

POLICY GUIDANCE MEMORANDUM # 10  
August 10, 1981GRANDFATHERED RIGHTS FOR INDIVIDUALS WITHIN IRRIGATION DISTRICTS  
CITIES, TOWNS AND PRIVATE WATER COMPANIES

The Groundwater Management Act provides that landowners and residents receiving water from an irrigation district, city, town or private water company are entitled to use the groundwater delivered except that "claims of landowners to irrigation grandfathered rights or Type 1<sup>1</sup> or Type 2 non-irrigation grandfathered rights" are subject to the grandfathered rights provisions of the Act<sup>2</sup>. This means that:

1. A person who irrigates<sup>3</sup> two or more acres of land which was irrigated with groundwater between January 1, 1975 and January 1, 1980, must apply for an irrigation grandfathered groundwater right in order to continue to irrigate the land.
2. A person who was pumping groundwater from his own land and for a non-irrigation use between June 12, 1975 and June 12, 1980 must apply for a Type 2 non-irrigation grandfathered right in order to continue pumping groundwater. However, a grandfathered right is not needed to continue to withdraw from an exempt well.<sup>4</sup>

The following persons are not eligible for grandfathered rights:

1. A person who applies groundwater received from an irrigation district, city, town or private water company to less than two acres of land.
2. A person who applies groundwater received from an irrigation district, city, town or private water company to two or more acres of land for a non-irrigation use. This includes golf courses, parks, cemeteries, lawns and ornamental landscaping where no produce is sold or consumed.
3. Non-irrigation users who receive all of their water from an irrigation district, city, town or private water company.

<sup>1</sup> Persons considering applying for Type 1 rights should contact the Department of Water Resources for more information.

<sup>2</sup> Sections 45-492 and 45-494, Arizona Revised Statutes

<sup>3</sup> Section 45-402, Arizona Revised Statutes states:

"Irrigate" means to apply water to two or more acres of land to produce plants or parts of plants for sale or human consumption, or for use as feed for livestock, range livestock or poultry, as such terms are defined in section 24-101.

<sup>4</sup> An "exempt well" is a well having a pump with a maximum capacity of not more than thirty five gallons per minute from which groundwater is withdrawn for domestic purposes, including the application of groundwater to not more than one acre of land where the plants or produce is not sold. The Department considers "domestic purposes", in this context, to mean all non-irrigation uses.