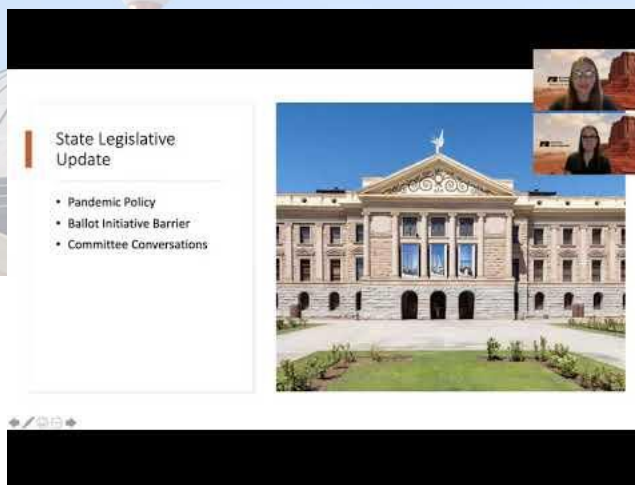


# While You Were Working

A PUBLICATION OF THE ARIZONA FARM BUREAU GOVERNMENT RELATIONS TEAM

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## What's Up With Water?

Chelsea McGuire, Government Relations Director

Early in 2020, when a change in majority party in the Arizona legislature appeared imminent, everyone expected that one of the major topics of contention in the 2021 session would be water. It made sense, after all: if Democrats had indeed taken over one or both chambers, it would have created a prime opportunity for that party to move water policy priorities that have for years been blocked by Republican majorities and committee leadership. So perhaps the biggest surprise of the session is that we've experienced the least action on water that I've seen in my four sessions as a lobbyist.

Overall, this lack of water conversations has been a good thing. Though we had the normal cast of characters when it came to bad bills, most of them died an unceremonious death when committee chairs declined to put them on an agenda. Bills seeking to meter all wells in and outside of an AMA, impose restrictions on future well drilling, and create an appropriate water use for "ecological waters" were all stopped before they could even start. Other bills that have yet to see the light of a committee hearing include a proposal to change the process for

establishing an Irrigation Non-Expansion Area (INA) by allowing the Department of Water Resources to consider prospective future water use, rather than actual data showing current use. The bill that would create Rural Management Areas, water management schemes that are almost entirely controlled by county supervisors, also has yet to receive any traction in this year's legislature.

But that's not to say that the legislature hasn't made *any* water decisions this year – it just happens that these decisions have been good ones that further Farm Bureau's principles for sound water policy.

Just this week, the House passed Representative Gail Griffin's Surface Water Protection Program bill (H2691) out of that chamber on a 31-29 party line vote. That bill creates a state-led surface water discharge regulatory program intended to fill in any unwanted gaps in surface water regulation that were left by the Trump Administration's repeal of the disastrous 2015 WOTUS rule. Arizona Farm Bureau is happy to be able to support that bill because it offers a level of clarity and restraint when it comes to surface water regulation that we are certain the Feds

## What's Up With Water? (cont'd)



Rep. Gail Griffin (R, Hereford) is a long-time champion of rural water rights and the sponsor of all three Farm Bureau supported bills.

will not repeat. And, by enacting a good, common-sense water regulatory scheme, we put Arizona in a prime position to ward off additional federal attempts to regulate ephemeral streams by proving that protecting state water can and should be the responsibility of the state. We will continue to support the bill as it moves through the Senate and will keep our members updated on its progress.

A few weeks ago, Governor Ducey signed a non-forfeiture bill (H2056) that will protect surface water users who are conserving water from losing their water right due to non-use. This bill chips away at Arizona's "use it or lose it" surface water policy, further encouraging water users to conserve. Similarly, a substitute acreage bill (H2441) that would allow surface water users to substitute a water right on inefficient land for a right on a more efficient piece of adjacent land passed through the Senate Natural Resources Committee late on Wednesday night. That moves us one step closer to giving surface water users another tool to make sure they are using water as efficiently as possible.

Moreover, not all water policy is made at the legislature. The Department of Water Resources is continuing its task of drafting the Fifth Management Plan for the Active Management Areas. In addition to the existing public process that the Department has set up for public input on those new plans, Farm Bureau has joined together stakeholders to collaborate with the Department as they look to modify the Agricultural Water Best Management Practices Program and make other decisions that will impact access to groundwater in the AMAs. These groups have been meeting almost weekly, and we expect that draft language of the Fifth Management Plans will be available in the late Summer.

It's almost impossible to have a conversation about agricultural policy in Arizona and not mention water. And while we're glad that this session's water conversations have been positive, we know that won't always be the case. Farm Bureau is dedicated to making sure that Arizona's water policy empowers agriculture's wise and productive use of water, rather than hampering agricultural water users from putting this key resource to good use. So rest assured, even though we're not talking water as much as we thought at the Legislature, not a day has gone by that we aren't fighting for agriculture's right to use water.

Next Week's Bills		
Bill	Explanation	Committee Hearing
H2289: Citrus Research Fee Increase	Increases the fee on cartons of citrus from 1.5 cents to 5 cents to fund the Citrus Research Council; Farm Bureau Supports.	Senate Natural Resources, Energy, & Water
H2691: Water Quality Programs; WOTUS	Creates an Arizona Surface Waters Protection Program; Farm Bureau Supports	Senate Natural Resources, Energy, & Water
S1734: Ag Property Reclassification Notice	Requires notification of change in the tax classification of ag property and detailed methods for appealing the classification be mailed to the property owner via certified mail. Farm Bureau Supports.	House Ways & Means