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## Arizona makes no legislative progress on water issues despite governor's push

By Tony Davis Arizona Daily Star Jun 2, 2018 Updated 2 hrs ago



If Lake Mead levels keep dropping, major water cuts could be triggered in Tucson and Phoenix.

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What was heralded to be a big legislative session on water issues turned out to be much ado about nothing.

For much of last year, groups appointed by Gov. Doug Ducey mulled behind closed doors over a raft of proposals aimed at halting declines at Lake Mead, improving groundwater management and clamping down on operators of the \$4 billion Central Arizona Project.

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The governor's staff told reporters back then that the state needed an overhaul of water laws on the scale of the 1980 Groundwater Management Act, the toughest of its kind.

To ensure enough water exists for growth, Arizona must "get its act together" on water, Ducey's staff said.

Instead, the Legislature did:

- **Nothing for Lake Mead.** No legislation was even introduced along the lines of what the governor's Arizona Department of Water Resources wanted to boost protection of Lake Mead, which supplies drinking water to Tucson and Phoenix via the CAP.
- **Nothing to crack down on CAP.** No bill was introduced like ADWR wanted to curb CAP officials' ability to negotiate out-of-state water deals and declare sovereign immunity from lawsuits.
- **Nothing for water metering.** Before the Legislature even met, in the face of intense rural opposition, ADWR dropped a proposal to require metering of wells owned by farmers and other rural residents — now required in Tucson and Phoenix.
- **Nothing for desalination.** A proposal for a desalination action plan, to identify areas where brackish groundwater could be treated, and the costs of treating the water, went nowhere.
- **Nothing to stop out-of-state water transfers.** A bill requiring legislative approval to transport water out of state also failed.
- **Nothing for Sierra Vista.** The Legislature didn't pass a bill favored by

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development interests and the city of Sierra Vista to loosen requirements for new subdivisions in rural counties to demonstrate an adequate, 100-year water supply.

Lawmakers did pay tribute to the past, however. A non-binding resolution succeeded, one ticking off past water achievements. They include the 1980 groundwater law and 1986 and 1996 laws allowing underground water storage and creating the Arizona Water Banking Authority to recharge Colorado River water underground. The resolution pledged to continue “leadership and support for appropriate water management practices and policies that protect property and water rights.”

## CLASH OF INTEREST GROUPS

Blame the inaction on a lack of consensus among interest groups, said Rep. Russell Bowers, the House Energy, Environment and Natural Resources Committee chairman.

“How we do water policy in Arizona is very slowly and very comprehensively,” Bowers, a Mesa Republican, said last week. “There are so many interconnected parts of the water system ... and consensus has to be the main part.”

Sen. Gail Griffin, author of several of the unsuccessful measures, said they were “just not ready this year,” and that legislators will try again next year.

The non-binding resolution was “a very important piece of legislation,” she said. It noted that Arizona uses less water today than in the 1950s, despite a nearly 500 percent population boost since then, she said.

Already, “Arizona is so far ahead of California and other states in water conservation and planning for people of this beautiful state,” said Griffin, a Hereford Republican who chairs the Senate Energy and Natural Resources Committee.

But if consensus means unanimous support, we are doomed, because that will never happen, said Kathy Ferris, a former Arizona Department of Water Resources director. She helped shepherd the 1980 act into existence as chair of a groundwater study commission. She now acts as a private water watchdog.

“The legislative session was a complete failure where water is concerned. We should be embarrassed,” Ferris said. “We are experiencing a two-decade-old drought. Lake Mead water levels are declining and we have lost the respect of our sister Colorado River Basin states for failing to take action to protect Lake Mead.

“In rural areas of the state, finite groundwater supplies are threatened by new wells and unlimited pumping. Every year that goes by without action means we are further in the hole, and failing to take action is a grave failure of leadership.”

Ducey’s office didn’t respond to questions from the Star about the lack of success on his water goals.

Sierra Club lobbyist Sandy Bahr, whose group took no position on the legislation other than to oppose loosening water adequacy requirements, said Ducey made a major mistake by freezing the public out of the task forces and other groups he appointed last year to fashion a water legislative agenda.

“It was like pulling teeth to get information on what was going on at those meetings,” she

said.

“Anytime you don’t let people in the room, they assume you’re up to no good,” said Bahr, director of the Sierra Club’s Grand Canyon chapter.

“We need sunshine in our public processes. He didn’t have many allies, and that makes a big difference when you get to the Legislature.”

## DUCEY’S WISH LIST

The centerpiece of the governor’s wish list was a measure to let the Arizona Department of Water Resources set up a program allowing cities, tribes and other water users to leave water in Lake Mead for which they had contracts through the CAP.

Currently, that authority rests solely with the agency that operates the CAP, the three-county Central Arizona Water Conservation District. ADWR officials said more water needs to be left in Mead to keep the lake from falling to dangerously low levels.

That and other measures got caught in the crossfire of the yearlong conflict between the two water agencies over power and policy. CAP took no formal position on any water legislation. But its officials sharply criticized the state proposal during public hearings. They said it would infringe on CAP’s contract rights, that they had approved such conservation measures in the past without incident, and that taking less water would raise customers’ rates.

Ferris said these measures fell to pressure from “special interests.” She wouldn’t name them, but farming, ranching and development interest groups have supported most of CAP’s stances on water issues.

She also said the CAP outgunned the ADWR because it has a much larger staff and budget and more lobbyists.

Bowers, however, said there was a lot of suspicion among some interest groups about what a state water-saving program would mean “in the hands of a governor or agency that is the king.”

Some groups were concerned that this program wouldn't be voluntary, he said. Asked if he thought the fears were well-founded, he replied, “It doesn't really matter when you're afraid.”

Griffin said she's not sure what Ferris means by special interests, adding that the public needs to vet water legislation and that the public isn't a special interest.

Bowers called Ferris, who has worked for a Phoenix municipal water users group, “the biggest special interest in the room.”

“When you represent municipal utilities, you think that everyone else is a special interest,” he said.

Ferris is a legal counsel for the Arizona Municipal Water Utilities Association, but on these issues, she is speaking only for herself, she said. The association's attempts to “ensure that cities can provide safe, sustainable water supplies” is a public interest, she said.

## WHAT'S NEXT?

Now, Griffin and Bowers, whose committees held hearings on water across the state during the legislative session, will hold more this summer, including an as-yet-unscheduled one in Tucson. There will be meetings in June in Kingman, the Verde River Valley and Buckeye.

For the governor, water remains a priority, and his office will continue to work closely with the ADWR and other interests to secure the state's water future, Ducey's press secretary, Elizabeth Berry, said in an email Friday.

Since some of his proposals don't need legislative approval, Ducey will exercise his executive authority "to continue Arizona's strength as a leader in water management," Berry said.

For the Sierra Club's Bahr, the best approach would be to include conservationists, who were largely left out of the governor's efforts, and to look at broader issues.

"We ought to be talking about some of our other rivers, and not just feeding the growth machine," Bahr said. "Yes, we need to have an agreement on dealing with drought, which is quickly becoming our normal. But it shouldn't be just about, 'How can we leave more water in Lake Mead.'"

Bowers said he believes the push toward stronger water legislation will ultimately bear fruit. Right now, the biggest thing needed in legislation is a broad agreement to save water for Lake Mead so Arizona can pass a formal drought plan for the Colorado River, he said.

"That's our hope, that we can do it and respect contracted rights for users," he said. "If we do that, and everybody cuts back a little bit and feels a pinch, we can get something through."

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