

REFERENCE TITLE: wells; permits; spacing rules

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1355

Introduced by
Senators Mendez: Hernandez, Miranda, Sundareshan, Terán; Representative
Salman

AN ACT

**AMENDING SECTIONS 45-453 AND 45-598, 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 45-453, Arizona Revised Statutes, is amended to
3 read:

4 45-453. Groundwater rights and uses in areas outside active
5 management areas; declining basins; amounts;
6 transportation; irrigation non-expansion areas

7 In areas outside of active management areas, a person may:

8 1. Withdraw and use groundwater for reasonable and beneficial use,
9 except as provided in article 8.1 of this chapter, SECTION 45-598 AND
10 RULES ADOPTED BY THE DIRECTOR.

11 2. Transport groundwater pursuant to articles 8 and 8.1 of this
12 chapter.

13 3. Use groundwater for irrigation purposes within the exterior
14 boundaries of an irrigation non-expansion area only pursuant to article 3
15 of this chapter.

16 Sec. 2. Section 45-598, Arizona Revised Statutes, is amended to
17 read:

18 45-598. New wells and replacement wells in new locations in
19 active management areas; declining basins; rules;
20 permit required

21 A. The director shall adopt rules governing the location of new
22 wells and replacement wells in new locations ~~in active management areas~~ to
23 prevent unreasonably increasing damage to surrounding land or other water
24 users from the concentration of wells. AS FOLLOWS:

25 1. IN ACTIVE MANAGEMENT AREAS.

26 2. IN GROUNDWATER BASINS THAT THE DIRECTOR DETERMINES TO BE
27 EXPERIENCING DECLINING GROUNDWATER LEVELS, FOR WELLS HAVING A PUMP WITH A
28 MAXIMUM CAPACITY OF MORE THAN THIRTY-FIVE GALLONS PER MINUTE. IN LIEU OF
29 ADOPTING NEW RULES PURSUANT TO THIS PARAGRAPH, THE DIRECTOR MAY FOLLOW THE
30 CRITERIA FOR PROPOSED WITHDRAWALS IN ACTIVE MANAGEMENT AREAS.

31 B. A person WHO IS entitled to withdraw groundwater in an active
32 management area pursuant to article 5 or 6 of this chapter may construct a
33 new well or a replacement well in a new location if the location of the
34 new well or the replacement well complies with the rules adopted by the
35 director pursuant to subsection A of this section and if the person has
36 applied for and received a permit from the director pursuant to section
37 45-599.

38 C. An applicant for a general industrial use permit pursuant to
39 sections 45-515 and 45-521 who proposes to construct a new well or a
40 replacement well in a new location shall also apply for a permit pursuant
41 to section 45-599.

42 D. A person who is entitled to withdraw groundwater in an active
43 management area under article 5 or 6 of this chapter may withdraw
44 groundwater under article 5 or 6 of this chapter from a well drilled to
45 withdraw groundwater pursuant to a groundwater withdrawal permit issued

1 under article 7 of this chapter if the location of the well complies with
2 the rules adopted by the director under subsection A of this section and
3 if the person has applied for and received a permit from the director
4 pursuant to section 45-599. A person WHO IS entitled to withdraw
5 groundwater in an active management area under a general industrial use
6 permit issued under section 45-515 may withdraw groundwater under section
7 45-515 from a well used to withdraw groundwater pursuant to another
8 category of groundwater withdrawal permit issued under article 7 of this
9 chapter if the location of the well complies with the rules adopted by the
10 director under subsection A of this section and if the person has applied
11 for and received a permit from the director pursuant to section 45-599.

12 E. A PERSON WHO IS ENTITLED TO WITHDRAW GROUNDWATER IN A
13 GROUNDWATER BASIN DETERMINED BY THE DIRECTOR TO BE EXPERIENCING DECLINING
14 GROUNDWATER LEVELS MAY CONSTRUCT A NEW WELL IF THE LOCATION OF THE WELL
15 COMPLIES WITH THE RULES ADOPTED BY THE DIRECTOR UNDER SUBSECTION A,
16 PARAGRAPH 2 OF THIS SECTION AND IF THE PERSON HAS APPLIED FOR AND RECEIVED
17 A PERMIT FROM THE DIRECTOR PURSUANT TO SECTION 45-599.