

Agenda

Groundwater Common Law

J. Burnside

Doctrine of reasonable use

- Nature of right to use percolating groundwater
- Limitations on right
- Transportation of groundwater

Doctrine of prior appropriation

- Nature of right to use appropriable water
- How right is acquired
- Limitations on right
- Comparison to reasonable use doctrine

The law of subflow

- What is subflow?
- Consequences of pumping subflow
- Judicial development of subflow doctrine
- Subflow zone
- Cone of depression test

Federal reserved right to groundwater

Statutory Groundwater Management

J. Burnside

Groundwater Management Act of 1980

- Active management areas
- Irrigation non-expansion areas

Groundwater management

- Groundwater rights
- Groundwater management goals/plans
- Conservation and management requirements
- Underground water storage
- Assured water supply

Rural groundwater overdraft

Legislative reform proposals

Groundwater Transportation Basins

F. Breedlove

Arizona's groundwater transportation basins

- Big Chino
- McMullen Valley
- Harquahala
- Butler Valley

Requirements for each basin (how the groundwater can be used)

Current and former proposed transportation projects

- Big Chino
- Harquahala

Butler Valley and conflict between farming, central AZ interests, and local concerns

Groundwater Quality and Contamination

L. Decker

Threats to groundwater quality

- Underground storage tanks
- Industrial chemicals
- Agricultural runoff
- PFAS
- Natural background

Recent incidents of contamination

Groundwater quality permitting/reviews

- Arizona Department of Environmental Quality
- Arizona Department of Water Resources

Strategies/programs for addressing groundwater pollution

Arizona Groundwater Conference

Live, Interactive Webinar - Tuesday, January 9, 2024

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Learning Objectives

You'll be able to:

Understand the common law of groundwater, including the doctrine of reasonable use and the doctrine of prior appropriation.

Discuss groundwater management under the Groundwater Management Act of 1980, including active management areas and irrigation non-expansion areas.

Explore Arizona's groundwater transportation basins, and discuss conflicts between farming, urban interests and local concerns.

Examine threats to groundwater quality, and review the State's efforts to maintain groundwater quality.

HalfMoon Education Live Webinars

Arizona Groundwater Conference

Live, Interactive Webinar - Tuesday, January 9, 2024



Explore the common law of groundwater, including the doctrine of reasonable use

Learn about the law of subflow and the consequences of pumping subflow

Review the Groundwater Management Act of 1980 and legislative reform proposals

Discuss management of Arizona's four groundwater transportation basins

Consider threats to groundwater quality from PFAS, industry and agriculture

Continuing Education Credits

Attorneys

6.0 CLE Hours

Certified Planners

CM|6

Engineers

6-Hour Learning Opportunity

Geologists

6-Hour Learning Opportunity



Webinar Information

Log into Webinar

8:00 - 8:30 am MST

Break

11:45 am - 12:45 pm MST

Morning Session

8:30 - 11:45 am MST

Afternoon Session

12:45 - 4:00 pm MST

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Faculty

John Burnside *Snell & Wilmer L.L.P.*

Mr. Burnside covers water rights and water quality as part of a broad-based environmental and natural resources law practice at Snell & Wilmer. Mr. Burnside regularly counsels and represents significant water interests in the State of Arizona, with a particular focus on mining and energy. He has extensive experience litigating contested water rights claims in Arizona's Gila River General Stream Adjudication, including multiple arguments and trials before the Special Water Master. Mr. Burnside has in-depth experience with the complex legal and technical issues surrounding Arizona water rights at the intersection between groundwater and surface water.

Fred Breedlove *Snell & Wilmer, LLP*

Mr. Breedlove focuses his practice in environmental and natural resources. His previous experience includes managing the natural resource programs for the Arizona State Land Department, serving as legislative liaison for the Arizona Department of Water Resources, and as an attorney at Squire Patton Boggs. Mr. Breedlove has worked closely with ranchers and farmers to address resource management concerns including water availability, cultural resources, grassland restoration, invasive species, and environmental contamination. Mr. Breedlove has represented mining companies, land developers, private water and energy utility businesses, government agencies, and investment firms while in private practice, primarily on water resource planning and development matters.

Lee Decker *Gallagher & Kennedy*

Mr. Decker represents mining and other industry sectors in Arizona (and surrounding states) with respect to various state and federal-based water quality and mine reclamation and closure programs, including the aquifer protection permit program, Arizona's pollutant discharge elimination system permit program, impaired water determinations and listings, development and implementation of total maximum daily load requirements, development of surface and aquifer water quality standards, and state certification of federal water quality permits/approvals. He participates actively as a member of the Arizona Mining Association and Arizona Chamber of Commerce & Industry, and he lobbies federal and state governmental agencies on water quality statutory, regulatory, and policy-based issues to the benefit of industry in Arizona. He is a fifth generation native of Arizona, having spent his early years (until college) in the northeastern Arizona town of Snowflake while working on his parents' farm and cattle ranch.

Credit Information

This webinar is open to the public and is designed to qualify for 6.0 CLE hours for Arizona attorneys and offers a six-hour learning opportunity to Arizona engineers and geologists.

The State Bar of Arizona does not approve or accredit CLE activities for the Mandatory Continuing Legal Education requirement. This activity may qualify for up to 6.0 hours toward your annual CLE requirement for the State Bar of Arizona.

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On-Demand Credits

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Additional Learning

Current Issues in the Practice of Geology and Geoscience

- Thursday, December 14, 2023 | 7:30 am - 3:00 pm MST

Urban Hydrology, Low Impact Development, and Engineering Methodology 2023:

Proven Principles and New Technologies

- Monday, December 18, 2023 | 8:00 am - 3:00 pm MST

Urban Street Design

- Tuesday, December 19, 2023 | 8:00 am - 3:30 pm MST

Deep Dive into Drainage Rights

- Wednesday, December 20, 2023 | 11:00 am - 1:00 pm MST

Reinforced Concrete Building Design and Construction

- Wednesday, December 20, 2023 | 7:30 am - 3:30 pm MST

Ethical Issues in Structural Engineering

- Wednesday, December 20, 2023 | 10:00 - 11:00 am MST

Solar Photovoltaic Energy 2024:

Residential and Small Commercial Systems

- Wednesday, December 27, 2023 | 7:30 am - 2:30 pm MST

The EPA's 2022 Construction General Permit

- Thursday, December 28, 2023 | 8:00 am - 3:00 pm MST

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