

## **ADWR Sets Douglas AMA Draft Goal**

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[https://www.myheraldreview.com/news/cochise\\_county/adwr-sets-douglas-ama-draft-goal/article\\_51662434-dd5f-11ed-8c5a-1b2cc6a26e26.html](https://www.myheraldreview.com/news/cochise_county/adwr-sets-douglas-ama-draft-goal/article_51662434-dd5f-11ed-8c5a-1b2cc6a26e26.html)

DOUGLAS — The Arizona Department of Water Resources held a public meeting April 11 in Douglas to explain more about the process of the Douglas Active Management Area plan to preserve the groundwater in the Douglas basin.

AMA Director Natalie Mast said, “The management goal of the Douglas AMA is to support the general economy and welfare of communities in the basin by attempting to reduce the rate of aquifer depletion by 2035 and by further attempting to reduce the rate of aquifer depletion every 10 years thereafter.”

Mast said the approval of the Douglas AMA by the Cochise County Board of Supervisors on Dec. 1 established a “prohibition on irrigation of any acres not legally irrigated at any time during the five years preceding the call for the election. Only acres of land that were legally irrigated at any time in the five years preceding the call for the election may be irrigated.”

This impacted any growers with wells pumping more than 35 gallons per minute. ADWR defines irrigation as the application of water to two or more acres of land to produce plants or parts of plants for sale or consumption. An acre-foot of water is equal to the amount of water to fill one acre of land one foot deep, or 325,851 gallons.

With a few narrow exceptions, people withdrawing groundwater from non-exempt wells are required to measure their withdrawals with a measuring device and method that is approved by ADWR. The results must be reported to ADWR.

Within an AMA, a person with a non-exempt well may withdraw groundwater from a well with a capacity greater than 35 gallons per minutes only if the person holds a pre-existing right or permit to withdraw the groundwater, known as grandfathered rights (GFR).

Any person irrigating two or more acres or who uses 10 or more acre feet for a non-irrigation use must file an application for a GFR by March 1, 2024, or lose irrigation rights. People with nonexempt wells will pay between \$500 and \$1,000 depending on the type of rights sought. The initial fee is for a deposit on an hourly rate of \$118 per hour for time spent analyzing and processing an application. It is billed against the deposit, with a refund or bill issued accordingly when processing is complete. The maximum billable amount is \$10,000.

The good news was ADWR received informal approval from Gov. Katie Hobbs to reduce those GFR fees to a single flat fee, Mast said.

“The rule change will not take effect until approved by the Governor’s Regulatory Review Council,” she said. “The rule change would provide a refund of any fees paid under current rule when the new fee rule takes effect.”

Mast pointed out there are a few limitations on the use of exempt wells within AMAs. For instance, only one exempt well may be used to serve the same use at the same location. Non-irrigation purposes other than for domestic use and stock watering are limited to 10 acre-feet per year.

People who have made a substantial capital investment in irrigation may be considered the former Douglas irrigation non-expansion area (INA) if the expense occurred within 12 months from the date of the call for the election in August 2022.

An application for a permit to drill a new non-exempt well in an AMA will be denied if the proposed well “would cause unreasonably increasing damage to surrounding land and other water users.”

ADWR seeks a safe-yield groundwater management goal to “achieve and maintain a long-term balance between the annual amount of groundwater withdrawn in an active management area and the annual amount of natural and artificial recharge in the active management area.”

The plan is to extend the life of the aquifer by reducing overdraft through the reduction of withdrawals of groundwater by each water use sector and will manage groundwater supplies in a way that slows the decline of groundwater levels in the AMA.

The process is long and Mast said, “The conservation requirements for the approved management plan will go into effect Jan. 1, 2027.”

“The management goal of the Douglas AMA is to support the general economy and welfare of communities in the basin by attempting to reduce the rate of aquifer depletion by 2035 and by further attempting to reduce the rate of aquifer depletion every 10 years thereafter,” Mast said.

A number of people were concerned the draft management goal did not go far enough to prevent the loss of more water and protect what water remains underground.

Michael Gregory, a McNeal resident and environmental activist, said the goal “was weak in several respects, so it is to be hoped that many comments will be submitted before the deadline so that the next draft of the goal will better reflect what those who initiated and voted for the AMA wanted. In particular, letters and emails should tell the agency that ‘attempting to reduce the rate of aquifer depletion’ is not an acceptable goal, but that the goal must be to achieve reduced depletion.

“In short, the goal to be achieved as soon as possible should be ‘safe yield,’ which means requiring measures that assure no more water out than nature puts in. And furthermore, the goal must make clear that ‘to support the general economy and welfare of communities in the basin’ means to support the small farm and rural residence lifestyle of the basin, not the mega-

corporation industrial agriculture that has in the last few years led to the aquifer depletion that led us to vote for the AMA in the first place. Big money interests with the biggest straw must not be given advantages over smallholders.”

Others were concerned about the depletion of the aquifer by interests in Mexico, which shares it as it runs south across the border. They were told ADWR will be working with Mexico to determine its usage and include that in the modeling reports as long as they get the data. To some community members it did not seem fair ADWR would place restrictions on one side of the border and not the other, but ADWR only has authority within Arizona.

#### **Draft Management Goal for the Douglas AMA:**

"The management goal of the Douglas AMA is to support the general economy and welfare of communities in the basin by attempting to reduce the rate of aquifer depletion by 2035 and by further attempting to reduce the rate of aquifer depletion every 10 years thereafter."

**Comments about the ADWR Douglas AMA draft goal** should be sent to [managementplans@azwater.gov](mailto:managementplans@azwater.gov) by Friday, Apr. 21.

#### **More on the Douglas AMA**

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

#### **Timeline**

- April 21, 2023: Informal Public Comment Deadline
- May 2023 (estimated): Formal Comment Period Begins
- June 2023 (estimated): Public Hearing on the Adoption of the Goal, Formal Comment Period Ends
- July 2023 (estimated): ADWR Decision on Adoption of the Goal (within 30 days of the hearing)
- August 2023 (estimated): ADWR Begins Management Plan Development Process
- October–December 2024 (estimated): Management Plan Promulgation and Adoption
- January 1, 2027 (estimated): Management Plan Requirements Become Effective

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