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It's official: Prescott AMA is 'mining' water

By JOANNA DODDER
The Daily Courier

PHOENIX - Arizona Department of Water Resources Director Rita Pearson ushered in a new era for the Prescott Active Management Area late Tuesday afternoon.

Her long-anticipated decision became final: the Prescott AMA is officially "mining" its groundwater - taking more from the aquifer than it replaces.

Pearson issued a 5-page cover letter and 29-page report alongside her 2-page final decision and order Tuesday. The Prescott AMA office has copies for the public, or people

After a year, ADWR OKs 'irreversible' decision

can read the information on the Internet at www.adwr.state.az.us.

Pearson's decision came just one day after the state Legislature convened for its 1999 session. She previously had stated she wanted to make a decision before the Legislature convened, even though state law didn't require her decision until April 26.

"I'm happy to see she waited until the new legislative body came in, so they didn't think she tried to slip it under the wire," said Yavapai County Board of Supervisors

*What does this mean to you?
See page 7A to find out.*

Chairman Chip Davis.

It has been about four months since Pearson made a preliminary conclusion that the AMA is mining groundwater. Since then she has sponsored a public hearing, reviewed a dissenting study and

read more than 400 letters from citizens who live in the AMA, which encompasses the tri-cities of Prescott, Prescott Valley and Chino Valley.

She also met with all the AMA's mayors, county supervisors, Shamrock Water Co. owner Bill Fain, and District 1 state legislators.

"By and large, the group was saying, 'Make a declaration. Let's move forward,'" Pearson said Tuesday.

The issue has been brewing for

more than a year, since ADWR officials let local officials know in late 1997 that records were pointing to groundwater mining.

That talk led to an attempt to change state law during the 1998 legislative session, which in turn created hard feelings between some AMA and Verde Valley officials, who live below in the same river basin.

Now, Pearson hopes her decision will end the disagreements, even though some officials aren't happy with it.

"I hope we can put this divisive issue behind us," she said Tuesday.

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After reading the multitude of letters, Pearson concluded everyone agrees on some points.

"First, all of the residents of the Prescott AMA and Yavapai County share a sincere concern over the future of their community," Pearson wrote in her cover letter Tuesday. "Second, the love and respect the residents hold for the unique beauty of this area of Arizona was also evident in each of the opinions expressed.

"There was less unanimity on what course of action is in the best interest of the area ... Similar disagreement was expressed on the impact of the declaration."

ADWR studies show that the water levels in wells it examined have declined more than 70 percent, and the aquifer dropped an average of 6,166 acre-feet per year from 1990 to 1997. The information gave Pearson no choice but to make the declaration, she said.

But Pearson emphasized that information doesn't mean the AMA has a water crisis. Her declaration seeks to bring the aquifer back into balance.

The department's next priority, outside more studies, is to produce a final AMA management plan for the next decade, another tool to bring the aquifer back into bal-

ance.

That Pearson stuck by her preliminary conclusion Tuesday came as no surprise. But the decision is significant because new groundwater use restrictions now go into effect permanently.

In general, anyone who wants to create a subdivision in the future must use sources other than groundwater.

While Prescott Valley officials and their Shamrock Water Co. wanted more study before the declaration, even they agreed Tuesday it is now time to move on with those studies.

"It's a decision that should not be taken lightly by anyone," said Bill Fain, the Shamrock Water Co. owner who commissioned a \$600,000 study that disputes the ADWR's conclusion. "Anyone who owns property within the Prescott AMA has a critical economic stake on the evolution of how this works out.

"We're disappointed but not discouraged ... because the issue is important enough that the right answers will evolve."

Even though Prescott Valley plans to close its purchase of Shamrock Jan. 21, Fain remains a large landowner and plans to drill even more deep wells to learn more about the size of the aquifer beneath the AMA. Each well costs approximately \$70,000-\$80,000.

The plan for more studies got a boost Monday when Gov. Jane Dee Hull announced that she wants to set aside \$1.2 million for rural watershed studies. Her proposed budget includes \$200,000 for the Prescott AMA.

"I feel that now we can go forward with some positive planning for the future," Chino Valley Mayor Kate Nelson said. Those plans include study of a community facilities district for Chino, which has no central water provider and is losing 4 percent of its water rights annually while it delays converting irrigation rights to domestic use.

Prescott Valley Mayor Rick Killingsworth, like Fain, would have liked to see more study before a declaration. He is concerned that the mining declaration is irreversible without legislative action.

"There should never be any kind of law set in stone like that," Killingsworth said. "We don't know how much water we're sitting on."

But now Prescott Valley will turn its focus to the acquisition of Shamrock, its attempt to get the state to allot it more water for future development, and cooperation with its neighbors. During the past year, PV and Shamrock basically stood alone in trying to delay the mining declaration.

"Prescott Valley kind of took a

black eye over some of this," Killingsworth said. "We want to get back to a lot more friendly relationships."

Prescott Mayor Paul Daly agreed.

"It (the declaration) should clear the air among all of us ... and hopefully spur a greater sense of unity in the future management of our water," Daly said.

The mayors and Pearson had mixed reactions to Rep. Barbara Blewster's plan to introduce a bill this session that would allow the state to reverse the mining declaration, if new studies show the AMA has more water than officials thought.

"I'm a little concerned about the message that sends," Pearson said. "I think we want to close that chapter for the time being." It would be better to wait until the new information exists, she said.

Nelson agreed.

"A law's never irreversible as long as you have people making laws," Nelson said.

Killingsworth and Fain support Blewster's effort.

But Daly said lawsuits may fly if the state ever tries to change the rules in the future, because in the meantime developers will operate with water-use restrictions and may conclude that it's unfair to relax those restrictions for others.