

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - First Regular Session

HOUSE AD HOC COMMITTEE ON GROUNDWATER SUPPLY IN PINAL COUNTY

Report of Interim Meeting
Tuesday, September 24, 2019
House Hearing Room 1 -- 1:30 P.M.

Convened 1:30 P.M.
Recessed
Reconvened
Adjourned 2:46 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
9-24-19

Members Present

Representative Cook, Chairman
Mr. Buschatzke
Representative Campbell
Representative Gabaldón
Representative Roberts

Members Absent

Representative Griffin
Representative Rodriguez

Agenda

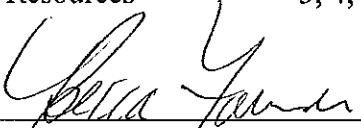
Original Agenda – Attachment 1

Committee Attendance

Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Director Buschatzke	AZ Dept of Water Resources	3, 4, 5



Becca Farmer, Committee Secretary
September 24, 2019

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

*Convened - 1:30 PM
adjourned - 2:46 PM*

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

HOUSE AD HOC COMMITTEE ON GROUNDWATER SUPPLY IN PINAL COUNTY

Date: Tuesday, September 24, 2019

Time: 1:30 P.M.

Place: HHR 1

AGENDA

1. Call to Order
2. Charge of Committee
3. Chair's Opening Remarks
4. Presentations:
 - Pinal Active Management Area Groundwater Flow Modeling and other related water issues by the Arizona Department of Water Resources
5. Public Testimony
6. Committee Discussion
7. Adjourn

Members:

Representative David L. Cook, Chair
Representative Noel Campbell
Representative Gail Griffin
Representative Diego Rodriguez

Thomas Buschatzke
Representative Rosanna Gabaldón
Representative Bret Roberts

9/18/19
jy

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

ARIZONA STATE LEGISLATURE
 Fifty-fourth Legislature – First Regular Session

INTERIM COMMITTEE ATTENDANCE RECORD

COMMITTEE ON HOUSE AD HOC COMMITTEE ON GROUNDWATER SUPPLY
 IN PINAL COUNTY

CHAIRMAN: David Cook VICE-CHAIRMAN: _____

DATE	9/24/19	/19	/19	/19	/19
CONVENED	1:30 pm				
RECESSED					
RECONVENED					
ADJOURNED	2:46 PM				
MEMBERS	FF				
Thomas Buschatzke	✓				
Representative Noel Campbell	✓				
Representative Rosanna Gabaldón	✓				
Representative Gail Griffin	exc				
Representative Bret Roberts	✓				
Representative Diego Rodriguez	exc				
David Cook, Chairman	✓				

✓ Present --- Absent exc Excused



Pinal Active Management Area Assured Water Supply Update

**House Ad Hoc Committee on
Groundwater Supply in Pinal County**

Tom Buschatzke, Director

Arizona Department of Water Resources

Ad Hoc Committee Member

September 24, 2019

Presentation Overview

- Assured Water Supply Program Background
- Pinal Active Management Area Groundwater Use By Sector
- Pending Assured Water Supply Applications in the Pinal Active Management Area
- History of the Pinal Active Management Area Groundwater Modeling
- 2019 Pinal Active Management Area Groundwater Model Revisions
- Next Steps



Assured Water Supply Program Background

- Integral component of the 1980 Groundwater Code
- Expanded consumer protection by mandating the demonstration of a 100-year water supply for new subdivisions within Active Management Areas (AMAs)
- Addresses severe groundwater depletion in AMAs
- Commercial developments do not require an assured water supply determination unless they fall within the definition of “subdivision.” The Arizona Department of Real Estate and local platting authority determine whether a development is a subdivision.



Assured Water Supply Program Applications

- **Analysis of Assured Water Supply**
 - Requires subsequent Assured Water Supply applicants to account for subdivision's demands but a Certificate is still required to sell lots to the public
- **Certificate of Assured Water Supply**
 - Required prior to the sale of lots to the public
- **Designation of Assured Water Supply**
 - Issued to water providers for entire service area



Criteria for Assured Water Supply

1. Physical availability for 100 years
2. Continuous availability for 100 years
3. Legal availability for 100 years
4. Adequate water quality
5. Financial capability
6. Consistency with AMA Management Goal
7. Consistency with AMA Management Plan



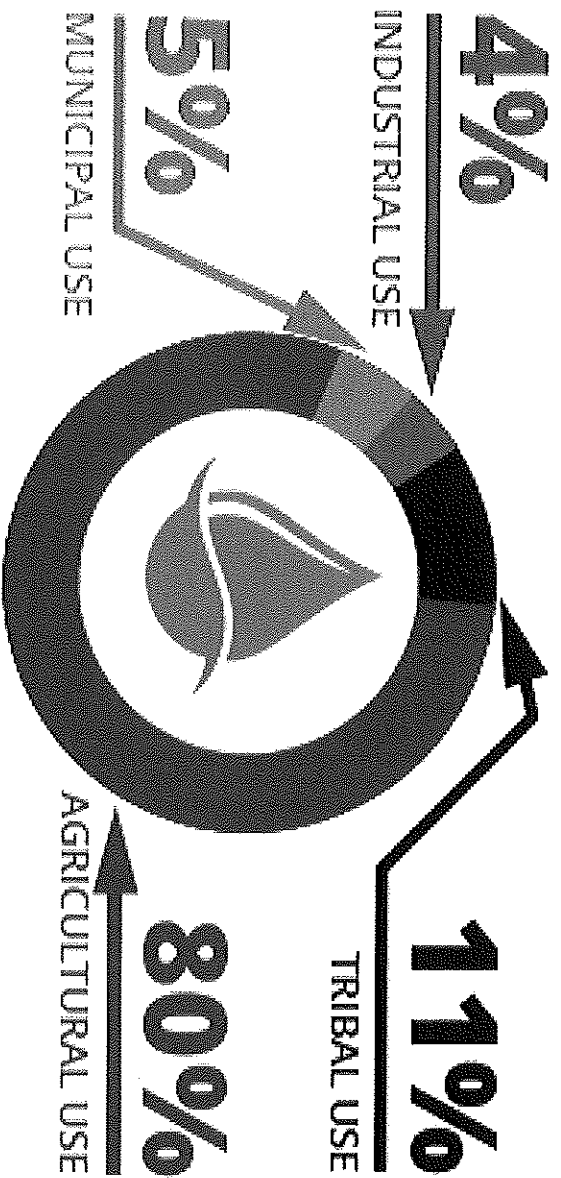
Physical Availability

1. Requires hydrologic study with modeling results
2. Must include “total demand” consisting of existing uses, issued AWS demand, and application demand
3. Must remove long-term storage credits (LTSCs) stored by others
4. Depth to water after 100 years of pumping cannot exceed the following depth-to-water limits or bedrock, whichever is shallower:
 1. 1,100 feet in Pinal AMA
 2. 1,000 feet in Prescott, Tucson, Phoenix, Santa Cruz AMAs
5. Groundwater withdrawals cannot negatively impact issued Assured Water Supply determinations



Pinal AMA Groundwater Use 2017

PINAL GROUNDWATER USE BY SECTOR



Source: ADWR



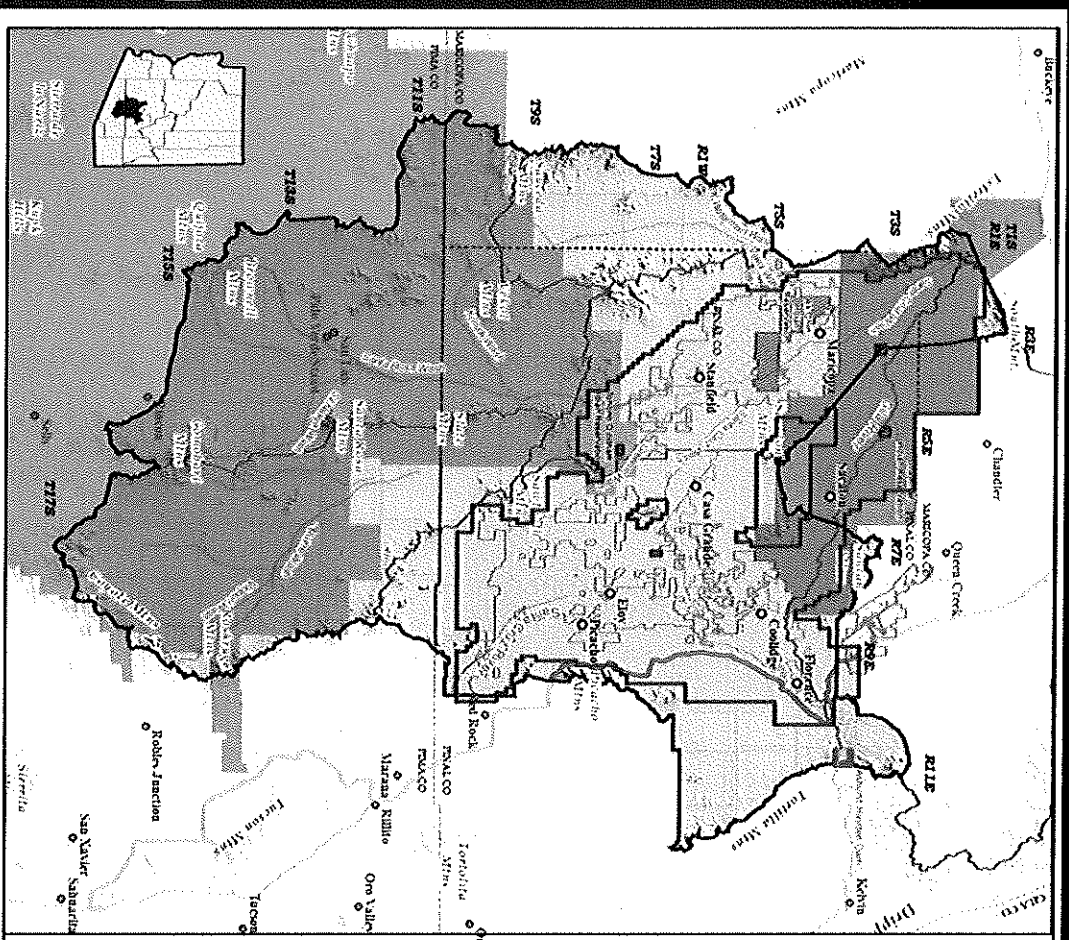
Pending Assured Water Supply Applications in Pinal AMA

- 12 Analyses of Assured Water Supply
- 5 Certificates of Assured Water Supply (rely on issued Analyses)
- 1 Designation of Assured Water Supply
- 3 Modifications of Designation of Assured Water Supply
- 1 Extension of Analysis of Assured Water Supply



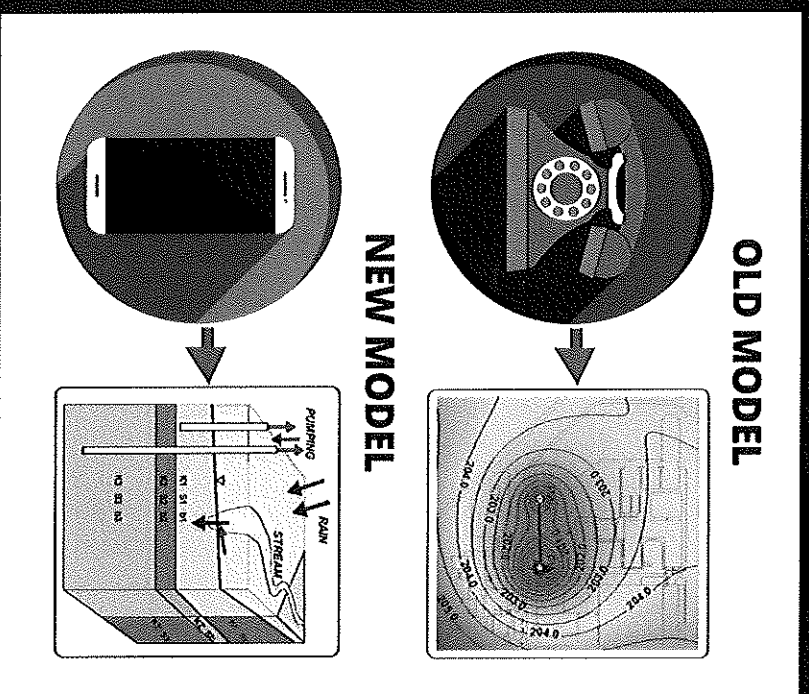
History of Pinal AMA Groundwater Modeling

- Prior to 2014 - AWS applicants submitted analytical and local numeric models
- 2014 – ADWR released regional numerical groundwater model
 - Peer reviewed
- 2019 – Updates 2014 model; report being finalized
 - Includes 100-year AWS projection and structural modifications



Numerical Groundwater Model

- Best tool available for assured water supply purposes
- Enhances consumer protection



2019 Model Revisions

- Structural modifications to model geology, increasing model thickness in several areas
- Updated pumping data and recharge data to include 2010-2015
- Included all issued AWS demands
- Updated agricultural assumptions
- Incorporated CAGRD replenishment obligations based on 2015 CAGRD Plan of Operation – using previously accrued LTSCs at a rate of 15,500 acre-feet per year



Next Steps

- ADWFR is in the process of finalizing the report for the 2019 Pinal Model.
- Once the 2019 Pinal Model Report is complete, ADWFR will meet with applicants and other stakeholders to present the model results.
- ADWFR will engage in a process led by local stakeholders
 - Discuss the model results in detail
 - Identify and vet options that could enable continued development while maintaining strong consumer protection



Assured Water Supply Issued Determinations in Pinal AMA Model Area

	Analyses	Certificates	Designations	TOTALS
Issued Determinations (count)	40	209	6	257
Issued Demand	126,973	55,763	48,865	231,601
Built-out and Served Demand	NA	5,991	NA	5,991
Certificated Demand	10,101	NA	NA	10,101
Total Demand in Model	116,872	48,754	48,865	214,491
100-Year Cumulative Demand	11,687,181	4,875,410	4,886,490	21,449,081

Demand values provided in acre-feet per year



Approx. 12% of lands with issued AWS determinations are located on ag lands

Data below from 2017 review

Issued Analyses = 189,380 lots

Issued Certificates = 78,454 lots

(Built out & Served Demand = 12,291 lots)

(remaining certificated lots to be built out = 66,163)

“Certificated Demand” = 15,255 lots

Due Process Rights of AWS Applicants Following ADWR's Decision

- After ADWR makes a decision on an application, the applicant may obtain an administrative hearing on the decision at the Office of Administrative Hearings by filing a Notice of Appeal with ADWR within 30 days after receipt of the decision.
- OAH must hold the hearing within 60 days after the applicant files the notice of appeal, unless OAH extends the time. (Note: if asked, the applicant has the burden of persuasion at the hearing.)
- The Administrative Law Judge conducting the hearing must submit a recommended decision to ADWR within 20 days after the close of the hearing record.
- The ADWR Director must make a final agency decision within 30 days after receiving the Administrative Law Judge's recommended decision.
- The applicant may appeal ADWR's final decision to superior court within 35 days after receiving the decision.
 - The superior must affirm the agency action unless the court concludes that the agency's action is contrary to law, is not supported by substantial evidence, is arbitrary and capricious or is an abuse of discretion.