



# Agricultural Land and Water Policies

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## **AGRICULTURAL LAND**

### **Preservation of Agricultural Land:**

We support preservation of agricultural land, both as a means of preserving the character of our communities and of continued local production of food, fiber and ornamentals, but not against the will of, or at the expense of, the property owner.

We support the concept of transferable development rights as a means of preserving agricultural use of agricultural land, on condition of appropriate compensation to and voluntary agreement by the property owner.

Furthermore, we should investigate the possibility of transferring state or federal lands to the owner of agricultural land, for an in kind trade of development rights. The owner of agricultural land would then be able to sell or develop this land for monetary reimbursement of their agricultural ground development rights. (2011)

## **WATER**

We believe water rights are inviolate. We believe that a water right is a property right belonging to the land that may not be taken for another use without proper compensation. We believe any statewide water plan should be designed to support increasing city populations in the Active Management Areas (AMAs) while maintaining a significant agricultural industry in Arizona. Such a plan would maximize the amount of water available in the state.

We believe all water rights must be based on historical and/or continued use. We believe Arizona should adopt a water policy which encourages the effective utilization of all water resources and which encourages all water users to conserve as much water as economically feasible. Incentives should be developed to encourage use of reclaimed water (effluent) by agriculture.

The current laws and regulations of Arizona intend to foster safe yield, but in effect, they will increase consumption. We support the concept of converting water rights, as opposed to creating new water rights that compete with existing uses. Furthermore, water sufficiency decisions for new demands should be made at the state level by the Arizona Department of Water Resources. Established AMA's should utilize an acreage system of voting.

We oppose the establishment of new AMA's in Rural Arizona. Furthermore, we oppose any attempts by national, state, or local governments as well as private individuals or corporations to meter domestic wells.

We support the implementation and use of the Best Management Practices alternative conservation plan, as proposed by the agricultural community, as part of a workable, economically and environmentally sound plan for agricultural water management and conservation. A program such as this will provide for viability in agriculture and will allow for the

orderly transformation of agriculture in the Active Management Areas.

State law should reflect policy that ensures value to land with a historic water use. This will encourage the conversion of farmland within AMAs to urban use, rather than converting desert lands with no historic water use. This method of water management is the most practical approach to maintaining balanced water use within AMAs.

Arizona Farm Bureau supports laws, rules, and regulations that encourage new residential and commercial development either:

1. To occur on lands historically using water, or
2. To directly use renewable water supplies rather than groundwater.

Conversion of irrigation grandfathered rights to Type I rights should continue to be allowed beyond the year 2025 in Active Management Areas as an incentive for urbanization of lands with historic water use. We oppose the diminishment of extinguishment credits for grandfathered irrigation water rights within AMA's. Conversion rights should be restored to prior irrigated lands to promote development on lands with water rights (ground or surface water rights) rather than lands with no history of prior water use.

The Gila River Indian settlement and its authorizing legislation is intended to settle all claims to the Gila River in Arizona. The current proposal excludes claims at or downstream from the diversions into the Gila Bend Canal and the Enterprise Canal. These claims should be quantified and made a part of the settlement. (2013)

**Augmenting Arizona Water Supplies:**

With rapid population growth across the state, Arizona will need additional water supplies. The state needs a statewide coordinated effort to augment water supplies, including building water storage facilities and watershed management, rather than creating competition between urban and rural areas for available water. Any efforts to develop additional supplies should not negatively impact existing users.

We support adequate funds to rural Arizona for hydrological research to augment water. (2009)

**Groundwater:**

We support the use of groundwater on agricultural lands with historic water use (i.e. irrigation grandfathered rights). We believe that use of this water is an inherent property right attached to the land.

Groundwater should maintain its separate identity, whether used alone or in combination with another water resource. The groundwater withdrawal fee should be

removed from lands used for agricultural purposes. (2012)

**Renewable Water Resources:**

We oppose efforts by the legislature and the Department of Water Resources to obtain control over the use of surface water by regulation.

We support the use of renewable water resources whenever it is economically available, in lieu of the use of groundwater.

We support use of surface water supplies within irrigation districts to the limit of its economically feasible availability.

As an incentive to agricultural use, the use of surface water that is not co-mingled should not be included in the Arizona Department of Water Resources calculations of water duty allotments. (2012)

**WATER SUPPLY**

**Reclaimed Water (Municipal Effluent):**

We support the expanded use of reclaimed water (municipal effluent) by agriculture as a supplement to or replacement for other water resources and the coordination of water quality regulations to facilitate delivery and use of reclaimed water for agriculture. We support the development of partnerships between municipalities and agricultural water users to fully utilize reclaimed water supplies. We also support research on uses of reclaimed water.

As an incentive to agricultural users, use of reclaimed water should not be included in the Arizona Department of Water Resources calculations of water duty allotments. (2012)

**Indirect Recharge:**

Agriculture's contribution to replenishing the aquifer through indirect recharge should be fully recognized. Calculations of indirect recharge from land in agricultural production should be included in Arizona water budgets. (2012)

**Recharge:**

We support recharging groundwater aquifers with renewable water resources when such resources are surplus to direct beneficial uses. The capture and recharge of urban runoff can infringe on existing rights. Urban recharge should not be credited to the urban community if runoff from the same areas contributes to surface water supplies of the downstream right holders historically.

Agricultural lands with irrigation grandfathered rights and agriculture-related industries using Type I, Type II or general industrial use permits must remain exempt from any state requirement to replenish mined groundwater. (2012)

**Agriculture Conservation Programs:**

Any conservation program for agriculture must be economically, agronomically and technically feasible and reflect differences in farming conditions and cropping patterns.

Alternative conservation programs for agriculture must allow growers the flexibility to take advantage of economic opportunities that present themselves and use water in as efficient a manner as economically practicable for those crops. Conservation programs must not preclude a farmer's response to future market opportunities. A Best Management Practices program would meet these needs.

We believe equivalency in conservation programs means that production agriculture in the future will use no more water in an AMA than production agriculture uses currently in that AMA (due to declining acreage in production as land is retired for development).

Flex credits belong to the owner of the property on which the credits were earned. Flex credit transfers should be allowed to occur during the second calendar year following the year for which the credit was registered, so that the farmers know the availability of credits before entering the growing season, and should be marketable within the same sub-basin. (2012)

**Industrial Water Permits for Agriculture:** Renewal of industrial water permits for agricultural operations should be determined solely by the Arizona Department of Water Resources, regardless of the operation's geographic location in relation to a commercial or municipal water provider. (2011)

**Central Arizona Project:**

We support the efforts of the Central Arizona Water Conservation District (CAWCD) to provide the lowest possible water rates, consistent with sound business practices.

We recommend that Central Arizona Water Conservation District develop and use its G.S.F. indirect underground storage and recovery program.

We support the resolution of Native American water claims. Any settlements would be final. If the Central Arizona Project water is used to fill the water requirement, the non-Native American agriculture customers should receive compensation and/or other benefits for their loss. At a minimum, non-Native American irrigation districts should retain access to enough water to allow them to reasonably retire their distribution system debts. Any water allocated to Native American water rights should be used only within Arizona.

We support the elements of the Arizona Water Banking Authority.

We are opposed to Central Arizona Project's Acquisition Development and Delivery (ADD) Water Campaign. (2012)

**Utilization of Colorado River Allocation:**

We recognize the importance of the Central Arizona Project (CAP), in its current priority status to the state and encourage full

utilization of Arizona's total Colorado River allocation.

Agriculture is currently the primary sector protecting Arizona's allotment of water from the Colorado River through the CAP. Available CAP water should continue to be available for agricultural use at a cost that provides an economic incentive to users to forego the use of groundwater. Agriculture's continued use of significant quantities of Arizona's Colorado River allocation is the best protection of this right for future use by all Arizonans.

In the event that municipal or other users of CAP water do not utilize their full allocation after the year 2017, any excess CAP water should continue to be made available to agricultural users under the current preferential pricing and contract terms.

The Navajo generating plant's SO2 credits should be applied solely to reduce the cost of CAP water.

We support acquisition and recharge of renewable water resources (i.e. CAP water) as a further protection of Arizona's Colorado River allocation.

We support the federal funding and operation of the Yuma desalting plant. This is necessary to provide relief to local valleys from the high groundwater conditions that exist, while still meeting the Mexican treaty obligations concerning salinity. The treated

water from the Yuma desalting plant could then be used to meet treaty obligations. (2013)

**Flood Control and Dam Safety:**

There should be an increased effort to catch floodwaters that would normally go to waste as one way to increase Arizona’s water supply. Arizona needs to make a statewide commitment to build flood control structures with water storage capability. This is especially important for major impoundments of water, but also includes diversion dikes and river channelization.

Arizona needs to build flood control projects on the Gila River and its tributaries wherever necessary to prevent flooding throughout Arizona. This includes the flood control structures of Camelback and Conners Dam on the upper Gila River, and Quail Springs Dam on the San Francisco River, the channelization of the Gila River wherever necessary from the New Mexico state line to the Colorado River. We believe scouring and channelization to be the most environmentally sound and economically feasible solution to the flooding along the lower Gila River. We support the channelization of the Gila River from Painted Rock Dam to the Colorado River to carry up to 25,000 cubic feet per second in-flows.

We should promote the education of various state and federal agencies, and private

groups, as to the benefits of flood control projects.

Additional wilderness area designations should include provisions to allow adequate flood control measures to protect downstream areas. Arizona needs to maintain a channel for the Salt/Gila Rivers from Granite Reef Dam to Painted Rock Dam for: flood control, aquifer recharge, and water conservation by reducing and controlling water consumptive plants along and within the channel.

We support legislation to encourage the early and complete use of all Central Arizona Project water supplies through indirect recharge of Central Arizona Project waters on agricultural lands and by such other means as are feasible which do not interfere with agricultural use of Central Arizona Project water.

We are opposed to the absolute authority of the Dam Safety Division of the Arizona Department of Water Resources to condemn and breach dams declared unsafe on the hypothetical theory of a one hundred year flood without due consideration of public opinion and past history of the communities affected. (2010)

**Weather Management:**

We support research in Arizona to explore the feasibility of supplementing natural precipitation in order to stabilize and

improve surface water supplies for all Arizona water users. (2012)

**Water Retention Structures:**

We support the construction of water retention structures in the upper Gila River water shed. These structures will increase recreational opportunities, increase water quality, reduce damage from large storms, floods, and other natural disasters, and restore the flow to its pre Euro-American settlement characteristics. (2012)

**Fallowing Land During Drought:**

Fallowing of farmland has been identified as a potential strategy to mitigate the impacts of severe drought. Any discussions regarding the implementation of a farmland-fallowing program must include the following concepts:

1. Individual grower participation in the program is voluntary;
2. Fallowing agreements should be at the irrigation district level and district members should have an equal opportunity to participate;
3. Agreements will be short-term;
4. Compensation should go to the grower/farm operator;
5. Compensation for fallowing should recognize district operating and maintenance costs and third party impacts;
6. Include provisions for compliance with particulate matter and noxious weed control; and

7. Allow farm operators to remain eligible for government farm programs and conservation contracts.

We support greater education efforts concerning the full economic impacts on the fallowing of farmland. (2010)

**Lake Powell:**

Lake Powell provides much needed electricity, irrigation and municipal water and recreation. Therefore, we oppose any plan to drain Lake Powell. We oppose releases of Lake Powell that are not in accord with water demands, hydroelectric power generation and/or flood control criteria. (2012)

**Man-Made Lakes and Reservoirs:**

We oppose any plan to drain or change the designation or scope of man-made lakes or reservoirs that provide much needed electricity, irrigation and municipal water. We oppose releases of water that are not in accord with water demands, hydroelectric power generation and/or flood control criteria. (2012)

**WATER RIGHTS**

**Surface Water Entitlement:**

We recognize that the agricultural areas along the Colorado River are uniquely situated to take full advantage of that river, and that the farmers in those areas have established irrigation districts with adequate allocations of Colorado River water, and have perfected those water rights through

decades of toil and hardships working their land. We realize also that any movement of this Colorado River water outside of those counties bordering the river could only be at a cost that would make such water prohibitively expensive for any kind of agricultural activity. As such, and as those Colorado River allocations are a crucial natural resource to western Arizona’s municipal and industrial users as well as to agricultural interest, and as the agricultural production in western Arizona is increasingly valuable to all people throughout the entire state as well as the nation, we are opposed to the sale and/or transfer of Colorado River water entitlement in western Arizona outside of the irrigation districts to which those entitlements belong, or are contracted with the United States government.

We recognize that the agricultural areas along the Gila River have also perfected their water rights through decades of toil, decrees, litigation and hardships working their land. We realize that any movement of the Gila River water outside decreed areas or taking water rights away to give to someone else inside the decreed areas would make farming prohibitive. This would have a detrimental effect on economics in those areas. We should work toward protecting these rights.

Agriculture’s use of water should be maintained as number one priority for Coolidge Dam.

Water rights for irrigation should take precedence over water claims for maintenance of riparian areas or for the benefit of endangered or threatened species. (2012)

**Affirmation of Water Rights:**

We oppose use of the Endangered Species Act, Wilderness Act, Clean Water Act and/or any other federal laws by federal agencies to usurp, seize, restrict, impede or take state-distributed, granted, assigned or treaty water rights owned by individuals, partnerships, corporations or municipalities.

When a private or municipal water right is located on federal or state land, that right must be deemed to include the holder’s right of access to the source of the water and to any element of the distribution system necessary for delivery including wells, springs, streams, rivers, stock ponds, agricultural ditches, U.S. canals, pipes, and other conveyance mechanisms for maintenance purposes because denial of such access effectively constitutes an illegal, de facto, taking of the water right.

Congressional legislation is needed to guarantee Arizona’s premier authority to issue and protect water rights within the state and, additionally, legislation is needed to clarify that the right of access as described above is inherent in state-issued water rights owned by individuals, partnerships, corporations and/or

municipalities on federally managed land. (2013)

**Water Rights for Protected Farm Land:**

Pursuant to the expressed public policies and applying only to specified acreage of irrigated farmland recognized as being uniquely qualified for protection from development and for preservation as irrigated agriculture, we recommend that when such farm land is subject to a purchase of development rights contract or a conservation easement, then State Water Law (title 45) shall recognize the corresponding necessity and right of applying a sufficient and secure supply of irrigation water to sustain a viable farming operation, not to exceed the original water duty.

In advance of signing on to such special designation and forfeiture of development rights, farmers and ranchers must be able to apply to the Arizona Department of Water Resources for a determination, including the specified acreage and annual water right, according to which a new certificate of grandfathered groundwater right will be issued when the protected status has been accepted and is formally complete. (2013)

**Upper Gila Water Issues:**

We support the efforts of a legislative settlement for the Upper Gila River through the use of a resolution task force committee comprised of individuals that belong to the

Gila Valley Irrigation District and tribal leaders.

In the settlement, if the action of the federal government through the taking of water rights from the Upper Gila users occurs, the federal government must compensate those affected parties and buy the land and businesses according to the takings clause of the U.S. Constitution. (2012)

**General Adjudication:**

We should become involved in the adjudication of state waters. This process vitally affects agriculture in nearly every area of the state. Because the Arizona State Legislature has become involved in the adjudication process, we should play a major role in the development of legislation and in the legal process. Protecting the existing rights of users is a primary concern. (2010)

**Native American Water Settlements:**

We urge prompt settlement of all Native American water claims. Arizona citizens should not be required to fulfill a federal commitment. We support resolving Native American water claims through negotiated water settlements. Native American water settlements should have the participation of all parties with interests in the affected water. In case of potential conflicting claims, the Arizona surface water general adjudication process should be allowed to settle those conflicts. Claims should not be settled with groundwater, and any surface

water should be acquired from willing sellers without the federal government bearing the costs. The settlements shall consider historic water use decrees. The settlements must contain language to protect the water rights of the communities affected.

The federal government should bear all the monetary costs of both parties of any settlement and/or litigation.

Water allocated to Native American reservations should not be sold interstate. We do, however, support the right of Native Americans to use allocated water as they see fit within their respective reservations even though they may have multi-state boundaries. (2012)

**Water Measuring Devices:**

We support legislation that provides tax credits for the registration of water rights and for the cost, installation and maintenance of water measuring devices as mandated by Arizona's Groundwater Code. We urge all methods of alternative measuring devices be given consideration including the use of weirs and power usage. (2012)

**Type I Right:**

If a city or municipality leases water rights for municipal use, upon termination of the lease, the city or the municipality would lose the right to continue the use of the water and no new water right could be established and the area served with the leased water shall

not be considered a service area. As cities expand into agricultural areas and provide for their water needs by securing groundwater through the drilling of new wells, the cities should be required to post bond to cover compensation for any damages to the existing wells in the area due to salt intrusion or lowering of water tables. (2012)

**Municipal Water Transfers:**

It is poor public policy for municipalities to purchase remote land for the associated water right with the intent of transferring this water. This practice results in severe economic hardships for affected rural areas. This is particularly true where municipalities have not implemented effective conservation planning techniques and strategies regarding groundwater, renewable water and water that could be captured and stored. Cities should not be able to import remote non-recharging water, if the cities purchasing these remote waters have not reached conservation goals. In no event should a water transfer under a Type II right exceed 50% of water allocated under such right.

No water should be allowed to be transferred outside of Arizona. All Arizona water shall be used within the borders of Arizona, regardless of ownership. (2012)

**Stock Waters:**

We support the lessee’s right to water developed by the lessee on public lands. We support a rancher’s right to water they own

on their property (base waters) and all water they own the rights to on state and federal lands. (2012)

**WATER CONSERVATION**

We believe that the positive effects produced by water conservation efforts should be encouraged without reducing the water entitlement of the conserving district or area.

Arizona and its various agencies should be required to adopt landscape designs to conform with its distinctive arid climate.

Current technology should be developed and implemented regarding water conservation techniques and strategies. Educational programming to water users should be accelerated regarding available water conservation technology. (2012)

**Department of Water Resources:**

We believe the cost of operating an Active Management Area is too high. We urge the Department of Water Resources to improve and streamline the management of an Active Management Area to substantially reduce costs.

Because regulation of water was established to benefit the general public, the Arizona Legislature should make more funding available for the department from the general fund. Operating the department solely from fees puts an unfair burden on regulated entities, including agriculture.

No area may be declared an Active Management Area or a Non-Expansion Area without conclusive evidence of significant decline in the water table and a vote of those within the area to be designated.

The Department of Water Resources shall respond in a timely manner when acting upon applications for permits, certificates, other documents and upon application for a finding, determination or approval required by the Groundwater Act.

Farm Bureau believes that the Arizona Department of Water Resources and governor’s office should continue to declare drought conditions in Arizona as long as the Colorado, Salt, Gila or Verde River system reservoirs remain below 65% of capacity. A drought designation allows the applicability of the Reclamation States Emergency Drought Relief Act for agricultural water use. (2012)

**Water Conservation During Drought:**

Farm Bureau supports current conservation requirements under state law. The Bureau of Reclamation regarding agricultural use of water should impose no further rules. (2009)