

ADWR Shared Well Policy

November 28, 2012

In Arizona, the drilling and location of wells (whether shared or not) is subject to the Groundwater Management Act. The Groundwater Management Act requires that:

1. Certain documents be filed with the Arizona Department of Water Resources (ADWR)
 - a. [A.R.S. § 45-593](#) (Registration of existing wells; permanent record of all wells; reporting open wells)
 - b. [A.R.S. § 45-596](#) (Notice of intention to drill; fee)
 - c. [Well Permitting Policy Statement](#)
 - d. [R12-15-803](#) (Well Drilling and Abandonment Requirements; Licensing and Supervision Requirements)
 - e. [R12-15-809](#) (Notice of Intention to Drill)
 - f. [R12-15-851](#) (Notification of Well Drilling Commencement)
2. The drilling be performed in compliance with a set of statutory and regulatory standards.
 - a. [A.R.S. § 45-594](#) (Well construction standards; remedial measures)
 - b. [A.R.S. § 45-595](#) (Well construction requirements; licensing of well drillers)
 - c. [A.R.S. § 45-597](#) (Deepening and replacement of wells in active management areas; filing of notice)
 - d. [R12-15-811 to 818](#)
3. The well be operated in compliance with applicable law.
 - a. [A.R.S. § 602](#) (Capping of wells; waste)
 - b. [A.R.S. § 604](#) (Water measuring devices)
 - c. [R. 12-15-819](#) (Use of Well as Disposal Site)
 - d. [R. 12-15-822](#) (Capping of Open Wells)

Well sharing agreements, while subject to the above statutory and regulatory requirements, are private contracts executed by private parties to govern the manner in which a well provides water to multiple properties. While Arizona water law governs how a well subject to a well sharing agreement is to be drilled and located, Arizona water law does not govern the operation or management of a well sharing agreement. Shared well agreements are appropriate to serve up to 14 service connections or up to 24 residents in an area. Wells which serve 15 or more service connections, or which serve 25 or more residents, constitute a community water system and are subject to water quality standards and more stringent reporting requirements. (A.R.S. §§ 45-341 to 343).

Disputes regarding the terms of, or compliance with, a well sharing agreement are a purely civil matter between the parties to the agreement. Resolution of the dispute may require arbitration or litigation between the parties. Neither ADWR, nor any other state agency, has authority to enforce or regulate well sharing agreements, nor may any state agency adjudicate disputes over well sharing agreements or provide legal advice to any party to a well sharing agreement.