Below is the communication that lead to the creation of House Bill 2439. The communication below was sent to Representative Kavanagh after he confirmed that the Request for Opinion (Copy under doc tab.) sent by Maricopa County Attorney, Bill Montgomery, to the State’s General Attorney on 8/23/2019 had not been started on yet. Our understanding of statute was that the ability for a noncontiguous DWID is clear under Arizona Revised Statute 48-902. However, Maricopa County needed clarification. In conversation with Rep. Kavanagh, he let us know that we had just days left to start a bill or we would have to wait another year if the Attorney General’s Opinion did not clarify. We immediately wrote up a quick bill as a starting point. The main purpose for this bill was to address concerns of well owners in RVF who did not want to be forced into a DWID, have expensive piping laid but allow for a standpipe to serve the water as is done today. We also did not want to form a different type of entity that would require a Certificate of Convenience and Necessity through the Arizona Corporation Commission and a “100 year Certificate of Assured Water supply” which could lead to developers coming in and asking for parcel divisions similar to what was allowed with Trilogy, Tonto Verde and Rio Verde. We, along with a majority of our community, want to keep this area rural as long as we can.

To see the **Introduced Version** and the **Amended Version of House Bill 2439** that **unanimously passed the Rules Committee and the Natural Resources, Energy & Water Committee go to:** [**HB2439**](https://apps.azleg.gov/BillStatus/BillOverview/73103)

**This bill was placed on hold until the next legislative session by Rep. Kavanagh after some community members voiced concerns. Rep. Kavanagh had planned to organize a community meeting in April 2020 that never happened.**

**On August 4th, 2020, we received the** [Opinion](https://www.azag.gov/opinions/i20-011-r19-017) **from the Arizona Attorney General’s office that confirmed the main points of our bill. Based on this, Rep. Kavanagh let us know that HB2439 was no longer needed.**

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| **Karen N**<karennabity@gmail.com> | Tue, Jan 14, 2020 at 1:18 PM |
| To: JKavanagh@azleg.gov, Sandy Kelley <SKelley@azleg.gov>, Jennifer Simpson <jsimpsonscottsdale@gmail.com> |
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| Sandy and Mr. Kavanagh,We would like to move forward with submitting a bill this week that will allow our community to create a non-contiguous DWID.  We have drafted the following Bill below as a starting point so we can submit and then revise. We have also copied an existing statute for a specific district/area.We look forward to meeting with Mr. Kavanagh and the appropriate people to write a more precise Bill in the near future.In this together,Karen Nabity and Jennifer SimpsonRio Verde Foothills Residents602-299-5222**48-\*\*\*\*. Establishment of the Rio Verde Foothills Domestic Water Improvement District; map; goal and additions.A. The Rio Verde Foothills Domestic Water Improvement District (District) may be established by Petition to the Maricopa County Board of Supervisors pursuant to this article.   The District, if established, shall consist of only those parcel owners who have signed the petition and whose parcels are within the Proposed Boundary Map.  Once a 60 day sign up Petition drive is done,  a new Final Boundary Map is to be drawn, including only those parcels whose owners signed the petition, and a copy of the map shall be submitted to the Board of Supervisors with the Petition and signatures for approval.B. The purpose of the District is to secure a source of water for members of the District, whose well(s) have dried up, well(s) no longer produce enough, are concerned about the future of their well(s) and/or property, or rely wholly or partially on hauled water from outside this area. The goal is to secure a source of water and build two stand pipes so that water can be collected and delivered to its members via water haulers, both commercial haulers and individual members.  Additionally, this District is designed to only include those who want to be included since the majority of the existing community has a good source of water and would not benefit from the District.  C.  Future parcel additions to the District may be allowed once every other year.  The District Board will determine if the District has enough water for additional properties.  The District will create guidelines for those wanting to take on the Petition process, maps, hearings, public notices and costs necessary to Petition the Board of Supervisors of Maricopa County to have a parcel added to the District. Any parcel additions must be located within the original "Proposed Boundary Map".****D. The water from the District will not be piped to homes but only available via standpipes.  Water from the District will not constitute a 100 year water supply for building purposes.**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_HERE IS AN EXAMPLE OF LEGISLATION CREATED FOR A SPECIFIC DISTRICT:48-6403. Establishment of upper San Pedro water district; map; goal; decreed and appropriative water rightsA. The upper San Pedro water district may be established by an election held pursuant to this article.  If the district is established, the lands in the district shall consist of the portion of the upper San Pedro groundwater basin delineated on the map that is dated April, 2007 and that is on file in the department.  The district includes Fort Huachuca, the lands in the corporate limits of the cities of Sierra Vista and Tombstone and the town of Huachuca City and the portion of the city of Bisbee located in the upper San Pedro groundwater basin, but not any lands in Santa Cruz county or Pima county and not including that portion of the city of Bisbee located in the Douglas groundwater basin.  If the district is established, a true copy of the map shall be recorded in the office of the county recorder in the county. The map prescribed by this section shall not be modified without the approval of the legislature.B. The purpose and goal of the district are to maintain the aquifer and base flow conditions needed to sustain the upper San Pedro river and to assist in meeting the water supply needs and water conservation requirements for Fort Huachuca and the communities within the district.C. This chapter shall not be construed to affect decreed and appropriative water rights.  This chapter shall not be construed to affect any of the following:1. The definition of surface water in section 45-101.2. Water subject to appropriation in section 45-141.3. Any provision of title 45, chapter 1, article 9. |

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