

REFERENCE TITLE: **interim groundwater review areas**

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

## **HB 2836**

Introduced by  
Representative Griffin

**AN ACT**

**AMENDING TITLE 45, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3.1; 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. Title 45, chapter 2, Arizona Revised Statutes, is  
3 amended by adding article 3.1, to read:

4 ARTICLE 3.1. INTERIM WATER REVIEW AREAS

5 45-445. Interim water review areas; initiation procedures;  
6 petition

7 A. THE DESIGNATION OF AN INTERIM WATER REVIEW AREA IN ANY LOCATION  
8 NOT INCLUDED IN AN ACTIVE MANAGEMENT AREA OR AN IRRIGATION NON-EXPANSION  
9 AREA MAY BE INITIATED BY PETITION TO THE DIRECTOR SIGNED BY EITHER:

10 1. AT LEAST ONE-FOURTH OF THE NUMBER OF GROUNDWATER USERS WITHIN  
11 THE BOUNDARIES OF THE GROUNDWATER BASIN OR SUBBASIN SPECIFIED IN THE  
12 PETITION.

13 2. AT LEAST TEN PERCENT OF THE REGISTERED VOTERS RESIDING WITHIN  
14 THE BOUNDARIES OF THE GROUNDWATER BASIN OR SUBBASIN SPECIFIED IN THE  
15 PETITION AS OF THE MOST RECENT REPORT COMPILED BY THE COUNTY RECORDER IN  
16 COMPLIANCE WITH SECTION 16-168, SUBSECTION G. IF A GROUNDWATER BASIN OR  
17 SUBBASIN IS LOCATED IN TWO OR MORE COUNTIES, THE NUMBER OF REGISTERED  
18 VOTERS REQUIRED TO SIGN THE PETITION SHALL BE AT LEAST TEN PERCENT OF THE  
19 REGISTERED VOTERS RESIDING WITHIN THE BOUNDARIES OF THE GROUNDWATER BASIN  
20 OR SUBBASIN, AS OF THE MOST RECENT REPORT COMPILED BY THE COUNTY RECORDER  
21 IN COMPLIANCE WITH SECTION 16-168, SUBSECTION G, WITHIN THE COUNTY IN  
22 WHICH THE PLURALITY OF THE REGISTERED VOTERS IN THE GROUNDWATER BASIN OR  
23 SUBBASIN RESIDES.

24 B. THE FORM OF THE PETITION SHALL BE SUBSTANTIALLY SIMILAR TO AN  
25 INITIATIVE PETITION, AND THE APPLICANT FOR SUCH PETITION SHALL COMPLY WITH  
26 THE SECTION 19-111, SUBSECTIONS A, B AND E.

27 C. AFTER RECEIVING A PETITION SIGNED BY REGISTERED VOTERS PURSUANT  
28 TO SUBSECTION A, PARAGRAPH 2 OF THIS SECTION, THE DIRECTOR SHALL TRANSMIT  
29 THE PETITION TO THE COUNTY RECORDER OF EACH COUNTY IN WHICH THE  
30 GROUNDWATER BASIN OR SUBBASIN IS LOCATED FOR VERIFICATION OF  
31 SIGNATURES. IN ADDITION, THE DIRECTOR SHALL TRANSMIT A MAP OF THE  
32 GROUNDWATER BASIN OR SUBBASIN TO THE COUNTY RECORDER OF EACH SUCH COUNTY  
33 INCLUDED. THE MAP SHALL BE ON A SCALE ADEQUATE TO SHOW WITH SUBSTANTIAL  
34 ACCURACY WHERE THE BOUNDARIES OF THE GROUNDWATER BASIN OR SUBBASIN CROSS  
35 THE BOUNDARIES OF COUNTY VOTING PRECINCTS. THE DIRECTOR SHALL ALSO  
36 TRANSMIT TO THE COUNTY RECORDER ALL OTHER FACTUAL DATA CONCERNING THE  
37 BOUNDARIES OF THE GROUNDWATER BASIN OR SUBBASIN THAT MAY AID THE COUNTY  
38 RECORDER IN DETERMINING WHICH REGISTERED VOTERS OF THE COUNTY ARE  
39 RESIDENTS OF THE GROUNDWATER BASIN OR SUBBASIN.

40 D. ON VERIFICATION THAT A SUFFICIENT NUMBER OF PERSONS SIGNED THE  
41 PETITION IN SUPPORT OF ESTABLISHING AN INTERIM WATER REVIEW AREA, THE  
42 DEPARTMENT SHALL HOLD A HEARING AS PRESCRIBED IN SECTION 45-445.01.

1           45-445.01. Hearings; boundaries; notice

2           A. IF A PETITION IS FILED PURSUANT TO SECTION 45-445 WITH A  
3 SUFFICIENT NUMBER OF SIGNATURES, THE DIRECTOR SHALL HOLD A PUBLIC HEARING  
4 TO DESCRIBE THE BOUNDARIES OF THE PROPOSED INTERIM WATER REVIEW AREA AND  
5 TO DESCRIBE THE EFFECT OF AN INTERIM WATER REVIEW AREA IF ESTABLISHED.

6           B. THE DIRECTOR SHALL GIVE REASONABLE NOTICE OF THE HEARING,  
7 INCLUDING PUBLISHING THE NOTICE ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS  
8 IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY IN WHICH THE PROPOSED  
9 INTERIM WATER REVIEW AREA IS LOCATED. THE NOTICE SHALL CONTAIN THE TIME  
10 AND PLACE OF THE HEARING, THE LEGAL DESCRIPTION AND A MAP CLEARLY  
11 IDENTIFYING AND DESCRIBING ALL LANDS TO BE INCLUDED IN THE PROPOSED  
12 INTERIM WATER REVIEW AREA AND ANY OTHER INFORMATION THE DIRECTOR DEEMS  
13 NECESSARY.

14           C. THE HEARING SHALL BE HELD AT A LOCATION IN THE COUNTY IN WHICH  
15 THE MAJOR PORTION OF THE PROPOSED INTERIM WATER REVIEW AREA IS LOCATED NOT  
16 MORE THAN SIXTY DAYS AFTER THE FIRST PUBLICATION OF THE NOTICE OF THE  
17 HEARING. AT THE HEARING, THE DIRECTOR SHALL PRESENT ANY RELEVANT DATA  
18 FROM THE DEPARTMENT AND SHALL DESCRIBE THE EFFECTS OF THE PROPOSED  
19 FORMATION OF THE INTERIM WATER REVIEW AREA. ANY PERSON MAY APPEAR AT THE  
20 HEARING, EITHER IN PERSON OR BY REPRESENTATIVE, AND SUBMIT ORAL OR  
21 DOCUMENTARY EVIDENCE REGARDING THE PROPOSED ACTION.

22           45-445.02. Election; eligible voters; map

23           A. THE DEPARTMENT SHALL NOTIFY THE COUNTY RECORDER WHEN THE HEARING  
24 PRESCRIBED IN SECTION 45-445.01 IS COMPLETED, AND THE COUNTY RECORDER  
25 SHALL PROVIDE NOTICE TO THE COUNTY BOARD OF SUPERVISORS, WHO SHALL CALL  
26 FOR AN ELECTION ON THE QUESTION OF DESIGNATING AN INTERIM WATER REVIEW  
27 AREA. NOTWITHSTANDING ANY OTHER LAW, THE ELECTION SHALL BE CONDUCTED AS  
28 PRESCRIBED IN TITLE 16, CHAPTER 4, ARTICLE 8.1, EXCEPT THAT THE ELECTION  
29 SHALL INCLUDE THE FOLLOWING AS ELIGIBLE VOTERS:

30           1. REGISTERED VOTERS WHO RESIDE INSIDE THE BOUNDARIES OF THE  
31 PROPOSED INTERIM WATER REVIEW AREA.

32           2. ALL OWNERS OF PRIVATELY OWNED LAND WITHOUT REGARD TO THE OWNER'S  
33 PLACE OF LEGAL RESIDENCE.

34           B. IF A MAJORITY OF THE PERSONS VOTING ON THE QUESTION APPROVES THE  
35 FORMATION OF THE INTERIM WATER REVIEW AREA, THE INTERIM WATER REVIEW AREA  
36 IS ESTABLISHED, AND THE DIRECTOR SHALL FILE A TRUE COPY OF THE MAP OF THE  
37 INTERIM WATER REVIEW AREA IN THE OFFICE OF THE COUNTY RECORDER OF THE  
38 COUNTY OR COUNTIES IN WHICH THE INTERIM WATER REVIEW AREA IS LOCATED.

39           45-445.03. Interim water review area; groundwater users

40           A. IF AN INTERIM WATER REVIEW AREA IS ESTABLISHED PURSUANT TO  
41 SECTION 45-445.02, ONLY GROUNDWATER USES ON LAND THAT OCCURRED AT ANY TIME  
42 DURING THE FIVE YEARS PRECEDING THE DATE OF THE ESTABLISHMENT OF THE  
43 INTERIM WATER REVIEW AREA MAY BE CONTINUED AND NO ADDITIONAL USES OF  
44 GROUNDWATER ARE ALLOWED FOR A PERIOD OF FIVE YEARS AFTER THE DATE THE  
45 INTERIM WATER REVIEW AREA IS ESTABLISHED.

- 1           B. ON COMPLETION OF THE FIVE-YEAR PERIOD:
- 2           1. SUBSECTION A OF THIS SECTION NO LONGER APPLIES AND GROUNDWATER
- 3           USES MAY BE EXPANDED AND NEW GROUNDWATER USES ARE ALLOWED.
- 4           2. THE DEPARTMENT SHALL REVIEW THE STATUS OF GROUNDWATER IN THE
- 5           INTERIM WATER REVIEW AREA, SHALL ESTIMATE THE AMOUNT OF ANY CHANGE IN
- 6           GROUNDWATER LEVELS IN THE AREA, SHALL SUBMIT A REPORT ON THE DEPARTMENT'S
- 7           FINDINGS TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF
- 8           THE SENATE AND THE GOVERNOR AND SHALL PROVIDE A COPY OF THIS REPORT TO THE
- 9           SECRETARY OF STATE.