

House Engrossed

Harquahala non-expansion area; groundwater transportation

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2055

AN ACT

AMENDING SECTION 45-554, ARIZONA REVISED STATUTES; RELATING TO THE
GROUNDWATER CODE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-554, Arizona Revised Statutes, is amended to
3 read:

4 45-554. Transportation of groundwater withdrawn in Harquahala
5 irrigation non-expansion area to an initial active
6 management area

7 A. A groundwater replenishment district established under title 48,
8 chapter 27 may lease from an irrigation district located entirely within
9 the Harquahala irrigation non-expansion area the use of one or more of the
10 wells in the irrigation district to withdraw the groundwater that can be
11 withdrawn from a depth to one thousand feet, at a rate that, when added to
12 the existing rates of withdrawal in the area, does not cause the
13 groundwater table at the site or sites to decline more than ten feet per
14 year, for transportation to an initial active management area. The lease
15 payments shall be made to the members of the irrigation district on a pro
16 rata basis, per acre of land that is eligible to be irrigated under
17 section 45-437, subsection B, minus the irrigation district's
18 administrative costs. Wells leased under this subsection are exempt from
19 well spacing requirements under section 45-559.

20 B. ~~This state or a political subdivision of this state that~~ AN
21 ENTITY DESCRIBED IN SUBSECTION D OF THIS SECTION THAT owns land eligible
22 to be irrigated under section 45-437, subsection B in the Harquahala
23 irrigation non-expansion area may withdraw groundwater from the land for
24 transportation to an initial active management area for its own use or use
25 by the Arizona water banking authority pursuant to section 45-2491 only:

26 1. If the groundwater is withdrawn:

27 (a) From a depth to one thousand feet at the site or sites of the
28 proposed withdrawals.

29 (b) At a rate that, when added to the existing rate of withdrawals
30 in the area, does not cause the groundwater table at the site or sites of
31 the withdrawals to decline more than an average of ten feet per year
32 during the one hundred year evaluation period.

33 2. In an amount either:

34 (a) Per acre of the eligible land, not to exceed:

35 (i) Six acre-feet in any year.

36 (ii) Thirty acre-feet for any period of ten consecutive years
37 computed in continuing progressive series beginning in the year
38 transportation of groundwater from the land begins.

39 (b) Established by the director, but only if the director
40 determines that withdrawals in an amount greater than that ~~permitted~~
41 ALLOWED by subdivision (a) of this paragraph will not unreasonably
42 increase damage to residents of surrounding land and other water users in
43 the irrigation non-expansion area, or that one or more of the entities
44 withdrawing the groundwater will mitigate the damage to the residents and
45 other water users.

1 3. IF THE GROUNDWATER TRANSPORTED IS USED BY CUSTOMERS OF AN ENTITY
2 ELIGIBLE TO TRANSPORT GROUNDWATER IN SUBSECTION D OF THIS SECTION WITHIN
3 FIVE YEARS AFTER IT IS TRANSPORTED AND IS NOT SOLD OR OTHERWISE CONVEYED
4 FOR USE OTHER THAN BY THE ELIGIBLE ENTITY.

5 4. BY A PUBLIC SERVICE CORPORATION, IF ALL COSTS ASSOCIATED WITH
6 WITHDRAWING, TRANSPORTING AND DELIVERING GROUNDWATER AWAY FROM THE
7 HARQUAHALA IRRIGATION NON-EXPANSION AREA ARE COLLECTED FROM THE CUSTOMERS
8 OF THE WATER DISTRIBUTION SYSTEM OF THE PUBLIC SERVICE CORPORATION WHERE
9 THE TRANSPORTED GROUNDWATER IS USED.

10 C. If this state or one or more political subdivisions of this
11 state own eighty ~~per cent~~ PERCENT or more of the land that is eligible to
12 be irrigated under section 45-437, subsection B in the irrigation
13 non-expansion area, each of the entities may withdraw groundwater from the
14 eligible land it owns for transportation to an initial active management
15 area:

16 1. From a depth to one thousand feet at the site or sites of
17 withdrawals.

18 2. From a depth between one thousand and one thousand two hundred
19 feet at the site or sites of the withdrawals only if the director
20 determines either that the withdrawals will not unreasonably increase
21 damage to residents of surrounding land or that one or more of the
22 entities withdrawing the groundwater will mitigate the damage to the
23 residents.

24 D. THE FOLLOWING ENTITIES ARE ELIGIBLE TO TRANSPORT GROUNDWATER
25 AWAY FROM THE HARQUAHALA IRRIGATION NON-EXPANSION AREA PURSUANT TO
26 SUBSECTION B:

27 1. THIS STATE.

28 2. A POLITICAL SUBDIVISION OF THIS STATE.

29 3. A PUBLIC SERVICE CORPORATION THAT IS REGULATED BY THE
30 CORPORATION COMMISSION AND THAT HOLDS A CERTIFICATE OF CONVENIENCE AND
31 NECESSITY FOR WATER SERVICE IN AN INITIAL ACTIVE MANAGEMENT AREA.

32 E. THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL ADOPT
33 RULES COMPLYING WITH AND REPORTING PURSUANT TO SUBSECTION B, PARAGRAPH 3
34 OF THIS SECTION. THE DEPARTMENT OF WATER RESOURCES IS EXEMPT FROM THE
35 RULEMAKING REQUIREMENTS OF TITLE 41, CHAPTER 6, FOR ONE YEAR AFTER THE
36 EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.