



**Governor's Water Augmentation, Innovation, and Conservation Council**  
**Non-AMA Groundwater Committee**

**Co-Chairs: Representative Gail Griffin and Jamie Kelley**

December 10, 2020 | 2:30pm – 4:30pm

# Agenda

- I. Welcome and Introductions
- II. Irrigation Non-Expansion Areas – Ken Slowinski, ADWR
- III. Rural Management Areas – Representative Regina Cobb
- IV. Discussion
- V. Next Steps
- VI. Next Meeting
- VII. Adjournment



# Welcome & Introductions



# Irrigation Non-Expansion Areas





# Overview of Irrigation Non-Expansion Areas

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*Arizona Department of Water Resources*

Governor's Water Augmentation, Innovation and Conservation Council  
Non-Active Management Area Groundwater Committee

*December 10, 2020*

# Presentation Overview

- \* What is an Irrigation Non-Expansion Area (“INA”)?
- \* Existing INAs
- \* Procedures for establishing new INAs
- \* Requirements in an INA
- \* Recent requests to establish new INAs
- \* Questions



# What is an Irrigation Non-Expansion Area (“INA”)?

- \* An INA is a groundwater basin or sub-basin outside of an active management area (“AMA”) where:
  - Irrigation of new lands is prohibited
  - Metering and reporting are required for most large wells
- \* Two INAs have been created by the Arizona Legislature and one INA has been created by the director of ADWR.



# INAs Created by Statute – Joseph City INA and Douglas INA

- \* The 1980 Groundwater Management Act created two Irrigation Non-Expansion Areas:
  - Joseph City INA in Navajo County
  - Douglas INA in Cochise County
- \* Both areas were Critical Groundwater Areas prior to passage of the Groundwater Management Act in 1980.



# Subsequent INAs

- \* A.R.S. § 45-432 – Authorizes the director of ADWR to designate a groundwater basin or sub-basin as a subsequent INA if the director determines that both of the following apply:
  - There is 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

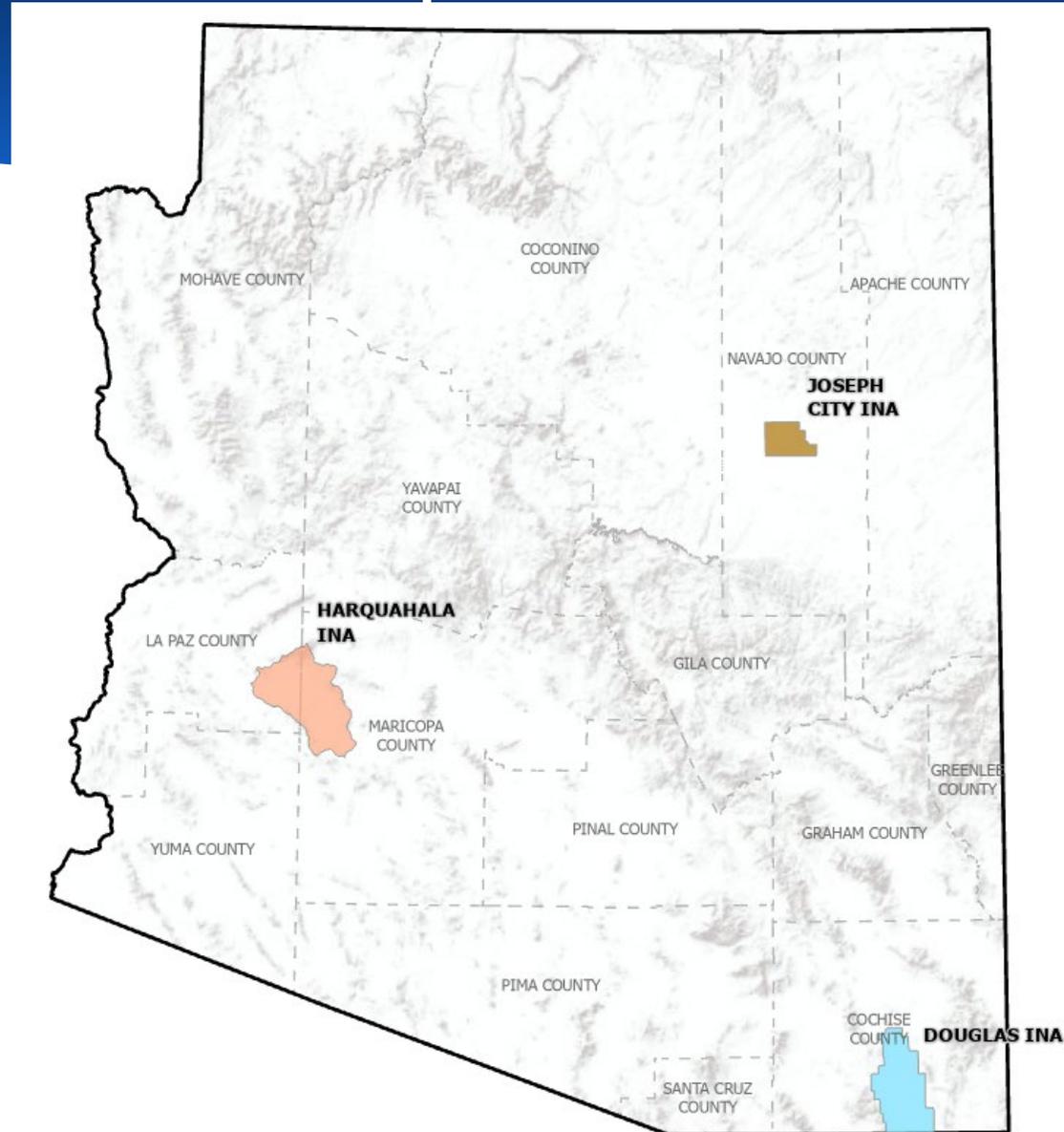


# INA Designated by ADWR Director – Harquahala INA

- \* In 1982, the ADWR director designated the Harquahala Groundwater Basin in La Paz and Maricopa Counties as a subsequent INA.
- \* Director's findings included:
  - Groundwater levels in the southeastern portion of the basin were declining an average of 6-10 feet per year
  - Groundwater levels in the southeastern portion of the basin had declined by 100-300 feet since the 1950s
  - Recharge from precipitation or runoff was extremely small
  - Recent groundwater pumping in the basin was approximately 125,000 AFY



# Map of INAs



# Procedures for Designating a Subsequent INA

- \* Proceedings to designate a subsequent INA may be initiated by the ADWR director or by petition to the director.
- \* The area may not be smaller than a groundwater sub-basin, but may include more than one sub-basin.
- \* A petition to designate an INA must be signed by:
  - At least 25 irrigation users of groundwater in the proposed INA; or
  - At least one-fourth of the irrigation users of groundwater in the proposed INA; or
  - At least 10 percent of the registered voters residing within the proposed INA.



# Procedures for Designating a Subsequent INA

- \* If procedures to designate an INA are initiated:
  - Beginning on the date the director gives notice of the initiation of the designation procedures, only lands that were irrigated at any time during the five years prior to the notice may be irrigated.
  - This prohibition on irrigating new lands remains in effect until the director makes a final determination on whether to designate the area as an INA.
  - If the director decides to designate the area as an INA, the prohibition on irrigating new acres becomes permanent.



# Procedures for Designating a Subsequent INA

- \* If designation procedures are initiated, the director must hold a public hearing to consider whether to designate the area as an INA.
- \* The director must publish notice of the public hearing once a week for two consecutive weeks in a newspaper of general circulation within the county or counties in which the proposed INA is located.
- \* The public hearing must be held within 30 and 60 days after first notice is published, and the hearing must be held in the county in which the major portion of the proposed INA is located.
- \* At the hearing, the director must present factual data in support of or in opposition to the INA.
- \* Any person may submit evidence for or against the INA.



# Procedures for Designating a Subsequent INA

- \* The director must issue written findings within 30 days after the public hearing.
  - If the director finds that an INA should be created, the director must issue order designating the INA
  - The director's findings and order must be published in a newspaper once a week for two consecutive weeks
  - The director's order is effective when published for the final time
  - The findings and order are subject to requests for rehearing and judicial review



# Differences and Similarities in Creating Subsequent AMAs and INAs

## \* Similarities:

- The Director may initiate procedures to designate an AMA or an INA.

## \* Differences:

- Subsequent AMA – A minimum number of registered voters in a groundwater basin may by petition require the County Board of Supervisors to hold an election on whether to designate the basin as a subsequent AMA – but not as an INA
- Subsequent INA – A minimum number of landowners in a groundwater basin or sub-basin may by petition require the ADWR director to initiate procedures to designate an area as a subsequent INA – but not as an AMA



# Requirements in an INA – Irrigation of New Lands Prohibited

- \* In an INA, only lands irrigated during the five years preceding the establishment of the INA (or the notice of initiation of proceedings to designate an INA by the Director) may be irrigated with any water.
- \* Two Exceptions:
  - Lands may be irrigated with previously established surface water rights
  - Lands not actually irrigated during the 5-year historic period are deemed to have been irrigated if “substantial capital investment” was made for the subjugation of the land for an irrigation use
- \* By statute, substantial capital investment includes:
  - Construction of on-site irrigation distribution facilities
  - Drilling of a well or wells



# Requirements in an INA – Mandatory Metering and Reporting

- \* In an INA, the following wells must have a water measuring device:
  - A non-exempt well (a well with a pump that has a maximum capacity of more than 35 gpm) withdrawing groundwater for an irrigation use
  - A non-exempt well withdrawing more than 10 acre-feet of groundwater per year for a non-irrigation use
- \* In an INA, each person withdrawing groundwater from a non-exempt well must file an annual water use report with ADWR.
- \* Exception to the metering and reporting requirements: A person who withdraws groundwater from a non-exempt well for the irrigation of not more than ten contiguous acres.



# 2015 Petition to Designate San Simon Sub-Basin as an INA

- \* In 2015, ADWR received a petition to designate the San Simon Sub-basin of the Safford Groundwater Basin in Cochise County as a subsequent INA.
- \* The director held a public hearing on the petition and then denied the petition.
- \* The director determined that the statutory criteria were not met because there is sufficient groundwater in the sub-basin to provide a reasonably safe supply for irrigation of the cultivated lands at current rates of withdrawal.



# 2015 Petition to Designate San Simon Sub-Basin as an INA

- \* Director's findings included the following findings:
  - The average annual groundwater decline rates within the sub-basin were relatively small: 1.7 feet per year for the time-period between 2007 and 2015
  - ADWR's groundwater model projected that after 100 years of pumping at the current rates of withdrawal:
    - The average depth to water in the sub-basin would be approximately 350 feet below land surface
    - Saturated thickness would not be less than 400 feet



# 2015 Petition to Designate San Simon Sub-Basin as an INA

- \* Director's findings included the following statements:
  - Under the relevant statute, the director may consider only current rates of withdrawal
  - The director may not consider:
    - The possibility that new lands will be brought into agricultural production in the future
    - Projected irrigation uses on lands currently in the process of being developed for irrigation, but not currently irrigated
    - Future increased water needs of newly planted orchard trees



# 2015 Petition to Designate San Simon Sub-Basin as an INA

- \* The initial petition to designate the San Simon Sub-basin as an INA was submitted on February 6, 2015.
- \* The filing of the petition resulted in some landowners taking action to clear their land and drill wells to qualify for the substantial capital investment exception.



# 2015 Petition to Designate San Simon Sub-Basin as an INA

- \* Arizona Daily Star article, May 17, 2016:
  - “State environmental officials are seeking fines of up to \$10,000 a day from a landowner whose denuded field near San Simon is blamed for dust storms that resulted in three multiple-vehicle accidents and forced eight closures of Interstate 10.”
  - “The interstate east of Tucson has been shut down for up to five hours on each of the past three windy afternoons.”



# 2016 Requests to Designate Two Basins in Mohave County as INAs

- \* In 2016, the Mohave County Board of Supervisors sent letters to the ADWR Director requesting that he designate two basins in Mohave County as INAs:
  - Hualapai Valley Groundwater Basin
  - Sacramento Groundwater Basin
- \* The requests did not include petitions to create the INAs, so a public hearing was not required.
- \* The Director responded with letters declining to initiate procedures to designate the basins as INAs.



# 2016 Requests to Designate Two Basins in Mohave County as INAs

- \* Both letters included the following statement:

“Based on recent past experience, [the temporary prohibition on the irrigation of new lands when designation procedures are initiated] can be quite disruptive and economically burdensome to landowners within the relevant groundwater basin or sub-basin. Therefore, ADWR believes that INA designation procedures should be initiated by the Director (in the absence of a valid petition) only if ADWR has strong evidence in its possession in support of the designation of an INA.”



# 2016 Hualapai Valley Basin Request

- \* Director's letter for the Hualapai Valley Basin included the following:
  - ADWR estimates a potential long-term groundwater level decline rate for the Hualapai Groundwater Basin in the range of -3 to -5 feet per year
  - This decline rate, when considered with current depth to water measurements and overall thickness of basin-fill sediments in the basin's farming areas, does not support the initiation of procedures to designate the basin as an INA
  - ADWR cannot consider future potential increases in annual withdrawal rates within the basin



# 2016 Sacramento Basin Request

- \* Director's letter for the Sacramento Basin included the following:
  - Based on relatively minor extent of agricultural acreage and agricultural groundwater withdrawals, it seems unlikely that future decline rates could exceed -2 to -3 feet per year
  - This decline rate, when considered with current depth to water measurements and overall thickness of basin-fill sediments in the basin's agricultural areas, does not support the initiation of procedures to designate the basin as an INA
  - ADWR cannot consider future potential increases to annual withdrawal rates within the basin



# 2020 Request to Designate a Portion of the Hualapai Valley Basin as an INA

- \* By letter dated February 3, 2020, the Mohave County Board of Supervisors requested the ADWR Director to designate the Kingman and Hualapai subareas of the Hualapai Valley Groundwater Basin as an INA.
- \* The letter cited a 2019 hydrologic report prepared for ADWR by Matrix New World Engineering that projected the long-term rate of groundwater decline to be 6.6 - 6.8 feet per year in the Kingman subarea and 8.8 - 9.7 feet per year in the Hualapai subarea .



# 2020 Request to Designate a Portion of the Hualapai Valley Basin as an INA

- \* By letter dated May 28, 2020, the Director declined to designate the two subareas as an INA.
- \* The letter stated that the Matrix Report does not support the designation of the subareas as an INA because the long-term decline rates and water level changes documented in the report are based on projected increases in rates of withdrawal in the subareas and not on the current rates of withdrawal.
- \* ADWR found that the average annual rate of change in water levels between 2015 and 2019 was approximately -0.6 feet in the Kingman subarea and approximately -1.6 feet in the Hualapai subarea.





# Rural Management Areas



# Discussion



# Next Steps



# Next Meeting

<https://new.azwater.gov/meetings>



# Adjournment

