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Office of Senator Sine Kerr

October 13, 2023

Via email

Hon. Katie Hobbs
Governor of Arizona
1700 W. Washington St., 9th Floor
Phoenix, AZ 85007

RE: Governor's Water Council Participation

Governor Hobbs,

Over the last five months, I have participated in two meetings of the Governor's Water Policy Council and four meetings of the Rural Groundwater Committee. I dedicated my good-faith participation to this Executive Forum with the expectation that the process would be a balanced discussion of all perspectives, as our state has done collaboratively on water policy with stakeholders the last forty years. As the Council has progressed, I am disheartened that the Council has abandoned this approach to policymaking, and I can no longer lend it the credibility of Senate majority legislative participation.

Unlike other forums at both the Legislature and the Department of Water Resources ("Department") in which collaborative discussions have led to the formation of responsible water policy, your Rural Groundwater Committee has operated, both in its composition and process, towards the singular pursuit of rubberstamping a special interest group's California-style regulatory overreach. In composition, with a clear and stated aim of targeting agriculture, your 34 non-legislative appointments to the Council include only 2 private-sector members representing agriculture. In the meeting last week, when I recommended holding a single Q&A forum for farmers and ranchers, the water users most affected by the policy being considered, the Department said the Council, with its 5% agricultural composition, represented the Executive's commitment to hearing from the regulated community it sought to economically devastate. In process, the Department set an early condition on discussions, a condition I have never seen established in any legislative stakeholder process, that the goal was majority approval, not consensus, with a clear aim of disenfranchising the few appointed agricultural stakeholders that held a valid, yet dissenting opinion.

Based on its work over the last five months, it has become clear that the singular intent in establishing the Rural Groundwater Committee is to approve a predetermined outcome – namely the "Local Groundwater Stewardship Area" legislation pushed by the Environmental Defense Fund. In the absence of a representative from your office the last few meetings, the Department has on several occasions directed questions regarding the intent or motivation of the proposal to the lobbyist for Environmental Defense Fund. On July 6, 2023, I submitted an alternative framework for a Basin Management Area to be considered by the Committee. Because the framework did not satisfy the Committee's singular intent, the Department refused to allow an open discussion of its merits in three meetings since my submission. While a single element of my proposal, certificated groundwater rights, was considered in the last meeting, the Committee's focus was on how to diminish existing agricultural access to water, rather than how to provide the legal surety necessary to make the overarching framework successful.

Although the work is harder when stakeholders with the most to lose are fairly represented at the table, I remain committed to any forum regarding water policy solutions that incorporate feedback from all perspectives. Unfortunately, your Water Council is not such a forum - it has chosen the easy path of drastically overrepresenting the interests with most to gain by harsh government overreach targeting a single industry. In my frequent, face to face discussions with farmers and ranchers, multi-generational land stewards of Arizona's resources, they are all in on collaborative solutions to aquifer management that require their participation. In the absence of a place for these ideas to be discussed at the Rural Groundwater Committee, I will continue this work at the Legislature. I do believe we can provide additional tools to manage rural groundwater in Arizona, but agricultural water users, who share the common goal of preserving the health of groundwater basins for future generations, must have a real voice in developing a framework that will require their complete buy-in for long-term success. I will give them that voice, and will invite all to participate in the open dialogue that is the legislative process.



Senate Majority Whip Sine Kerr (R-25)
Chairwoman, Natural Resources, Energy and Water Committee
Arizona State Senate

CC: President of the Arizona Senate Warren Petersen
Director of the Arizona Department of Water Resources Tom Buschatzke
Advisor to the Director Buschatzke Bruce Hallin
Policy Advisor Patrick Adams