

DOUGLAS AMA FACT SHEET

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➡ 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 has a management goal, which guides water management in the AMA. Management plans are developed and adopted for each AMA and contain mandatory conservation requirements designed to help move the AMA toward its management goal. AMAs are also subject to 100-year assured water supply requirements for new subdivisions. Within an AMA, a developer of a proposed subdivision (six lots or more) must obtain a determination of Assured Water Supply in order to obtain plat approval and offer lots for sale.

How did the Douglas Irrigation Non-Expansion Area 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 does this mean for me?

Pursuant to A.R.S. § 45-416, only those lands that were legally irrigated in the five years preceding August 30, 2022, may be irrigated within the basin. "Irrigate" means to apply water to two or more acres of land to produce plants or parts of plants for sale or human consumption, or for use as feed for livestock, range livestock, or poultry (A.R.S. § 45-402).

Why did the boundary change between the INA and AMA?

The new boundary is based on the groundwater basin boundary, which was established pursuant to A.R.S. § 45-403.

What if my land was not previously irrigated?

In a subsequent AMA, you must prove that land was irrigated in the five years preceding the call for the election. Land that was not irrigated during this five-year period "is deemed to have been irrigated if substantial capital investment has been 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... call for the election." (A.R.S. § 45-452(G)(1)).

For an area that was previously in an Irrigation Non-Expansion Area (INA), acres of land will be deemed to have been in irrigation if "the director finds that substantial capital investment has been made in the twelve months before the date of the ...call for the election, for the improvement of the land and on-site irrigation distribution facilities including the drilling of wells, for an irrigation use." A.R.S. § 45-452(G)(2).

For an area that was not previously an INA, acres of land will be deemed to have been in irrigation if SCI was made within the five-year period preceding the call for the election "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 ... call for the election." A.R.S. § 45-452(G)(1). Property owners who believe they qualify for consideration of SCI may apply to ADWR, and ADWR will evaluate each application on a case-by-case basis.

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 annually 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, for instance, a water quality assurance fee applicable to people who own a Type 1 or Type 2 Non-irrigation Grandfathered Right or who hold a groundwater withdrawal permit for beneficial use (See A.R.S. § 45-616).

Where can I find the application for groundwater withdrawal rights?

The application can be found at

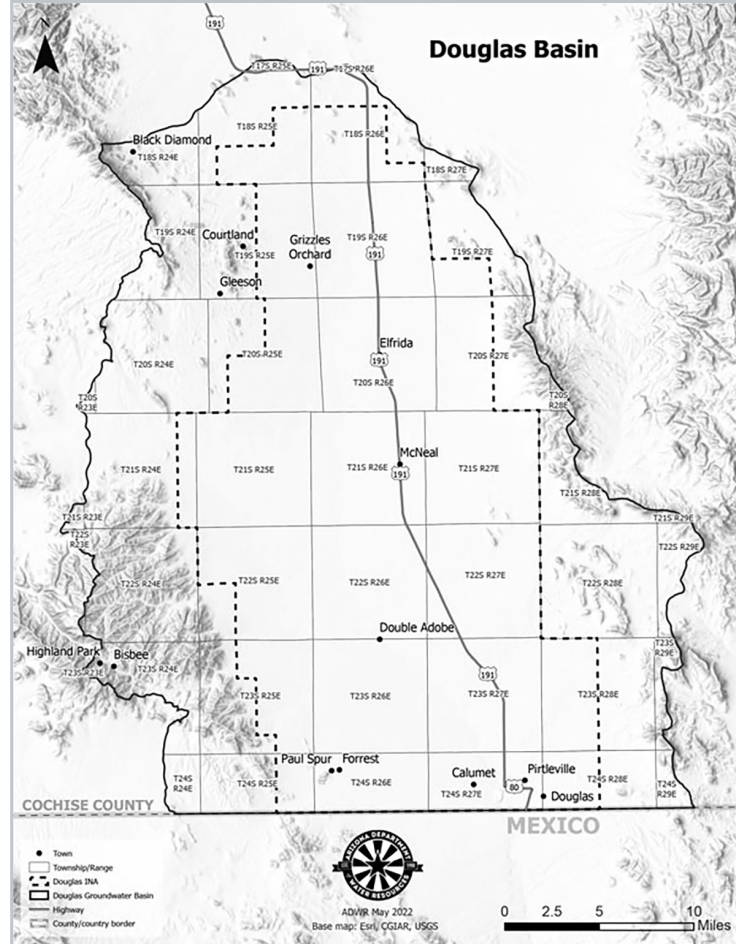
<https://new.azwater.gov/ama/douglas-ama> under Documents.

When will I receive a certificate of grandfathered groundwater rights?

Applications are due by March 1, 2024, with no exceptions. After this date the public will have 180 days to submit written objections to any applications. ADWR will begin issuing certificates after the objection period ends.

Where can I find out more about the AMA and grandfathered rights?

More information can be found at <https://new.azwater.gov/ama/douglas-ama>



How can I submit my application?

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

DEADLINE FOR GRANDFATHERED GROUNDWATER RIGHTS APPLICATION IS MARCH 1, 2024

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

Application Deadline

MAR 1
2024

ADWR Publishes Application Registry

MAR 4
2024

Public Objection Period

MAR 4 - SEPT 3
2024

Review of Applications and Hearings for Objections

SEPT 4 - DEC 31
2024

Issue Grandfathered Rights Certificates

SEPT 4 - DEC 31
2024

ADWR WILL BEGIN ISSUING CERTIFICATES AT THE END OF 2024.

Please Contact Us with any Questions at 602-771-8585 or via Email at Earp@Azwater.gov