

Procedures for Creating a Subsequent Active Management Area

Subsequent Active Management Area

Option #1:
Order of the Director

Option #2:
By Petition & Election



Creating a Subsequent Active Management Area

Option #1: Order of the Director

Director must determine that certain criteria exist in a groundwater basin(s)

- AMA practices are necessary to preserve the existing supply of groundwater for future needs; or
- Land subsidence or fissuring is endangering property or potential groundwater storage capacity; or
- Use of groundwater is resulting in actual or threatened water quality degradation.

Director must hold a public hearing

- To Consider: (1) whether to issue an order declaring the area as an AMA; and (2) the boundaries of the AMA and the boundaries of any sub-basins within the AMA
- Irrigation of new acres is prohibited pending the final determination after a public hearing.
- Director must present factual data in support of an AMA.
- Any person may submit oral or written evidence for or against AMA.
- In making his determination, the Director shall give full consideration to public comment and to recommendations made by local political subdivisions.

Director Must Issue findings

- Director must issue findings and an order within 30 days of hearing.
- Notice of the findings and order must be published once each week for two consecutive weeks.
- Order becomes effective after final publication.
- The director's findings and order are subject to requests for rehearing and to judicial review.



Creating a Subsequent Active Management Area

Option #2: By Petition and Election

Petition

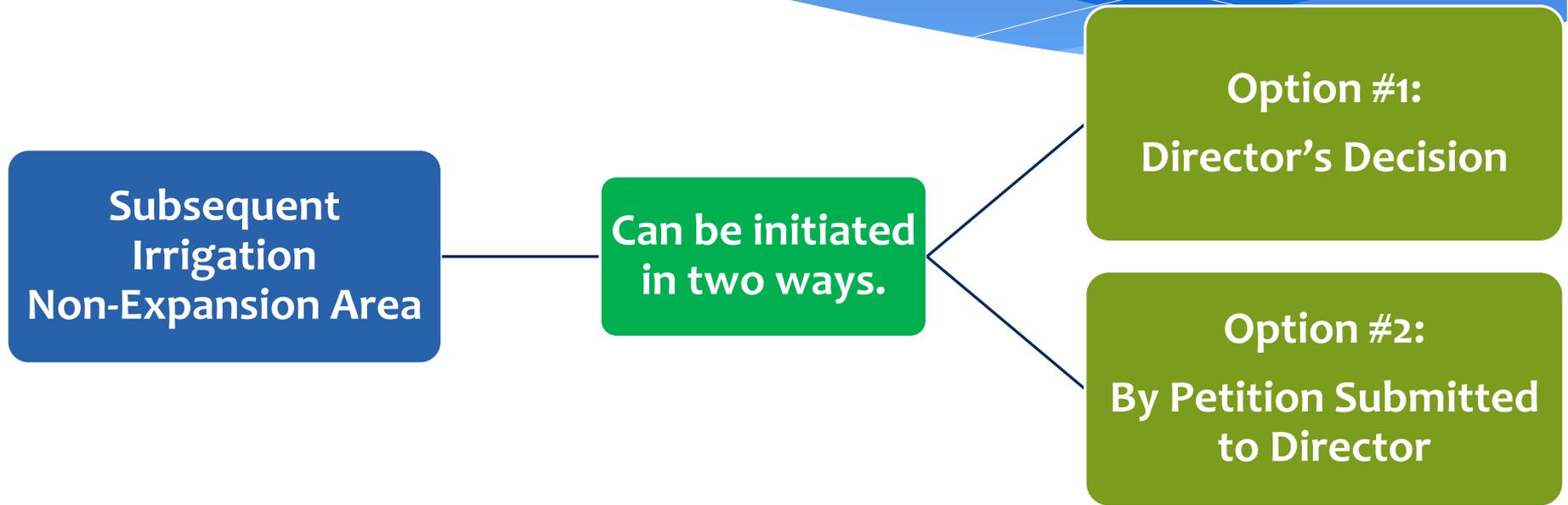
- Petition forms to be the same as for initiative petitions.
- Petitioner must comply with A.R.S. §19-111.
- Requires at least 10% of registered voters within the groundwater basin boundaries.
- Submitted to Board of Supervisors of the county where the groundwater basin is located.
- If the groundwater basin is located in more than one county, then the number of registered voters required to sign the petition shall be 10% of the registered voters residing within the boundaries of the groundwater basin within the county in which the plurality of registered voters resides.
- Petition submitted to that county's Board of Supervisors.

Election

- If enough signatures are submitted, an election must be called by each county in which the groundwater basin is located, and held within 60-90 days.
- All registered voters living within the groundwater basin may vote.
- Irrigation of new acres is prohibited after an election is called until the final results of the election are certified.



Procedures for Creating a Subsequent Irrigation Non-Expansion Area



Creating a Subsequent Irrigation Non-Expansion Area

Option #1: Initiation by Director's Decision

Director Must Determine that certain criteria exist in a basin (s) or sub-basin(s)

- **Criteria A.**
There is insufficient groundwater to provide a reasonably safe supply for irrigation of the cultivated lands in the area at the current rates of withdrawal; and
- **Criteria B.**
The establishment of an AMA is not necessary.
- Director initiates the creation of an INA and calls for a public hearing

Director Holds a Public Hearing

- Director must advertise and hold a public hearing to consider: (1) whether to issue an order declaring the area as an INA; and (2) the boundaries of the proposed INA.
- *Beginning on the date of the notice of the initiation of designation procedures, the irrigation of new acres is prohibited pending the final determination after a public hearing.*
- Director must present factual data in support of or in opposition to an INA.
- Any person may submit oral or written evidence for or against an INA. In making his determination, the Director shall give full consideration to public comment and to recommendations made by local political subdivisions.

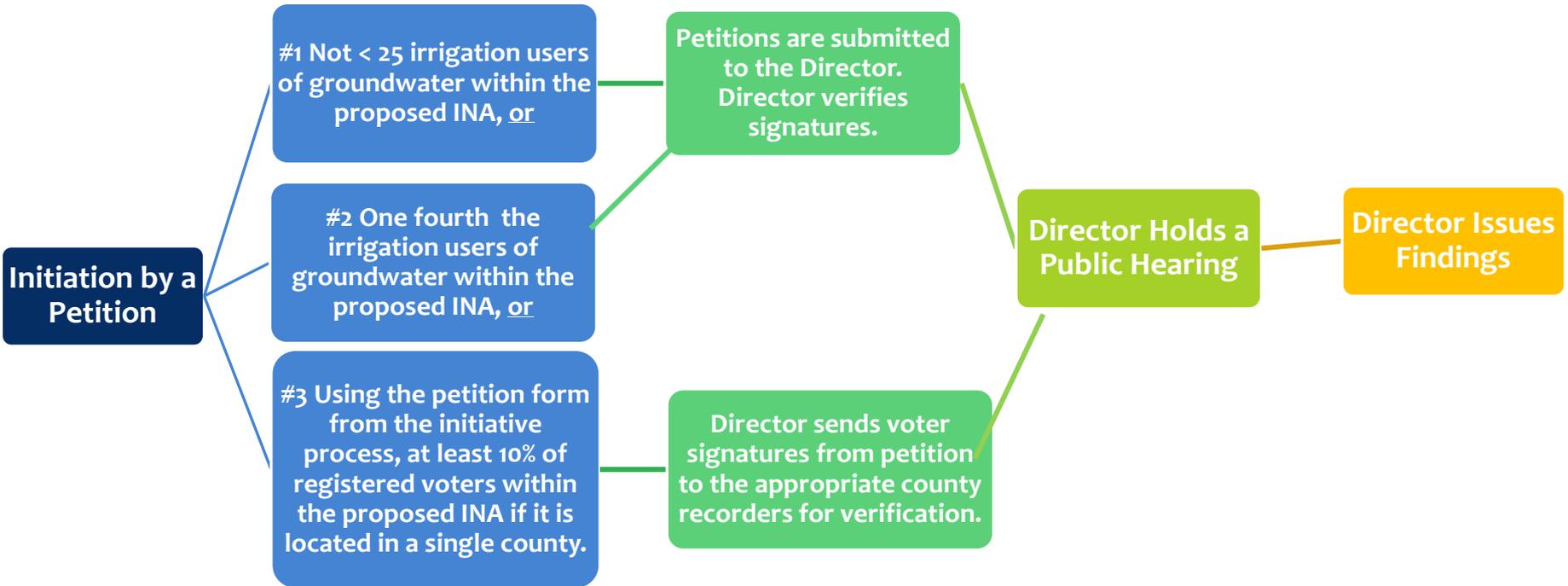
Director Issues Findings

- Director must issue findings and an order within 30 days of hearing.
- Notice of the findings and order must be published once each week for two consecutive weeks.
- Order becomes effective after final publication. The order must address both criteria A. and B.
- The director's findings and order are subject to requests for rehearing and to judicial review.



Creating a Subsequent Irrigation Non-Expansion Area

Option #2: Initiation by a Petition



**Options for Groundwater Regulation:
Mandatory Regulations- Active Management Area versus
Irrigation Non-Expansion Area**

Mandatory Regulations	AMA	INA
Irrigation of New Agricultural Lands Prohibited	✓	✓
Groundwater Right or Permit Required to Withdraw Groundwater from a Non-Exempt Well	✓	
Groundwater Rights and Permits Generally have Annual Volumetric Limitations (Allotments)	✓	
Restrictions on Exempt Wells	✓	
Well Spacing Requirements	✓	
Metering Requirements	✓	*only for non-exempt wells
Annual Reporting Requirements	✓	*only for non-exempt wells
Assured Water Supply Requirements	✓	
Groundwater Withdrawal Fees & Water Quality Assurance Revolving Fund Fees	✓	
Restrictions on Filling and Refilling Bodies of Water	✓	
Groundwater Transportation Laws	✓	
Mandatory Conservation Requirements for Agriculture, Municipal and Industrial Uses	✓	