

EXEMPT WELLS

What is an exempt well?

Inside AMAs and INAs

- Well with a maximum pump capacity of 35 gpm (56 a/f per year) or less.
- Groundwater withdrawn from well is for non-irrigation use. (“Irrigation” means watering 2 or more acres to grow plants for sale or human consumption or for feed for livestock or poultry.)
- If well was drilled after April 1983, withdrawals of groundwater for purposes other than domestic and stock watering do not exceed 10 a/f per year.

Areas outside AMAs and INAs

- Legally, there are no exempt wells outside of AMAs and INAs because small wells are not exempt from regulations applicable in those areas.
- By common usage, “exempt well” means any well with a maximum pump capacity of 35 gpm or less, regardless of purpose for which well is used.

What is an exempt well exempted from?

Inside AMAs

- An owner of an exempt well does not need a groundwater withdrawal authority (i.e., a grandfathered groundwater right, a service area right or a groundwater withdrawal permit).
- A person drilling an exempt well does not need to comply with ADWR’s well spacing rules (however, the well spacing rules protect exempt wells from unreasonable impacts from proposed new non-exempt wells).
- No requirement to use a water measuring device.
- No requirement to pay groundwater withdrawal fees.
- No requirement to file annual groundwater withdrawal report.

Inside INAs

- No requirement to use a water measuring device.
- No requirement to file annual groundwater withdrawal report.

Areas outside AMAs and INAs

There is no legal difference between exempt wells and non-exempt wells in areas outside of AMAs and INAs. In those areas:

- No groundwater withdrawal authority is needed to withdraw groundwater.
- There is no requirement to comply with ADWR's well spacing rules (with certain exceptions applicable to recovery wells and wells used to withdraw groundwater for transportation out of a basin).
- There are no requirements to pay groundwater withdrawal fees or use a water measuring device. Except for community water systems, there is no requirement to file annual water use reports.

What is required to drill an exempt well?

Inside AMAs

- File Notice of Intent to Drill (NOI) with ADWR and pay filing fee of \$150.
- Use licensed well driller and comply with ADWR's minimum well construction standards.
- If well will be used for domestic purposes on parcel of land of 5 or fewer acres, submit site plan to county or local health authority for review to determine whether well location complies state and local laws regulating proximity of wells to septic tanks and sewer systems. Generally, a domestic well must be at least 100 feet from any septic tank or sewer system.
- Property on which well is to be drilled cannot be within 100 feet of distribution line of municipal provider with an assured water supply designation, with certain exceptions.
- Cannot be the second exempt well serving same use at same location, unless all the following apply: (1) both wells are on same parcel and parcel is at least 1 acre in size; (2) first exempt well is not capable of consistently producing more than 3 gpm; (3) withdrawals from both wells will not exceed 5 a/f per year; and (4) county or local health authority approves location of well.

Inside INAs and Areas Outside AMAs and INAs

- File NOI with ADWR and pay filing fee of \$150 (\$100 if well is outside an INA and will be used only for domestic purposes).
- Use licensed well driller and comply with ADWR's minimum well construction standards.
- If well will be used for domestic purposes on parcel of land of 5 or fewer acres, submit site plan to county or local health authority for review to determine whether well location complies state and local laws regulating proximity of wells to septic tanks and sewer systems. Generally, a domestic well must be at least 100 feet from any septic tank or sewer system.