

REFERENCE TITLE: Harquahala non-expansion area; groundwater
transportation.

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1147

Introduced by
Senator Kerr

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 Transportation of groundwater withdrawn in Harquahala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11 withdrawn from a depth to one thousand feet, at a rate that, when added to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~~ OR
21 PUBLIC SERVICE CORPORATION THAT IS REGULATED BY THE CORPORATION COMMISSION
22 AND THAT HOLDS A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR WATER
23 SERVICE IN AN INITIAL ACTIVE MANAGEMENT AREA IF THE POLITICAL SUBDIVISION
24 OR PUBLIC SERVICE CORPORATION owns land eligible to be irrigated under
25 section 45-437, subsection B in the Harquahala irrigation non-expansion
26 area, may withdraw groundwater from the land for transportation to an
27 initial active management area for its own use or use by the Arizona water
28 banking authority pursuant to section 45-2491 only:

29 1. If the groundwater is withdrawn:

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

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

36 2. In an amount either:

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

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

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

42 (b) Established by the director, but only if the director
43 determines that withdrawals in an amount greater than that ~~permitted~~
44 ALLOWED by subdivision (a) of this paragraph will not unreasonably
45 increase damage to residents of surrounding land and other water users in

1 the irrigation non-expansion area, or that one or more of the entities
2 withdrawing the groundwater will mitigate the damage to the residents and
3 other water users.

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

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

12 2. From a depth between one thousand and one thousand two hundred
13 feet at the site or sites of the withdrawals only if the director
14 determines either that the withdrawals will not unreasonably increase
15 damage to residents of surrounding land or that one or more of the
16 entities withdrawing the groundwater will mitigate the damage to the
17 residents.