can be argued that it doesn't since the GRIC is given, in essence, a veto power but that, in and of itself, is extremely problematic in terms of precedent setting. In addition, it appears that CAGRDR statutes may also need to be amended to preclude CAGRDR members from subsidizing the cost of Johnson Ranch's super replenishment obligation. The Johnson Ranch proponents were never able to provide adequate reasons why the legislation was needed so quickly. The excuses given that they would be unable to have an interconnected water system without the legislation and concerns about the Growth Management Initiative are bogus and simply don't wash. Moreover, the method used to bring this legislation before the committee is a formula for terrible water policy. A strike everything amendment dealing with a major piece of water legislation which has not been widely discussed with water users in the AMAs to identify their concerns, and which surfaces on the last day a committee meets is not the traditional way water policy is developed in this state. Frankly, it is offensive. If the proposal had been floated in the fall or even introduced in January, an equitable and workable accommodation could have been reached, one that, indeed, probably would have been less burdensome on Johnson Ranch than the absurdity that they now may face.

**TASK FORCE ON EFFLUENT REUSE**

(Arzberger, Bowers, Cirillo, Aguirre, Brown; Flake, Griffin, McGrath) A Blue Ribbon task force on effluent reuse is created. There are 14 members including the DWR Director, the DEQ Director, 6 Legislators and 6 people with expertise in water representing the following various interests: municipality with more than 500,000 population; municipality with less than 500,000 population; agriculture; mining; golf industry; and environmental. The task force must study and make recommendations on issues including obstacles to the reuse of treated effluent, methods of increasing its use, appropriate consumptive uses and identification of measures to improve public acceptance of its use. The task force shall review the findings of other study committees or task forces relating to effluent use and shall evaluate the available research and information on the use of effluent and determine the need for additional areas of study. The task force must submit an initial report by December 1, 2000 which shall include recommendations for additional areas of study and a final report by December 1, 2002.

Status

Referred to Senate CANR, Rules.  
Do pass from Senate CANR.  
Do pass from Senate Rules.  
Passed Senate, 28 - 1.

Referred to House NR, Rules.  
Do pass with amendments from House NR.  
Do pass from House Rules.  
Do pass from House COW.  
Passed House, 44 - 13.

Returned to Senate for concurrence.  
Senate concurred.  
Passed Senate, 26 - 2.

SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 192.

AMWUA Position

Support.

It is politically difficult to oppose a task force unless one can demonstrate that the task force is out to get you. That being the case, it is far better to be inside looking out than outside looking in.

21 January: AMWUA testified that while we generally supported the concept of the task force and applauded Sen. Arzberger's initiative, we were concerned, worried, anxious and paranoid. Since approximately 60% of the effluent produced by AMWUA members is currently being stored underground or reused within the Phoenix

AMA (Does anyone know of another major metropolitan area that even comes close to that level of regional reuse?), we are very concerned that recommendations might have the unintended consequence of making our job more difficult and interfere with our reuse plans, not to mention the public funds that could potentially be at risk. Moreover, any resolution of disputes elsewhere in the state (read Baja) between producers, owners and users of effluent must not generate negative spillover into the Phoenix AMA. Sen. Arzberger noted our concerns and stated that while we were doing a good job, we could still do better. The technology exists, he remarked, to change effluent into drinking water.

*¡Hijole!* This thing is sure moving fast. In fact, it might well be the first bill to get out of the Senate this session. Could one say it's greased? *¿Hay manteca?*

3 March: The first amendment made sure that the legislators from each body could not all be from the same political party. The second amendment, which was verbal, provided a seat for Pima County and one for the electrical generation industry. The City of Tucson, of course, now wants a seat reserved for it. *A donde va Vicente va toda la gente.* We probably have not heard the last word in this exercise.

## **S 1106      UNIFORM PLUMBING CODE; EXEMPTION**

(Petersen) A County Board of Supervisors may exempt areas that are zoned rural or unclassified from all provisions of State Plumbing Code adopted pursuant to Section 41-619 except those provisions that govern on-site individual septic systems or individual wastewater treatment systems.

### Status

Referred to Senate CANR, Rules.  
Do pass with amendment from Senate CANR.  
Do pass from Senate Rules.  
Do pass from Senate COW.  
Failed Senate, 12 - 17.  
Senate agreed to reconsider.

### AMWUA Position

Neutral.

Tracking for info purposes only.

S 1184

**NAVAJO COMMUNITY COLLEGE APPROPRIATION  
WATER STUDIES APPROPRIATION "STRIKER"**

(Gnant, Brown) The "striker" to S 1184 appropriates from the general fund \$1 million in FY 2000-2001 to DWR for rural water studies and \$500,000 for a hydrologic study of the Upper and Middle Verde water basins including the connectivity of the Big Chino groundwater basin to the Verde River.

Status

Do pass with amendment from Senate Approp.  
Do pass from Senate Rules.  
Do pass from Senate COW.  
Passed Senate, 27 - 0.

Referred to House NR, Approp, Rules.  
Withdrawn from House NR.  
Do pass from House Approp.  
Do pass from House Rules.  
Do pass with amendment from House COW.  
Passed House, 33 - 21.

Returned to Senate for concurrence.  
Senate concurred.  
Passed Senate, 19 - 10.

\*

**SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 244.**

AMWUA Position

Support.

The study is probably needed and AMWUA is sure the folks in rural Arizona and, in particular, Yavapai County will thank the taxpayers of Maricopa County for furnishing most of the \$1.5 million.

31 March: The amendment reduced the appropriation to \$500,000.



**S 1254      POWER PLANTS; SITING; CERTIFICATE WATER; COMMERCIAL USE  
"STRIKER"**

(Hamilton) If a power plant located in the Harquahala Irrigation Non-expansion Area (INA) plans to use groundwater withdrawn from within the INA shall be issued a Certificate of Environmental Compatibility (CEC) only if the groundwater is withdrawn: 1) from land that is legally eligible to be irrigated; 2) from a depth to 1000 feet; 3) at a rate when added to the existing rate of withdrawals in the INA does not cause the groundwater table to decline more than 10 feet a year; and, when aggregated with all other withdrawals from the irrigated land, in an amount per acre of land that does not exceed 6 acre feet in any year and 30 acre feet for any period of 10 consecutive years.

Status

Referred to Senate GES, Rules.  
Do pass with s/e amendment from Senate GES.  
Do pass from Senate Rules.  
Do pass from Senate COW  
Passed Senate, 30 - 0.

Referred to House NR, Rules.  
Withdrawn from House NR.  
Referred to House Ag.  
Do pass from House Ag.  
Do pass from House Rules.  
Do pass from House COW.  
Passed House, 57 - 1.

Returned to Senate for concurrence.  
Senate concurred.  
Passed Senate, 29 - 0.

SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 129.

AMWUA Position

Neutral.

It is too early to take a position, if one need be taken at all. Motives/intents need to be discovered. S 1254 is identical to H 2323.

21 January: Who is behind this bill and for what purpose? Why is it necessary to treat a power plant withdrawing groundwater within the Harquahala INA for electrical generation within the Harquahala INA in essentially the same way the statutes treat a political subdivision withdrawing groundwater in the Harquahala INA for transportation away from the Harquahala INA to the Phoenix AMA?

11 February: As indicated in the 28 January note to H 2323, Vidler Water Company is behind the bill. Vidler is the entity which has bought a considerable amount of irrigated land in the Harquahala INA in order to have the groundwater withdrawn from that land transported via the CAP canal into the Phoenix AMA for assured water supply purposes. They apparently fear that PG&E's use of groundwater in the Harquahala INA to produce electricity will threaten Vidler's investment. Whether that is true is problematic, and probably unanswerable. Vidler wants every non-irrigation use of groundwater withdrawn from within the Harquahala INA to follow the rules Vidler must follow.

Recipients of the weekly summary were told to expect a compromise based on "substantial capital investment." And that is what the strike everything amendment apparently provides through the miracle of grandfathering. As amended, S 1254 now provides that in the Harquahala INA a person may withdraw more than 100 acre feet of groundwater per year for commercial or industrial purposes other than irrigation or residential use just so long as the person follows the same rules set forth in the bill as introduced, the same rules Vidler must follow. However, a person may withdraw 62,500 acre feet per rolling ten year period for electrical generation if a CEC application was filed with the Arizona Corporation Commission before January 1, 2000. PG&E, *verdad*, passes with flying colors. The blue-suits, *los jineteros*, cut a deal.

What still hasn't been adequately recognized is that S 1254, even as amended, turns Arizona's rural groundwater law on its head. A person who owns land outside an AMA may pump as much groundwater as needed for a reasonable and beneficial use on the land. Moving the water off the land sometimes causes problems. But to require a person to purchase and retire farmland and pass all sorts of draw down tests in order to gain a right to pump more than 100 acre feet of groundwater for a non-irrigation use on the land, not off the land like Vidler's intention, is a radical departure from the status quo. And, if these restrictions on non-irrigation use are good for the Harquahala INA, why aren't they good for other groundwater basins or sub-basins in rural Arizona? A slippery slope is developing. As Yogi Berra said, "The future ain't what it used to be."

Almost forgot. A slight puzzlement. Maybe someone can enlighten us. A.R.S Section 45-554 seems to apply only to transportation of groundwater to an initial AMA by a political subdivision which owns land within the Harquahala INA. Vidler is not a political subdivision.

**S 1255 WATER ASSURED SUPPLY**

(Hamilton) If the proposed source of water for an assured water supply is CAP water or Colorado River water make available through a contract with an Indian community that has a priority equal to or higher than CAP M&I water and has an initial contract term of at least 99 years, the DWR Director must determine that the contract demonstrates the legal availability to the recipient of the annual volume of water that is specified in the contract for 100 calendar years.

Status

Referred to Senate GES, Rules.

AMWUA Position

Neutral.

It is too early to take a position, if one need be taken at all. There appears to be little municipal benefit in this bill given it is AMWUA's understanding that municipal providers have received designations of assured water supply based on leased Indian CAP water with no question as to legal availability. S 1255 is identical to H 2350.

**S 1264 DWR CONTINUATION**

(Wettaw) DWR is continued until July 1, 2005.

Status

Referred to Senate CANR, Rules.  
Do pass with amendment from Senate CANR.  
Do pass with amendment from Senate Rules.  
Do pass from House COW.  
Passed Senate, 30 - 0.

Referred to House NR, Rules.  
Do pass with amendment from House NR.  
Do pass from House Rules.  
Do pass from House COW.  
Passed House, 50 - 8.

Returned to Senate for concurrence.  
Senate refused to concur.

Senators Wettaw, Bennett, Guenther to simple CC.  
Representatives Groscoast, Daniels, McLendon to simple CC.

Representatives Griffin and Gleason replaced Representatives Groscost and Daniels respectively.

CC adopts Senate version.  
Senate concurs.  
House concurs.  
Passed House, 48 - 8.

\*

**SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 260**

AMWUA Position

Support.

When all is said and done 5 years is probably OK.

28 January: The amendment continued DWR for 10 years. There was no opposition.

3 March: The amendment continued DWR for 5 years, not 10. The municipal sector testified in favor of a 10 year continuation. The AWPCA supported 5 years. Most noticeable by their absence were members of the agricultural community.

24 March: The dispute is 10 years (Senate position) vs. 5 years (House position). *¿No vale la pena?*

7 April : The changes in conference committee membership may signify ten years for DWR.

**S 1283 DEQ CONTINUATION**

(Bowers) DEQ is continued until July 1, 2005.

Status

Referred to Senate GES, Rules.  
Do pass from Senate GES.  
Do pass from Senate Rules.  
Passed Senate, 28 - 1.

Referred to House GovRef, Rules.  
Withdrawn from House GovRef.  
Referred to House Approp.  
Do pass with amendment from House Approp.  
Do pass from House Rules.  
Do pass with amendment from House COW.  
Passed House, 51 - 7.

Returned to Senate for concurrence.  
Senate refused to concur.

Senators Bowers, Bennett, Richardson to free CC.  
Senate adopts CC report.  
Passed Senate, 20 - 8.

\* **House adopts CC report.**  
\* **Passed House, 31 - 23.**

\* **SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 389.**

AMWUA Position

Support.

When all is said and done 5 years is probably OK. However, our continued support for the bill is now conditional pending review of the House Approp amendment.

17 March: The amendment extended DEQ for only two years. It will be extended for another two years if the committee of reference finds that DEQ has met or will meet all of its program performance standards by June 30, 2002. There are some 14 program performance standards covering the gamut of DEQ's responsibilities including: taking final action on 50% of all of the APP applications that are pending on January 1, 2000; completing construction and beginning final clean-up or significant early response actions on at least five additional high priority WQARF sites; for sites that are on the WQARF registry on 1-1-2000, initiating potentially responsible party searches by 6-30-2001; for sites added to the WQARF registry after 1-1-2000, initiating potentially responsible party searches by 1-31-2002, but not sooner than six months after the listing; and, initiating at least one multi-party WQARF allocation.

Can DEQ accomplish even these tasks in an efficient and effective manner let alone the other nine in the time provided? Do they have sufficient money? How many sites do you think will be added to the WQARF registry after 1-1-2000?

7 April: The COW amendment removed the program performance standards petard and extended DEQ until July 1, 2008.

14 April: The CC report extends DEQ until July 1, 2005 as in the bill as introduced and passed by the Senate way back when. DEQ is no longer faced with program performance "standards" but with program performance "objectives" which are to be completed by June 30, 2002. What is the difference in the real world of symbolism and legalisms? Well, program performance objectives "are goals and are only intended to serve as a management tool and are not intended to circumvent or supersede current state law." Moreover, the "objectives are intended to publicly demonstrate" DEQ's "commitment to better serve the public." Isn't that special. The standards adopted by House Appropriations (see 17 March note above) are, with one exception, identical to the objectives in the CC report. The exception, apparently quite significant to DEQ, is that there is no command to establish an informal administrative dispute resolution process that involves a recommendation from an objective third party to address technical issues and disputes in issuing permits and determining compliance or coverage issues for those programs for which a technical appeals process is not provided for in statute.

**STORED WATER; RECOVERY WELLS**

(Guenther; Gleason) Applicable to all kinds of water, the general rule is that a person who holds long-term storage credits for water may recover the water stored from wells located within the area of impact of the stored water if the person recovering the water is the storer. This bill provides an exception to the general rule when the stored water to be recovered is effluent that is stored in a managed underground storage facility. In such situations, if the proposed recovery well is located within the exterior boundaries of the service area of a municipal provider or irrigation district, that municipal provider or irrigation district is the person seeking to recover the effluent or has consented to the location of the recovery well. In addition, if the proposed recovery well is located outside, but within three mile of the exterior boundaries of the service area of a municipal provider or irrigation district, the closest municipal provider or irrigation district has consented to the location of the recovery well.

Status

Referred to Senate CANR, Rules.

AMWUA Position

Oppose.

The general rule is that the person who expends funds to store water underground can recover that water from within the hydrologic impact area of the storage project without jumping through unnecessary regulatory hoops. Remember, we are talking about recovery within, not outside, the project's hydrologic impact area. Within the hydrologic impact area, one is recovering one's own water; without, one is recovering someone else's water. Any movement away from the general rule establishes a precedent, the proverbial camel's nose under the tent, and should be greeted with extreme skepticism. Today it is effluent in a managed project, tomorrow it will be CAP water in an in lieu project and the day after any water in any kind of recharge project. S 1329 is identical to H 2182.

21 January: This is another "Bubble-up-from-Baja" bill. It treats effluent recovered within the hydrologic impact area of a managed project as if it is recovered outside the area of hydrologic impact. Why? Cortaro-Marana Irrigation and Drainage District (CMIDD) wants the exclusive right to manage the recovery of underground storage credits from any existing well located within the exterior boundaries of its service area even if the recovery site is within the hydrologic impact area of the underground storage project. However, following the death-by-duckbite principle and since this is aimed at the City of Tucson which wants to operate a managed underground storage project using effluent (which project's hydrologic impact area is, of course, within the exterior boundaries of the CMIDD), CMIDD narrowed the scope of the legislation.

**WATER EXCHANGES**

(Wettaw) A water exchange is allowed when groundwater is exchanged between an irrigation district and an irrigation grandfathered right holder within that district. A water exchange notice need not be filed nor the exchange completed within a 12 month period.

**Status**

Referred to Senate CANR, Rules.  
Do pass with amendment from Senate CANR.  
Do pass from Senate Rules.  
Do pass from Senate COW.  
Passed Senate, 30 - 1.

Referred to House NR, Rules.  
Do pass from House NR.  
Do pass from House Rules.  
Do pass from House COW.  
Passed House, 53 - 1.

SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 224.

**AMWUA Position**

Support.

Certain groundwater exchanges between irrigation districts and customers of those districts have relatively no impact on the water resources of others. Unnecessary administrative burdens are thus placed on DWR and the parties to the exchange. These kinds of exchanges should be exempt from statutory requirements for water exchanges.

**S 1364 CONDEMNATION AUTHORITY; CAWCD**

(Bowers) The Central Arizona Water Conservation District (CAWCD) is empowered to acquire land through condemnation for a state demonstration recharge project in Maricopa, Pinal or Pima Counties located with ten miles of the CAP aqueduct.

Status

Referred to Senate CANR, Rules.  
Do pass with amendment from Senate CANR.  
Do pass from Senate Rules.  
Do pass from Senate COW.  
Passed Senate, 28 - 1.

Referred to House Ag, Rules.  
Do pass with amendments from House Ag.  
Do pass from House Rules.  
Do pass with amendment from House COW.  
Passed House, 47 - 10.

Returned to Senate for concurrence.  
Senate concurred.  
Passed Senate, 29 - 1.

SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 145.

AMWUA Position

Neutral.

Tracking for info purposes only.

4 February: The amendment forbids the CAWCD from condemning another person's underground storage project.

10 March: One amendment required notice of proposed eminent domain action to the owner of the property and notice as well to owners of property within 500 feet of the property to be condemned. The other amendment provides that if the offer of the CAWCD is not within 10% of the final judgment in the condemnation proceeding, the CAWCD shall pay all reasonable attorney fees. An open invitation to delay and litigation?

It is clear that there is considerable, ideological opposition to eminent domain under virtually any circumstances. Indeed, the bill was characterized as a "land grab." It clearly isn't if one reads the bill, the referenced statutes and is familiar with the hydrological realities of recharge and recovery. Nevertheless, it is more than likely that there will be further amendments to limit this already limited piece of legislation. One addition may be to limit CAWCD's condemnation authority to only Maricopa County. Unnecessary, but *no problema*. State demonstration recharge projects are funded through a state demonstration recharge project fund financed by a

4¢ ad valorem tax. The tax has expired. The funds collected can only be spent in the county in which they were acquired. The tax was never levied in Pinal County. The funds collected in Pima County are nearly exhausted. The only place money is left is in Maricopa County.

24 March: The amendment may result in the CAWCD paying through the nose for any property it acquires if sand and gravel mining is the highest and best use of that property because any condemnation award shall include just compensation for any losses of the property's earning potential.

**S 1380      HYDROLOGIC STUDY; YAVAPAI COUNTY; APPROPRIATION**

(Bennet; Binder) A \$3 million appropriation to Yavapai County for the County Water Advisory Committee to study the hydrologic relationship between the upper and middle Verde water basins, including the connectivity of the Big Chino groundwater basin.

Status

Referred to Senate CANR, Approp, Rules.

AMWUA Position

Support.

The study is probably needed and AMWUA is sure the folks in Yavapai County will thank the taxpayers of Maricopa County for furnishing most of the \$3 million.

**S 1470      AGRICULTURAL PRESERVATION LAND; TAX CREDIT**

(Cirillo) This bill grants individual and corporate income tax credits, from a pot not to exceed \$10 million per year, to any person who sells their land or development rights to an Agricultural Preservation District between 1/1/2000 and 12/31/2005. Credits can be carried forward to the next 15 consecutive years and may be sold in whole or in part to other taxpayers.

Status

Referred to Senate Fin, GES, Rules.

AMWUA Position

Neutral.

AMWUA is tracking this legislation because some of our members may be on the APD Board and we suspect that eventually the growers in the APD who sell or lease their development rights will eventually argue they must also be free of the Groundwater Code's requirements if they are to survive. S 1470 is apparently the same as H 2060.



**S 1509 WATER; IRRIGATION GRANDFATHERED RIGHTS**

(Bennett; Binder) Establishes the formula for determining the size of an assured water supply credit for extinguishing an irrigation grandfathered right in the Prescott AMA. Through 12/31/10, multiply 1.5 acre-feet by the number of acres times 25. After 12/31/10, multiply 1.5 acre-feet by the number of acres times the difference calculated by subtracting the calendar year of extinguishment from 2025.

Status

Referred to Senate CANR, Rules.  
Do pass with amendment from Senate CANR.  
Do pass from Senate Rules.  
Do pass from Senate COW.  
Passed Senate, 27 - 3.

Referred to House NR, Rules.  
Do pass from House NR.  
Do pass from House Rules.  
Do pass with amendment from House COW.  
Passed House, 53 - 2.

Returned to Senate for concurrence.  
Senate refused to concur.

Senators Bennett, Bowers, Arzberger to free CC.  
Representatives Griffin, Blewster, Maiorana to free CC.

Senate adopted free CC report.  
Passed Senate, 25 - 3.

\* **House adopted free CC report.**  
\* **Passed House, 54 - 0.**

\* **SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 391.**

AMWUA Position

Neutral.

This bill applies only in the Prescott AMA, aka Baja Norte. It is similar in concept to H 2590.

4 February: While similar in concept, it is far less “generous” than H 2590. There is a bonus for pre-2011 extinguishment, but the credit amount declines thereafter and disappears after 2025.

11 February: As prelude, the notes for H 2590, which explains the genesis and reasoning of this legislative effort, are reproduced in a slightly modified

version. The assured water supply (AWS) rules for the Prescott AMA currently grant a groundwater withdrawal credit for extinguishing a groundwater right. The credit equals 1.5 acre feet per acre times the number of years between the time the right was extinguished and 2025, the year safe yield is to be achieved. Thus, the size of the credit one can obtain not only decreases over time, it will eventually disappear entirely. Ag interests in Baja Norte have argued that the current rules discriminate against farmers who plan to stay in business for a number of years because the credit decreases in size as the years go by and then disappears. The only farmers who will benefit are those who sell today. In fact, they argue that this rule really operates, if it was not designed, to drive farmers out of business earlier than would be the case naturally. Thus, under H 2590, if the size of the credit is 1.5 acre feet x number of acres x 25 with no ending date, the incentive for early retirement is extinguished. Under S 1509 there is an early bonus but there is an ending date. It should be noted there is an alternative that would remove any so-called incentive for early retirement. Get rid of the extinguishment credit altogether.

Clearly, S 1590 is an improvement over H 2590. NOT!!! If this bill survives, AMWUA may have to end up opposing it due to its negative implications. Applicable only to the Prescott AMA, the amendment was crafted by DWR to close some loopholes in the extinguishment process. The amendment directs DWR to implement by rule the following: 1) Extinguishment credits for irrigation rights can only be obtained if the land was capable of being irrigated and had a recent history of irrigation. (Inactive rights don't get credits.) 2) If the extinguishment credit is for a Type 1 right, the right can be legally exercised. (Paper rights don't get credits.) 3) The land to which the Type 1 right is appurtenant has to have had a recent history of being irrigated. (Inactive rights don't get credits.) 4) The land to which the right is appurtenant has not been subdivided pursuant to a plat approved before the date the Prescott AMA was declared out of safe yield. (No double dip for credits.) 5) The land to which the right is appurtenant is not and will not be the location of a subdivision which has applied for a certificate of assured water supply before the Prescott AMA was declared out of safe yield. (No double dip for credits.)

All fine and good for Baja Norte, but what of its negative implications for the Phoenix AMA? Since these extinguishment rules will apply only in the Prescott AMA, by implication they do not apply in the Phoenix AMA. Inactive rights are eligible for extinguishment credits. Paper rights are eligible for extinguishment credits. Ben & Jerry double dip extinguishment credits are available in any flavor you want in the Phoenix AMA. If the bill passes, expect DWR to quickly move to amend the assured water supply rules. In fact, start the rule modification process *mañana*.

Not to continue to kick an already dead horse to death, but this exercise points out once again the dangers inherent in state policy making when the tail wags the dog. But at least this time, the consequences, while unintended, have been identified.

3 March: Confusion continues to abound aided by distortions, whether by design, faulty memory or simple misinformation is irrelevant, about the Groundwater Code and the AWS statutes and rules. An AWS extinguishment credit is not the same thing as an irrigation groundwater right, or the right to sell one's irrigation groundwater right for a non-irrigation use nor is it the same thing as a Type 1 non-irrigation groundwater right. An AWS extinguishment credit is not a private property right and never has been. It is a bonus, a gift if you will, created by rule, not by statutory law or constitutional law or by the Creator. It is a windfall for the owner of the groundwater

right designed to act as an incentive for the early extinguishment of the right. That the incentive may in turn have its unintended consequences or that it poorly achieves its desired results is entirely possible. But the answer is not to turn the AWS extinguishment credit into a perpetual right to mine groundwater for subdivisions in a safe yield AMA. It is mantra that the Code and the AWS statutes and rules require that municipal growth take place on renewable water resources, not mined groundwater.

17 March: The amendment was supposed to turn the AWS extinguishment credit into a perpetual entitlement to use mined groundwater, a non-renewable resource, to demonstrate an AWS a la H 2590. Ironically, the amendment doesn't. In fact, it terminates the ability to obtain an AWS extinguishment credit after 2010 which was clearly not the intent of its supporters.

Floor debate and the amendment demonstrated that confusion continues to abound and indeed grow. (See 3 March note above.) An AWS extinguishment credit is not a private property right and never has been. In fact, in the Prescott AMA it didn't even exist before 1999! Why is it so difficult to grasp that without a replenishment obligation one can't use, by law and rule, a non-renewable water resource to demonstrate an AWS? *A veces, la Cámara está despistada.*

14 April : The CC report essentially corrects the mistake in the House that would have extinguished the extinguishment credit after 2010. One still gets a bonus for extinguishment before 2010 and a smaller one, probably not significantly smaller, even if you had not irrigated for four of the six years preceding 1/1/2000. Once again: whining wins. *El que no llora no mama.*

## **S 1517      TECHNICAL CORRECTION: GROUNDWATER**

(Arzberger, Bowers) A technical change in the statute regarding groundwater rights and uses in AMAs.

### Status

Referred to Senate Rules.  
Do pass from Senate Rules.

### AMWUA Position

Neutral.

Wait and see. This may be a striker vehicle, *una camioneta.*

**S 1544      TECHNICAL CORRECTION; WATER QUALITY**

(Bowers) Changes “the effective date of this chapter” to actual date.

Status

Referred to Senate Rules.  
Do pass from Senate Rules.  
Passed Senate, 20 - 9.

Referred to House Rules.

AMWUA Position

Neutral.

Wait and see. This may be a striker vehicle, *una camioneta*.

\* Indicates change from previous week.

## H 2060      AGRICULTURAL PRESERVATION DISTRICT LAND

(Gleason; Cirillo) This bill grants individual and corporate income tax credits, from a pot not to exceed \$10 million per year, to any person who sells their land or development rights to an Agricultural Preservation District between 1/1/2000 and 12/31/2005. Credits can be carried forward to the next 15 consecutive years and may be sold in whole or in part to other taxpayers.

### Status

Referred to House Ag, Ways-Means, Rules.  
Do pass from House Ag.  
Do pass with amendment from House Ways-Means.  
Do pass from House Rules.  
Do pass from House COW.  
Passed House, 35 - 23.

Referred to Senate Fin, Rules.  
Do pass from Senate Fin.  
Do pass with amendment from Senate COW.  
Passed Senate, 28 - 2.

Returned to House for concurrence.  
House concurred.  
Passed House, 37 - 20.

\*

**SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 267.**

### AMWUA Position

Neutral.

AMWUA is tracking this legislation because some of our members may be on the APD Board and we suspect that eventually the growers in the APD who sell or lease their development rights will eventually argue they must also be free of the Groundwater Code's requirements if they are to survive. H 2060 is apparently the same as S 1470.

21 January: This bill is the next in a series to last session's legislation that authorized the establishment of an Agricultural Preservation District (APD) designed to help keep Luke Air Base from closing due to surrounding growth and development pressures, thereby preserving Luke's significant economic impact on the state. But this

year's bill needs some work, serious work. Confusion reigns. Concerns were expressed by a number of committee members about the ability to sell tax credits and implications thereof. Indeed, a person from the Revenue Department testified that this right to sell tax credits could, since it would be a first for Arizona, establish a precedent and all what that may imply. Questions were raised about what would happen if the tax credits were given and used and then the Feds closed Luke? The amount of the tax credit is related to the appraised value of the land, and it appeared to me that the committee assumed that what the landowner would receive from the sale of the land or the lease of the development rights would be the tax credit. Maybe that's the intent but the language of the bill doesn't expressly say that.

The same confusion and questions arose in Ways-Means. Of those that voted to pass the bill from committee, most expressed reservations when explaining their vote. The amendment was designed to prevent a double dip by defining the tax credit as an addition to Arizona gross income.

31 March: The Senate COW amendment limits the amount of the tax credit to \$33,000 instead of \$10 million. One can guess that there was some concern that the language could be interpreted to allow one individual to receive the entire \$10 million. In addition, the tax credit no longer can be transferred or conveyed to other taxpayers. According to testimony from proponents, the ability to transfer the credit was essential.

**AQUACULTURE; PROTECTING AQUATIC ENVIRONMENT**

~~(Gleason) DEQ may determine that discharges from an aquaculture facility are detrimental to aquatic wildlife, resulting in restrictions prescribed by the Department of Agriculture.~~

**RECHARGED WATER USE; STUDY COMMITTEE "STRIKER"**

(Gleason) A joint legislative study committee on recharged water use is established. Members are: Director of DWR, Director of DEQ, a municipal representative, an agricultural representative, an environmental representative and six legislators. The committee shall consider issues relating to the recharge of water and its subsequent reuse, including issues relating to conflicting jurisdictions and withdrawal of water for use. The committee shall make a report on its recommendations and findings by December 1, 2001.

Status

Referred to House Ag, Rules.

AMWUA Position

Neutral.

As with S 1054, it is politically difficult to oppose a task force unless one can demonstrate that the task force is out to get you. That being the case, it is far better to be inside looking out than outside looking in.

4 February: This striker is apparently a direct result of the "eloquent" testimony offered last week on H 2182. (See 28 January note for H 2182.) *Otra vez, un mil gracias Baja*. In any event, no action was taken on this bill Wednesday night because a quorum could not be found, much to the consternation of the Chair and the folks in the audience who had sat through a over 5 hour meeting of House NR waiting for House Ag to begin. Since there may be no further meetings of House Ag, some other vehicle or venue will be found.

**H 2149**

**DROUGHT EMERGENCY GROUNDWATER TRANSFER “STRIKER”**

Allows the withdrawal and transportation of groundwater away from a groundwater basin that is outside an AMA after the Governor declares a drought emergency and if the Director of DWR approves the transfer that first has to meet a whole series of criteria.

Status

Do pass from Senate CANR.  
Do pass from Senate Rules.  
Do pass from Senate COW.  
Passed Senate, 29 - 0.

Returned to House for concurrence.  
House concurred.  
Passed House, 51 - 0.

SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 205.

AMWUA Position

Support.

There are areas in rural Arizona that face the probability of severe water shortages this summer.

## **H 2178      WQARF; REVISIONS**

(Allen) WQARF statutes are revised regarding contracting for procurements relating to WQARF. The definition of “eligible party” for remedial actions is expanded to include those who incur remedial action costs. The DEQ Director’s authority to suspend investigations and actions is expanded if the Director determines that site remediation will be addressed somewhere under Title 49, not just Chapter 2, Article 5 (WQARF).

### Status

Referred to House Env, Rules.  
Do pass from House Env.  
Do pass from House Rules.  
Passed House, 59 - 0.

Referred to Senate GES, Rules.  
Do pass from Senate GES.  
Do pass from Senate Rules.  
Passed Senate, 30 - 0.

SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 45.

### AMWUA Position

Support.

AMWUA has traditionally been supportive of the WQARF program and its necessary revisions. H 2178 appears to be consistent with this stance.



**STORED WATER; RECOVERY WELLS**

(Gleason) Applicable to all kinds of water, the general rule is that a person who holds long-term storage credits for water may recover the water stored from wells located within the area of impact of the stored water if the person recovering the water is the storer. This bill provides an exception to the general rule when the stored water to be recovered is effluent that is stored in a managed underground storage facility. In such situations, if the proposed recovery well is located within the exterior boundaries of the service area of a municipal provider or irrigation district, that municipal provider or irrigation district is the person seeking to recover the effluent or has consented to the location of the recovery well. In addition, if the proposed recovery well is located outside, but within three miles of the exterior boundaries of the service area of a municipal provider or irrigation district, the closest municipal provider or irrigation district has consented to the location of the recovery well.

Status

Referred to House Ag, Rules.  
 Withdrawn from House Ag.  
 Referred to House GovRef.  
 Do pass with amendment from House GovRef.  
 Do pass from House Rules.  
 Do pass from House COW.  
 Passed House, 54 - 0.

Referred to Senate CANR, Rules.  
 Do pass from Senate CANR.  
 Do pass from Senate Rules.  
 Passed Senate, 28 - 0.

SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 169.

AMWUA Position

~~Oppose.~~

The general rule is that the person who expends funds to store water underground can recover that water from within the hydrologic impact area of the storage project without jumping through unnecessary regulatory hoops. Remember, we are talking about recovery within, not outside, the project's hydrologic impact area. Within the hydrologic impact area, one is recovering one's own water; without, one is recovering someone else's water. Any movement away from the general rule establishes a precedent, the proverbial camel's nose under the tent, and should be greeted with extreme skepticism. Today it is effluent in a managed project, tomorrow it will be CAP water in an in lieu project and the day after any water in any kind of recharge project. H 2182 is identical to S 1329.

Support.

The amendment provides an acceptable compromise. The recovering entity must notify the appropriate city, town, private water company or irrigation district of its recovery plans and shall consider offers to recover by the appropriate city, town, private water company or irrigation district.

21 January: This is another “Bubble-up-from-Baja” bill. It treats effluent recovered within the hydrologic impact area of a managed project as if it is recovered outside the area of hydrologic impact. Why? Cortaro-Marana Irrigation and Drainage District (CMIDD) wants the exclusive right to manage the recovery of underground storage credits from any existing well located within the exterior boundaries of its service area even if the recovery site is within the hydrologic impact area of the underground storage project. However, following the death-by-duckbite principle and since this is aimed at the City of Tucson which wants to operate a managed underground storage project using effluent (which project’s hydrologic impact area is, of course, within the exterior boundaries of the CMIDD), CMIDD narrowed the scope of the legislation.

28 January: Testimony was taken on the bill in House AG but no vote was taken. Time is needed to lovingly craft a consensus amendment between CMIDD and the City of Tucson. That should give the rest of us a good case of the heebie-jeebies. A law drafted to solve a particular problem, particularly one between competing Baja interests, almost always creates new problems in its wake, ones that call for subsequent legislative solution, and so on down the line. Some call this the Law of Unintended Consequences.

Arizona water users, especially those engaged in large and expensive underground storage projects or groundwater savings facilities should pay close attention. Are you listening CAWCD? Are you listening Arizona Water Banking Authority? From the testimony delivered in support it is clear this bill is a first step in a process designed to achieve for irrigation districts (electrical districts will probably be next in line) the exclusive right to manage the recovery of underground storage credits from wells located within the exterior boundaries of their service area even if the recovery site is within the hydrologic impact area of the project and even if the recovery site is on land that is not served by an irrigation district.

The testimony from the CMIDD representative, a master of the infomercial with considerable skill in performing Dopeler Effects, was a sight to behold and, in all honesty, a real pleasure to hear. Clearly he is not a man tortured by a speech implement. (In fact, AMWUA scored the performance as a 10.) Comparing DWR to God, the City of Tucson to an elephant and CMIDD to the little mouse that’s being picked on who wants only to protect its backyard, the infomercial master’s eloquence (aka the bewilderment/befuddlement quotient) was unending, unsurpassed and unmatched. The logic, however, was unfathomable. *Puro canto y nada de opera.*

4 February: This bill was also scheduled to be heard Wednesday night in House Ag, but there was the problem of the quorum. (See H 2061 note for 4 February.)

It has been withdrawn and rescheduled for House GovRef which had its last scheduled meeting Wednesday night. Me thinks there might be another meeting of GovRef early next week even though this week was the last to hear bills in house of origin. Perhaps due to the huge number of bills filled and the compressed schedule, there might be a number of very important bills vital to a number of very important people that didn't get heard for one reason or another. ¿*Sabe amiguismo?* In any event, there is an amendment to H 2182 which requires notice by the credit holder of recovery and consultation with the affected entity over recovery issues. If such is done, it is likely AMWUA opposition will change to neutrality.

## **H 2183      WATER; FLEXIBILITY ACCOUNT CREDITS**

(Gleason) A farm that is not located in an irrigation district may purchase flexibility account credits only from a farm that is located in the same sub-basin and the same AMA.

### Status

Referred to House Ag, Rules.

### AMWUA Position

Neutral.

The agricultural conservation program is such a joke and in such shambles that further "liberalizing" the flex account statutes in the manner proposed is probably nothing to get exercised about.

21 January: Me thinks this legislation, the latest in the "death-by-duckbite" series needs some work. For instance, it appears that the proposed changes to the statute made by this bill have the effect of allowing only non-irrigation district farms to purchase flex account credits. If your farm is in an irrigation district, you can still sell credits to non-irrigation district farms in the same sub-basin and the same AMA, but you can't buy them from another farm regardless of where that farm is located. The problem is easy to fix, so do not fear my good aggie friends. The family *finca* will survive. Uncle Salty/SRP is aware of the glitch, but only after, it must be pointed out, a municipal *bocón* put them hot on the trail.

28 January: The bill was held in House Ag. DWR rightly feels that the bill is inconsistent with the terms of the agreement between DWR and the agricultural community delaying adoption of the Agricultural Base Conservation Program for the Third Management Plan.

**H 2196      UNIFORM PLUMBING CODE; ENFORCEMENT**

(Griffin) The Arizona Uniform Plumbing Code will not apply to geographical regions that are not subject to a city, town or county building code.

Status

Referred to House GovRef, Rules.  
Do pass from House GovRef.  
Do pass from House Rules.

AMWUA Position

Neutral.

Tracking for info purposes only.

21 January: Pray tell: What are these geographical regions? Indian reservations? Newly-created national monuments and other federal lands? Yes, and would you believe some geographical regions in some counties in this state are not subject to county building codes.

**H 2198      DAM SUPERVISION; RECORDS; TECHNICAL CORRECTION**

(Griffin) The changes are technical relating to records and rules.

Status

Referred to House Rules.  
Do pass from House Rules.  
Passed House, 39 - 18.

Referred to Senate Rules.  
Referred to Senate Education.  
Do pass from Senate Education.

AMWUA Position

Neutral.

Wait and see what happens.

21 January: A “natural born” vehicle for a Title 45 *camioneta*.

10 March: No longer tracking. It became a striker dealing with the funding formula for accountability measures related to the A+ Program.

## H 2200 WATER PROTECTION FUND; APPROPRIATION

(Daniels, Griffin) \$3 million is appropriated to the Water Protection Fund for FY 2000-01.

### Status

Referred to House NR, Rules, Approp.  
Do pass from House NR.  
Do pass with amendment from House Approp.  
Do pass from House Rules.  
Do pass from House COW.  
Passed House, 46 - 10.

Referred to Senate CANR, Approp, Rules.  
Do pass with amendment from Senate CANR.  
Do pass from Senate Approp.

### AMWUA Position

Support.

The projects financed through the Water Protection Fund have proven valuable to the citizens of the state, especially those in rural areas.

We continue to support the appropriation to the Water Protection Fund but the substantive amendments placed on the bill in House Appropriations and adopted by House COW appear not only inconsistent with the purpose of the Fund but inequitable and self-serving as well. See 3 March note below.

3 March: The Water Protection Fund was established to provide an annual source of funds for the development and implementation of measures to protect water of sufficient quality and quantity “to maintain, enhance and restore rivers and streams and associated riparian habitats, including fish and wildlife resources that are dependent on these important habitats...” (§45-2101.B) However, the first substantive amendment in House Appropriations adds to the funding priority list projects “which utilize best management conservation practices and take into consideration the historic utilization and low water use vegetation.” Say what? Low water use vegetation? Does this mean that a riparian maintenance, enhancement or restoration project that proposes to plant greasewood and cactus would receive priority over one that proposes to plant willows and cottonwoods? Native Sonoran vegetation in riparian areas are relatively high water users or they wouldn't be in riparian areas in the first place. Furthermore, what of the fish and wildlife resources that are dependent on relatively high water use vegetation, i.e., native Sonoran riparian vegetation? This amendment is a textbook example of how the facts, although interesting, are often irrelevant in the political arena.

The second amendment's genesis is the legitimate concern about the federal use of state money for projects on federal lands. Thus, the second amendment eliminates federal agencies from submitting a request for funding unless “in

conjunction with a lessee of state or federal lands.” Does this mean that it would be very unlikely that a political subdivision or a state agency like Game and Fish would be able to partner with a federal agency? It appears that this amendment is an unapologetic attempt to unlevel the playing field and provide ranchers with an advantage over all other applicants. Contrary to what the committee may have been told, the original intent of the Arizona Water Protection Fund was not to give preference to livestock-related projects.

10 March: The amendment removed the amendment that eliminated federal agencies from submitting a request for funding unless in conjunction with a lessee of state or federal lands. It was recognized that if such a restriction were in place it would have compromised worthwhile projects in rural Arizona such as the Aquifer Framework and Groundwater Flow Paths in the Big and Little Chino Basins undertaken by the U.S. Geological Survey in Yavapai County and the Fort Huachuca Mountain Front Recharge Project undertaken by the U.S. Army in Cochise County. Any continued funding for these projects was also problematic if the House amendment remained.

The priority funding position for low water vegetation may be addressed on the floor. It was pointed out that one normally finds high water use vegetation in riparian areas. Why else would they be there? Planting low water use vegetation in such areas might drown them.

The bill now goes to Senate Appropriations where its fate is, at best, uncertain. There appears to be about \$250 million requested from a “box” that may hold as little as \$10 million.

## **H 2211 ARIZONA WATER TREATMENT AUTHORITY**

(Schottel) This legislation establishes the Arizona Water Treatment Authority and the Water Treatment Plant Fund to issue revenue bonds to construct water treatment plants for CAP and Colorado River water.

### Status

Referred to House NR, Ways-Means, Rules.  
Withdrawn from Ways-Means.

### AMWUA Position

Oppose.

Simply unnecessary and redundant.

21 January: For all practical purposes, this bill is conceptually identical to last session’s strike everything amendment to S 1234. AMWUA’s questions remain the same. Why can’t the Water Infrastructure Financing Authority (WIFA) do this? Isn’t WIFA doing this already? The answers are it can and it does. Why is this bill needed? A new state authority issuing revenue bonds for water treatment plant construction will only muddy the waters. *Barco que tiene muchos pilotos pronto se va a pique.*

**MUNICIPAL WATER RATES; OUTSIDE CHARGES**

(Schottel) If a city or town serves water to residents of an unincorporated area, the rates charged for such service shall be determined by contract approved by the city or town and the Residential Utility Consumer Office (RUCO) unless the rates are the same or less than the rates the city or town charges its own residents for water. RUCO will be able to annually assess each municipal water utility in this state so that the total of all assessments is sufficient to equal the costs of administering this new function as determined by the RUCO Board. In addition, the Arizona Corporation Commission shall regulate water rates charged by a city to persons outside its corporate boundaries if the city or town provides service to an area outside its corporate boundaries that exceeds thirty per cent of the city's or town's service area and that the number of people served outside its corporate boundaries exceeds thirty per cent of the customer base within its corporate boundaries. (Prop. 208 sensitive.)

Status

Referred to House County-Muni, GovRef, Rules.

AMWUA Position

Oppose.

The bill is nothing but unconstitutional mischief.

21 January: Baja strikes again and once again! Except for what appears to be grammatical corrections, this bill is a clone of last session's H 2278. As has become typical and tiresome, this legislation is directed at problems some have with the City of Tucson and Tucson Water. Pima County itself must also be in the mix somewhere. Do problems exist between the members of AMWUA and any Maricopa County residents they may serve drinking water? I doubt it. But with the contagion effect operative, some could be created.



## H 2323 POWER PLANT SITING; GROUNDWATER USE

(Gleason) If a power plant located in the Harquahala Irrigation Non-expansion Area (INA) plans to use groundwater withdrawn from within the INA shall be issued a Certificate of Environmental Compatibility only if the groundwater is withdrawn: 1) from land that is legally eligible to be irrigated; 2) from a depth to 1000 feet; 3) at a rate when added to the existing rate of withdrawals in the INA does not cause the groundwater table to decline more than 10 feet a year; and, when aggregated with all other withdrawals from the irrigated land, in an amount per acre of land that does not exceed 6 acre feet in any year and 30 acre feet for any period of 10 consecutive years.

### Status

Referred to House Ag, Rules.  
Do pass from House Ag.  
Do pass from House Rules.

### AMWUA Position

Neutral.

It is too early to take a position. Motives/intents need to be discovered. H 2323 is identical to S 1254.

21 January: Who is behind this bill and for what purpose? Why is it necessary to treat a power plant withdrawing groundwater within the Harquahala INA for electrical generation within the Harquahala INA in essentially the same way the statutes treat a political subdivision withdrawing groundwater in the Harquahala INA for transportation away from the Harquahala INA to the Phoenix AMA?

28 January: Vidler Water Company is behind the bill. Vidler is the entity which has bought a considerable amount of irrigated land in the Harquahala INA in order to transport groundwater withdrawn from that land into the Phoenix AMA for assured water supply purposes. They apparently fear that PG&E's use of groundwater in the Harquahala INA to produce electricity will threaten Vidler's investment. Whether that is true is problematic and probably unanswerable. Vidler wants every non-irrigation use of groundwater withdrawn from within the Harquahala INA to follow the rules Vidler must follow. Expect a compromise based on "substantial capital investment."

Supporters of the bill argued that using Harquahala groundwater to produce electricity for export to California was tantamount to a water transfer. Well...true. But that really is a phony issue. Virtually any product of value produced using the waters of this state is at least partially exported. Citrus to Japan, cotton to India, Pentium Chips to the world. What hasn't been adequately recognized is that the bill turns Arizona's rural groundwater law on its head. A person who owns land outside an AMA may pump as much groundwater as needed for a reasonable and beneficial use on the land. Moving the water off the land sometimes causes problems. But PG&E's use will be on the land, not off like Vidler's. To require PG&E to purchase and retire farmland in order to gain a right to pump a quantified amount of groundwater

for use on the land is a radical departure from the status quo. And, if its good for PG&E, why is it not good for any other kind of non-irrigation use in rural Arizona? A slippery slope is developing. As Yogi Berra said, "The future ain't what it used to be."

## H 2339 WATER RESOURCES; ADMINISTRATIVE RULES

(McGibbon, McGrath) The order of the DWR Director adopting or modifying a management plan would no longer be exempt from the standard, state administrative procedure requirements.

### Status

Referred to House NR, Rules.  
Do pass from House NR.  
Do pass from House Rules.  
Passed House 47 - 7.

Referred to Senate GES, Rules.

### AMWUA Position

Oppose.

Why is this change necessary? What will it accomplish?

21 January: As I read it, this bill would require DWR's management plans to follow the requirements of Title 41, Chapter 6---Administrative Procedures. This would include the Governor's Regulatory Review Commission (GRRC), the uniform administrative appeals procedures under the Office of Administrative Hearings (OAH), and perhaps even a review of the management plans by the Attorney General. Does anybody really believe this is progress, much less improvement? Considerable time and effort was expended over the past few years on the regulatory review effort. This bill would completely negate the statutory agreements developed between the Legislature, DWR and AMA water users with respect to DWR and the management plans. That no one is totally happy with DWR is clear. (Is anyone ever?) But it does not follow that running the Groundwater Code's management plans through GRRC, OAH and the Attorney General will increase a sector's influence over DWR and provide a more acceptable or fair outcome. Any Phoenix AMA water user who thinks so probably needs to be watered twice a day. Ask the Ag community about their "Peace Treaty" with DWR concerning the Third Management Plan.

4 February: If it ain't broke, don't fix it. So, should anyone be surprised that this bill is being supported and lobbied primarily by water users in Baja who, since they lead the state in water conservation and effluent use, need only be watered once instead of twice a day? Most Phoenix AMA water users have over the years tried to develop a relationship with DWR based on trust and a recognition that our interests are fundamentally mutually compatible. Have we always been successful? Of course not, but more often than not. One can be concerned that H 2339 might move us from a venue of compromise and cooperation to one of command and control. It is possible a cogent argument could be made for GRRC review or for DWR to perform an economic impact analysis of the plan assuming, of course, that such would produce something meaningful. But it is still unclear what role, if any, would be played by the Ag? Remember, DWR has its own legal council/stable which rules on the legal sufficiency of

the management plans. And now we may be mixing in the Ag? What was the name of that song? Dueling lawyers? What was the name of that movie?

10 March: The bill was not heard in Senate GES. It was held at the request of its supporter. Better for a bill to be held than to go down in defeat this late in the session. (But remember: Lazarus is alive and well and stalks the halls of the Legislature.) The committee evidently recognized that this bill was not regulatory reform but, instead, regulatory redundancy. *Ave de mucha pluma poca carne.* Those regulated by DWR under the management plan, if the bill were to become law, would face DWR's own procedural requirements as well as the state's standard administrative procedural requirements. As one of those regulated, even though we may prefer one or the other set of procedural requirements, we can live with either set but not both as the bill would mandate. Regulatory reform must be performed thoughtfully and delicately. H 2339 cuts butter with a chainsaw.

## **H 2347      ENVIRONMENT; CITIZEN LAWSUITS**

(Valadez; Rios, Soltero) Authority for a private citizen to sue the DEQ Director for failure to perform is expanded to allow environmental lawsuits against other citizens, other state agencies and political subdivisions alleging a violation of an air or water quality provision, order, permit, standard, rule or discharge limitation. Monies collected from any civil penalties would go to WQARF and the Air Quality Fund.

### Status

Referred to House Econ, GovRef, Rules.

### AMWUA Position

Neutral.

Tracking for info purposes only. H 2347 is identical to H 2572. (What gives?)

21 January: One should be surprised if this bill receives any thing more than the perfunctory "light of day" treatment.

**H 2408 WATER; SECOND MANAGEMENT PLAN**

(Griffin) The end of the second management period is extended from 2000 until 2005 and the Director is required to promulgate a Second Management Plan for each initial AMA not later than January 1, 2003 instead of January 1, 1988.

Status

Referred to House NR, Rules.

AMWUA Position

Oppose.

Why the delay? What will be accomplished?

21 January: *¡Aliviánname! ¿Estás tomando los pelos?* Extending the second management period only invites unintended consequences and, besides, the Director has not only already promulgated the Second Management Plan for the second management period but adopted it as well, both some 10 years ago.

4 February: Held. May be used for a striker.

~~MOTOR VEHICLES; THROWING BURNING MATERIAL~~

~~(Cooley) It is illegal to throw from a vehicle any burning material that starts a fire.~~

**AQUIFER PROTECTION PERMIT FEES “STRIKER”**

(Schottel, May) Pending the issuance of an Aquifer Protection Permit, the striker requires facilities operating with a Notice of Disposal or a Groundwater Quality Protection Permit to annually register and pay an annual registration fee based on the daily influent or discharge of pollutants. An amendment to the striker changes the maximum fees DEQ may charge for an Aquifer Protection Permit application. From a maximum fee cap per permit/per facility, a variable formula is established which is designed to allow DEQ to recover its cost as they change.

Status

Referred to House GovRef, Rules.  
Do pass with amendment from House GovRef.  
Do pass from House Rules.  
Do pass from House COW.  
Passed House, 45 - 6.

Referred to Senate CANR, Rules.  
Do pass from Senate CANR.  
Do pass from Senate Rules.  
Do pass from House COW.  
Passed Senate, 26 - 4.

Returned to House for concurrence.

- \* **House concurred.**
- \* **Passed House, 42 - 5.**

\* **SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 399.**

AMWUA Position

Support.

The maximum fee cap limits DEQ’s ability to recover its costs for permitting facilities because it has not changed to reflect changing economic conditions, nor has it changed to recognize the significant differences in permitting classes of facilities. The formula should result in a more equitable distribution of costs between facilities and sectors and may result in savings for the municipal sector.

4 February: The amendment eliminated the formula and provides flat fee caps which differ for each sector. Savings for the municipal sector are still anticipated.

## **H 2530 WATER SUPPLY; ASSURED; EXCHANGES**

(Hart, Gleason) If the proposed source of water for an assured water supply is CAP water or Colorado River water make available through a contract with an Indian community that has a priority equal to or higher than CAP M&I water and has an initial contract term of at least 99 years, the DWR Director must determine that the contract demonstrates the legal availability to the recipient of the annual volume of water that is specified in the contract for 100 calendar years.

### Status

Referred to House NR, Rules.  
Withdrawn from House NR.  
Referred to House Ag.

### AMWUA Position

Neutral.

It is too early to take a position, if one need be taken at all. There appears to be little municipal benefit in this bill given it is AMWUA's understanding that municipal providers have received designations of assured water supply based on leased Indian CAP water with no question as to legal availability. H 2530 is identical to S 1255.

4 February: Also caught in the quorum conundrum. The venue may move to Senate GES.

**H 2562      ELECTRICAL GENERATION; GROUNDWATER TAX**

(Hart) Establishes a groundwater withdrawal tax, the amount unspecified, for groundwater used by electric generation facilities of at least 500 MGW expanded or built after January 1, 2000. These facilities must also not be engaged in the business of a utility as described in ARS 42-5063.

Status

Referred to House NR, Ways-Means, Rules.

AMWUA Position

Neutral.

Tracking for info purposes only.

21 January: This is probably aimed at what are called “merchant” plants which either sell electric power wholesale instate or export electric power out of state. These kinds of sales are not described as “business of a utility.” One can guess that proponents will attempt to package the issue in the guise of groundwater transfers.

**H 2572      ENVIRONMENT; CITIZEN SUITS**

(Horton, Landrum, Valadez, Cardamone, Lored, Avelar) Authority for a private citizen to sue the DEQ Director for failure to perform is expanded to allow environmental lawsuits against other citizens, other state agencies and political subdivisions alleging a violation of an air or water quality provision, order, permit, standard, rule or discharge limitation. Monies collected from any civil penalties would go to WQARF and the Air Quality Fund.

Status

Referred to House Econ, GovRef, Rules.

AMWUA Position

Neutral.

Tracking for info purposes only. H 2572 is identical to H 2347. (What gives?)

21 January: One should be surprised if this bill receives any thing more than the perfunctory “light of day” treatment.

(Blewster) If a person buys a Type 1 non-irrigation groundwater right appurtenant to land located inside the exterior boundaries of a municipal provider's service area, the groundwater withdrawn pursuant to the right may be used on non-appurtenant land anywhere in the same AMA if the Director so approves. If it is so used, no additional groundwater may be withdrawn for use on the land to which the right is appurtenant.

#### Status

Referred to House NR, Rules.

#### AMWUA Position

Oppose.

The bill will likely increase residual pumping, i.e., groundwater use that does not carry any replenishment obligation, and thereby make the achievement of safe yield more difficult.

21 January: This bill is apparently the result of some as yet undetermined problem in the Prescott AMA, aka "Baja Norte." It could have negative water resource management impacts in the Phoenix AMA.

With respect to the sale of Type 1 rights appurtenant to land located within the exterior boundaries of a service area, the Groundwater Code was designed to allow for the continued use of the Type 1 groundwater, but only on the land to which the right is appurtenant. (Note that this use location restriction is, incidentally, one of the few incentives in the Code that attempts to channel M&I development onto land which has water rights.) And, it was presumed, that sooner or later the land, since it is within service area boundaries, would end up being served water by the municipal provider which would probably have access to renewable water supplies. Renewable water supplies would thus be substituted, at least in part, for the Type 1 groundwater used. If however, as the bill proposes, that Type 1 groundwater can be used on any land anywhere in the AMA, then it is more likely that the Type 1 groundwater will be used for a longer period of time, if not in perpetuity. It should also be remembered that Type 1 groundwater use does not carry any replenishment obligation. Residual pumping, therefore, will increase and the achievement of safe yield made more difficult.

In addition, the proposed amendment creates a double-dip opportunity, or even certainty. Since the land is within service area boundaries, it will not remain undeveloped. Political and economic pressures will demand development and the land will almost certainly end up being served by the municipal provider within whose service area boundaries the land is located. However, the amendment provides that if the Type 1 groundwater is transferred off the land, no additional groundwater can be withdrawn for use on the land. The municipal provider can't deliver any groundwater to the land; it can only deliver water that is not groundwater, i.e., renewable water. Promoting the use of renewable water by substituting it for the Type 1 groundwater is sound water management policy. But if the renewable supply only replaces the Type 1

groundwater, instead of substituting for it, and the Type 1 groundwater is transferred for use elsewhere in the AMA, the proverbial double-dip is created.

4 February: The bill was held after testimony. The committee recognized that this bill had ramifications in all AMAs, not just the Prescott AMA, and was deserving of more examination. The double-dipping problem was identified. And, as was opined privately by a former legislator, "This bill turns a Type 1 right into a Type 2 right." Maybe. Perhaps that explains why the bill is supported by a major developer in the Phoenix AMA.

## H 2590 WATER; IRRIGATION GRANDFATHERED RIGHT; ASSURED SUPPLY

(Blewster, Flake, Griffin, Binder, McGibbon) In an AMA that is not within Central Arizona Water Conservation District (CAWCD), the volume of groundwater that can be obtained for an assured water supply through the extinguishment of irrigation grandfathered rights is 1.5 acre-feet per acre multiplied by the number of irrigation acres associated with the extinguished right and multiplying the product by twenty-five.

### Status

Referred to House NR, Rules.  
Do pass from House NR.  
Do pass from House Rules.  
Passed House 38 - 16.

Referred to Senate CANR, Rules.

### AMWUA Position

Neutral.

It appears this bill applies only in the Prescott AMA.

21 January: If the folks in Baja Norte want another hole in their bucket, *pues.....* The assured water supply (AWS) rules for the Prescott AMA currently grant a groundwater withdrawal credit for extinguishing an irrigation grandfather right. The credit equals 1.5 acre feet per acre times the number of years between the time the right was extinguished and 2025, the year safe yield is to be achieved. Thus the size of the credit one can obtain not only decreases over time, it will eventually disappear entirely. Ag interests in Baja Norte have argued that the current rules discriminate against farmers who plan to stay in business for a number of years because the credit decreases in size as the years go by and then disappears. The only farmers who will benefit are those who sell today. In fact, they argue that this rule really operates, if it was not designed, to drive farmers out of business earlier than would be the case naturally. Thus, if the size of the credit is 1.5 acre feet x number of acres x 25 with no ending date, the incentive for early retirement is extinguished. It should be noted there is an alternative that would remove any so-called incentive for early retirement. Get rid of the extinguishment credit altogether.

4 February: In effect, this bill, though only applicable to the Prescott AMA (for the time being at least), establishes a perpetual groundwater mining right for AWS purposes. Under current law, a perpetual groundwater mining right, because it does not provide a renewable water resource, cannot be used to demonstrate an AWS. Proponents of the bill attempted to paint it in the colors of private property and taking by confusing the AWS extinguishment credit with the right to sell an irrigation grandfathered right for a non-irrigation use. They were successful. It should be noted, however, that this bill does not have universal support in Yavapai County. Some in the Verde Valley feared that if this bill passed, more groundwater would end up being imported into the Prescott AMA so safe yield could be achieved.

## H 2610

## WATER QUALITY; TOTAL MAXIMUM DAILY LOADS

(Griffin, McGibbon, Hart, Flake) H 2610 is a bill designed to direct DEQ's efforts in implementing the total maximum daily load (TMDL) requirements of the federal Clean Water Act. A TMDL must be developed for a pollutant in the event that the pollutant exceeds a water quality standard. Calculation of a TMDL identifies the maximum amount of the pollutant that can be present in a stream segment without violating the standard. An implementation plan is also required. The implementation plan identifies how the amount of the pollutant will be reduced in the future to meet the relevant standard. H 2610 identifies the kind of data that DEQ must use to determine whether a TMDL is necessary, the criteria that DEQ must consider in prioritizing TMDLs and implementation plan development, and establishes a TMDL advisory committee.

### Status

Referred to House NR, Rules.  
Do pass with amendment from House NR.  
Do pass from House Rules.  
Do pass from House COW.  
Passed House, 33 - 21.

Referred to Senate GES, Rules.  
Do pass from Senate GES.  
Do pass from Senate Rules.  
Do pass with amendment from Senate COW.  
Passed Senate 16 - 13.

Returned to House for concurrence.  
House concurred.  
Passed House, 42 - 16.

SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 162.

### AMWUA Position

Support.

It is AMWUA's understanding that H 2610 as introduced is acceptable to DEQ.

28 January: Whether H 2610 is acceptable to EPA remains to be seen.

24 March: It appears H 2610 is acceptable to EPA.

**H 2611      EXEMPT WELLS**

(Blewster, Brimhall) This bill allows a person to drill or use a second exempt well in an AMA to serve the same non-irrigation use at the same location if the second well is located on the same parcel and combined withdrawals from both wells do not exceed 5 acre-feet per year.

Status

Referred to House NR, Rules.  
Do pass with amendment from House NR.  
Do pass from House Rules.  
Do pass from House COW.  
Passed House, 44 - 11.

Referred to Senate CANR, Rules.  
Do pass from Senate CANR.  
Do pass from Senate Rules.  
Do pass from Senate COW.  
Passed Senate, 25 - 3.

SIGNED BY GOVERNOR. LAWS 2000, CHAPTER 85.

AMWUA Position

Support.

Hardrock is a hardship; no water, no laundry.

10 March: In passing, it is interesting to note that AMWUA was the only "person" to submit a slip for this bill. *Quien no se aventura no pasa el mar.*

## H 2644 PUBLIC UTILITIES; GROUNDWATER

(Overton, Hart) Under existing law, in order to issue a Certificate of Environmental Compatibility (CEC) for a proposed power plant located within the service area of a city or town in an AMA, the Power Plant and Transmission Line Siting Committee must consider the availability of groundwater and the impact of the proposed use of groundwater on the AMA management plan. The bill would require the applicant to submit to the committee to aid it in its considerations a hydrological analysis that demonstrates the impact on local water resources for the life of the proposed project and a monitoring plan. Outside an AMA, new language requires the committee to consider the availability of groundwater and the impact of the proposed use on local water resources. Groundwater may be used only if the proposed withdrawals do not cause unreasonably increasing damage to surrounding land or water users. A hydrologic analysis must be submitted and a monitoring plan prepared. Most of the remainder of the new language sets forth how the committee will determine whether the proposed withdrawals will or will not cause unreasonably increasing damage to surrounding land or water users. The committee may also impose water conservation requirements on the CEC comparable to but no more stringent than AMA management plan requirements.

### Status

Referred to House NR, Rules.  
Do pass from House NR.  
Do pass from House Rules.

### AMWUA Position

Neutral.

At this point we are watching this bill closely. It is also a significant departure from the legal status quo in rural Arizona with respect to groundwater rights and uses. (See 28 January note for H 2323.) Should what's good for the goose be good for the gander?

4 February: There is a genuine concern that this state is about to be inundated with power plants, which together may use as much as 100,000 acre feet of groundwater throughout rural Arizona. It is felt that this use of groundwater, because of its size, must be managed before the horse gets entirely out of the barn. But what remains unrecognized, or ignored, is the bill's potential impact on groundwater rights and uses in rural Arizona, essentially those areas of Arizona that are not AMAs. Sidebar talk at the hearing floated the idea of passing the bill with a sunset provision to "resolve" the immediate issue, but use the period until sunset to decide what kind, degree and level of groundwater management is appropriate for rural Arizona.

## SPECIAL SESSION

### GROWING SMARTER PLUS: SB 1001

The Growing Smarter Plus special session legislation which passed the Senate, 20 - 8, and the House, 50 - 9, contains a water resources element in the ten-year general plan. Specifically

“9-461.05. General plans

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.  
.

D. For cities and towns having a population of more than two thousand five hundred persons BUT LESS THAN TEN THOUSAND PERSONS AND WHOSE POPULATION GROWTH RATE EXCEEDED AN AVERAGE OF TWO PER CENT PER YEAR FOR THE TEN YEAR PERIOD BEFORE THE MOST RECENT UNITED STATES DECENNIAL CENSUS AND FOR CITIES AND TOWNS HAVING A POPULATION OF TEN THOUSAND OR MORE PERSONS according to the most recent United States decennial census, the general plan shall include, and for other cities and towns the general plan may include:

.  
.  
.  
.

5. A WATER RESOURCES ELEMENT THAT ADDRESSES:

(a) THE CURRENTLY AVAILABLE SURFACE WATER, GROUNDWATER AND EFFLUENT SUPPLIES.

(b) AN ANALYSIS OF HOW THE FUTURE GROWTH PROJECTED IN THE GENERAL PLAN WILL BE ADEQUATELY SERVED BY THE LEGALLY AND PHYSICALLY AVAILABLE WATER SUPPLY OR A PLAN TO OBTAIN ADDITIONAL NECESSARY WATER SUPPLIES.”

Each new ten-year general plan must be submitted to the voters for ratification every ten years. If ratification fails, the current plan remains in effect until a new ten-year plan is ratified. Significantly, amendments to the plan do not have to be ratified until a new ten-year general plan is submitted. However, amendments are subject to public hearings. County general plans apparently will not be subject to ratification but they will now have a water resources element.

The water resources element caused some consternation, and there is recognition by the growing smarterers that more tinkering with the language may be necessary, especially as it concerns rural Arizona. But not in this piece of legislation!

For designated cities and towns in AMAs, the required information and analysis is, for all practical purposes, found in documents submitted to DWR to demonstrate an assured water supply (AWS).

Developers are quite leery over the phrase “legally and physically available” because it is something applicants for an AWS must demonstrate to DWR satisfaction. Is this the AWS’s nose under the tent in areas outside of AMAs?

Many non-developers in rural Arizona share the same AWS concern. Others ask what happens when and if neighboring cities and towns use the same water supplies in the analysis of how their future growth will be served by the water supplies they have or plan to acquire? There is no regulatory referee. No one rules on the adequacy of the analysis or on whether the water supplies are, in fact, legally and physically available. No one that is except the courts. That being the case, the advantage lies with the big water buffalos, particularly the one who too often behaves like the rooster who thinks the sun rises to hear him crow. In any event, what we have here *gente* is a potential *piñata* for our esteemed friends in the legal profession.

As indicated, these concerns and others can, will and should be addressed in future legislation. Water resources planning for growth and development in rural Arizona has been agendized and legitimized. As Yogi said, “When you come to a fork in the road, take it.”

10 March:

## **THE JOHNSON RANCH GROUNDWATER TRANSFER PROPOSAL**

Johnson Ranch is a mega-development of an estimated 4,400 homes located south of Queen Creek in northern Pinal County which straddles the border of the Phoenix and Pinal AMAs. One of the groundwater transportation limitations of the 1991 Groundwater Transfer Act was a prohibition on water providers from withdrawing groundwater pursuant to their service area right in the Pinal AMA and transporting that groundwater away from the Pinal AMA.

A strike everything amendment was floated to allow a water provider in the Pinal AMA to transport groundwater withdrawn in the Pinal AMA to another initial AMA, in this case the Phoenix AMA, if the transfer is made within the service area of that water provider and the service area is located entirely within Pinal County. In addition, the amount of groundwater so transported in any year would have to be less than twice the amount of groundwater needed to meet the current and committed demands of the water provider in the Pinal AMA portion of the service area with a provision that the amount could be exceeded in case of emergency. The use of such groundwater in the Phoenix AMA would also have to comply with the management plan and AWS rules for the Phoenix AMA. However, any groundwater replenishment obligation incurred by the transfer must be satisfied by replenishment in the Pinal AMA. Any replenishment obligation would also include any replenishment obligation incurred through the implementation of any Indian water rights settlement that encompasses any part of the service area. (It appears that at least one of the wells that would withdraw the groundwater for transport is located in the so-called "protection zone" contemplated in the on-going Gila River Indian Community (GRIC) water rights settlement negotiations.)

The strike everything amendment was calendared in Senate GES but was held at the request of the supporters. Again, it is usually better for your bill to be held than to go down in defeat as it surely would have. The main opposition to this special interest legislation came from Pinal AMA water users, GRIC and AMWUA. DWR neither supported nor opposed the legislation though they provided technical drafting assistance. The Johnson Ranch proponents were never able to provide an adequate reason why the legislation was needed so quickly and why the groundwater needed could not be withdrawn in the Phoenix AMA. As a result, speculation flourished, and as we all know speculation fuels paranoia. All opponents also objected to the process, the method used to bring this legislation before the committee. A strike everything amendment on a major piece of water legislation which has not been widely discussed with water users in the AMAs to identify their concerns, and which surfaces on the last day a committee meets is not the traditional way water policy is developed in this state. Frankly, it was offensive.

The issue will resurface as nobody, I think, substantively rejected the proposed concept out-of-hand. Maybe next year. But remember, Lazarus is alive and well and stalks the halls of the Legislature.

## MUSINGS

18 February:

### WATER RESOURCES PROFESSIONAL QUIZ

This quiz consists of four questions that tell whether you are qualified to be a water resource professional. The answers are presented below and there is no reason to cheat. The questions are not that difficult; you just need to think like a water resource professional.

#### Questions

1. How do you put a hippopotamus into a refrigerator?
2. How do you put a water buffalo into a refrigerator?
3. Tarzan invites all animals to a water resources conference. All the animals attend except one. Which animal does not attend?
4. There is a river filled with crocodiles. How do you get across the river?

#### Answers

1. The correct answer is: Open the refrigerator, put the hippopotamus in and close the door.

This question tests whether you do simple things in a complicated manner.

2. The incorrect answer is: Open the refrigerator, put the water buffalo in and close the door.

The correct answer is: Open the refrigerator, take out the hippopotamus, put in the water buffalo and close the door.

This question tests your foresight.

3. The correct answer is: The water buffalo. The water buffalo is in the refrigerator.

This question tests whether you are capable of comprehensive thinking and, by implication, planning.

4. The correct answer is: Swim across. There can't be any crocodiles in the river because they are all at the water resources conference.

This question test whether you have any reasoning ability.

#### Scoring

Four correct: You are a true water resource professional. Wealth, success and AWWA recognition await you.

Three correct: You have some catching up to do, but there is still hope.

Two correct: Consider buying a divining rod and become a water witch.

One correct: Consider going back to school and become a hydrologist.

None correct: Consider a career that does not require any higher mental function at all, such as a lobbyist.

## GLOSSARY

(in order of appearance in summary)

con enchufe	with influence (lit. to be plugged in)
¡Hijole!	Yikes!
¿Hay manteca?	Got lard?
A donde va Vicente va toda la gente.	Monkey see, monkey do. (lit. Where Vincent goes, everyone goes.)
verdad	truth
los jineteros	lobbyists (Cuban, lit. hustlers)
¿No vale la pena?	Is it worth the pain ?
no problema	no problem
mañana	tomorrow
A veces, la Cámara está despistada.	Sometimes, the House is clueless. (lit. thrown off the track)
una camioneta	a bus
Otra vez, un mil gracias Baja.	Again, a thousand thanks Baja.
Dopeler Effect	The tendency for dumb ideas to seem more reasonable the faster they come at you.
Puro canto y nada de opera.	Sounds good but its really BS.
¿Sabe amiguismo?	Do you know the political good buddy system?
finca	farm
Barco que tiene muchos pilots pronto se va a pique.	Too many cooks spoil the broth. (lit. A boat with many pilots soon sinks.)
Ave de mucha pluma poca carne.	Appearances are deceiving. (lit. A bird with lots of feathers can have little meat.)
¡Aliviáname!	Give me a break!

¿Estás tomando los pelos?

Are you pulling my leg ? (lit. hair)

pues.....

well.....

Quien no se aventura no pasa el mar.

Nothing ventured, nothing gained.

El que no llora no mama.

The squeaky wheel gets the grease.

**ARIZONA MUNICIPAL WATER USERS ASSOCIATION  
SELECTED BILLS OF MUNICIPAL INTEREST  
2000 LEGISLATIVE SESSION**

as of: May 2, 2000

**SENATE BILLS - 1**

NO.	TITLE	SPONSOR	SENATE				HOUSE					
			COMMITTEES	CoW	3rd Read	COMMITTEES	CoW	3rd Read	Conf. Comm	Gov. Sign.		
1020	The Johnson Ranch Groundwater Transfer Proposal "Striker"	Burns					Approp	Rules				
1054	Task Force on Effluent Reuse	Arzberger; Flake	CANR	Rules			NR	Rules				
+++++												Chap 192
1106	Uniform Plumbing Code; Exemption	Petersen	CANR	Rules								
***** Failed Senate 12-17												
1184	Water Studies Appropriation "Striker"	Gnant, Brown	Approp	Rules			Approp	Rules				
+++++												Chap 244
1254	Water; Commercial Use "Striker"	Hamilton	GES	Rules			Ag	Rules				
*****												Chap 129
1255	Water Assured Supply	Hamilton	GES	Rules								
***												
1264	DWR Continuation	Wettaw	CANR	Rules			NR	Rules				
+++++												Chap 260
1283	DEQ Continuation	Bowers	GES	Rules			Approp	Rules				
+++++												Chap 389
1329	Stored Water; Recovery Wells	Guenther; Gleason	CANR	Rules								
---												
1354	Water Exchanges	Wettaw	CANR	Rules			NR	Rules				
+++++												Chap 224
1364	Condemnation Authority; CAWCD	Bowers	CANR	Rules			Ag	Rules				
*****												Chap 145
1380	Hydrologic Study; Yavapai County; Appropriation	Bennett; Binder	CANR	Approp	Rules							
+++												
1470	Agricultural Preservation Land; Tax Credit	Cirillo	Fin	GES	Rules							
***												

**ARIZONA MUNICIPAL WATER USERS ASSOCIATION  
 SELECTED BILLS OF MUNICIPAL INTEREST  
 2000 LEGISLATIVE SESSION**

as of: May 2, 2000

**SENATE BILLS - 2**

NO.	TITLE	SPONSOR	SENATE					HOUSE					Gov. Sign.				
			COMMITTEES	CoW	3rd Read	COMMITTEES	CoW	3rd Read	Conf. Comm								
1509	Water; Irrigation Grandfathered Rights	Bennett; Binder	CANR	Rules					NR	Rules						Chap 391	
			*****					*****									
1517	Technical Correction Groundwater	Arzberger, Bowers	Rules														
			*****														
1544	Technical Correction Water Quality	Bowers	Rules						Rules								
			*****					***									

Legend: ++++++ indicates AMWUA support  
 ----- indicates AMWUA opposition  
 \*\*\*\*\* indicates no position taken by AMWUA

**ARIZONA MUNICIPAL WATER USERS ASSOCIATION  
 SELECTED BILLS OF MUNICIPAL INTEREST  
 2000 LEGISLATIVE SESSION**

as of: May 2, 2000

**HOUSE BILLS - 1**

NO.	TITLE	SPONSOR	HOUSE					SENATE									
			COMMITTEES	CoW	3rd Read	COMMITTEES	CoW	3rd Read	Conf. Comm.	Gov. Sign.							
2060	Agricultural Preservation District Land	Gleason; Cirillo	Ag	Way-Means	Rules				Fin	Rules							Chap 267
2061	Recharged Water Use; Study Committee "Striker"	Gleason	Ag	Rules													
2149	Drought Emergency Groundwater Transfer "Striker"	Gerard, Preble							CANR	Rules							Chap 205
2178	WQARF; Revisions	Allen	Env	Rules					GES	Rules							Chap 45
2182	Stored Water; Recovery Wells	Gleason	GovRef	Rules					CANR	Rules							Chap 169
2183	Water; Flexibility Account Credits	Gleason	Ag	Rules													
2196	Uniform Plumbing Code; Enforcement	Griffin	GovRef	Rules													
2198	Dam Supervision; Records; Technical Correction	Griffin	Rules						Rules	Educ							
2200	Water Protection Fund; Appropriation	Daniels, Griffin	NR	Approp	Rules				CANR	Approp	Rules						
2211	Arizona Water Treatment Authority	Schottel	NR	Rules													
2217	Municipal Water Rates; Outside Charges	Schottel	County-Muni	GovRef	Rules												
2323	Power Plant Siting; Groundwater Use	Gleason	Ag	Rules													
2339	Water Resources; Administrative Rules	McGibbon, McGrath	NR	Rules					GES	Rules							

**ARIZONA MUNICIPAL WATER USERS ASSOCIATION  
SELECTED BILLS OF MUNICIPAL INTEREST  
2000 LEGISLATIVE SESSION**

as of: May 2, 2000

**HOUSE BILLS - 2**

NO.	TITLE	SPONSOR	HOUSE					SENATE						
			COMMITTEES			CoW	3rd Read	COMMITTEES			CoW	3rd Read	Conf. Comm	Gov. Sign.
2347	Environment; Citizen Lawsuits	Valadez; Rios, Soltero	Econ ***	GovRef	Rules									
2408	Water; Second Management Plan	Griffin	NR ---	Rules										
2418	Aquifer Protection Permit Fees "Striker"	Schottel, May	GovRef	Rules				CANR	Rules					
+++++													Chap 399	
2530	Water Supply; Assured; Exchanges	Hart, Gleason	Ag ***	Rules										
2562	Electrical Generation Groundwater Tax	Hart	NR ***	Way-Means	Rules									
2572	Environment; Citizen Suits	Horton, Landrum, Valadez	Econ ***	GovRef	Rules									
2589	Water; Non- Irrigation Grand- fathered Right	Blewster	NR ---	Rules										
2590	Water; Irrigation Grandfathered Right; Assured Supply	Blewster, Flake, Griffin, Binder	NR *****	Rules				CANR	Rules					
2610	Water Quality; Total Maximum Daily Loads	Griffin, McGibbon, Hart, Flake	NR +++++	Rules				GES	Rules					Chap 162
2611	Exempt Wells	Blewster, Brimhall	NR +++++	Rules				CANR	Rules					Chap 85
2644	Public Utilities; Groundwater	Overton, Hart	NR *****	Rules										

Legend: ++++++ indicates AMWUA support  
 ----- indicates AMWUA opposition  
 \*\*\*\*\* indicates no position taken by AMWUA