The AzWWA Membership Meeting

Saturday, Oct. 13, 2018
Coco’s Restaurant
2026 N. 7th St.
Phoenix, AZ

Agenda

8:30am Meet & Greet
9am Speaker—Jeremy Kuhn with Roscoe Moss
   Topic: ‘Louvered Screen vs. Mill Slot Pipe’

Business meeting will follow the speaker presentation

Please join us!
Any questions, email admin@azwwa.org or call 480-609-3999

REGISTRATION
(Scan and email to admin@azwwa.org)

Name:__________________________________________________________
Company:_____________________________________________________
Address:________________________________________________________________
City:_________________________ State:____________ Zip:_____________
Phone:______________________ Email:______________________________

Number of people attending ________

Fax registration to 480-609-3939 or mail to:
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GOT NEWS?

Any upcoming or recent events?
Open Houses?
Other Events?
Jobsite Photos?
Articles?

New Products or Services?
Items for sale? Weddings? Births? Obituaries?

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The Arizona Water Well Association recently helped make law in Arizona! On August 9, the Arizona Supreme Court decided an important case involving federal reserved water rights. The issue in Silver v. Pueblo Del Sol Water Company was whether the Arizona Department of Water Resources (“ADWR”) is required to consider unquantified federal reserved water rights when determining whether a developer has an “adequate water supply” under state law.

With the support of the Arizona Water Well Association, Water Systems Council filed Amicus Curiae (“Friend of Court”) brief supporting the position of the ADWR that such a requirement would entail speculative analyses not within the scope of ADWR’s duties. The court’s 4-3 decision agreed, finding that ADWR does not have to consider unquantified federal reserved water rights.

A major issue in the case was consumer protection. Our brief argued that requiring consideration of unquantified federal reserved water rights would weaken consumer protection by making the right to a private water well uncertain. The federal government and the environmental groups attacked our position, focusing on protecting consumers on public water by ensuring that those consumers would always have water. The majority of the court agreed with us, finding that the adequate water supply law seeks to balance consumer protection with private water rights. In this case, the majority found that not considering federal reserved water rights until quantified furthers both principles. Consumers are already protected from unscrupulous developers that would sell lots with no water source through the existing law.

Although the development in this case involved a development that would be served by public water supply, the outcome impacts the right to a private water well. As we noted in our brief, if unquantified federal reserved water rights can block a landowner from pumping groundwater where the pumping “may” interfere with federal reserved water rights, no landowner in rural Arizona would be able to have a private water well. This development is five miles from the river. Where would the line be drawn? Seven miles away? Ten miles away? Twenty miles away.

The court’s opinion paralleled our brief in describing the complex and intensive process required to quantify federal reserved water rights. To require ADWR to speculate as to where this process would end up, and then further speculate on the impact of the development on this quantified right is not required by Arizona law. Once the rights are quantified the BLM may bring an action to limit groundwater pumping by Pueblo if BLM can show interference with those quantified rights.

The plaintiffs asked the Arizona Supreme Court to reconsider the decision, and the court quickly rejected the request. The environmental plaintiffs were quoted as vowing to appeal the decision to the United States Supreme Court, although grounds for such an appeal likely do not exist. The plaintiffs may, however, seek to continue the battle in the courthouse.

This case is important for the water well industry Arizona in several respects:

1. The decision reinforces the principle that federal reserved water rights must be quantified prior to impacting state water rights. Given the huge number of unquantified federal reserved water rights in Arizona, this principle provides important protection to private water wells.
2. Unlike recent court decisions in Washington State, this decision emphasizes that environmental considerations do not automatically overrule private property rights. The two must be balanced.
3. This decision requires scientific data and evidence prior to the defeat of a private property rights. A trend in water rights cases sees plaintiffs asking courts, sometimes successfully, to extinguish private water rights in favor of environmental protection with little or no scientific evidence to support the claim. The Arizona Supreme Court demands this evidence.
4. The decision supports the notion that the right to a private water well is an important property right.

Reaction to the decision, across the state and the nation, was swift and strong. Some believe that the decision weakens the state groundwater law. These same commentators feel that the existing state law could be stronger. Therefore, some groups will undoubtedly urge the state legislature to change the law in the coming months.

Thank you to the members of the Arizona Water Well Association for making the brief possible. The court’s ruling indicates that the brief made a difference. The court seemed to place great weight on the fact that Water Systems Council and the Arizona Water Well Association protect both consumer rights and private property rights by making a safe, reliable water supply available through private water wells. However, given reaction to the decision, the fight is not over. The Arizona Water Well Association should continue to monitor the state legislature and remain involved. If legislation that impacts private wells is introduced, make sure your voices are heard.

Congratulations, and thank you for all of your hard work and support.
Washington, DC/ In May, The Water Well Trust, only national nonprofit helping low income Americans get access to a clean, safe water supply, announced the completion of its 100th water well since the program began in 2012.

Funded by USDA Household Water Well System grants and matching funds from Water Systems Council member companies, the Water Well Trust provides low-interest loans for wells for impoverished households where the cost to local governments to supply water to these households is prohibitive.

The 100th water well was recently completed in New Mexico. The Water Well Trust has also provided funding for drilling 40 wells in Georgia, 29 wells in Arkansas, 20 wells in South Carolina, three wells in New York, two wells each in New Mexico and Texas, and one well each in Delaware, Louisiana, Missouri and Pennsylvania.

The 100 wells are serving the water supply needs of 240 individuals in 10 states, including 98 men, 95 women, 79 minor children, 25 elderly, and 28 disabled Americans. The Water Well Trust limits funding to a maximum of $11,000 per household. Loans have an interest rate of 1% with terms of up to 20 years.

The current Water Well Trust project is expected to provide 25 water wells in 11, including Catron, Curry, Valencia, Socorro, Grant, Sierra, Luna, Hildalgo, Dona Ana, Otera, and Chaves. These areas include "Colonias," which are non-zoned dwelling areas that do not meet current building code standards. Many Colonias do not have access to a safe water supply and need improved water well systems.

The Water Well Trust maintains a wait list of American households requesting funding for the drilling of new wells or rehabilitation of non-functioning wells in high-need, low-resource rural areas. Prospective applicants can download the application form and instruction letter from the Water Well Trust’s website at waterwelltrust.org under "Apply" at the top of the home page or by contacting the Water Well Trust to have an application sent.

The Water Well Trust is a 501(c)3 organization created by the Water Systems Council and serves Americans living primarily in rural, unincorporated areas or minority communities that may be isolated and difficult to reach, assisting low income families that cannot afford to pay for public water supplies and those who live in areas where the extension of public water supplies to serve them doesn’t make economic sense.

For more information, visit waterwelltrust.org.
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Scholarship Recipient Recent Correspondence & Updates

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Daughter of Alan and Melissa Crawford,  
Empire Pump Corporation  
West Coast Ultrasound  
“Thank you very much for your support in helping me reach my goals in Ultrasound!”

Caden Wyatt  
Grandson of Paul Wyatt,  
Beeman Well Drilling  
Electrical Engineering at Mesa Community College  
“Thank you so much for reviewing and approving my scholarship. I know that it will go a long way in helping pay for the many expenses of college. I'm sure I'll be keeping in contact at least once a semester from here on out.”

Taylor Knippenberg  
Her parents are Angel & Harold Blatzheim,  
Drill Tech, Inc.  
Taylor is pursuing a Bachelor of Science Degree in Nursing at Grand Canyon University
Many thanks again for this opportunity and allowing me to finish the year off on a good note. Attached are my last semester grades as well as my schedule for the upcoming semester. I am particularly grateful for your support and, to return the favor, I plan on keeping up my grades or exceeding them.

This Fall, Natalynn started teaching 2nd grade at Buckeye Elem. School, Buckeye, AZ

Jesus Acuna Napoles
Attending Arizona State University
Employee of Way’s Drilling
In Memoriam

Garry James Lyons

Garry James Lyons, 66, passed away on Saturday August 4th, surrounded by his loving family. Garry was born on May 31, 1952, in Red Bank, New Jersey. A devoted husband and father, he worked at Layne Christensen Company for 31 years, where he dedicated himself to both his craft and the people he worked with. Tireless effort and genuine care for the people around him may have defined his career, but it was every bit as evident in how he lived his life. Garry was a diehard fan of the New York Yankees and passed his passion of baseball on to his sons. He is survived by his wife, Anna, five sons: Jacob, Lucas, Jonathan, Matthew and Stephen, three grandchildren: Madyson, Dominic and Camden and his dog, Gracie.

A mass was given in his honor on August 14th, at St. Luke Catholic Church in Phoenix, followed by a procession to Holy Redeemer Catholic Cemetery on North Cave Creek Road. Funeral services were entrusted to the Holy Cross Catholic Funeral Home in Avondale.

Garry was a great guy and will be missed by many. His family prefers that any donations made in his name go to The American Society for the Prevention of Cruelty to Animals (ASPCA) at www.aspca.org/donate.

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(Continued on page 11)
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‘Thank You’

To **2M Company** who provided a great lunch at our picnic which included grilling the hamburgers and hot dogs. Justin Beaudry also brought pulled pork that he had made.

To **Bill Johnson Equipment Company** for making homemade brownies and ice cream.

To **Mitchell Lewis and Staver** who again provided all of the beverages!
On Saturday, August 4th, Janick Artiola, UofA Extension Water Quality Specialist and Gary Hix, R.G., In2Wells LLC, gave a workshop in the Public Library in Anthem, AZ. Sixty (60) people attended from various areas, including New River, Daisy Mountain and Rio Verde. By several local requests, they have been asked back to do another workshop on Saturday, September 8th.

These workshops were initially started Kristine Uhlman (UofA) and Janick Artiola and are the same as they have been doing around Arizona for some time.

(Continues on page 15)
Water Well Owner Workshops (Cont.)

This year, these workshops are funded by a Grant from CDC through the Arizona Department of Health Services. Niki Lajevardi-Khosh with AZDHS is present at all the workshops and seeks volunteers who want to get their well water tested for Arsenic and other elements of concern. She offers her lab to test their water for free if they will also submit a urine sample to be tested for the same elements. The test results are not known to anyone except the people who participate. She gets several volunteers at each workshop.

Janick and Gary presented another workshop in Cottonwood on Saturday, August 18th where they had 61 in attendance.

See photos below.

If you know of any community, organization or group that would like to host a workshop, please contact Niki Lajevardi-Khosh with AZDHS via Email at Niki.lajevardi-khosh@azdhs.gov.
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Once again, we had a great turnout for our Summer Meeting and Friday night Steak Fry at Goldwater Lake! It was great having Jesse Richardson, Jr., Policy and Research Advisor for the Water Systems Council, back as our Guest Speaker and as always, he gave a very information talk about what was happening in our area and other parts of the U.S. that might – or will – affect our industry.
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AZWWA's Annual Auction

Our Auction was held during our Picnic at Goldwater Lake on Saturday, June 23rd.

Thank you Gabe Tregaskas, who volunteered to be our Auctioneer!!
Gabe and his two Assistants did an excellent job!!!!

Thank you to all who donated items - and to all the winning bidders!!!
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For more information, visit wellcarehotline.org.

About wellcare® Well Owners Network

The wellcare® Well Owners Network is provided by the Water Systems Council, the only national, nonprofit organization solely focused on household wells and small water well systems. WSC is committed to ensuring that Americans who get their water from household private wells have safe, reliable drinking water and to protecting our nation's groundwater resources. For more information, visit watersystemscouncil.org.

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Other qualifications of the applicant are:

- Has the support of his/her family. If the applicant is a child or grandchild of an employee of a contractor, the owner/manager must also support the applicant.
- Acceptance by aforementioned Arizona institution. The Committee will take into consideration any requests or attendance at schools outside of Arizona.
- Full time enrollment. The Committee will also take into consideration requests for less than a full schedule.
- Maintain a 2.5 grade point average.

The above qualifications are in reference to university or junior college enrollment. However, the Committee will consider requests for trade school or other participation at reduced levels of financial support if such education is deemed beneficial to the family’s business effort.

A completed Scholarship Application, including a resume, a letter of endorsement from the applicant’s parents or employer and a transcript from the last educational institution attended are required. The sum will be paid upon applicant’s submittal of proof of registration at an Arizona or other pre-approved institution.

For more information or to request a Scholarship Application, please contact our current Scholarship Chair or the AZWWA office as listed below:

**Scholarship Chair**  
Fred Tregaskes  
tregaskes1@gmail.com  
PH: 480-404-2788

**AZWWA Office**  
Debbie Hanson Trfpp  
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Events Calendar

October 13, 2018
AzWQA Membership Meeting
Coco’s Restaurant
2026 N. 7th St., Phoenix
Meet and Greet : 8:30am
Speaker : 9:00am
Jeremy Kuhn with Roscoe Moss
(See front cover for more details)

December 3 - 6, 2018
National Ground Water Association
2018 Groundwater Week
Las Vegas, NV
For more information go to www.ngwa.org

February 7 & 8, 2019
Mountain States Ground Water Expo
Aquarius Casino Resort
Laughlin, NV
For more information go to www.mountainstatesgroundwater.com