

ARIZONA DEPARTMENT OF WATER RESOURCES

Prescott Active Management Area
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Frequently Asked Questions

All forms mentioned in this document can be found at www.azwater.gov or by contacting ADWR.

PRESCOTT ACTIVE MANAGEMENT AREA (AMA)

The Prescott AMA covers 485 square miles in central Yavapai County (see the AMA map at the end of this document). The Prescott AMA includes two aquifer sub-basins: the Little Chino Sub-basin and the Upper Aqua Fria Sub-basin. The Prescott AMA has a statutory goal of achieving safe-yield by 2025. Safe-yield is a groundwater management goal that attempts to achieve and thereafter maintain a long-term balance between the annual amount of groundwater withdrawn in the active management area and the annual amount of natural and artificial recharge in the active management area.

WELLS

Anyone wishing to drill a well anywhere in the state must first apply for a drilling authority from ADWR. For groundwater wells outside of AMAs and exempt wells inside of AMAs, the person proposing to drill the well must file a Notice of Intent to Drill (NOI). For non-exempt wells inside of AMAs and recovery wells anywhere in the state, the person proposing to drill the well must file an application for a groundwater withdrawal permit, an application for a well permit or an application for a recovery well permit, whichever applies. With certain exceptions, ADWR will approve an application for a well permit or an application for a recovery well permit only if the proposed well complies with the well spacing rules adopted by ADWR. Wells must be drilled by a licensed individual or well drilling contractor and in accordance with ADWR's well construction rules. The well construction rules are available in the AMA office or on the ADWR website.

All wells, regardless of size, use, location or drill date, must be registered with ADWR. Filing an NOI automatically registers a well. If it is determined that an existing well has not been registered, the well owner must submit a Late Registration of a Well form. To confirm if a well is registered, please request a well search from AMA staff before submitting a Late Registration form.

Well registration is a critical component of the Groundwater Management Code (Code). In order to effectively manage groundwater, ADWR must know where groundwater is withdrawn. Well registration also benefits the well owner by:

- Serving as evidence of a historical use of groundwater.
- Providing an easy way to notify area well owners if groundwater becomes contaminated.
- Allowing ADWR to consider potential effects on existing wells when granting permits for new wells in the area.

Exempt Well: a well that is equipped with a pump with a maximum capacity of 35 gallons per minute (gpm) or less and from which water is withdrawn for a use other than irrigation of two or more acres. Owners of these wells are exempt from having to measure or report water use. The following restrictions apply to the drilling and use of an exempt well in an AMA:

- Withdrawals of groundwater from an exempt well drilled on or after April 28, 1983 may not exceed ten acre-feet per year if the groundwater is used for purposes other than domestic purposes and stock watering.
- Only one exempt well may be drilled or used to serve the same non-irrigation use on the same parcel of property. An exception to this rule applies when the first exempt well is not capable of consistently producing more than three gallons per minute and the combined withdrawals from both wells does not exceed five acre-feet per year.
- Effective January 1, 2006, an exempt well (except a replacement exempt well) may not be drilled on land if any part of the land is within 100 feet of the operating water distribution system of a municipal water provider with a designation of assured water supply as shown on a digitized water service area map

submitted by the provider to ADWR. The director of ADWR may grant an exemption from this prohibition under certain circumstances, including cases in which the person proposing to drill the well demonstrates that the total capital cost and fees for connecting to the provider's water distribution system exceed the total capital cost and fees for drilling and fully equipping the exempt well.

Non-Exempt Well: a non-irrigation well that is equipped with a pump with a maximum capacity of greater than 35 gpm or an irrigation well that is equipped with a pump of any size. An active groundwater withdrawal authority (appropriate right or permit) must be in place to operate a non-exempt well within the AMA. With certain exceptions, within AMAs, non-exempt wells must have an approved measuring device and owners must submit an annual water withdrawal and use report to ADWR.

Setbacks: It is a Yavapai County requirement that all new **domestic** wells be located at least 50 feet from all property lines, or 50 feet to the center of dedicated roadways and railway easements on parcels that are 5 or fewer acres. There are no property line setbacks on parcels larger than 5 acres or on those adjacent to a sewer system that services all current and future structures. It is an ADWR requirement that **all new wells, except monitor wells and piezometer wells**, be located at least 100 feet from any septic tank or sewer system unless authorized in writing by the director of ADWR.

If a well was drilled before these setbacks were in place but now needs to be deepened or modified, the current setback requirements must be met.

Outside the AMA, there are no restrictions to the number of wells that may exist on a parcel of property. There are no pumping restrictions so a groundwater withdrawal authority is not necessary regardless of the size of the pump.

Does the registration of a well automatically transfer to the new owner when property ownership changes?

No. The person to whom a well is registered must notify ADWR of a change in ownership of the well and the new owner must furnish information as required by ADWR to keep its well registration records current and accurate. Because ADWR needs the new owner's contact information, the new owner usually completes the Request to Change Well Information form. Sometimes the title agency will complete this form as a courtesy but it is the responsibility of the property owner to ensure that the well gets transferred.

If you do not know the well registration number (55 prefix followed by six digits: 55-XXXXXX), please contact the Prescott AMA office to request a well search. To do the search, ADWR must have the assessor's parcel number, Township, Range, Section, 160-acre quarter, 40-acre quarter, 10-acre quarter, name of current owner and names of any previous owners to whom the well may be registered. If necessary, please call the AMA office to request instructions on how to obtain this information.

When completing a Change of Well Information form, please include the name of the person to whom ADWR has the well registered as the "Previous Owner" (this is often not the current seller).

SHARED WELLS & PUBLIC WATER SYSTEMS

Does ADWR enforce shared well agreements?

No. No agency enforces or regulates shared well agreements. The agreement is a civil matter between neighbors and ADWR is not involved in any way. However, service of water off the premises of the well may subject the provider to regulation by the Arizona Corporation Commission (ACC). Please contact the ACC for more information.

How many households can be served by an exempt well?

ADWR does not restrict the number of households that may be served by an exempt well. However, the use of an exempt well to serve more than one household may be regulated by the ACC and/or the Arizona Department of Environmental Quality (ADEQ).

ADEQ regulates all public water systems involved in the collection, storage, treatment or distribution of potable water. A **Public Water System** provides water for human consumption through pipes or other constructed conveyances and has at least fifteen service connections or regularly serves at least twenty-five persons for at least sixty days a year.

As stated above, service of water off the premises of the well may subject the well owner to regulation by the ACC. The ACC is the regulatory authority with jurisdiction over private water and sewer companies as well as investor-owned utilities. Municipal water and sewer systems are regulated by the city or town council and do not fall under ACC jurisdiction. Similarly, water improvement districts are governed by the county in which they operate.

Always check with the ACC and ADEQ for a definitive answer.

ACC: 800-222-7000

ADEQ: 877-602-3675

GRANDFATHERED GROUNDWATER RIGHTS

Under the Groundwater Code, a grandfathered right is the right to use groundwater based on an historic use of groundwater prior to the enactment of the Code. There are three types of grandfathered rights:

Irrigation Grandfathered Right (IGFR)

Irrigate: to apply water to two or more acres of land to produce plants for sale, human consumption, or as feed for livestock. The amount of groundwater that can be pumped will vary over time according to a formula established in the management plans developed by ADWR for each AMA.

An IGFR is the right to use groundwater to irrigate specific acres of land. That land must have been irrigated with groundwater at some time from January 1, 1975 through January 1, 1980. Land without an IGFR may not be irrigated with groundwater. An IGFR may not be sold apart from the associated land. When irrigated land is sold, the IGFR goes with it unless the IGFR is extinguished before the sale. If land is sold with an active IGFR, the new owner is responsible for submitting a Notification of Change of Ownership to ADWR and may be required to report the volume of water used each calendar year. Small-exempt IGFRs (ten or fewer irrigation acres) are exempt from measuring and reporting requirements.

Type 1 Non-Irrigation Grandfathered Right

The Type 1 right is a right to use groundwater for non-irrigation purposes. It is associated with farmland that has been retired from irrigation for a non-agricultural use. Examples of non-irrigation water uses of a Type 1 right include: golf courses, feedlots, dairy operations, commercial/industrial uses and associated landscapes.

The Type 1 right may only be sold with the land with which it is associated unless it is extinguished before the sale. If land is sold with an active Type 1, the new owner is responsible for submitting a Notification of Change of Ownership to ADWR and is required to report the volume of water used each calendar year.

Type 2 Non-Irrigation Grandfathered Right

The Type 2 right is another right to pump groundwater from a well for non-irrigation purposes. The right is based on historical pumping of groundwater for a non-irrigation use and equals the maximum amount pumped in any one year from January 1, 1975 through January 1, 1980. Examples of non-irrigation water uses of a Type 2 right include: golf courses, feedlots, dairy operations, commercial/industrial uses and associated landscapes.

The owner of a Type 2 right may only withdraw water from the specific wells listed on the Certificate. An owner may add or delete wells from the Certificate by completing a Notification of Change of Ownership or Point of Withdrawal form. Certificates can only be used in the same AMA in which the historical pumping of groundwater occurred.

The Type 2 right can be sold separately from the land. It is possible to lease a portion of a Type 2 right but if the right is sold, it must be sold in its entirety. The new owner is responsible for submitting a Notification of Change of Ownership or Point of Withdrawal form to ADWR and is required to report the volume of water used each calendar year.

Extinguishment of a Grandfathered Right

Under ADWR's Assured Water Supply rules, a right holder can extinguish a grandfathered right(s) for assured water supply credits (AWSC). Once the Application for Extinguishment of a Grandfathered Groundwater Right for Assured Water Supply Credits is processed, the grandfathered rights will be **permanently extinguished** and cannot ever be used as a groundwater withdrawal authority again.

The following equations are used to determine the number of AWSC that will be generated by extinguishing a grandfathered right:

Irrigation Grandfathered Rights (IGFR) and Type 1 Non-Irrigation Grandfathered Rights

Until January 1, 2011:

If the parcel of property was irrigated 4 of the 6 years prior to 1/1/2000:

of Irrigation Acres \times 1.5 \times 25 = AWSC

If the parcel of property was not irrigated 4 of the 6 years prior to 1/1/2000:

of Irrigation Acres \times 1.5 \times (2025 minus Year of Extinguishment) = AWSC

Beginning January 1, 2011:

of Irrigation Acres \times 1.5 \times (2025 minus Year of Extinguishment) = AWSC

Type 2 Non-Irrigation Grandfathered Rights

Allotment \times (2025 minus Year of Extinguishment) = AWSC

GROUNDWATER WITHDRAWAL PERMITS

Groundwater withdrawal permits allow new withdrawals of groundwater for non-irrigation uses within an AMA. There are eight types of withdrawal permits covering various groundwater uses that are subject to different requirements. Examples of withdrawal permits include general industrial use permits, dewatering permits and poor-quality groundwater withdrawal permits. Please call the Prescott AMA office for more information on groundwater withdrawal permits.

SERVICE AREA RIGHTS

Service area rights allow cities, towns, private water companies, and irrigation districts to withdraw groundwater to serve their customers. The service area is the area of land actually being served water by a municipality or private water company. Homeowners, non-residential customers and irrigation districts served water by a city, town or water company do not need a separate right from ADWR. Please call the Prescott AMA office for more information on service area rights.

SURFACE WATER RIGHTS

All questions regarding surface water rights should be directed to ADWR's Surface Water Section at 800-352-8488.

ADJUDICATION / NEW USE SUMMONS / STATEMENT OF CLAIMANT

What is the general stream adjudication?

The general stream adjudication is a judicial proceeding in which the nature, extent, and relative priority of water rights is determined. As required by statute, ADWR provides technical and administrative support to the adjudication court and special master "in all aspects of the general adjudication with respect to which the director possesses hydrological or other expertise." A.R.S. § 45-256(A)

There are two general stream adjudications in the state, the Gila River System and Source (Gila Adjudication) and the Little Colorado River System and Source (LCR Adjudication). The exterior boundaries of these two adjudications include more than half the state, where most of the Indian reservations and federal land are located. There are nearly 30,000 parties in the Gila Adjudication and nearly 5,000 parties in the LCR Adjudication. A party is a person or entity that has filed one or more claims (Statement of Claimant or SOC) to water rights in the adjudication.

The Prescott AMA is within the boundaries of the Gila Adjudication.

Who is affected by the adjudication?

Any person who uses water or has made a claim to use water on property within these river systems may be affected. The legislature has charged the Arizona Superior Court with quantifying and prioritizing validly existing water rights claimed in these watersheds.

What is a new use summons?

A new use summons is an order from the Maricopa County Superior Court (Gila Adjudication) that directs you to assert any claims to water rights that you may have by filing the appropriate court-approved forms. These forms are known as Statements of Claimant (SOCs).

Why did I receive a new use summons?

Because the property you own is located within lands drained by the Gila River and its tributaries, the use of water on your property may be affected by on-going court proceedings known as the Gila Adjudication. ADWR serves new use summons periodically to property owners within the adjudication boundaries. You are being served with a new use summons because the records of ADWR indicate that you may have initiated a new use of water since the last summons was issued.

What do I need to file?

For each type of water use, you must file an SOC that describes your claimed water right. For each of the watersheds within the adjudication boundary, there are four court-approved SOC forms. The form you need to file depends on your type of water use. There is an SOC form for each of the following uses: (1) domestic, (2) irrigation, (3) stockpond, and (4) other uses. You may need to file more than one SOC. Once an SOC is filed, the claim will be assigned a number starting with the prefix 39 and followed by five digits (39-XXXXX).

How do I locate my watershed?

There are several watersheds within the Gila River adjudication boundary. You may locate your watershed by viewing the watershed map in the Permits, Forms, Applications – Statement of Claimant section on ADWR's website or by contacting ADWR for assistance.

How much does it cost to file an SOC?

The filing fee for an individual is \$20.00 for each SOC filed, unless there is more than one use served from a common source of supply. If more than one use is served from a common source of supply, and more than one SOC must be filed, then only one filing fee of \$20.00 must be paid. The filing fee for a corporation, municipal corporation, the State or any political subdivision, or an association or partnership is two cents for every acre-foot of water claimed per year, or \$20.00, whichever is greater.

Do I need to file an SOC even though I already have a permit, certificate, or other approval from ADWR?

Yes, you must file an SOC so that the adjudication court will be aware that you are claiming a right to use water. Even though you may have already received a permit, certificate or other form of approval from ADWR for your water uses, an SOC must be filed for the adjudication process. The adjudication court will ultimately determine the nature, extent, and relative priority of all water rights for which an SOC has been filed.

Do I obtain a water right by filing an SOC?

No, you do not obtain a right to use water by filing an SOC. Rights to use water must be acquired in accordance with state law. Under state law, in order to initiate a new use of water, or to increase the amount of water used under a current water right, you must obtain the appropriate permit, certificate, or other approval from ADWR.

Should I file an SOC if I use water from a well?

The adjudication process may include water uses from a well, depending upon the location of the well and other factors. For each watershed, ADWR provides a report to the adjudication courts that identifies all uses of water within the watershed, including uses from a well. **ADWR encourages you to file an SOC so that any water right you may have will be part of the adjudication process.**

What happens if I do not file?

If you do not file an SOC, you may lose your water right, and you may be prevented from asserting that water right later. This could happen even though you have received a permit, certificate, or other approval from ADWR.

When do I have to file an SOC?

Generally, you should file your SOC within 90 days of receipt of the new use summons. However, state law allows you to file an SOC even after the initial 90-day period. Upon filing your SOC, you will be entitled to receive notification of adjudication activities that may affect your water rights.

What if I have sold the property where I use my water right?

If you have sold the property where you use your water right, you should contact ADWR so that the new owners may be contacted. If you sold your property and you have already filed an SOC, you should complete the form entitled **Statement of Claimant “39” Assignment**.

What do I do if I need to make changes to my claim?

After you file an SOC, you must notify ADWR of any of the following: (1) a change in your address; (2) an assignment of your SOC to another person; (3) a transfer to another person of all or part of the land for which a water right has been claimed; and (4) a transfer to another person of all or part of the water right claimed when the water right is severed and transferred to another parcel of land. You must notify ADWR within 30 days of any of these changes using forms approved by the adjudication courts.

If you do not know if an SOC has been filed or you need the SOC number to submit an amendment or assignment, please contact ADWR at 800-352-8488.

Should I complete an SOC if I have not started using water yet?

No. Under Arizona law, water rights cannot be established for future uses. Water rights can only be established by putting the water to actual beneficial use

For additional information regarding the general stream adjudications, please contact the Special Master at 602-542-9600 or www.supreme.state.az.us/wm or ADWR at 800-352-8488 or www.azwater.gov.

WATER QUALITY

In general, ADWR is not involved in water quality issues. The Arizona Department of Environmental Quality and the Arizona Department of Health Services are the state agencies that can best address concerns regarding the water quality in a specific area. However, there is no agency that regulates water quality from private exempt wells.

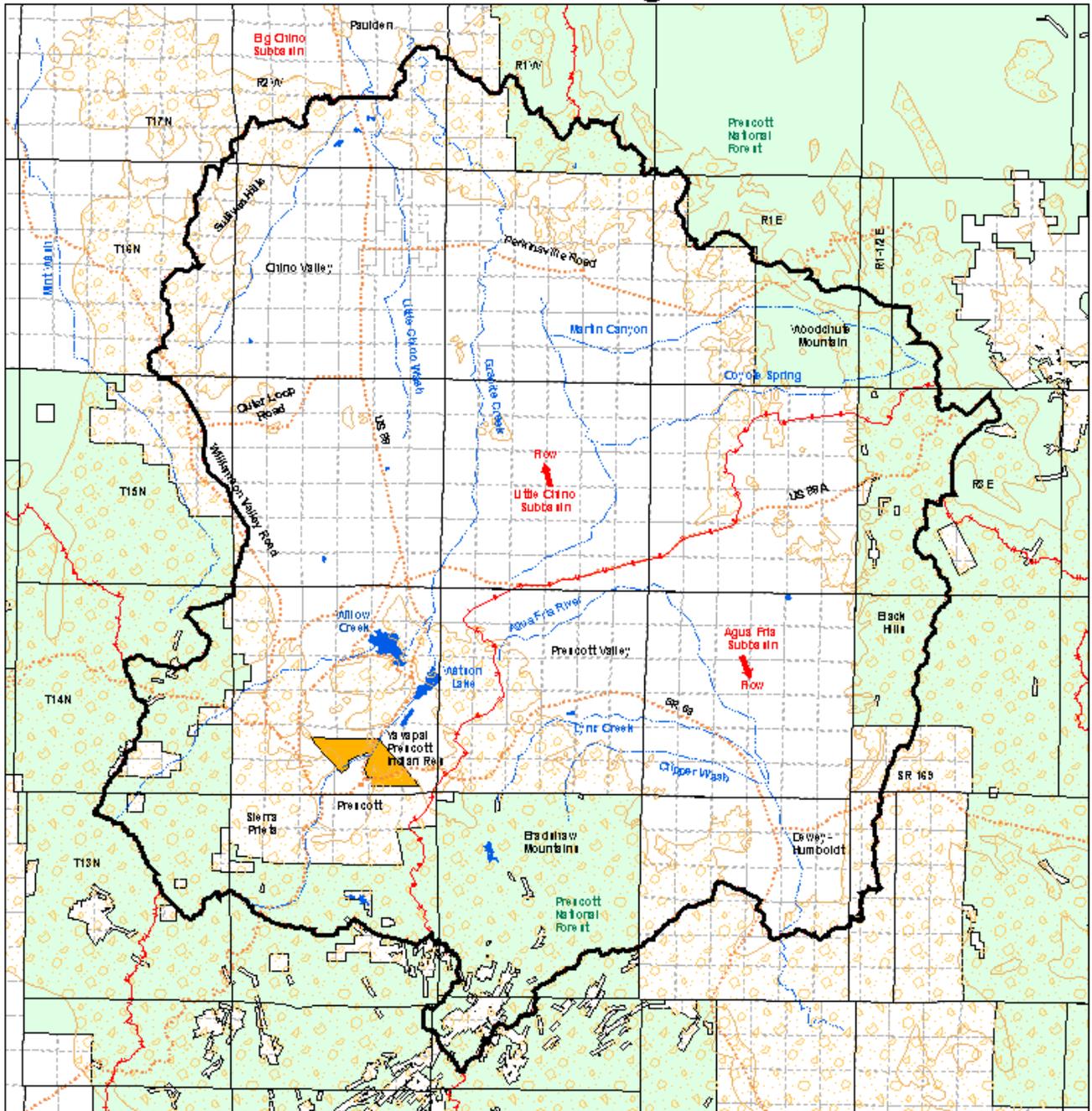
The University of Arizona – Yavapai County Cooperative Extension Office has staff available to answer questions and provide well water testing kits.

ADEQ: 877-602-3675

Arizona Department of Health Services: 602-364-3855

University of Arizona – Yavapai County Cooperative Extension: 928-445-6590

Prescott Active Management Area

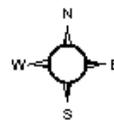


- Prescott AMA Boundary
- Hardrock
- Lakes
- Prescott National Forest
- Indian Reservations
- Rivers and Streams
- Subbasins
- Major Roads
- Townships
- Sections



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