



# Water Resources Research Center

College of Agriculture and Life Sciences, The University of Arizona

## Regional and Local Management of Arizona's Watersheds

### Feasibility of Regional Approaches

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# 1997 Arizona Town Hall Recommendations

- Ensuring Arizona's Water Quantity and Quality into the 21st Century – Recommendations on "Water Resource Planning and Decision Making," the following was concluded:
- A comprehensive management approach, treating water planning as one of many important components, is essential. An effective plan reflects community goals and values, recognizes existing property rights, provides education, and is coupled with sincere efforts to avoid waste and misuse. Public awareness of Arizona's water needs and resources is a problem that must be addressed in connection with any effective water resource management plan....

# Town Hall recommendations cont.

- The goals set for the next 50 to 100 years should address the needs of sustainable development and preservation of water suppliers for future generations of Arizonans.
- Improvement is needed in our basic data and information regarding water resources. Current knowledge of water resources particularly groundwater in non-AMA areas, is incomplete or not sufficiently reliable.

# Town Hall on The AMA as a Model

While the existing AMA model is useful for data collection and may provide an adequate structure for planning within AMAs, it is not appropriate for addressing water problems in areas of the state where a local planning process to resolve these problems already is in place.

In these areas, the AMA model is not the appropriate mechanism for local problem-solving and development of long-term water planning. The institutional structure of water delivery and the relationship between private providers, water authorities and municipal entities is different in non-AMA areas, requiring different types of solutions.

However, the planning aspect of the AMA model could be utilized in non-AMA areas to examine water resources and specifically plan for the future.

# **From the Report and Action Agenda, Arizona Rural Water Planning Conference 2002:**

- Under prioritized Major Rural Water Management Issues, the following were noted by three of three discussion groups:
  - 1. Lack of local or multi-jurisdictional authority, with enforcement capability, to regulate development activities based on available and sustainable water supplies.
  - 2. Inadequate legal/legislative guidelines or regulations addressing surface water and groundwater connections and associated water rights.
  - 3. Lack of proactive watershed management, planning & water budgets.

# Need drives action

- So, where have we come in the quest for feasible regional approaches to water management? What lessons can we learn and what should we keep in mind as we move toward better water resource planning?
- Action results from a need. The drought has highlighted the need for water resources management. But the need has been there all along.

Water Resources Research Center May conference entitled: Regional Approaches to Resolving Water Resource Issues: What's Working, What Hasn't Worked and Building on Existing Efforts.

- A good deal of useful information was shared. Some important but simple messages:
  - Avoid suffering from paralysis of analysis
  - Get out from under all that litigation
  - Put all issues out on the table
  - Have all players at the table
  - Solutions are not going to be simple

# A simple conceptual model

A model for approaching resolution of local and regional water challenges was put forward by John Sullivan of SRP. He suggested three phases or steps:

- Resolve claims to Water
- Get necessary state or federal legislation approved
- Find a method of financing

We know no one of these steps is simple, and often things must be done incrementally and things take time.

# Existing/Authorized Regional Water Districts & Authorities in Arizona

- The Mohave County Water Authority
- The Pinal County Water Authority
- The Santa Cruz Valley Water District
- The Phoenix Groundwater Replenishment District

# Governance & Fiscal Issues are Key

There are two fundamental issues that must be addressed in order for regional efforts to *implement* plans successfully:

- Governance – Who makes the decisions?
- Fiscal – Who pays?

These two issues can make or break any effort.

# Case Study – The Santa Cruz Valley Water District

- Formed in the Tucson AMA in the early 1990s pursuant to state law.
- The District was set up for planning purposes, with a seven-person board appointed by the Governor given the authority to vote for the permanent formation of the district within a 30-month time frame.
- The board represented different sectors from the water community. But not all members were created equally. Two were given veto authority over the permanent formation of the district, the person representing the City of Tucson and the person representing Pima County.
- To round out the board, the other sectors represented were private water companies, mining, agriculture, the general public, and Santa Cruz County interests. (This was before the Santa Cruz portion of the Tucson AMA was separated from the Tucson AMA.)

Governance and fiscal issues –  
and perhaps some inconsistency in  
position – tripped up the formation  
of the district.

- **Fiscal:** As originally authorized, the District's activities would be funded in part by groundwater withdrawal fees and by fees and charges paid by those voluntarily involved in district activities on a voluntary basis. There was no taxing authority. There as the ability to issue revenue bonds, with the expectation that the bonds would be back by revenues from contracts.

# Limited Ad Valorem Taxing Authority Added

- The need for taxing authority was extensively discussed by the board and legislation to change the financial options open to the authority was approved.
- Limited ad valorem taxing authority, only if approved by the voters, was authorized.
- NOTE about current difficulty in getting ad valorem taxing authority

# New Governance Structure

- With taxing authority came a change in the make-up of the permanent board of directors, should the district be made permanent, from appointed to elected.
- The District went with a 13-person board, with 11 represented from districts with equal population and one ***elected*** from the Pima County and Santa Cruz County portions of the District, respectively. (This was pursuant to a 1993 amendment to the 1992-approved version of the permanent board, which had the two county-wide representatives appointed by the board of supervisors.)

## Problems continued with Governance

- Even after extensive public meetings on the makeup of the permanent board, there were still concerns, such that the Plan of Permanent Operation and Administration for the District had the following verbiage:
- “Several parties have expressed concerns about the present composition of the Permanent Board. Discussions are underway to determine if consensus can be reached on an alternative structure for the Permanent Board. If consensus is reached, legislation will be introduced in 1994.”

# Permanent formation vote failed

- Ultimately and notwithstanding the fact that some of the changes to the financial powers and governance structure of the district were made at the urging of the first City of Tucson representative to the board, the formation of the district was vetoed by the representative of the City of Tucson seated at the table at the time of the vote on permanent formation.
- The vote was 5-2, with the other no vote coming from the ag representative. This was surprising to me and some others because that board member had not voiced opposition to the activities of the board, and in fact the district had spent money on a project that benefited the irrigation district the person worked for.

# My points...from SCWVD Experience

- It helps if parties are consistent, but be prepared for changes in people and position.
- Good ideas may be perceived as bad if they are “before their time”.
- One has to deal with concerns about control.
- One has to deal with financial issues.
- It is tough to put together an effective organization that can actually do something, but it may be even tougher if you do not.
- At least some of these points are validated by the non-formation of the Phoenix Groundwater Replenishment District, which is to be distinguished from the Central Arizona Groundwater Replenishment District.

# Footnotes to SCVWD Experience

- The District accomplished some good while it was temporarily in existence. It initiated a project that was the first project to deliver CAP water to a groundwater savings facility.
- There have been recent efforts to wipe off of the books as necessary the legislation authorizing the formation of AMA water replenishment districts. Because it is not absolutely necessary to do so and would take many pages of bill language, it has not been accomplished in the past.
- When obliterating it from the books has been discussed most recently, leaving it alone has the opinion that it would be better to leave it as is has been put forward. (Not because a district would be formed as currently authorized, but because it is often easier to amend something already in place than start from scratch.)

# Current Regional Planning Efforts

- Focused on obtaining information
- Examining water resource needs
- Want to recognize the link between growth and water
- Want good plans to be developed at the regional level
- But will regulation be necessary and who will do the regulating???

# Dry Wells?!

- I write a column in the WRRC bi-monthly newsletter. The latest column is about well drilling and the lack of well spacing regulations in many parts of the state, as well as assured water supply requirements.
- Dry wells can occur, not just because of drought, but because of unregulated drilling practices.

# Property Rights exist for those already there as well as those developing property

- New regulations will not be welcome. Requirements to show absence of adverse effects of well drilling are viewed by some as an infringement of property rights. ***Yet absence of state law or local ordinances cannot trump the laws of nature.***
- Groundwater supplies must be considered as areas grow. The right to use land is not equivalent to the right to pump other landowners' wells dry.

# Reality Check Time?

- If the aversion is really to state-level regulation of water in areas not already under ADWR jurisdiction [new AMAs], perhaps serious consideration should be given to county or regional level regulation... And this consideration ought to occur soon.
- But if the aversion is to regulation no matter what the regulation and who is responsible for it, then we need to do a reality check.

# A look toward sustainable water supplies

- Sustainable economies require sustainable water supplies.
- With the Drought Management Task Force addressing the effects of both short-term and possible long-term drought, we must support development and implementation of long-term water supply plans throughout Arizona.
- In doing so, we should not ignore the possibility that these long-term water supply plans will have some regulatory elements to them. Having growth depend on sustainable water supplies is in the interest of all property owners, from the individual home owner to the owner of large tracts of developable land.
- It is important that, as the watershed groups and others consider their options and opportunities to deal with water resource issues, the laws of nature not be ignored.

# The Be's of Regional Cooperation

- Public policy development involves a lot of give and take, particularly when much is at stake.
- Some things to be when working on these collaborative, regional water efforts:
  - Be willing to compromise. Compromise is not a bad thing.
  - Be consistent and reliable
  - Be willing to put effort into forging alliances and partnerships

- Be mindful of institutional settings (laws may need to be changed)
- Be patient and persistent
- Be careful what you ask for
- Be willing to put up resources, both monetary and in-kind
- Be inquisitive — ask questions
- Be a leader
- Be willing to work hard

# Concluding Remarks

- As the watershed groups and other regional efforts consider their options and opportunities to deal with water resource issues, there is much opportunity, but also many challenges.
- I'll conclude not with answers but with questions:
  - Who will make what decisions (including ones of regulation and compliance?)
  - Who will pay?
- Adequately dealing with these questions is essential to successful implementation of regional water management plans.