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Pipeline opponents crank up pressure

By Joanna Dodder Nellans

THE DAILY COURIER

Diverse interests including the Salt River Project, U.S. Fish and Wildlife Service and Center for Biological Diversity ratcheted up their demands in 2008 for Prescott, Prescott Valley and Chino Valley to create a mitigation plan before pumping water from the Big Chino Sub-basin to the north.

They exerted their pressure via local public presentations, direct letters to the municipalities, and comments submitted to the Arizona Department of Water Resources in connection with several complicated state rulemaking projects that will affect directly how local governments use Big Chino water.

The powerful Salt River Project (SRP) even contended that a 1991 law giving Prescott the right to import Big Chino water is unconstitutional.

Local municipalities argue that they are taking mitigation measures such as the purchase of a ranch and groundwater level monitoring. However, they have not produced any comprehensive plans. Prescott and Prescott Valley already are buying right-of-way for the pipeline from Prescott's Big Chino Ranch west of Paulden.

The Big Chino water-use plans have been a source of controversy because scientists generally agree that 80 percent of the baseflow of the Upper Verde River comes from the Big Chino aquifer.

While SRP wants the river to keep flowing on down to its Phoenix-area customers, the Center for Biological Diversity and Fish and Wildlife Service fear that diminished flows could hurt wildlife that depend on the rare perennial desert river.

SRP's consultant concluded that within one year after Chino Valley starts pumping groundwater from the Wineglass ranch (aka garlic farm) four miles above the river's headwaters, it could reduce the flow of the river's headwater springs by 11 cubic feet per second (47 percent) within 10-20 years.

U.S. Fish and Wildlife officials have spoken at several local water meetings in support of a comprehensive Habitat Conservation Plan through that agency.

The Center for Biological Diversity started a "Save the Verde" program that calls on the public to voice support for a Habitat Conservation Plan. "SRP wants an agreed-upon monitoring and mitigation plan before pumping begins," SRP spokesman Scott Harelson said.

"We will take any and all actions, including litigation, to protect our shareholders' interests," wrote John Sullivan, associate general manager of SRP's water group, in a letter to Chino Valley.

SRP increased its pressure on Chino by appealing a state conclusion that it was already legal for Chino to buy groundwater rights from "historically irrigated acres" on 26 different Big Chino properties, yet pump all the water from the town's garlic farm.

A state appeals agency sided with SRP, concluding that the Department of Water Resources must first undertake a formal rulemaking process that includes public comment. That hasn't started yet.

Meanwhile, numerous Big Chino water players protested other new draft Arizona Department of Water Resources rules that they contended give Prescott an unfair advantage in using Big Chino water.

The Town of Chino Valley, two Big Chino Valley landowners, Yavapai County Supervisor Carol Springer, and the Center for Biological Diversity all submitted letters criticizing the draft rules.

The rules dealing with the logistics of interbasin groundwater transfers appeared to assign a 1991 priority date to Prescott's right to use Big Chino groundwater.

An attorney for the Chino Grande Ranch partners on the Chino Valley pipeline said the rule is "likely to defeat" efforts to finance the CV pipeline if the state sticks with the draft.

The Arizona Department of Water Resources also has started working on rules to implement a new state law the Legislature approved in 2008.

The new law generally gives counties the right to reject new subdivisions that don't have adequate 100-year water supplies.

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