

Post-2025 AMAs Committee
Report to the Governor's Water Augmentation Innovation & Conservation Council
November 16, 2021

From June to September 2021, the Post-2025 AMAs Committee met to generate ideas for solutions and strategies to address three of the Committee's six identified issues. These three issues have a common nexus across all the AMAs – Groundwater in the Assured Water Supply Program, Unreplenished Groundwater Withdrawals, and the Hydrologic Disconnect. Committee members were encouraged to suggest ideas for how aspects of those three issues could be addressed. Nearly two dozen ideas were suggested.

The Co-Chairs reviewed the list of ideas to determine which ones could be presented to the Governor's Water Council before the end of 2021, considering the possibility that some of the ideas could become legislation. With a tight timeframe, the Co-Chairs used the following criteria to initially consider ideas that would be discussed with the Committee:

- Address more than one challenge or opportunity
- Gain general overall support from the Committee
- Are politically viable in 2022

At the October 27, 2021 meeting and November 9, 2021 meeting, the Committee had productive, spirited discussions about the ideas selected by the Co-Chairs and what should be specifically presented to the Governor's Water Council at its November 30, 2021 meeting. Based on those discussions, the Co-Chairs believe this report represents the Committee's general overall support for what should be reported and recommended to the Governor's Water Council at its November 30, 2021 meeting.

It should be emphasized that all of the additional ideas raised by the Committee have been captured for additional discussion in 2022 and possible development into solutions.

Recent meetings of the Post-2025 AMAs Committee:

June 22, 2021
August 10, 2021
September 9, 2021
October 5, 2021
October 27, 2021
November 9, 2021

Recommendations to GWAICC for the November 30, 2021 Meeting

Request ADWR initiate a comprehensive review of the Recharge & Recovery Program with input from stakeholders

Stakeholders in all AMAs have encountered significant regulatory obstacles in permitting new recharge facilities and renewing the existing permits of operational recharge facilities. Regulatory concerns also have been raised about recovery in general, such as how to encourage recovering in areas of the AMA that are not experiencing groundwater level declines, as well as how recovery wells in and out of the area of hydrologic impact are used for Assured Water Supply purposes.

Specific suggestions made by Committee members include:

- Make it easier to permit recharge facilities by changing Unreasonable Harm Standard
- Make it easier to recover by improving Area of Impact Policy
- Improve ADWR's Recharge Program modeling procedures
- Increase the "cut to the aquifer," when recovery and replenishment is taking place in a separate subbasin from where it was stored.
- Review the interface between the Recharge Program and AWS Program to identify any potential improvements.

Rather than develop a specific proposal for any of these suggestions before the end of the year, it was concluded the best approach is to request ADWR to look at these suggestions holistically and have ADWR do a comprehensive review of its Recharge and Recovery Program with stakeholder input.

Request ADWR review the Methodology for Reviewing Certificate and Analysis of AWS Applications in Commingled Distribution System

The issue of volumetric accounting for commingled water systems had been raised more than once in Committee meetings. An applicant for a certificate or analysis relying on water delivered through a provider's commingled system must demonstrate physical availability of any groundwater delivered through the system, even if the applicant or water provider brings a new non-groundwater supply to the system in a volume equal to the applicant's demand. This is due to the fact that, absent a written agreement to the contrary, the water provider would not be required to deliver the non-groundwater supply only to the proposed subdivision if there were shortage of the groundwater delivered through the system. Homeowners in the new subdivision would then bear the risks of groundwater shortage that the Assured Water Supply (AWS) program is designed to avoid.

Stakeholders have requested more flexibility with respect to the requirements to demonstrate the physical availability of groundwater supplies within a commingled system especially if they are bringing in a new supply to deliver to a new development. ADWR is willing to facilitate that effort as long as the consumer protections provided by the AWS Program are maintained. From the discussion at the November 9, 2021 meeting, it is clear that further discussion is needed to ensure that whatever outcome can provide more flexibility while maintaining consumer protections.

Request the Long-Term Water Augmentation Committee further discuss Arizona’s approach to augmentation

Committee members raised many times the need for new water supplies for the AMAs. This recommendation is to acknowledge the importance of augmentation.

Request the removal of WaterBUD Restrictions

Repealing WaterBUD was raised many times by Committee members. Current statutes prevent the accrual of Long-Term Storage Credits for certain entities that are pumping groundwater. Proponents of removing “WaterBUD” contend that it would allow certain entities to put to use their CAP allocation to accrue Long-Term Storage Credits and also buy such credits.

Request resources be provided to ADEQ to fast track the updating of the Arizona Administrative Code on Purified Water for Potable Use

Along with the idea of augmentation, Committee members thought it was important to make sure all water resources can be fully utilized in an effort to avoid groundwater pumping. The Committee recognized that direct potable reuse is an important tool that needs to be made fully available sooner than later for water providers in the AMAs as well as outside the AMAs. Therefore, it is important to provide necessary resources so ADEQ can accelerate its rule making process.

Other Proposals Identified or Submitted by Committee Members to be further discussed in 2022

Prescott AMA Exempt Wells Concepts -

- Engage with the Arizona Department of Real Estate to require lot splits and dry-lot subdivisions in the Prescott AMA to follow the same AWS rules as other subdivisions.
- Amend A.R.S. § 45-454(D) to require all new wells within a municipal or private water company service area in the Prescott AMA to meet AWS requirements.
- Provide an exemption for municipal providers in the Prescott AMA from the requirement of not causing additional drawdown from new service area wells where exempt well owners within the service area have the ability to connect to the existing service provider water system but choose not to do so.

Address the Subdividing Loophole in AWS Program for development that doesn't require replenishment

Establish a Cut-to-the-Aquifer for Annual Storage & Recovery outside of AOI

Encourage Urban Development on Agricultural Lands

Evaluate the allowable groundwater pumping depth in the AWS Program, currently ~ 1,000' below land surface

Facilitate Groundwater Transfers

Recovery of LTSC stored in the Tonopah Area

Identification of potential aquifer recharge locations for preservation

Limitations on Groundwater Withdrawals

Increase existing fee or create a new fee for Groundwater Withdrawals that then is used to assist with replenishing groundwater pumping

Limit Unreplenished Pumping in the Industrial Sector

Revisit Conservation Requirements in Management Plans

Evaluate the AOHI associated with Groundwater Savings Facilities

Require CAGR D Replenishment within the AOI of Development

Review ADWR's Assured Water Supply Model Run Assumptions

Promote smart tax policy to decrease groundwater mining in the AMAs