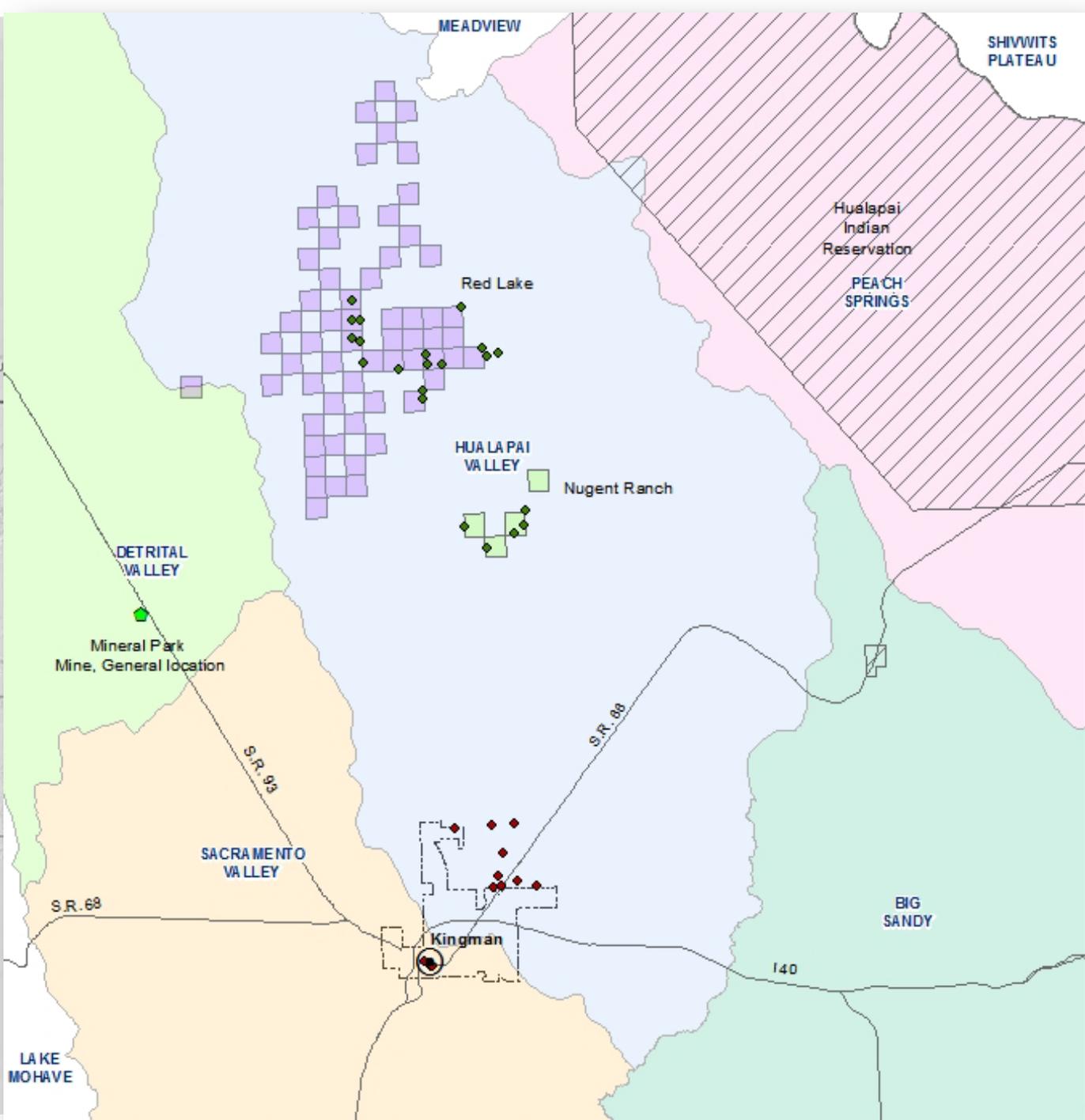
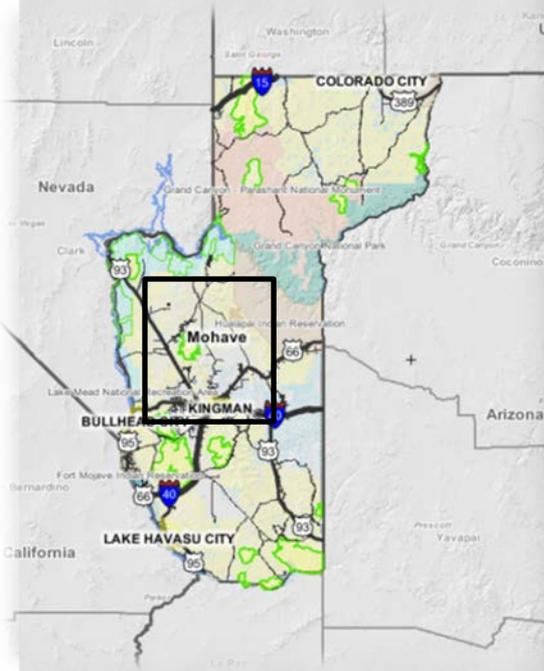


Procedures for Designating a Subsequent AMA/Subsequent INA

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KINGMAN & SURROUNDINGS



History – Subsequent AMAs & INAs

- **Harquahala INA (1982)**
 - By Director's decision after determination that AMA not necessary
 - Steep declines in groundwater levels, small annual groundwater recharge and extensive irrigation
- **Upper San Pedro (1988)**
 - Did not meet statutory criteria
 - Reviewed in 2001 and still determined AMA not necessary
- **Beaver Dam Wash/Littlefield Area (1990)**
 - AMA proposed to restrict groundwater pumping to prevent transportation out of state
 - Unknown how far process went but AMA not created
- **Sacramento Valley (1993)**
 - Review requested in 1993
 - Determined AMA not necessary
- **Santa Cruz AMA (1994)**
 - Created by Arizona legislature
 - From a portion of Tucson AMA due to unique circumstances

Designating a **Subsequent AMA**

Under existing statutes, a subsequent active management area (AMA) may be created in two ways:

1. By order of the Director following a public hearing
2. By vote of the qualified voters residing in the proposed AMA

1. By Order of the Director

- **Area that may be included**
 - One or more groundwater basins
 - Subsequent AMA may not be smaller than a groundwater basin or include only a portion of a groundwater basin
- **At least one of the following Criteria must exist**
 - AMA practices are needed to preserve existing groundwater supply for future needs
 - Land subsidence or fissuring is endangering property or groundwater storage
 - Actual or threatened water quality degradation due to groundwater use.

1. By Order of the Director

- **Public Hearing**

- To consider whether to declare the area as an AMA and to consider the boundaries of the AMA and any sub-basins within the AMA
- Newspaper publication of notice of public hearing
- A public hearing must be held between 30 and 60 days after first publication
- Factual data in support of AMA must be presented
- Any person may submit evidence for or against AMA

- **Findings & Order**

- Director must issue written findings within 30 days post hearing.
- If the Director finds that an AMA should be created, the Director must issue order designating the AMA
- Findings & Order to designate AMA must be published once a week for two consecutive weeks
- Findings & Order are subject to requests for rehearing & judicial review

2. Designation by Vote

- **Area**
 - Must consist of a groundwater basin
 - May not be smaller than a groundwater basin or include more than one groundwater basin
- **Petition**
 - Petition must be signed by at least 10% of registered voters residing within boundaries of groundwater basin; submitted to BOS
- **Election**
 - If petitions with required signatures submitted to BOS, election must be called.
 - Election must be held not less than 60 days or more than 90 days from the date election is called
- **Irrigation of new acres prohibited pending election**

Management Goal/Plan/Area Director/GUAC

- **Management Goal**
 - Director must establish management goal for AMA /Timeline for achieving goal
- **Management Plan**
 - Director must adopt Management Plan for AMA
- **GUAC**
 - Groundwater Users Advisory Council must be appointed by Governor

Mandatory Regulations in a Subsequent AMA

- Groundwater Right or Permit Required to Withdraw Groundwater from a Non-Exempt Well
- Restrictions on Exempt Wells
- Well Spacing Requirements (*non-exempt wells*)
- Metering Requirements (*non-exempt wells*)
- Annual Reporting Requirements (*non-exempt wells*)
- Assured Water Supply Requirements for new subdivisions
- Restrictions on Filling and Refilling Bodies of Water
- Groundwater Transportation Laws
- Groundwater Users must comply with any applicable conservation requirements established by the Director
- Irrigation of New Agricultural Lands Prohibited

Mandatory Regulations in a Subsequent AMA

- **Irrigation of New Agricultural Lands Prohibited**
 - Only lands irrigated during previous five years may be irrigated
 - Two Exceptions
 1. Irrigation with previously established surface water rights
 2. Lands not actually irrigated are deemed to be irrigated if “substantial capital investment” was made “for the subjugation of such land for an irrigation use including on-site irrigation distribution facilities and a well or wells, the drilling and construction of which were substantially commence before the date of the notice of the initiation of designation procedures or the call for the election.”

Designating a **Subsequent INA**

Under current statutes, a subsequent Irrigation Non-Expansion (INA) may be created in one way:

1. By order of the director following a public hearing

Subsequent INA

- **Area that may be included**
 - Subsequent AMA may not be smaller than a groundwater sub-basin or include only a portion of a groundwater sub-basin, but may be larger
- **Both of the following Criteria must exist**
 - Insufficient groundwater to provide a reasonably safe supply for irrigation of the cultivated lands at current rates of withdrawal
 - Establishment of an AMA is not necessary

Subsequent INA

- Proceedings may be initiated by the director or by petition to the Director by local residents
- Petition must be signed by
 - At least 25 irrigation users of groundwater in the proposed INA, or
 - At least 1/4th of the irrigation users of groundwater in the proposed INA, or
 - At least 10% of the registered voters residing within the proposed INA

Subsequent INA

- **Public Hearing**

- To consider whether to declare the area as an INA and consider the boundaries of the INA
- Newspaper publication of Notice of Public Hearing
- A public hearing must be held between 30 and 60 days after first publication
- Factual data in support of or in opposition to the INA must be presented
- Any person may submit evidence for or against an INA

- **Findings & Order**

- Director must issue written findings within 30 days post hearing.
- If the Director finds that an INA should be created, Director must issue order designating the INA
- Findings & Order to designate INA must be published once a week for two consecutive weeks
- Findings & Order are subject to requests for rehearing & judicial review

- **Irrigation of new acres prohibited during designation proceedings**

Mandatory Regulations in a Subsequent INA

- Metering Requirements for non-exempt wells used for irrigation and non-exempt wells used to withdraw more than 10 acre-feet/year for non-irrigation purposes
- Annual Reporting Requirements for non-exempt wells
- Irrigation of New Agricultural Lands Prohibited
 - Only lands irrigated during the previous five years may be irrigated
 - Two Exceptions
 - Irrigation with previously established surface water rights
 - Lands not actually irrigated are deemed to be irrigated if “substantial capital investment” was made “for the subjugation of such land for an irrigation use including on-site irrigation distribution facilities and a well or wells, the drilling and construction of which were substantially commence before the date of the notice of the initiation of designation procedures.”

Options

Based on an initial review, it appears that the criteria for a Director's decision designating a subsequent AMA or INA not met

- No significant changes from 1994 report that showed sufficient supplies and did not recommend AMA
- Current USGS studies show similar supplies and demands

Options

- AMA designation may be pursued by vote
- AMA or INA designation may be pursued legislatively
- Existing irrigation acres and "substantial capital investment" acres would be grandfathered in

Questions?