Initiating Procedures to Designate an INA via Petition

West Basins Planning Area
Stakeholders Meeting
February 16, 2017

Gerry Walker, Deputy Assistant Director
Arizona Department of Water Resources
Director May Designate a Subsequent INA if both of these apply:

- 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
- The establishment of an active management area is not necessary

NOTE: INA may include more than one groundwater sub-basin but shall not be smaller than a sub-basin or include only a portion of one
Mandatory Regulations in a Subsequent INA

1. Metering requirements for withdrawals from non-exempt wells\(^1\) for irrigation of more than 10 acres or more than 10 acre-feet per year for non-irrigation use

2. Annual reporting requirements for metered withdrawals

3. Irrigation of new acres prohibited

\(^1\)Non-exempt wells are defined as wells with a pumping capacity to exceed 35 gallons per minute
Irrigation of New Acres Prohibited

• Only lands irrigated during the five years prior to the initiation of designation procedures may be irrigated, with a few exceptions.

• Lands not actually irrigated in the 5 year period 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 commenced before the date of the notice of the initiation of designation procedures.”
Petition Must be Signed by:

• Not less than 25 irrigation users of groundwater, or one-fourth of the irrigation users of groundwater within the proposed INA

OR

• Ten percent of the registered voters residing within the boundaries of the groundwater basin

NOTE: The petition must be in the same form as an initiative petition and the applicant for petition must comply with A.R.S. 19-111.
The Statutes Address Basins & Multiple Counties

• The statutes state that when this occurs, with respect to the *number of signatures needed on the petition*, that the number is determined by the county with the greatest number of registered voters within the boundaries of the groundwater basin.

• This would require that each county determine how many registered voters are within the groundwater basin; the county with the greatest number would determine the number of signatures needed.

• Registered voters within the groundwater basin may sign the petition regardless of what county they are located in.
Submitting of the Petition

**Irrigation Users**
- Petitions are submitted to the Director
- The Director verifies the petition

**Registered Voters**
- Petitions are submitted to the Director
- The Director sends the petition to the appropriate county recorders for verification

*If the petition is found to be valid, a temporary stay is placed on the irrigation of new acres pending designation proceedings*
If a valid petition is submitted, the Director shall hold a Public Hearing to:

• Consider whether to issue an order declaring the area as an INA

• Consider the boundaries of the INA

• Present the factual data in his possession in support of or opposition to the proposed action

• Receive evidence for or against the proposed INA

• Receive and consider public comment and recommendations made by local political subdivisions
Timeline and Actions

• Notice of Public Hearing is required to be published.
• Public Hearing must be held 30-60 days after the notice is published.
• Following the Public Hearing, the Director issues written findings.
• If the Director finds that an INA should be created, the Director issues an order designating the INA.
• Findings and Order to designate the INA must be published once a week for two consecutive weeks.
• Findings and Order are subject to requests for rehearing and judicial review.
San Simon Valley Sub-basin

• In 2015, the San Simon Valley Sub-basin went through procedures to be designated as an INA via petition

• For information on the process and final decision: http://www.azwater.gov/azdwr/SanSimonValley.htm