

Rural Arizona Needs Greater Protection of its Water Supply

By Rita Maguire

Maguire & Pearce, PLLC

Rural Arizona is thirsty. Rapid population growth from Kingman to Sierra Vista is creating tremendous pressure in these communities to develop adequate water supplies to meet the spiraling demand for water. This is no easy task but steps need to be taken quickly before rural Arizona finds itself in a water crisis. What's more, the success or failure of rural communities to acquire sufficient supplies, and protect those that they have, will have consequences well beyond their immediate borders.

From Prescott to Nogales, the 1980 Groundwater Management Act (GMA) limits groundwater pumping and prohibits the construction of subdivisions unless a 100-year supply of renewable water has been secured first. A key goal of the GMA is to make sure there are sufficient, long-term supplies to meet the water needs of the state's most populated cities. While about 80% of the state's residents live in these areas (known as Active Management Areas), they cover less than 15% of the land in Arizona.

Water in less populated, more rural areas of the state like Flagstaff, Kingman, Sierra Vista and others is subject to limited state oversight. Here, the Arizona Department of Water Resources (ADWR) reviews plans for new subdivisions, but whether a 100-year supply of water exists is advisory information only and does not halt construction. In 2005, *The Arizona Republic* reported that 35% of the applications processed by the Department since 2001 had received an inadequate finding of water. This means that many cities and towns are growing with no assurance that there is enough water to support them in the future.

Coconino County officials, for example, have been advised that a doubling of the region's population is expected by 2050, resulting in the risk of widespread water shortages.¹ Next year's completion of the Hoover Dam bypass route on I-15 will reduce the commute time between Las Vegas and the more affordable Mohave County which could lead to a substantial bedroom community in Arizona over the next 30 years. Meanwhile, the citizens of Sierra Vista have been struggling for more than a decade to find a water solution that allows the town to continue to grow without sacrificing the flows in the San Pedro River and the wildlife and vegetation dependent upon it.

Two bills (SB 1575, HB 2693) are currently before the legislature that gives local governments outside AMAs the authority to adopt the 100-year water supply requirement for new subdivisions that exists inside AMAs today. Adoption of this requirement is *optional* which means that the cost to construct housing could vary significantly between cities and counties, as well as the security of the water supply.

¹ United States Bureau of Reclamation report titled "North Central Arizona Water Supply Study" available at <http://www.usbr.gov/lc/phoenix/>.

By making the water adequacy requirement optional, locally elected officials will have to grapple with the tension between water management and land-use planning. If growth continues without adequate, long-term water supplies, residents could be faced with chronic water shortages. If civic leaders choose to limit growth, they risk impacting the local economy and the ire of their constituents.

Arguably, access to water varies between communities and not all places are facing rapidly expanding populations, so some measure of discretion is warranted. But it should be remembered that when one community runs short, another is often asked to help out. For example, in Pine and Strawberry, the water crisis strikes around the Fourth of July if the spring runoff fails to adequately replenish the limited groundwater in the area. These communities have had to rely on hauling water from neighboring Star Valley to provide the necessary supplies. Other communities in Arizona have faced the same dilemma. As the competition for water grows, hauling water will not only be impractical, it will no longer be an option because excess supplies will be a thing of the past.

The competition for scarce water supplies is a west-wide phenomenon where cities like Denver, Los Angeles, San Diego and Las Vegas all vie for a share of the Colorado River. Unfortunately, the Colorado River is among the most erratic in the world with recorded annual flows as high as 22 million acre feet and as low as 11 million acre feet. The rapidly growing urban populations in the Southwest are squeezing every last drop from the system. Mexico too, has rights to the River, and as the farming operations in the Mexicali region expand, demand for the River's remaining supplies grows in its final stretch.

Because one-third of Arizona's water supply comes from the Colorado River, each of these factors has a direct bearing on the security of the state's water supply. Gone are the days when each community claimed as much water as possible and ignored the needs of others. Just as the natural water systems in the region are interdependent, so are the economies of the communities dependent upon them. This interdependency makes it essential that every Arizona community makes smart choices when spending scarce water resources.

Requiring a 100-year adequate water supply for all new subdivisions simply makes sense in a desert environment. SB 1575 and HB 2396 take a critical first step toward making this a statewide requirement by giving local governments outside AMAs the authority to adopt it in their communities. No doubt there will be an increase in the cost to develop, and hurdles to clear to secure adequate supplies, but failure to do so now will only postpone the day of reckoning.

About the author

Ms. Maguire is a member of the law firm of Maguire & Pearce, PLLC. Before establishing Maguire & Pearce, Ms. Maguire was the founding President of the Arizona Center for Public Policy, a nonpartisan research organization dedicated to providing objective analyses of the major policy issues in Arizona. From 1993 until 2001, Ms. Maguire served as the Director of the Arizona Department of Water Resources.

