Procedures for Designating a Subsequent AMA/Subsequent INA

West Basins Planning Area
Stakeholder Meeting
March 28, 2016

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Arizona Department of Water Resources
Background Information
History – Subsequent AMAs & INAs

1982 Harquahala INA

1988 Upper San Pedro

1990 Beaver Dam Wash/Littlefield Area

1993 Sacramento Valley

1994 Santa Cruz AMA
## Water Level Change Statistics for GWSI Wells in The Harquahala INA

### Water Level Change Data for GWSI Wells In The Harquahala INA (1963-2015)

(Units of Water Level Change = Feet)

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<tbody>
<tr>
<td><strong>Well Count</strong></td>
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<td></td>
<td>55</td>
<td>4</td>
<td>51</td>
<td>129</td>
<td>110</td>
<td>19</td>
<td>24</td>
<td>8</td>
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<tr>
<td><strong>Average</strong></td>
<td>-105.6</td>
<td>146.8</td>
<td>-125.4</td>
<td>54.1</td>
<td>66.5</td>
<td>-17.6</td>
<td>-23.5</td>
<td>16.8</td>
<td>-43.6</td>
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<tr>
<td><strong>Median</strong></td>
<td>-101.3</td>
<td>159.8</td>
<td>-118.0</td>
<td>62.8</td>
<td>69.9</td>
<td>-9.1</td>
<td>-17.6</td>
<td>17.7</td>
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<tr>
<td><strong>Min</strong></td>
<td>-210.2</td>
<td>57.0</td>
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<td>-93.5</td>
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<td>-93.5</td>
<td>-78.9</td>
<td>1.7</td>
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<tr>
<td><strong>Max</strong></td>
<td>210.7</td>
<td>210.7</td>
<td>-9.4</td>
<td>349.1</td>
<td>349.1</td>
<td>-0.2</td>
<td>33.7</td>
<td>33.7</td>
<td>-4.2</td>
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</table>
Groundwater Management

- Registration of all wells
- Adequate Water Supply
- Community Water Systems Documentation
- Expansion of irrigation is prohibited
- Monitoring and Reporting
- Management Goals, Plans, & Conservation Measures
- Withdrawal Fees
Active Management Areas (AMAs)
Current AMAs
Designating a Subsequent AMA

Under existing statutes, a subsequent active management area (AMA) may be created in two ways:

1. By order of the Director following a public hearing

2. By vote of the qualified voters residing in the proposed AMA
1. By Order of the Director

Area that may be included

- One or more groundwater basins
- May not be smaller than a groundwater basin or include only a portion of a groundwater basin

At least one of the following Criteria must exist

- AMA practices are needed to preserve existing groundwater supply for future needs
- Land subsidence or fissuring is endangering property or groundwater storage
- Actual or threatened water quality degradation due to groundwater use.
1. By Order of the Director

Public Hearing

- To consider whether to declare the area as an AMA and to consider the boundaries of the AMA and any sub-basins within the AMA

- Newspaper publication for notice of public hearing

- A public hearing must be held 30-60 days after first publication

- Factual data in support of AMA must be presented

- Any person may submit evidence for or against AMA
Findings & Order

- Director must issue written findings within 30 days post hearing.
- If the Director finds that an AMA should be created, the Director must issue order designating the AMA
- Findings & Order to designate AMA must be published once a week for two consecutive weeks
- Findings & Order are subject to requests for rehearing & judicial review
2. Designation by Vote

Area
- Must consist of a groundwater basin
- May not be smaller than a groundwater basin or include more than one groundwater basin

Petition
- Petition must be signed by at least 10% of registered voters residing within boundaries of groundwater basin; submitted to BOS

Election
- If petitions with required signatures submitted to BOS, election must be called.
- Election must be held not less than 60 days or more than 90 days from the date election is called

Irrigation of new acres prohibited pending election
AMA Management

Management Goal
- Director must establish management goal for AMA/Timeline for achieving goal

Management Plan
- Director must adopt Management Plan for AMA

Groundwater Users Advisory Council (GUAC)
- GUAC must be appointed by Governor
Mandatory Regulations

1. Groundwater Right or Permit Required to Withdraw Groundwater from a Non-Exempt Well

2. Restrictions on Exempt Wells

3. Well Spacing Requirements *(non-exempt wells)*

4. Metering Requirements *(non-exempt wells)*

5. Annual Reporting Requirements *(non-exempt wells)*
Mandatory Regulations cont.

6. Assured Water Supply Requirements for new subdivisions

7. Restrictions on Filling and Refilling Bodies of Water

8. Groundwater Transportation Laws

9. Groundwater Users must comply with any applicable conservation requirements established by the Director

10. Irrigation of New Agricultural Lands Prohibited
Mandatory Regulations cont.

Irrigation of New Agricultural Lands Prohibited

- Only lands irrigated during previous five years may be irrigated

- Two Exceptions
  1. Irrigation with previously established surface water rights
  2. Lands not actually irrigated are deemed to be irrigated if “substantial capital investment” was made “for the subjugation of such land for an irrigation use including on-site irrigation distribution facilities and a well or wells, the drilling and construction of which were substantially commence before the date of the notice of the initiation of designation procedures or the call for the election.”
Irrigation Non-Expansion Areas (INAs)
Current INAs

Joseph City INA
Harquahala INA
Douglas INA
Designating a Subsequent INA

Under current statutes, a subsequent Irrigation Non-Expansion (INA) may be created in one way:

1. By order of the Director following a public hearing
Subsequent INA

Area that may be included
- May not be smaller than a groundwater sub-basin or include only a portion of a groundwater sub-basin, but may be larger

Both of the following Criteria must exist
- Insufficient groundwater to provide a reasonably safe supply for irrigation of the cultivated lands at current rates of withdrawal
- Establishment of an AMA is not necessary
Subsequent INA

Proceedings may be initiated by the Director OR by petition to the Director by local residents

Petition must be signed by

- At least 25 irrigation users of groundwater in the proposed INA,
- OR
- At least 25% of the irrigation users of groundwater in the proposed INA,
- OR
- At least 10% of the registered voters residing within the proposed INA
Subsequent INA

Public Hearing

- To consider whether to declare the area as an INA and consider the boundaries of the INA
- Newspaper publication of Notice of Public Hearing
- A public hearing must be held 30-60 days after first publication
- Factual data in support of or in opposition to the INA must be presented
- Any person may submit evidence for or against an INA
Subsequent INA

Findings & Order

- Director must issue written findings within 30 days post hearing.

- If the Director finds that an INA should be created, Director must issue order designating the INA

- Findings & Order to designate INA must be published once a week for two consecutive weeks

- Findings & Order are subject to requests for rehearing & judicial review

Irrigation of new acres prohibited during designation proceedings
Mandatory Regulations

1. Metering Requirements for Non-Exempt Wells
   - Used for irrigation
   - Used to withdraw more than 10 acre-feet/year for non-irrigation purposes

2. Annual Reporting Requirements for non-exempt wells

3. Irrigation of New Agricultural Lands Prohibited
Irrigation of New Ag. Lands Prohibited

Only lands irrigated during the previous five years may be irrigated

Two Exceptions

- Irrigation with previously established surface water rights

- Lands not actually irrigated are deemed to be irrigated if “substantial capital investment” was made “for the subjugation of such land for an irrigation use including on-site irrigation distribution facilities and a well or wells, the drilling and construction of which were substantially commence before the date of the notice of the initiation of designation procedures.”
Questions?

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