



CENTER FOR BIOLOGICAL DIVERSITY

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San Pedro Consumer Complaint Filed against ADWR

CBD follows up on AG's opinion that concern regarding dishonest certification of water adequacy by ADWR for Sierra Vista area developers is "a consumer disclosure issue."

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PHOENIX -- The Center for Biological Diversity (CBD) has filed a complaint with Arizona Attorney General Terry Goddard (602.542.5025) to stop the Arizona Department of Water Resources' (ADWR) false representation of the adequacy of the Sierra Vista area's water supply to consumers and lenders. ADWR (602.417.2410) issues water supply adequacy certifications to Sierra Vista area developers when an adequate supply of water does not exist. The Arizona Attorney General believes that concern regarding dishonest certification of water adequacy by ADWR for Sierra Vista area developers is "a consumer disclosure issue." CBD agrees. ADWR's false statements to consumers violate Arizona's consumer fraud statutes.

CBD's consumer fraud complaint and the AG's opinion result directly from ADWR's decision to continue former Governor Fife Symington's scheme of allowing Sierra Vista developers to misrepresent the adequacy of the local water supply to prospective consumers and lenders practice. A 100-year supply of water does not physically exist in the Sierra Vista area without loss of the San Pedro River. A 100-year supply of water does not exist legally owing to protection of the River by the laws protecting Federal water rights, endangered species, and Public Trust environmental treasures. The San Pedro River became Federal property on November 18, 1988 when Congress created the San Pedro Riparian National Conservation Area. All groundwater pumping in the Sierra Vista area will ultimately need be reduced or terminated to preserve Federal water rights and the San Pedro River.

Symington's ADWR scheme hides these facts from consumers and lenders. The act or use of deceit, dishonesty or deception in connection with the sale of real estate in Arizona became illegal with passage of the Consumer Fraud Act. ADWR's Water Adequacy Program Summary says, "In 1973, the Arizona Legislature enacted a statewide water adequacy statute as a consumer protection measure in response to the marketing of lots without available water supplies." ADWR's current decision to continue issuance of dishonest certifications for Sierra Vista area developers violates these consumer fraud statutes.