



Cochise Groundwater Stewards

2025 Rural Groundwater Legislation Update

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Introduction

Two new bills introduced this legislative session that would directly impact the Willcox Basin AMA

- SB1520 – Basin Management Areas (BMAs)
 - sponsored by Senator Tim Dunn
 - similar in some ways to SB1221
 - already passed out of the Senate NREW committee and full Senate
- HB2714—Rural Groundwater Management Areas (RGMAs)
 - sponsored by Representative Chris Mathis and Senator Priya Sundareshan
 - not granted a hearing in the House or Senate
 - endorsed by Greg Hancock, Mayor of Willcox, and Ed Curry, local multigenerational farmer and other local elected officials (mayors, supervisors) across rural Arizona

Both bills have similar features and address some of the shortcomings of an AMA
– **BUT there are significant differences that are relevant to the Willcox Basin.**

Initiation

Who's included and how is a basin added?

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none">• ADWR Director Executive Action based on specified criteria or Petition (10%) and Election• All rural basins eligible	<ul style="list-style-type: none">• Only 3 eligible basins: Willcox, Hualapai, Gila Bend• Includes separate language that a BMA would automatically replace the Willcox Basin AMA• Other two basins eligible based on ADWR Director executive action, or petition of 10% of registered voters and ADWR Director review of criteria• No provision for other rural basins to be eligible	<ul style="list-style-type: none">• 5 basins including Willcox and San Simon to be automatically designated as RGMAs• Will replace Willcox Basin AMA• All other rural basins eligible based on ADWR Director executive action, County BOS petition, or petition of 10% of registered voters and ADWR Director review of criteria

Limits on New Groundwater Use

Does the legislation close the basin to new non-exempt pumping?

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none">• Yes, for agricultural irrigation• No new irrigation if land has not been irrigated within the past 5 years.• New industrial uses such as mines, power plants, data centers, feedlots are permitted to withdraw "new water" though that water is subject to conservation requirements	<ul style="list-style-type: none">• Yes, for all sectors• No new irrigation if land has not been irrigated within the past 10 years• Any new pumping would require purchase or transfer of water from a user with an existing Certificate of Groundwater Rights	<ul style="list-style-type: none">• Yes, for all sectors• No new irrigation if land has not been irrigated within the past 5 years• Any new pumping would require purchase or transfer of water from a user with an existing Certificate of Water Use

Establishing Groundwater “Rights”

Baseline Water Use

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none">• Irrigation Grandfathered Rights (IGFR) for agriculture.• Based on use for previous 5 years and historical crop allowance.	<ul style="list-style-type: none">• Certificate of Groundwater Rights• Agriculture: Based on average use for previous 10 years (excluding zero use years).• Municipal/Industrial: Based on highest use during previous 5 years. <p><i>May require domestic well users to apply for a certificate—not clear???</i></p>	<ul style="list-style-type: none">• Certificate of Groundwater Use• Agriculture: Based on average use for previous 10 years (excluding zero use years).• Municipal/Industrial: Based on highest use during previous 5 years.

Measurement and Reporting

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none">All non-exempt wells are required to install an approved measurement device/method and report water use to ADWR annually	<ul style="list-style-type: none">Mandatory metering for agricultural irrigation non-exempt wells is specifically prohibited.Reporting of water use to ADWR is required but will be an estimate unless the user has voluntarily installed a metering device and decides to report that data rather than submit an estimate.	<ul style="list-style-type: none">All non-exempt wells are required to install an approved measurement device and report water use to ADWR annually.

Water Use Credits and Debits

Banking and selling groundwater “rights” : accounting and limitations

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none">Limited flex credits allowed to be carried forwardNo provision for sale or transfer to another user	<ul style="list-style-type: none">May run a maximum debit of 25% of water right per yearDoes not appear to have any limit on number of years a debit can occurNo stated requirement to clear the debitUnlimited flex credits each year with no expirationFlex credits may be sold	<ul style="list-style-type: none">May run a maximum debit of 25% of total certificated water useRequirement to clear the debit to be in complianceMaximum allowance of 25% flex credits each year which expire if not used or sold within 10 years

Portability

Can water use be transferred or moved to another parcel?

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none">No ability to transfer irrigation rights or flex credits to another property with a different owner.	<ul style="list-style-type: none">Flex credits may be sold to another user with no provisions for a cut to the aquifer.Water rights may be permanently transferred (conveyed) to another owner and another parcel with no restrictions and no cut to the aquiferException: transfers from agriculture to industrial/municipal users require a 15% cut to the aquifer	<ul style="list-style-type: none">Flex credits may be sold to another user with a required 20% cut to the aquifer.Water rights may be permanently transferred (conveyed) to another owner and another parcel with a required 15% cut to the aquifer

Governance

Level of Local Control/Governing Council

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none"> ADWR Director makes final decisions on goal and plans Groundwater Users Advisory Council (5 members) provides advice and feedback to Director but has no decision making authority Council members appointed by Governor with no requirement to be local residents. 	<ul style="list-style-type: none"> Council (5 members) makes final decisions on goals and plans. ADWR Director has virtually no authority to hold council accountable or provide legal advice Requires only one of five council members to reside in the basin. Council makeup -- 1 municipal, 1 industrial, 2 agricultural and 1 at large member. Council members are appointed by Governor and Legislative majority and minority leadership. 4 yr terms/Retention election. 	<ul style="list-style-type: none"> Council (5 members) makes final decisions on goals and plans. ADWR Director has advisory role and some oversight authority to hold council accountable. Requires four of five council members to reside in the basin. Council makeup -- 1 municipal, 1 industrial, 1 agricultural and 2 at large members. Council members are appointed by Governor and Legislative majority and minority leadership. 6 yr terms/No retention election.

Management Goal

What options are allowed?

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none">• Approved by the Director with public input• Wide latitude in goal selection – from safe yield to planned depletion	<ul style="list-style-type: none">• Approved by the Local Council (majority vote) from a prescribed list of allowed goals.• Council has option to select a number of goals without any reduction component (data collection and study only).• Ambiguity around process and timeframe for goal selection and adoption.	<ul style="list-style-type: none">• Approved by the Local Council (majority vote) from a prescribed list of allowed goals.• All goals imply some level of reduction and attempt to bring the aquifer back into “balance”

Management Plans

How are conservation requirements built into management plans?

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none"> • Approved by the Director. • 10 year management plans. • Mandatory reductions are allowed but are not prescribed 	<ul style="list-style-type: none"> • Approved by the Local Council (majority vote but requires 4 of 5 council votes if plan includes mandatory conservation requirements after first management plan period). • Up to four 10 year management plans authorized followed by a 5 year assessment period after each 10 year plan. • No ADWR review required • Council does not appear to have any authority to enforce compliance to the plan and no such authority is granted to ADWR 	<ul style="list-style-type: none"> • Approved by the Local Council (majority vote for all decisions) followed by ADWR review and approval based on legality, feasibility, consistency. • Four 10 year managements plans authorized with assessment process built into each 10 year period.

Conservation Requirements

How are conservation requirements built into management plans?

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none"> Levels not specified in statute for subsequent AMAs. Reductions are authorized and subsequent AMAs seem to have some flexibility around reductions. Example: Douglas Basin AMA first 10 year management plan includes a cumulative 1% reduction per year for a 10% reduction by year 10. 	<ul style="list-style-type: none"> First management plan can include 0% to 10% required reductions in first 10 years. Subsequent plans can only include mandatory reductions if mean decline across the aquifer exceeds 5 feet per year and decline is accelerating Farm units of 120 acres or less are exempt from required reductions. Reductions must be applied equally for ALL users with Certificates of Groundwater Rights. Potential for 0% to 40% required reductions by year 60. Limited potential for voluntary reductions through conveyance and grant-funded projects. Note: mandatory reductions beyond 10% are not required if goal not met. 	<ul style="list-style-type: none"> 1st management plan requires a 10% reduction. The next three management plans include reductions between 5% (min) and 10% (max) if goals not met Built in 25% to 40% required reductions plus unspecified voluntary reductions by year 40. Voluntary reductions will be realized through sale of flex credits (20% per sale), conveyance of certificates of water use (15% per conveyance), water use fee and funded voluntary conservation, recharge, and water reuse projects.

“Voluntary” Tools

What else can the council do to reduce the overdraft?

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none">• None specifically authorized through the AMA.	<ul style="list-style-type: none">• Council is authorized to seek grants for recharge projects.	<ul style="list-style-type: none">• Authorized to use allocated funding, fees and grants to support voluntary conservation efforts, recharge projects, and water reuse programs.• Cuts to the aquifer included for all sales of flex credits (20%) and conveyance of certificates of groundwater use (15%).

Funding

What resources are available to support voluntary reductions?

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none">• No dedicated funding other than for ADWR staff support• No authority to implement water use fees.	<ul style="list-style-type: none">• No dedicated funding.• No authority to implement water use fees.• Council may apply for grants to fund conservation and recharge projects.	<ul style="list-style-type: none">• A Rural Groundwater Management Area Fund is established to support voluntary programs that help water users and achievement of the Management Goal. Council has authority to impose water use fees and that revenue will stay in the basin to support conservation measures.

Enforcement

How will the reductions be enforced?

Active Management Area (AMA)	Basin Management Areas (BMA) SB1520	Rural Groundwater Management Areas (RGMA) HB2714/SB
<ul style="list-style-type: none">• ADWR has enforcement authority.• May impose fines of up to \$10,000 per day when user is out of compliance.	<ul style="list-style-type: none">• No specific enforcement mechanisms are included for ADWR or the local council.	<ul style="list-style-type: none">• ADWR has enforcement authority.• May impose fines of up to \$10,000 per day when user is out of compliance.

Summary—

Which plan will work best for the Willcox Basin?

Feature	AMA	BMA	RGMA	Comment
More local governance	Advisory only	Yes, but some concerns	Yes	RGMA has a good balance of local control and accountability with input from ADWR—4 of 5 members must be residents (as opposed to 1 of 5 for BMA), more balanced representation among sectors with RGMA
Close basin across all sectors	Industrial loophole	Yes	Yes	BMA and RGMA both appropriately address the industrial sector AMA loophole
Portability	None	Yes	Yes	RGMA has advantage with all transfers requiring a cut to the aquifer (conveyance=15%, flex credit transfer=20%)
Measurement/Reporting	Yes	Yes but estimated	Yes	Big concerns about the BMA restrictions on requiring metering devices and relying on estimates provided by water user
Irrigation Rights	Yes	Yes	Yes	No significant differences across all sectors though more acres may be eligible for water rights under a BMA due to 10 year timeframe for previous irrigation (5 years for AMA and RGMA)
Debit/credit accounts	Limited	Yes	Yes	Language and accountability regarding these accounts is more robust with the RGMA (but language in both plans needs more clarification and structure)

Summary—continued

Which plan will work best for the Willcox Basin?

Feature	AMA	BMA	RGMA	Comment
Management Goal and Plan	Yes	Yes	Yes	RGMA—all goals geared toward reducing the overdraft. BMA-- council has option of choosing a goal with no reductions included. Both plans have options for up to 4 plans but the BMA schedule includes 5 year gaps between plans.
Conservation Requirements And 'Voluntary' Tools	Yes, but not specified	Yes, but very limited and not required if goals not met	Yes, specified if goals not met	The BMA authorizes conservation requirements of 10% in 1 st plan but imposes some restrictions that will make it very hard to include any more conservation requirements in the subsequent 3 plans spanning a total of 60 years. It also requires all users make the same reductions. At the same time it includes almost no voluntary tools and limited ability to fund incentives and funding for voluntary reductions. The RGMA has built in conservation requirements of 10% in the first 10 yr plan and 5-10% in 3 subsequent plans if goals not met. RGMA includes more "voluntary" conservation tools (funded incentive, cuts to aquifer with transfers/sale, water use fee, etc).
Funding	Limited	No	Yes	RGMA includes a funding provision through legislative appropriations and authority to set a water use fee to support voluntary reductions.