

Interview with Kathy Ferris

Intro: This is some basic background stuff and everything else, let's talk about when and where you were born. Okay, where?

Kathy: (laughing) I'll tell you where and when, many years ago. I was born many years ago in Salt Lake City, Utah.

Bonnie: And how did you end up in Arizona?

Kathy: Just circumstances, I moved down here with my first husband and that's how I got here. Right out of law school.

Bonnie: Talk a little bit about your education and where you got your degree?

Kathy: I got my degree from the University of Arizona College, excuse me, I did not. I lied. I've lived in Arizona too long, the University Of Utah College Of Law in 1976.

Bonnie: When you got into law did you intend to end up in water issues?

Kathy: No. I went to law school totally because I didn't know what else to do with myself. I had a B.S. Degree in Political Science and toward the end of my undergraduate I thought what in the world am I going to do? So I applied to law school and they accepted me. It's kind of like okay now I'm in law school, now what? So and then I just got into water by accident.

Bonnie: Tell me about that.

Kathy: I was in my third year of law school. I was doing an internship with Governor Calvin Rampton in Utah and we were supposed to as an intern pick something to focus on. So I said what's he interested in and they said he's really interested in water. And I said okay that's what I'm interested in and so I, there was a bill going through the State Legislature that he was really in favor of that restructured some of the water rights process. And I did a legal memo for him on the constitutionality on this piece of legislation and he really liked it and he asked me to stay on for the special session. So just one thing, then I moved to Arizona. And there was this giant, Arizona Supreme Court decision that had turned water law on its head and the Legislature was looking for someone who had some experience in water and I had so little but far more than just about anybody else they interviewed.

Bonnie: Tell me about that Legislation.

Kathy: Well what happened was the Arizona Supreme Court ruled in a case known as the "Fico Case" that a large pecan corporate farming entity could basically stop pumping by several large copper mines, groundwater pumping, and the City of Tucson, if it would damage their wells in anyway. And the mines and the cities were just, of course, outraged by this and they had descended on the Legislature, everybody looking for some kind of a legislative fix to this problem. So the Speaker of the House and the Majority Leader of the Senate had put together this group of high priced lobbyists to see if they could hammer out a compromise because they knew the issue was far too sophisticated and complicated for most of the Legislators to grasp. And the Majority Leader, a guy named Alfredo Gutierrez, announced at that meeting that I would be his staff person to this process. And I was just WHOA. For three months, this group met and tried to hammer out some kind of compromise and was unsuccessful. So all they did was to pass some real basic legislation that was

temporary that would allow the mines and the cities to continue pumping groundwater. And at the same time they established a Groundwater Management Study Commission that was supposed to come back in two and a half years with a recommended new groundwater code. So then, I decided that I wanted to be the Executive Director of that commission and Alfredo and Burton Barr, who was the Speaker of the House, both pushed my candidacy and so I got that job. Most people didn't want it. I was too young and foolish, too young and naïve you know. I thought well this will be something I want to do.

Bonnie: What were your first dealings with the Colorado River Project, the CAP, stuff like that?

Kathy: Actually, it happened as part of the, I guess when I became the Director of the Groundwater Management Study Commission. Carter, President Carter, had basically said that he wanted to stop funding to any more Reclamation projects and that included the Central Arizona Project. And so that was a big push in addition to the fact that we were mining our groundwater to try to do something to manage our water resources better so that we could prove that we were doing something so that he would want to restore funding to the CAP.

Bonnie: What was your experience before that as far as like knowing what the CAP was? What it was supposed to do?

Kathy: Very little, very little. I mean I came from Utah. I didn't really have much knowledge of the CAP and because I was working for the legislature, the CAP is a Federal Reclamation project that is funded by federal dollars. So the Arizona Legislature didn't have a whole lot to do with that.

Bonnie: Actually coming in and not knowing much about it and everything, it probably gave you a whole fresh look at it to see, it had been going on for so long before you got here.

Kathy: Right.

Bonnie: What were your thoughts about it at the time?

Kathy: Well, I mean by the time I got involved, the CAP was, it was something that was like motherhood and apple pie. It was something that everybody in the state wanted with maybe the exception of some environmentalists or a few folks. So my whole role and the commission that I was involved with, our role was try to draft some groundwater legislation. Not only because we had battles going on among groundwater pumpers in Arizona, but because for years one of the conditions of continued funding for the Central Arizona Project was that the state would do something and manage its groundwater withdrawals. Because the feds didn't want to be building a project to bring in water to rescue Arizona, if Arizona wasn't going to manage what it already had. So for decades that had been sort of the premise of getting congressional authorization, getting continued funding, and that the state would have to be do something but the state failed, and failed, and failed, and failed, and failed for years. By the time that I got involved and the Groundwater Management Study Commission got involved, we were the fourth study commission in the state probably since about 1940. And every time one of those commissions got together and came up with something, it never went anywhere. It could never; they could never garner the support of the Legislature enough votes to get it passed.

Bonnie: Why?

Kathy: Because it's very difficult to pass water legislation and very easy to kill it if you have any kind of opposition and why you would have people sitting around who you know, would reach an agreement and somebody at the legislative level would say, "Well, I don't like that", or "I don't like this". So the Groundwater Management Study Commission, the fourth commission, was different than the previous commissions which were composed primarily of groundwater users. This commission was a 25 member commission with seven members who were Senators, seven who were from the House of Representatives, and let me get my numbers right, and 11 members who were appointed by the Governor to represent the major water using interest. And most of those members were powerful lobbyist for the various interests groups. So it was a very political commission unlike previous commissions. And another difference was that there was a clause that was added onto the enabling legislation that created this commission that if the commission failed to enact, if the Legislature failed to enact the recommendations of the commission by certain date then the recommendations of the commission would automatically become law. We called it the "Kicker Clause". And it was in there primarily because the lobbyists for the mines and the cities were demanding this. They were really worried that this would be just another, you know, stop gap kind of thing and nothing would really happen. Now was that constitutional, it was challenged. It was challenged as being unconstitutional and the Supreme Court wisely said, "Well, it's not right for adjudication yet because it hasn't happened. The commission hasn't developed recommendations and the Legislature has not failed to enact them" and so we're just going to let it be. I mean I think by that time the Supreme Court recognized that they couldn't deal with the issue and that the Legislature needed to.

Bonnie: It didn't sound like anybody could deal with the issue it was so complex.

Kathy: It was very complex, very, very difficult.

Bonnie: What year was this?

Kathy: The study commission began in 1977.

Bonnie: It was also part of the thing where we really needed to do something with this fourth commission and everything else because of Carter threatening to kill it.

Kathy: Oh yeah, oh yeah all throughout the Commissions negotiations, well let me back up a little bit. At the time the Commission was established, Raul Castro was the Governor. And then, now I've got to remember my history, he resigned to be an ambassador I believe. And so then Wesley Bolin became Governor and then he died in office and then Bruce Babbitt as the Attorney General became Governor. And Bruce was very interested in water. So very early on in the commission's work, I got to know him. And even though he was, he didn't have any legal role in the commission and everybody respected how bright and smart he was. So I just always keep him up to date on what was going on. And maybe three or four times a month, we would have these long sessions where he'd said tell me about this and tell me about that and who's coming from where and who's doing what, and what's their issue. And finally, in the mean time, I was also talking to people in the Interior Department because you know we knew how much the Federal Government wanted us to do something on this. So you know I developed pretty good relationships with key people and Cecil Andrus's staff. So we had those things kind of working for a number of months, I would say even over a year. And then the commission, certain members of the commission, finally were able to out vote agricultural on some recommendations. Basically the municipal and mining

representatives on the commission and their legislative allies were able to develop a draft plan of legislation that was bitterly opposed by agricultural. But it was the first time that agricultural had been out voted on a water issue in the state's history. And so suddenly, the mines and the cities had the upper hand and agricultural knew that. But at the same time the mines and the cities knew that without agriculture's support, the likelihood of getting something through the Legislature was really slim. So they decided they wanted to try and bring a smaller group of people together to try and mediate their differences and they asked at that point, Bruce Babbitt because he stayed away but because he was really knowledgeable, they asked him to come in and mediate the negotiations which is what he did.

Bonnie: Did you find that a good idea?

Kathy: Oh yeah, yeah, I mean I had sort of worked to prepare him to that point. By the time he stepped in, he knew all the issues. And we would, we would everyday, we negotiated everyday for like six months, hours and hours a day. And everyday before we would meet, or the night before I would meet with Bruce and we would figure out the agenda for the next day and what he wanted to try and tackle. It was a really well orchestrated and lots and lots of work. But part of that was too that we also worked with the Interior Department to make sure that what we were doing would satisfy them. So there was a lot of back and forth between me and the staff at the Interior Department and between Bruce and Cecil Andrus. At one point, Bruce and Cecil cooked up a scheme to tie continued funding of the Central Arizona Project very vocally and publicly to passage of a new groundwater code. So that was a real orchestrated thing. That wasn't a threat, that wasn't Andrus coming in and being, you know, threatening us. That was Babbitt and Andrus getting together and then Andrus' staff person and me orchestrating this meeting, getting the right people there, getting the speech written you know, everything he was going to say. And

nobody knew that except for us you know. So it was really kind of fun. And Andrus came to town and laid down the law and said you guys got to do something by, you know, June summer of 1980, or we're going to cut off funding to the CAP. So that was really our hammer to force people to stay at the table.

Bill: Do you think all that would have worked as well if it hadn't of been for Babbitt?

Kathy: No, I don't. He deserves a lot of credit. He's very, very smart. And a lot of the lobbyists representing these interests groups were also very smart. It was a very unique group of people. And you know he loved doing it. He's very smart, but he's also very, a very good . . . he knew when to back off on something. Knew when to like say well too bad you know that's the way it's going to be. Knew how to force them to be willing to trade to make some compromises, so I don't think it would've happened without him.

Bonnie: It was all happening though for the good of the state or it was happening to get his interests out there?

Kathy: No, I think it was happening for the good of the state. I mean everything we did, even if it was a sham that Cecil Andrus came to town and threatened us, it needed to be done. It needed to be done. The state had been mining its groundwater for decades. You know, we didn't know who had the rights to what; we had no limits on who can withdraw, or who could put in wells. There was nothing, nothing for groundwater. Basically it was the rule of reasonable use; anybody could put in a well and pump as much water as they wanted.

Bonnie: By that time, the state was definitely showing signs that is was going to grow?

Kathy: Oh way, yeah.

Bonnie: What would have happened if that hadn't ever been taken care of, the groundwater code?

Kathy: Well, we may not have gotten the Central Arizona Project completed. And without that, without that we would've had to rely more exclusively on groundwater. I mean we do have the Salt and Verde River water fortunately in Maricopa County, but Tucson for example relies entirely on groundwater. CAP water has been sort of a source of supply that's helped us to transition to managing our resources in a more enlighten way.

Bonnie: You hear it both ways though. You hear Arizona has got tons and tons of groundwater and we'll never ever ever run out and also we're really in trouble. We got a couple more years and we're gone.

Kathy: We have a lot of groundwater. We do. Certain places have more than others. And in the valleys like the Salt River Valley where there's a lot of alluvial plain and there is a substantial amount of groundwater in storage. But we were mining it and eventually, eventually, I don't know exactly when, eventually you hit bottom of what you can capture. And also the quality becomes less good. So what you really want to do is use the groundwater supply as a savings account so that when your surface water supplies, your renewable water supplies, are not so good you got more groundwater there to pump. That's really the whole theory behind our water laws is to try to use renewable water supply first and go to groundwater only when you have to. And so, you know yeah we have a lot of groundwater but it's good to save it for times like the last several years when we've been in a drought. And when Salt River Project cut

its allocation by an acre foot and cities and agricultural interests, people were forced to go back to pumping more groundwater.

Bonnie: Let's go back to when Andrus did come into town and he made all these threats.

Kathy: Uh-hum.

Bonnie: What happened then?

Kathy: Oh it was fun. He came into town. We had this closed door meeting with like 50 people, you know. Representatives of all the major water using interests and the Indian communities, and you know, I mean just about everybody you can think of. And he came in with this prepared speech and just kind of laid it all down and people were just like WHOA. There are articles about it. And there are, you know, people were how can you threaten us and all that kind of stuff. But I think that the people who were actually doing the negotiation of the groundwater code were probably kind of grateful for him coming in because by the time we got to that point, I think this was like . . . I think this was November of 1979, and it was before the interest groups had asked Babbitt to mediate their negotiations. By the time we'd gotten there, these guys, they had put in a lot of time and energy on this. And I think they'd become personally committed aside from the fact that they were hired guns. They become pretty personally invested in getting something done. I don't think that there was a huge amount of resentment on any of their parts.

Bonnie: Did it go through fairly quickly after that?

Kathy: That's when we did six months of negotiations, you know, marathon negotiations. I was much younger then. Thank God, I would've never been able to do it you know. But we estimated that we, we logged about 400 hours of time.

Bill: What were you negotiating? What were the . . .

Kathy: Well, we were negotiating the draft Management Plan that had been adopted by the Groundwater Commission over the objection of the agricultural had several things in it that were objectionable to agricultural. One of them was the fact that management, Groundwater Management would be governed by a local management entity for each area that was going to be managed. And the farms were terrified. The agricultural was terrified by that because they felt that local management meant management by the cities and the cities were not their allies. So they were worried that unless it was state management that they would be screwed in other words.

And then, so that was one big issue. Another big issue was how are you going to reduce groundwater pumping. And the drafted Management Plan said that you would do it by prorata reduction which would mean everybody would have to reduce their pumping by a certain percentage. Well since agricultural was, by far, the largest consumer that would be mean they would take the biggest hit and so they were crazed about by that. And . . . we also had, oh, one other thing that they really hated was we had two kinds of water rights. One was a Grandfathered Right where if you were a historical pumper, you would get a Grandfathered Right based on your historical pumping. But the other was something called the Quantified Right. And the Quantified Right would give everybody who owned an acre of land overlying a groundwater basin, the right to pump an acre foot of water. And so basically desert land owners, any body like farms or like mines that had bought vast tracks of land, or whatever,

they would have these magic water rights. So agricultural was really threatened by that.

So those were the primary things that were really important to agricultural to try to change.

Bonnie: How did you get them to finally agree?

Kathy: Well, just by you know, A) Andrus's threat; B) Bruce understanding the issues and coming up with ideas and compromises. We basically got rid of the Quantified Right. But in exchange, in exchange the mines got something called . . . they got a permit, a mining permit, basically to pump groundwater. And so rather than having to have just rely on historical pumping, they could actually come in and get permits to pump additional groundwater. So they gave up on the Quantified Right and that satisfied, that satisfied agricultural.

Bill: Did the Indians play any role in this? Did they . . .

Kathy: Not really. We . . . one of the things that we did in the Groundwater Commission was to try to do this in some sort of logical systematic way at least it's what the staff wanted to do. And you know, the Chair of the Commission, who at that time Stan Turley, he was in favor of that approach. So we had developed areas for the Commission to study and look at and one of the areas was Indian water rights. And we had a workshop on that and we asked the representatives of the various Indian Tribes to come in and make a presentation to the Commission on the issues that they faced and what they wanted. But what we ultimately decided was that we didn't have the jurisdiction to control pumping on the reservations. And so we just had to

worry about what we could control which was pumping off the reservations. So we didn't ever try to really address pumping on reservations.

Bonnie: When you were doing the Groundwater Management Act, looking back was it adequate and would you do it a different way?

Kathy: Oh well yeah, I would've done a lot of things different. I was the staff and the idealist you know. But let me say this all in all, it was a remarkable piece of legislation. And in fact, I always tell this story. Toward the end of negotiations, there was a concept called assured water supply that was really near and dear to my heart. And it was something that Jack Dabolsky, who was one of the municipal representatives on the Commission, and I had cooked up. It was an idea that you shouldn't be able to build houses unless you could show you had at least a hundred year water supply and we called it an assured water supply. And it was part of the compromise for the longest period of time until like the eleventh hour when ironically, Dabolsky's co-hort on the Commission the other municipal representative, balked at the idea of it because he that thought it was too hard on the cities. They ought to be able to pump what the needed for growth. So at that point, Babbitt said, "Well okay well then we'll scrape that". And I'm sitting right next to him and I've been sitting there for, you know, five months and I said, "What are we going to do about the assured water supply then" in my naive little girl's voice. And he said, "I guess we just won't have it". And I gathered up all my stuff and left the room, just left the room and I went to Alfredo Gutierrez's office and I said, "I'm going to quit. I'm going to walk out. I'm going to resign", I said "They've taken away too much. I can't support this." And he said, "Kathy, you're way too close to this. You're way to close", he said, "This is phenomenal what this group has been able to achieve," he said, "and if you leave, you might kill it." Because . . . I mean I've become kind of the spokesperson for it and I had, you know, always had the press calling me and always . . . so I said, "Okay, I won't go." And then the cities and Babbitt

reached a compromise that salvaged that provision. In my view, it's one of the most important things we did. In my view, it has had the most impact on water management because conservation isn't enough. Truly the primary goal of reducing withdrawals is conservation because we were never able to get everyone to agree on something more drastic. And you can only do so much by conservation but if you say to the cities, you can't grow without an assured water supply, then it forces them to find other sources of water other than groundwater. And you can't use groundwater to demonstrate an assured water supply. So it has been a huge, huge tool in forcing cities to do other things to serve new uses. Unfortunately, in the mid . . . when was it, I think it was in the 90's, largely at the request of developers, the Legislature created something called the Groundwater Replenishment District. And this District is supposed to recharge water; it basically helps developers who don't have an access to anything other than groundwater. So they can join this District and then the District has to recharge and it allows them to pump groundwater. I think that is . . . I've never liked that piece of legislation. I think it's kind of been an end run on assured water supply provision to a certain extent. So you know those kinds of things happen. Clearly there are things that you know aren't perfect but boy, when I look back and think where we would be now 25 years later without this . . .

Bonnie: Where would we be?

Kathy Well, we would be just . . . we would . . . we had . . . in the year since the Groundwater Recovery was passed, it used to be that municipal water providers would look a couple years ahead but now it's long range planning is the norm: 50 years, 100 years. Cities have spent something in the order, the cities that the major cities in this valley have spent something in the order of \$33 million dollars on all kinds of things to improve water management since the Groundwater Recovery was passed. I doubt that we would have the

Central Arizona Project completed. We have . . . now have and have had since the 80's legislation to encourage recharge of water to restore water to the groundwater basins both in excess surface water and in waste water, recovered waste water, effluent. And you know, I don't think any of those things would have happened without, you know, pressure forced to do them because it costs money to do all of those things. And cities aren't really inclined to spend that kind of money unless they have to.

Bonnie: The people living in Arizona looking at the growth up 'til now and then the predictions of what the growth is going to be and everything, they just must think we have water to spare. There's just tons of water out there and we can grow as fast and as big as we want to. Aren't there limits?

Kathy: Oh well sure, there's always limits. And that's why I've been such a big supporter of the assured water supply concept. But you also have to remember that it's not a statewide . . . statewide the situation isn't the same. I mean we have areas of the state for example that outside . . . one of the things the Groundwater Code did was to create areas called Active Management Areas. And they're geographical areas in which intensive management of groundwater pumping takes place. And outside of those areas there aren't very many regulations on groundwater pumping, very few at all. And so outside of those areas in some parts of the state, we've got, we've got developers building where there isn't a 100 year water supply. We've got no planning for growth. And you know it's really in a lot of rural Arizona where this is taking place and eventually that's . . . unless they want, unless they do something that's going to become a huge problem. The Arizona Policy Forum which is a bipartisan non-profit group here did a study and brought together a bunch of people from rural and urban Arizona and came up some proposed legislation. Some ideas to try to deal with this problem to try to force some more management in the rural areas and it didn't go anywhere. It's very typical

of water legislation unless you have a hammer or unless there is a crisis, a real immediate crisis, it's really hard to get Legislature to act.

Bonnie: Some things don't change?

Kathy: No, they don't change.

Bonnie: You were saying without the Groundwater Act probably maybe the CAP wouldn't have been finished. What would've happen to Arizona without a CAP?

Kathy: Well, you know it's a huge . . . it's huge. It's basically the thing that allowed Arizona to make up for having not managed its groundwater supplies for so many decades. And it's also been used very heavily in settling disputes with Indian communities and all the reserved rights of the Indian Tribes which were being highly litigated and you know would have been a real . . . real problematic for this state because we have so many Indians communities and so many reservations surrounding our populated areas. And so the CAP has been a source of water that's been used to satisfy a lot of Indian claims. We've had many settlements that have occurred in the last several years with a lot of the major Indian communities. It's a huge, huge part of our water portfolio.

Bill: So if you could summarize what would've been the neatest thing you did, your keynote accomplishment, what made you happiest over your years of serving?

Kathy: Gosh, it was getting the Groundwater Code passed. I mean I look back on that and someone said to me someone who was older than I was at the time, probably my age now, said to me, "You now you'll probably never accomplish anything like this for the rest of your career." And I was twenty . . . let' see I

was twenty-nine, twenty-nine when that Groundwater Code when Babbitt signed the Groundwater Code. You know I worked, I worked so hard. We worked so hard; my staff and I worked so hard, all the people involved worked so hard. It was it became like a labor of love. You know I look back on that now and think wow, he was right. I mean that really was the high point of my career. I've never, I've been involved in a lot of things since then including serving as the Director of the Department of Water Resources but never in developing and getting enacted anything quite so monumental. It's amazing, a piece of history.

Bonnie: You think being the manager of the water district thing; I mean you're like in charge of water that would be a major thing also.

Kathy: Well, it was a major thing but . . . it was a major thing for me personally because there were people who were opposed to me becoming the Director. The first Director was Wes Steiner and he helped us write the Groundwater Law and he was a wonderful, wonderful man and he was an engineer. He asked me when the Groundwater Commission ended to come to the new Department of Water Resources, that the Groundwater Commission that the Legislation created, and to become the first Chief Legal Counsel of the Department. And finally after interviewing all over and getting all these other offers, I just thought I've got to do this. I'm not ready to let go of this, this is my baby. And so my first day on the job, I walked in and said, "Okay, Wes, tell me what you want me to do?" And he said, "Kathy, you're going to have to create this job just like you created the Groundwater Management Study Commission so go do it." Okay, so I created the Legal Department and by the time he left, we had a staff of like nine. But he really wanted me to be the Director because he felt that I had the political connections with you know a lot of the key players. And that I also had the love for what they were doing but the farmers were terribly opposed to me being appointed. There was a certain sexist thing going

on too. You know I was thirty-five and a woman and the other thing was I was a lawyer and you know not an engineer. And so Bruce basically ran my name up the totem pole at various meetings and saw how many people saluted and then you know finally decided to appoint me. And you know it was terrific, it was terrific. It was terrific because for the first time, I was not a staff person. I was the decision maker and while that was kind of scary at first, I realized how much I liked it. It was kind of fun. But it . . . you know it was not . . . it was terrific in many ways, but it wasn't the high of getting that law passed was.

Bill: Let me ask you about your low point now?

Kathy: My low point? Couple. We were in the middle of drafting and trying to write the legislation and President Turley, President in the Senate, said we have to get it done by a certain date. And so at one point, it's like your know eight o'clock at night and everybody comes down to my grim little offices in the basement of the Senate and all the lobbyists and stuff and the commission members and they're saying, "You've got to do it, you got to do it", and I remember bursting out crying saying, "I can't do this!" And cause I thought . . . I mean we had been working night and day, night and day, and I thought there's no way we're going to get this done. We are not going to get this done but we did. We did. That was one low point.

The other low point was when Evan Mecham was elected Governor and I knew that my days with the Department of Water Resources were over. I knew that there was no way that he would keep me. In fact, he fired every, every director of every state agency. I quit like two days before he fired me but he fired me anyway. But that was hard, it was really hard leaving. It was hard leaving that agency, really hard.

Bonnie: In your jobs and in the things that you did involving water, you've had to see like what's the major water problem facing Arizona right now?

Kathy: Well, I think the major water problem is in the rural areas. I think it's what I was talking about before that while the urban areas you know have really invested lots of money and resources and really become thoughtful about you know planning for the future. In a lot of the rural areas that's not the case. It's kind of like you know they just avoid looking at it you know maybe if I don't look at it, it'll go away you know. And it's not going away. It's not.

Bonnie: Do you think the big cities will just suck them in?

Kathy: Well what they want is the big cities to pay for it all. And of course the big cities don't want to do that. It's difficult. It's very hard to find new water supplies for a lot of those areas.

Bonnie: And CAP doesn't help the rural areas?

Kathy: No. The CAP is for Pima, Maricopa, and Pinal County only.

Bonnie: Do they need like another kind of, kind of something similar to a CAP?

Kathy: Well they might but where are they going to get the water for it? I mean the Colorado River is completely you know tapped. And we're going to be fighting over . . . that's the other big you know huge problem. We're going to be fighting over that again in terms of the upper basin states and the lower basin states. Those battles are on the horizon. So I don't know where this magic source of water is going to come forth.

Bonnie: If they sit down and start having battles again, are you going to get involved?

Kathy: No.

Bonnie: Been there done that.

Kathy: Well you know I did get involved to a certain extent. We've been, the State has been interviewing, looking for a lawyer to represent them on issues when this, it's not an if, when this becomes reality. So I was on an interviewing panel to interview candidates for legal counsel for the State of Arizona which is kind of you know . . . I might get involved on behalf of a client or something but I doubt it. It's really a state issue. It's really a State, the State of Arizona needs to be the first spokesperson on this.

Bonnie: When do you see it happening?

Kathy: Anytime. Anytime.

Bonnie: Will it affect the CAP? Or will CAP affect this?

Kathy: Well the problem is that the CAP has got the last priority on the Colorado River. So if there are any shortages on the Colorado River, the CAP suffers first. And so that's why it's so important how that river is managed. How shortages are declared, all of those issues.

Bonnie: How can it ever really be managed? There is no managing it perfectly, obviously there's too many entities who all want their share and they're most important and all this.

Kathy: Well, it's really the Federal Government, the Secretary of the Interior. He really has the responsibility to operate and develop operating criteria. And ultimately in disputes among the states, it's the Supreme Court, the United States Supreme Court.

Bonnie: When you were doing the Groundwater Act and the Commission and stuff like that, who were your biggest opponents? Was it the farmers?

Kathy: Uh-hum. Yes.

Bonnie: Who were your best allies? The ones who were right there for you?

Kathy: Municipalities and the mines, the copper mines. And when I say municipalities, it's really the big cities.

Bonnie: Talk about working with Cecil Andrus. What was that like for you?

Kathy: It was fun. I mean I didn't really work with him much. I met him a couple of times. I mostly worked with a guy named Steve Lanick on his staff and with Guy Martin who was the Assistant Secretary. But it was fun. I would go back and brief them you know on what the Commission was doing and they were real interested. They would get like fifty people in the room from you know the Interior Department wanting to know what we were doing and what we were up too. It was fun. It was really invigorating because they were all bright and

wanted this to work. There was a real respect between Babbitt and Andrus so it was great.

Bonnie: What's been the greatest surprise as you've dealt with water issues in Arizona? What's been the greatest surprise to you?

Kathy: Hum.

Bill: Next question.

Kathy: Yeah. I don't know. I'm trying to think what the greatest surprise would be.

Bonnie: Okay while you're thinking about that, is there anything that you wish that when you observed how the CAP got going and got started and got into construction and finally started delivering water and everything, do wish they would've done something differently?

Kathy: No, not really. I don't . . . I don't . . . Well I'm not been the person that's been so so involved in the operation of the CAP to be able to say that this doesn't work or that doesn't work. It seems to me likes it's been done pretty well.

Bonnie: My last question, what do you see for the future of Arizona concerning water stuff?

Kathy: Lots of battles. I mean I think the State has done such a marvelous job in so many ways, but you know the work's not done. And it will continue to be a process to try to address issues before they become so, before there are no solutions to those issues. It's harder than it used to be because there are so

many interests now and so many players and the awareness is so much higher. I mean the days when we could go into that little room with the lobbyists for the mines, cities, and agriculture and negotiate a compromise and have the Legislature pass it are long gone.

Bonnie: Anything else Bill? Did I forget to ask anything about CAP or anything that you thought I was going to ask or that I should've?

Kathy: Oh, you know what you didn't ask me that I'm really proud of too. The Ford Foundation and Harvard University had this program called Innovations in State and Local Government that the first year it was 1986. I don't know whether they're still doing it or not. But the Groundwater Code was one of the ten programs that they honored as one of the most innovative programs in State and Local Government and we were selected out of you know hundreds of applications. We had to go back and give two presentations and ultimately we got a hundred thousand dollars from them which was kind of fun that we were able to use. I think the State used it for something in the conservation area at the Department. It was really a nice recognition for the kind of work that we've done.

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