

February 18, 2016

Dear Senators:

Please vote "NO" on SB1268 and SB1400! Please do not further weaken important water adequacy requirements.

Arizona law requires counties to develop long-term planning documents to conserve the natural resources of the county, to ensure efficient expenditure of public monies and to promote the health, safety, convenience and general welfare of the public, which includes the prudent use of available surface water, groundwater and effluent supplies. *See, e.g.,* ARS § 11-804.

[SB1268 adequate water supply requirements; municipalities](#) (Griffin, Gowan, Stevens) allows cities and towns to opt out of county ordinances requiring a proposed subdivision that is located outside of an Active Management Area (AMA) to demonstrate an adequate water supply before the final plat for the subdivision can be approved.

SB1400 water banking authority; report (Griffin) has a strike-everything amendment on **[adequate water supply requirement; renewal](#)** that enacts an expiration provision of five years after a county adopts the requirement for a mandatory demonstration of an adequate water supply by proposed subdivisions. For counties that have already adopted the water adequacy provision, it expires in two years.

Both SB1268 and SB1400 would create loopholes for special interests to avoid complying with important requirements for water adequacy, and put at risk the health of our aquifers, streams, rivers, and springs.

Requiring adequate water is common sense. Instead of allowing opt-outs and having these provisions expire, effectively eliminating them, the Arizona Legislature should support counties and make it *easier* for counties to adopt county ordinances that protect homeowners and Arizona's limited water supply. This can be achieved, in part, by eliminating the current statutory requirement that any adequate water supply mandate be approved by the county board of supervisors **unanimously**. A unanimous approval is a high bar for enacting anything, let alone something as important as ensuring adequate water.

Only two counties have enacted the adequate water supply requirements because it is very difficult to get a unanimous vote. With SB1400, those counties would have to get another unanimous vote in two years and every five years thereafter. SB1400 would make what is already a difficult provision to enact nearly impossible to reenact and keep in place at the county level.

Water is a crucial issue of statewide concern that has major implications for the sustainability of our state's economy and ecology. Therefore, the state has a responsibility to ensure that new developments have adequate water supplies, and to block special interest loopholes that would undermine existing laws.

Arizona has recently been heard to praise its historic long-range water planning efforts, especially in light of the water shortages occurring in our neighboring state, California. Passing these bills would constitute a major step backwards for sustainable water policy in Arizona. Such regressive legislation is especially unwise at a time

when we should be taking additional steps to conserve groundwater and protect our remaining flowing rivers and streams, especially in light of the impacts we are already experiencing due to long-term drought and climate change.

Arizona is at a tipping point on water. We must seek to increase, not eliminate or hinder, the applicability of requirements for adequate water and to consider the implications of our legal framework upon both ground and surface water alike. We must not enable unfettered development to deplete limited groundwater supplies and dewater rivers such as the San Pedro, the Verde, and others.

Please vote NO on SB1268 and SB1400.

Thank you for considering our comments.

Sincerely,

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