

**DOUGLAS A. DUCEY**  
Governor



**THOMAS BUSCHATZKE**  
Director

**ARIZONA DEPARTMENT of WATER RESOURCES**  
1110 West Washington Street, Suite 310  
Phoenix, Arizona 85007  
602.771.8500  
azwater.gov

At previous meetings of the West Basins Planning Area, the Arizona Department of Water Resources has heard the stakeholder viewpoint that some level of groundwater regulation is needed to address the water issues present in the planning area. Stakeholders have also expressed that some alternative to Active Management Areas or Irrigation Non-expansion Areas is desired.

To facilitate discussion at the next West Basins Planning Area meeting regarding the nature of alternative regulation, information is provided below regarding four components of the existing regulatory structure for review and consideration. Additional information regarding statutory requirements can be found at <http://www.azleg.gov/>. At this web site, scroll down and look for Arizona Revised Statutes under the blue General Information heading on the left side of the web page. Title 45 is the title for Waters and the Groundwater Code is in Chapter 2 of Title 45 beginning with A.R.S. 45-401.

#### **Limitation on Number of Irrigated Acres**

- **A.R.S. 45-416 – Limitations on Irrigated Land During Proceedings**
  - Irrigation includes application of water to two or more acres of land for growing crops or pasture.
  - Once procedures for designating a subsequent AMA are initiated, irrigation may occur only on land that has been legally irrigated at any time during the five years preceding the notice of initiation.
  - The limitation on irrigated acres shall remain in effect until the director makes the final determination or the final results of an election to establish an AMA are certified.
- **A.R.S. 45-452 – Limitations on Irrigated Land Once Designated**
  - In a subsequent AMA, with exceptions, only acres of land which were legally irrigated at any time during the five years preceding the date of notice of initiation of an AMA may be irrigated.

## **Metering and Reporting Requirements**

- **A.R.S. 45-604 and A.A.C. R-12 Article 9 – Metering Requirements**
  - A person who withdraws groundwater from a non-exempt well (pumping capacity exceeds 35 gpm), with some exceptions, shall use a water measuring device approved by the director.
- **A.R.S. 45-632 and A.A.C. R12-15 Article 10 – Annual Reporting Requirements**
  - Each person who is required to file an annual report under this section shall maintain current, accurate records of the person's withdrawals, transportation, deliveries, and use of groundwater.
  - An annual report shall be filed with the director by each person who:
    - Owns or leases a right to withdraw, receive, or use groundwater in an AMA, unless a report is filed for that person by an irrigation district.
    - Is an individual user subject to municipal conservation requirements included in a management plan.
    - Withdraws groundwater for transportation to an initial AMA.
  - Exceptions:
    - A person who withdraws groundwater from an exempt well (pumping capacity 35 gpm or less) and non-irrigation customers of water providers are exempt from this record keeping and reporting requirement.
    - A person who owns or leases an irrigation grandfathered right that irrigates 10 or fewer acres is exempt from this record keeping and reporting requirement.
  - The statute outlines the details of each annual report based on who is reporting.

## **Well Regulations**

- **A.R.S. 45-454 – Exemption of small non-irrigation wells**
  - Generally wells equipped to pump 35 gpm or less are exempt from measuring and reporting requirements.
  - Some restrictions on installation of new exempt wells exist in AMAs.
- **A.R.S. 45-598-599 and A.A.C. R12-15 Article 13 – Well Spacing and Impacts**
  - Most new non-exempt wells in AMAs require a well impact study to prevent unreasonably increasing damage to surrounding land or other water users.
  - Existing non-exempt wells can be replaced without an impact study in some cases.

## **Conservation Requirements**

- **Management Plans** contain conservation requirements for agricultural, municipal, and industrial users.
  - For examples of current management plans, please see <http://www.azwater.gov/AzDWR/WaterManagement/AMAs/ThirdManagementPlan3.htm>