

# Issues & Answers

## WATER LAW ALERT

### ADWR Proposed Well Spacing and Replacement Well Rules

The Arizona Department of Water Resources has recently proposed adoption of a well spacing rule [R12-15-830] and a replacement well rule [R12-15-840]. Attached is a copy of ADWR's Notice of Proposed Rulemaking, including the text of ADWR's proposal. The proposed rules are very similar to the temporary well spacing and replacement well rules that the Department has been operating under for many years, except as noted below. **ADWR will hold a hearing on the proposed rules on August 8, 2002, at 9:30 a.m., at ADWR, Third Floor Conference Room A, 500 North Third Avenue, Phoenix. The Department will accept written comments on the rules until August 23, 2002.**

Most of the differences between the proposed rules and the temporary rules are not significant. The Department does propose to expand the well spacing rules to include some recovery wells and some wells proposed to be used for water exchanges. (Proposed rule R12-15-830(A)(1)(b), and R12-15-830(A)(2).) The statutes pertaining to these types of wells require that the Department consider whether these wells will unreasonably increase damage to surrounding land or other water users. Also, in two places, the Department has made clear that land subsidence problems and migration of poor quality water problems may cause a well application to be rejected, even if the well impact would otherwise be acceptable or the well impact has been waived by neighboring well owners. This new language appears in R12-15-830(D)(1) and R12-15-830(G), both of which now contain a cross-reference back to R12-15-830(C), the paragraph on land subsidence and poor quality water migration.

Please call Tom Wilmoth at 602.916.5466, if you have any questions.