

## **Arizona Department of Water Resources (ADWR)**

The Arizona Department of Water Resources works to secure long-term dependable water supplies for Arizona's communities.

The Department:

- administers and enforces Arizona's groundwater code, and surface water rights laws (except those related to water quality);
- negotiates with external political entities to protect Arizona's Colorado River water supply;
- oversees the use of surface and groundwater resources under state jurisdiction, and
- represents Arizona in discussions of water rights with the federal government.

In addition, the Department explores methods of augmenting water supplies to meet future demands, and develops policies that promote conservation and equitable distribution of water. The Department also inspects dams and participates in flood control planning to prevent property damage, personal injury, and loss of life. In support of these activities, ADWR collects and analyzes data on water levels and on water-quality characteristics. Other responsibilities include management of floodplains and non-federal dams to reduce loss of life and damage to property. ADWR is not a municipal water provider.

In 1980, the Arizona Department of Water Resources (ADWR) was created to ensure dependable long-term water supplies for Arizona's growing communities. The ADWR administers state water laws (except those related to water quality), explores methods of augmenting water supplies to meet future demands, and works to develop public policies that promote conservation and equitable distribution of water. The ADWR oversees the use of surface and groundwater resources under state jurisdiction and negotiates with external political entities to protect and augment Arizona's water supply. The Director is appointed by the Governor and requires Senate confirmation.

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From [http://www.water.az.gov/dwr/Content/Find\\_by\\_Category/About\\_ADWR/default.htm](http://www.water.az.gov/dwr/Content/Find_by_Category/About_ADWR/default.htm)

# Arizona

## WATER RIGHTS FACT SHEET

August 15, 2001

Excerpts from <http://www.blm.gov/nstc/WaterLaws/arizona.html>

### Water Rights System:

**Arizona's water law is based on the doctrine of prior appropriation**, but it is administered based on a bifurcated system where surface water is regulated separately from ground water. There are basically four categories of water supplies available in Arizona: Colorado River water, surface water other than Colorado River water, ground water, and effluent. Each water supply is managed in a different manner. Colorado River water is allocated through the law of the river and Arizona's water banking program, **surface water rights are based on "first in time, first in right," and groundwater rights vary depending on location**. The Arizona water code is located in Title 45 of the Arizona Revised Statutes.

### *Responsible Agency:*

The Arizona Department of Water Resources (ADWR) is responsible for ensuring that dependable, long-term water supplies are available for Arizona. The ADWR oversees the use of surface and groundwater resources, administers state water laws (except those related to water quality), explores methods of augmenting water supplies to meet future demands, and works to develop public policies that promote conservation and distribution of water.

### Groundwater:

The separate administration of surface water and groundwater is a defining characteristic of water management in Arizona. **The legal separation of these two types of waters requires a water manager to determine what type of water is at issue before determining which law is applicable**. Historically, Arizonans have been pumping ground water faster than it is replaced naturally - a situation called overdraft. Because of the significant problems due to overdraft, the **Arizona Ground Water Management Code (Code) was passed in 1980**. The Code has three primary goals. The first is to control the severe overdraft currently occurring in many parts of the state. The second goal is to provide a means to allocate the state's limited ground water resources. The third goal is to augment Arizona's groundwater through water supply development.

To accomplish these goals, a comprehensive management framework was established within the Arizona Department of Water Resources. This management framework consists of three levels of water management to respond to different groundwater conditions. The lowest level of management includes general provisions that apply statewide. The next level applies to Irrigation Non-Expansion Areas (INAs). The highest

level of management, with the most extensive provisions, is applied to Active Management Areas (AMAs) where groundwater overdraft is most severe. The boundaries of AMAs and INAs are generally defined by groundwater basins. There are currently five designated AMAs in Arizona and they are the areas surrounding Phoenix, Tucson, Pinal, Santa Cruz, and Prescott. INAs were established in rural farming areas where the groundwater overdraft problems are less severe. There are currently three INAs: Douglas, Joseph City, and the Harquahala INA. New AMAs and INAs can be designated by the ADWR, if necessary, to protect the water supply or on the basis of a public vote held by local residents of an area.

Outside of AMAs and INAs, groundwater may be withdrawn and used for reasonable and beneficial use without a permit. Use of this groundwater, however, does require the filing of a notice of intent to drill with ADWR. Within AMAs, groundwater use requires a permit. Groundwater withdrawal permits (which allow for new use of water) are limited to certain specified activities. Arizona groundwater law requires certain criteria to be met for each type of withdrawal before a permit can be issued. In addition to rights granted through permits, three other types of groundwater withdrawal rights exist within AMAs. The first is grandfathered ground water rights. These rights are based on historic use of groundwater for five years prior to the designation of the AMA. Most grandfathered rights are appurtenant to the land, but some are not and may be purchased or leased from the owner. Withdrawal rights can also be granted to municipal water providers, private water companies, and irrigation districts within AMAs, enabling them to provide service to their customers. Finally, small domestic wells are exempt from the regulations within an AMA. Users of small domestic wells may withdraw ground water for non-irrigation purposes without a permit.

Most attention focuses on water management activities within AMAs. Provisions for the state's five AMAs are the most comprehensive because of the magnitude of overdraft in these areas. The AMAs include 80% of Arizona's population and 70% of the state's groundwater overdraft. **In the Phoenix, Prescott, and Tucson AMAs, which include the large urban areas of the state, the primary management goal is to attain "safe-yield" by 2025. Safe-yield is defined as a long-term balance between the annual amount of groundwater withdrawn in the AMA and the annual amount of natural and artificial recharge.**