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Despite vetos, Pinal supervisor hopeful for ag-to-urban water concept

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An irrigation ditch brings water to a farm near Casa Grande.

Jodie Newell/PinalCentral

CASA GRANDE — Late last month, Gov. Katie Hobbs vetoed five water-related bills — including one that would allow agricultural land to be retired for urban development, reducing water use — and urged state and local legislators to keep working, though some say the important bills were fine as is.

Pinal County, the third most populous in Arizona, is a mostly rural county of about 450,000 residents. The agriculture and ranching industry in Pinal — whether it's flat fields of cotton or alfalfa or languid arrays of sheep and cattle, knows the feeling of thirst. Farmers, ranchers, the crops and cattle themselves have long grown accustomed to the state's dry climate. Growers pay close attention to use of the most vital resource. The Arizona Department of Water Resources is ultimately tasked with the state's use, and conservation, of water.

Steve Miller, Pinal County supervisor for District 3, also serves as vice chairman of the council overseeing the Pinal Active Management Area. Miller was disappointed about the vetoed bills, particularly one dealing with the ag-to-urban concept — Senate Bill 1172 — and was underwhelmed by the reasoning given by the Governor's Water Policy Council.

Ag-to-urban water planning is based on the idea that because agriculture uses more water per acre than residential and commercial development, transitioning land use from the former to the latter could be an effective way to save water.

"There's already been meetings with the parties that have a big, big interest in seeing that water legislation go forward," Miller said. "We're already working on being able to put another bill forward next year."

Miller said he totally disagreed with the calculations that were presented on June 18 — the day before Hobbs vetoed the five bills — during the GWPC meeting that heavily focused on the ag-to-urban legislation in SB1172. The GWPC findings in their presentation to ADWR help explain why the bills were vetoed.

Most of Pinal County's water comes from groundwater. In 2019, the ADWR stopped issuing certificates of assured water supply, or CAWS, to allow permits for new homes. However, in Casa Grande for example, enough CAWS had been issued to promote 20-25 years worth of development.

Hobbs vetoed four other water bills, one aimed at allowing the commingling of different water sources — groundwater and surface water, for example — as an attempt to gain CAWS. The others attempted to incentivize aquifer recharge and would create other avenues for possible CAWS applications.

In her veto, Hobbs wrote that the bills "threaten to erode the water protections Arizonans rely upon." In an attempt to change CAWS regulation, she continued by writing "these bills would weaken and circumvent Assured Water Supply protections that provide consumer protection and promote

sustainable water management.”

Miller said that commingling is a “key component for the future of Arizona.”

Hobbs wrote a separate note for the ag-to-urban legislation supporting the general idea but saying, “It is critical that the legislation be carefully crafted to ensure that the water conservation savings and consumer protections are guaranteed.” She wrote that not all Arizona Active Management Areas would support universal adoption of the legislation.

Miller said he has asked ADWR for the calculations that show SB1172 leading to depletions within the Pinal Active Management Area. According to Miller, the agency has yet to share that with him.

“It doesn’t make any sense to tell me that it works in the Phoenix AMA but it will not work in the Pinal AMA and there’s no big difference in how these two AMAs work,” Miller said. “If you save water in the Phoenix AMA by converting ag land to urban development, you’ll have the same reaction in the Pinal AMA.”

Natalie Mast, active management areas director for ADWR, presented the findings at the June 18 GWPC meeting along with Emily LoDolce, the groundwater modeling section manager for the ADWR. LoDolce went first and presented general findings if the SB1172 legislation were to be utilized to reduce water use within retired agricultural land.

Her presentation assumed a general reduction of water use from ag-to-urban of 20%, when that retirement would occur. It would be impossible to know how much agricultural land would be retired, so she presented a conclusion given a variety of participation levels: 25, 50, 75 and 100% participation. Her conclusions generally showed a retention of higher groundwater levels in each level of participation: The legislation would generally produce an outcome of reduced water use.

Mast presented the findings that compared the Phoenix AMA to the Pinal AMA, the discrepancy that confused Miller.

“They show a lot of red numbers in the Pinal AMA. I remember in my math class, geometry class, my algebra class teachers were like, ‘show me the work, you may have the right answer but you may not be getting the right answer the right way.’”

Mast’s presentation assumed an average decline of agricultural water use in the Phoenix AMA at 1.3%, based on the last 10 years. She assumed a 3.7% decline in the Pinal AMA but acknowledged that estimate may be high, so she included a secondary estimate (Pinal V2) at a rate of 2%.

Her presentation also included assumed rates of housing development, starting at 35,000 units a year in Phoenix at 3.9 units per acre and 6,900 in Pinal at 3.1 units per acre. More density was assumed in Phoenix.

“In order to actually create a successful policy, the parameters around all of those things have to be correct and have to reflect that Arizona is in an era of limits,” Mast said.

The presentation showed the amount of water in each AMA in thousands of acre-feet averaged over 100 years — an acre-foot of water is equal to 325,851 gallons. The Pinal AMA retains substantially less than the Phoenix AMA based on the projection.

“The ultimate result here is that we have reasonable confidence that this type of ag to urban program in the Phoenix AMA would result in a substantial benefit to the aquifer and for the Pinal AMA we don’t have that same confidence,” Mast said. “The results there are unclear at best and are cause for some concern and will require some additional work and some additional analysis.”

Miller said that developers are frustrated. They bought plats of land in the hope that they would be able to obtain CAWS to build single-family homes. Apartments and build-to-rent housing both do not require the same certificate under state law, which has led to their recent development. Miller pointed to the new Bungalows on Cottonwood build-to-rent housing complex as an example.

“If I owned a tract of land, I’d have to make my own decision. If I was a farmer, I’d have to make my own decisions on what I think is best for me, as it should be,” Miller said. “But, the options are getting smaller and smaller and I think, in the interests of the county, in the interest of the taxpayers and constituents, more options are better and I wish we had more options for all the entities.”

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