

REFERENCE TITLE: water measuring devices; report

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2226

Introduced by
Representative Kavanagh

AN ACT

AMENDING SECTION 45-604, ARIZONA REVISED STATUTES; RELATING TO WELLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 45-604, Arizona Revised Statutes, is amended to
3 read:

4 45-604. Water measuring devices

5 A. Except as provided in subsections B, C and D of this section, a
6 person who withdraws groundwater from a nonexempt well in an active
7 management area or an irrigation non-expansion area, a person who
8 withdraws water from a ~~non-exempt~~ NONEXEMPT well in the Santa Cruz active
9 management area or a person who withdraws groundwater for transportation
10 to an initial active management area pursuant to article 8.1 of this
11 chapter shall use a water measuring device approved by the director.

12 B. A person who holds a type 2 non-irrigation grandfathered right
13 or a groundwater withdrawal permit in the amount of ten or fewer acre-feet
14 per year is not required to use a water measuring device to measure
15 withdrawals pursuant to that grandfathered right or groundwater withdrawal
16 permit unless the person holds more than one such right or permit in the
17 aggregate amount of more than ten acre-feet per year and withdraws more
18 than ten acre-feet of groundwater per year pursuant to those rights or
19 permits from one well.

20 C. In an irrigation non-expansion area:

21 1. A person who withdraws ten or fewer acre-feet of groundwater per
22 year from a ~~non-exempt~~ NONEXEMPT well for a non-irrigation use is not
23 required to use a water measuring device to measure withdrawals from that
24 well.

25 2. A person who withdraws groundwater from a ~~non-exempt~~ NONEXEMPT
26 well for an irrigation use is not required to use a water measuring device
27 to measure withdrawals from that well if both of the following apply:

28 (a) Groundwater withdrawn from the well for an irrigation use is
29 used only on land that is owned by a person who has the right under
30 section 45-437 to irrigate ten or fewer contiguous acres at the place of
31 the use.

32 (b) Groundwater withdrawn from the well is not used on land that is
33 part of an integrated farming operation.

34 D. In an active management area, a person, other than an irrigation
35 district, who withdraws groundwater from a ~~non-exempt~~ NONEXEMPT well for
36 use pursuant to an irrigation grandfathered right that is appurtenant to
37 ten or fewer irrigation acres is not required to use a water measuring
38 device to measure withdrawals from that well unless groundwater withdrawn
39 from the well is also used pursuant to either a service area right
40 pursuant to article 6 of this chapter or a grandfathered groundwater right
41 other than an irrigation grandfathered right that is appurtenant to
42 irrigation acres that are exempt from irrigation water duties pursuant to
43 section 45-563.02.

1 E. IF THE DIRECTOR DETERMINES IT NECESSARY FOR WATER MANAGEMENT
2 PURPOSES, IN AREAS OUTSIDE OF AN ACTIVE MANAGEMENT AREA AND FOR A WELL
3 THAT HAS A PUMP WITH A MAXIMUM CAPACITY OF MORE THAN THIRTY-FIVE GALLONS
4 PER MINUTE, THE DIRECTOR MAY REQUIRE THE USE OF A WATER MEASURING DEVICE
5 APPROVED BY THE DIRECTOR. THE DIRECTOR ALSO MAY REQUIRE AN ANNUAL REPORT
6 THAT INCLUDES AT LEAST THE QUANTITY OF GROUNDWATER DELIVERED DURING THE
7 CALENDAR YEAR AND OTHER INFORMATION AS REQUIRED BY THE DIRECTOR. THE
8 DIRECTOR SHALL PROVIDE SIXTY DAYS' NOTICE OF ANY WATER MEASURING DEVICE
9 REQUIREMENT AND FOR GOOD CAUSE MAY EXTEND THE TIME FOR COMPLIANCE.
10 NOTWITHSTANDING ANY OTHER LAW, THE DIRECTOR MAY ENFORCE THIS SUBSECTION BY
11 ISSUING A CEASE AND DESIST ORDER AT AN ADMINISTRATIVE HEARING PURSUANT TO
12 SECTION 45-634, EXCEPT THAT CIVIL PENALTIES MAY NOT BE AWARDED. IN ANY
13 ACTION TO ENFORCE THIS SUBSECTION, THE PREVAILING PARTY SHALL BE AWARDED
14 ATTORNEY FEES AND COSTS.

15 ~~E.~~ F. The director shall adopt rules setting forth the
16 requirements and specifications for water measuring devices.