



DOUGLAS AMA INDUSTRIAL USERS FACT SHEET

➔ Are You a Large Industrial Groundwater User Located in The Douglas AMA?

Examples include turf facilities (schools, golf courses, HOAs); cattle feedlots; dairies; resorts; mining operations; sand and gravel facilities; etc. – Then you may need a Type 1 or 2 Non-Irrigation Grandfathered Right if your operation is located within the boundary of the new Douglas AMA.

For more information on sizes of regulated facilities visit www.azwater.gov/ama/industrial-program

Who Needs a Permit for A Non-irrigation Use?

Generally, a person may withdraw groundwater for a non-irrigation use from a well having a pump with a maximum pump capacity of 35 gallons per minute or less (“exempt well”) without a right or permit. However, there are some limitations on the use of exempt wells within AMAs. Some of these limitations include:

- Only one exempt well may be used to serve the same use at the same location.
- Withdrawals from an exempt well for a commercial purpose are limited to 10 acre-feet per year.

What Is An AMA?

The 1980 Arizona Groundwater Code recognized the need to aggressively manage the state’s finite groundwater resources to support the growing economy. Areas with heavy reliance on mined groundwater were identified and designated as Active Management Areas (AMAs).

AMAs are areas within the state that are subject to certain statutory and administrative regulations regarding the withdrawal and use of groundwater.

Each AMA must have a management goal, which guides water management in the AMA. The Director of ADWR is required to adopt a management plan for each AMA that is updated on a periodic basis and that must be designed to assist the AMA in reaching or maintaining its management goal.

Another feature of AMAs is that they are subject to assured water supply requirements for new subdivisions. Within an AMA, a developer of a proposed subdivision (six lots or more) must have a 100-year assured water supply in order to obtain plat approval and offer lots for sale.

How Did the Douglas Irrigation Non-Expansion Area (INA) Become the Douglas AMA?

On August 30, 2022, in response to a petition that was filed by residents pursuant to A.R.S. § 45-415, the Board of Supervisors of Cochise County called for an election, to be held on November 8, 2022, on whether to designate the Douglas Groundwater Basin as a subsequent AMA. The ballot measure passed in the general election and the AMA was established December 1, 2022.

What Is a Type 1 Non-Irrigation Grandfathered Right?

Pursuant to §A.R.S. § 45-463(B), “...a person who owns land which was legally entitled to be irrigated with groundwater and retires such land from irrigation prior to the date of the designation of the active management area (December 1, 2022) in anticipation of a non-irrigation use has the right to withdraw from or receive for such land the lesser of three acre-feet per year or the average annual amount of groundwater which was used per acre during the five years preceding the time the land was retired.” You must show that the land has been held under the same owner since retired, and a development plan for the proposed use existed when the land was retired. Pursuant to §A.R.S. § 45-463(C), if there were substantial capital investment prior to the designation of the AMA can account for part of the development plan.

What Is a Type 2 Non-Irrigation Grandfathered Right?

Per statute § ARS 45-464, in an AMA “a person who owns land from which groundwater was being legally withdrawn and used for a non-irrigation purpose as of the date of the designation of the active management area (December 1, 2022) has the right to withdrawal annually” of an amount in a certificate of exemption or the maximum amount of groundwater legally withdrawn and used in the five years preceding the date of the designation of the AMA.

“If a person has been using groundwater for less than one year during the twelve months immediately preceding the date of the designation of the active management area, the amount of grandfathered right ... is the annual amount determined by the director to be reasonable for a full year...”

YOU MUST APPLY FOR GRANDFATHERED RIGHTS BY SEPTEMBER 3, 2024.

What If I Want to Sell or Lease My Land?

A Type 1 Right may be conveyed with the land. A Type 2 Right may be leased separate from the land, but groundwater may only be taken from the same AMA for which the grandfathered right was issued. For a sale, per § ARS 45-473, "the owner of a type 1 non-irrigation grandfathered right may convey the right only for a non-irrigation use and only with the land to which it is appurtenant" and the full amount is conveyed. Per §ARS 45-474, "the owner of a type 2 non-irrigation grandfathered right may convey the right for any non-irrigation use" with a few exceptions.

What If I Need to Withdraw Groundwater for A Specific Purpose Over a Specific Time?

Groundwater withdrawal permits may be obtained through application to ADWR if certain criteria are met. Groundwater withdrawal permits allow pumping in specific circumstances, usually for non-irrigation uses, that are set forth in statute. These permits are for a limited period. Examples, include the following:

- Hydrologic testing permits
- Poor quality groundwater withdrawal permits
- Temporary permits for electrical energy generation in emergency situations
- Mineral extraction and metallurgical processing permits
- Drainage and dewatering permits
- General industrial use permits

Will I Be Required to Meter and Report Groundwater Use?

Within AMAs, with a few narrow exceptions, persons withdrawing groundwater from non-exempt wells (wells having a maximum pump capacity greater than 35 gallons per minute) are required to measure their groundwater withdrawals with a measuring device and method that is approved by ADWR and must report the groundwater withdrawals to ADWR.

Will I Have to Pay a Withdrawal Fee?

Under the current statutes, there is no requirement for people withdrawing groundwater in a subsequent AMA (an AMA formed after 1980) to pay a groundwater withdrawal fee. There are other fees that may apply within a subsequent AMA, including, a water quality assurance fee applicable to people who own a Type 1 or Type 2 Non-irrigation Grandfathered Right or who holds a groundwater withdrawal permit for beneficial use (See A.R.S. § 45-616).

When Will I Receive a Certificate of Grandfathered Groundwater Withdrawal Rights?

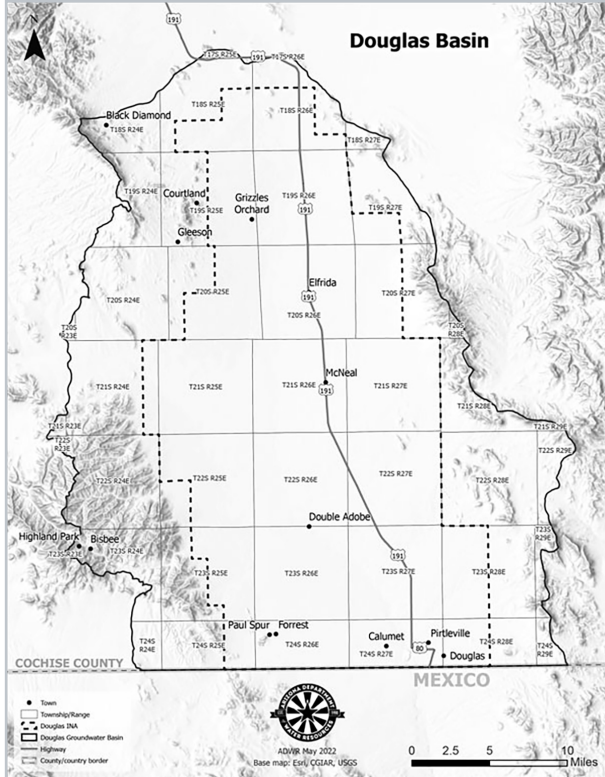
Applications are due by September 3, 2024 with no exceptions. After this date the public will have 180 days to submit any objections to any application. ADWR will not issue certificates until after that time.

Where Can I Find the Application for Groundwater Withdrawal Rights?

The application can be found at www.azwater.gov/ama/douglas-ama under Documents.

Where Can I Find Out More Information on The AMA And Grandfathered Rights?

More information can be found at www.azwater.gov/ama/douglas-ama



How can I submit my application?

Applications can be submitted to earp@azwater.gov or mailed to ADWR:
1802 W. Jackson St. Box 79, Phoenix, AZ 85007

DEADLINE FOR A TYPE 1 OR 2 NON-IRRIGATION RIGHT APPLICATION IS SEPTEMBER 3, 2024

**UNDER STATE STATUTES NO APPLICATIONS CAN BE ACCEPTED AFTER THIS DATE*

Application Deadline

SEPTEMBER 3
2024

ADWR Publishes
Applicant Registry

SEPTEMBER 6
2024

Public Objection
Period

SEPT 6 — MAR 5
2024 — 2025

Review of Applications
and
Hearings for Objections

MAR 6 - JUN 30
2025

Issue Grandfathered
Rights Certificates

MAR 6 - JUN 30
2025

ADWR WILL BEGIN ISSUING CERTIFICATES MID 2025.

Please contact us with any questions at 602-771-8585 or via email at Earp@Azwater.gov