

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

July 27, 1954
Letter Opinion
No. 54-192-L

The Honorable Roger Ernst
State Land Commissioner
State Land Department
Capitol Annex
Phoenix, Arizona

Re: Arizona Conference of Seventh Day Adventists

Dear Sir:

Pursuant to your request of June 25, 1954, we have researched the ground water laws of the State of Arizona in connection with the contention of the Arizona Conference of Seventh Day Adventists to the effect that the well they are now drilling in Section 11, Township 3 North, Range 4 East, is an exempted well under said ground water laws. It is our understanding that this contention is based on the fact that the farming operations to be carried on will be held in conjunction with the operation of a school and that based on this fact, the church feels that the well is exempted as an industrial well under Section 75-146, A.C.A. 1939.

Before expressing our opinion in the matter, we wish to commend the church for its work in the educational field. However, we must render our legal opinions as the law appears to us.

It is the opinion of this office that the well in question will be an irrigation well within the terms of the Ground Water Code of 1948 and supplementing legislation passed thereafter, it being our feeling that the land will be irrigated as any other lands located in the existing critical areas even though operated in connection with a school.

As you requested in your letter, we will take appropriate action within the next few days.

Very truly yours,

ROBERT W. PICKRELL
Special Assistant to
The Attorney General

RWP:bt

54-192-L