

REFERENCE TITLE: fifth management period; extension

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

HB 2056

Introduced by
Representatives Griffin: Blackman, Bowers, Burges

AN ACT

AMENDING SECTION 45-568, 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 45-568, Arizona Revised Statutes, is amended to
3 read:

4 45-568. Management plan for fifth management period;
5 guidelines

6 A. For the fifth management period, 2020 to ~~2025~~ 2035, the director
7 shall promulgate a management plan for each initial active management area
8 not later than January 1, 2019 pursuant to the guidelines prescribed in
9 section 45-567, subsections A and B, except that:

10 1. The director shall establish the historic annual net natural
11 recharge for any groundwater replenishment district in the active
12 management area, computed by determining the net natural recharge, as
13 defined by section 48-4401, for the groundwater basin beneath the district
14 during calendar years 1988 through 2017 and dividing the result by thirty.

15 2. The director may adjust the highest twenty-five ~~per cent~~ PERCENT
16 of the irrigation water duties established within an area of similar
17 farming conditions pursuant to section 45-567 by reducing each water duty
18 in an amount up to five ~~per cent~~ PERCENT, except that in making the
19 adjustment, no water duty may be reduced to an amount less than the
20 greater of the following:

21 (a) The highest water duty within the lowest seventy-five ~~per cent~~
22 PERCENT of the water duties computed within the area of similar farming
23 conditions for the fifth management period.

24 (b) A water duty computed for the farm unit under this paragraph
25 using an irrigation efficiency of eighty ~~per cent~~ PERCENT.

26 3. A person who is entitled to use groundwater pursuant to an
27 irrigation grandfathered right may apply to the director at any time
28 during the management period for an exemption from the irrigation water
29 duties established pursuant to this section. The director shall grant the
30 exemption if the person demonstrates to the director's satisfaction that
31 granting the exemption is consistent with achieving the management goal of
32 the active management area and that one of the following applies:

33 (a) Withdrawal of groundwater pursuant to the irrigation
34 grandfathered right during the management period will intercept
35 groundwater that would otherwise flow out of and be lost to the active
36 management area in the next fifteen years without entering another active
37 management area.

38 (b) Withdrawal of groundwater pursuant to the irrigation
39 grandfathered right during the management period will prevent encroachment
40 of a rising depth to groundwater level that will cause waterlogging
41 problems within the next fifteen years.

42 B. Within thirty days after the management plan for the fifth
43 management period is adopted, the director shall give written notice in
44 the manner and to the persons prescribed in section 45-565, subsection B
45 and shall give written notice of the non-per capita conservation program

1 established pursuant to section 45-568.01 to all municipal providers. Two
2 years before the compliance date specified in the management plan for any
3 irrigation water duty, intermediate water duty, conservation requirement
4 or intermediate conservation requirement, the director shall give
5 additional written notice by first class mail to the last known addresses
6 of the persons prescribed in section 45-565, subsection B and this
7 subsection.

8 C. Except for a person who is exempt from irrigation water duties
9 under section 45-563.02, subsection A, all persons notified pursuant to
10 subsection B of this section shall comply with the applicable irrigation
11 water duty or conservation requirements for the fifth management period
12 not later than January 1, ~~2025~~ 2035 and shall remain in compliance until
13 the legislature determines otherwise.