



Arizona State Senate *Issue Brief*

September 14, 2007

Note to Reader:

The Senate Research Staff provides nonpartisan, objective legislative research, policy analysis and related assistance to the members of the Arizona State Senate. The *Research Briefs* series, which includes the *Issue Brief*, *Background Brief* and *Issue Paper*, is intended to introduce a reader to various legislatively related issues and provide useful resources to assist the reader in learning more on a given topic. Because of frequent legislative and executive activity, topics may undergo frequent changes. Additionally, nothing in the *Brief* should be used to draw conclusions on the legality of an issue.

ARIZONA'S GROUNDWATER MANAGEMENT CODE: *Active Management Areas*

Active Management Areas (AMAs), created by the 1980 Arizona Groundwater Management Code (Code), are groundwater planning areas designed to provide long-term management and conservation of groundwater.

Initially, the Code created four AMAs: Phoenix, Pinal, Prescott and Tucson. In 1994, the Legislature established a fifth AMA, the Santa Cruz, and modified the boundary of the Tucson AMA to exclude a portion that became part of the Santa Cruz AMA. If necessary, new AMAs may be designated by the Arizona Department of Water Resources (ADWR) to protect the water supply or on the basis of an election held by local area residents.

AMA GROUNDWATER USERS ADVISORY COUNCILS

The Code established a five-member Groundwater Users Advisory Council (Council) for each AMA. Members are appointed by the Governor to represent groundwater users and are chosen based on their knowledge, interest and experience with water management problems. Each Council provides advice and recommendations to the ADWR Director and the AMA Area Director (appointed by the ADWR Director to each AMA), on the groundwater management programs and policies within the AMA, including draft management plans, before they are promulgated. Each month, the Council convenes with its respective AMA officials at a public meeting to discuss the progress of plans and conservation options under consideration.

GROUNDWATER MANAGEMENT PLANS

By statute, the primary management goal of the Phoenix, Prescott, Tucson and Santa Cruz AMAs is safe-yield by the year 2025. Safe yield is a long-term balance between the annual amount of groundwater withdrawn in the AMA and the annual amount of natural and artificial recharge. The primary management goal of the Pinal AMA is to preserve the agricultural economy for as long as feasible, while considering the need to preserve groundwater for future nonirrigation uses.

To achieve the primary management goals of each AMA, the Code directs ADWR to develop and implement water management plans for agriculture, municipal and industrial water users in five consecutive management periods:

- First Management Period: 1980-1990
- Second Management Period: 1990-2000
- Third Management Period: 2000-2010
- Fourth Management Period: 2010-2020
- Fifth Management Period: 2020-2025

Each consecutive management plan is required to contain more rigorous water conservation and management requirements than the previous plan and must contain conservation requirements for agricultural, municipal and industrial use.

ASSURED WATER SUPPLY

In an AMA, anyone who subdivides land that is not served by a designated water provider must obtain an assured water supply (AWS) certificate from ADWR before the land may be marketed to the public.

Both “subdivision” and “designated water provider” are terms-of-art that are defined in statute. A subdivision is land that is divided into six or more parcels with at least one parcel of less than 36 acres. A designated water provider is a water company that is approved by ADWR as having a water supply sufficient to serve its current, committed and future demand for 100 years and has met the AWS criteria.

To obtain a certificate of AWS, a subdivider or designated water provider must meet the following five criteria: 1) physical, legal and continuous availability of the water supply for 100 years; 2) sufficient quality of the water supply; 3) water use must be consistent with the AMA’s management goal; 4) water use must be consistent with the AMA’s management plan; and 5) the applicant must demonstrate financial capability to construct any necessary water storage, treatment and delivery system. If the owner of a subdivision with an AWS sells the subdivision to another developer, the new owner must apply for a new certificate of AWS. If the new owner files a complete and correct

application, and there are no protests to public notice, then a new certificate of AWS is issued in the new owner’s name.

Outside of an AMA, developers are required to seek an adequate water supply determination from ADWR before any lots can be sold. The water supply will be determined adequate if water of a sufficient quality will be physically, legally and continuously available for the next 100 years. Generally, if the supply is determined inadequate the lots may still be sold but the inadequate determination must be noted on the face of the plat and all promotional material; however, in 2007 the Legislature enacted legislation (Laws 2007, Chapter 240) to allow a city, town or county to enact a local ordinance to require an adequate water supply before lots may be sold (see also Arizona’s Groundwater Management Code: Lot Splits and Subdivisions).

EXEMPT WELLS

Within an AMA a person must have a groundwater right or permit from ADWR in order to pump groundwater legally, unless the person is withdrawing groundwater from an exempt well. An exempt well is a well with a maximum pump capacity of 35 gallons per minute (gpm). Exempt wells may be used to withdraw groundwater only for nonirrigation purposes. If the well was drilled after April 1983, withdrawals for purposes other than domestic and stock watering are prohibited from exceeding ten acre feet per year. Exempt wells must be registered with ADWR but are subject to fewer requirements than nonexempt wells.

Unlike owners of wells that have a maximum pumping capacity greater than 35 gpm, owners of exempt wells are exempt from needing a groundwater withdrawal authority, complying with ADWR’s well spacing rules, using a water measuring device, paying groundwater withdrawal fees and filing annual groundwater withdrawal reports.

ADDITIONAL RESOURCES

- Department of Water Resources
<http://www.water.az.gov/WaterManagement/Content/AMAs/default.htm>

- Groundwater Code: Arizona Revised Statutes, Title 45, Chapter 2
- “Arizona’s Groundwater Management Code: Lot Splits and Subdivisions,” Arizona State Senate Issue Brief www.azleg.gov/briefs.asp