

REFERENCE TITLE: subsequent irrigation non-expansion area; removal

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2018

Introduced by
Representative Griffin

AN ACT

AMENDING SECTIONS 45-432, 45-433, 45-435 AND 45-436, ARIZONA REVISED STATUTES; RELATING TO IRRIGATION NON-EXPANSION AREAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-432, Arizona Revised Statutes, is amended to
3 read:

4 45-432. Subsequent irrigation non-expansion areas;
5 designation; review of groundwater subbasins;
6 removal

7 A. The director may designate an area ~~which~~ THAT is not included
8 within an active management area as a subsequent irrigation non-expansion
9 area if the director determines that both of the following apply:

10 1. There is insufficient groundwater to provide a reasonably safe
11 supply for irrigation of the cultivated lands in the area at the current
12 rates of withdrawal.

13 2. The establishment of an active management area pursuant to
14 section 45-412 is not necessary.

15 B. An irrigation non-expansion area established pursuant to this
16 section may include more than one groundwater ~~sub-basin~~ SUBBASIN but shall
17 not be smaller than a groundwater ~~sub-basin~~ SUBBASIN or include only a
18 portion of a groundwater ~~sub-basin~~ SUBBASIN.

19 C. THE DIRECTOR SHALL PERIODICALLY REVIEW ALL AREAS THAT ARE
20 INCLUDED WITHIN A SUBSEQUENT IRRIGATION NON-EXPANSION AREA TO DETERMINE
21 WHETHER THE AREAS CONTINUE TO MEET THE CRITERIA FOR INCLUSION IN AN
22 IRRIGATION NON-EXPANSION AREA AS PRESCRIBED BY SUBSECTION A OF THIS
23 SECTION. IF THE DIRECTOR DETERMINES THAT AN AREA NO LONGER MEETS THE
24 CRITERIA FOR INCLUSION AS A SUBSEQUENT IRRIGATION NON-EXPANSION AREA, THE
25 DIRECTOR MAY REMOVE THE SUBSEQUENT IRRIGATION NON-EXPANSION AREA
26 DESIGNATION.

27 Sec. 2. Section 45-433, Arizona Revised Statutes, is amended to
28 read:

29 45-433. Local initiation for designation or removal;
30 procedures

31 A. The designation of a subsequent irrigation non-expansion area
32 may be initiated by the director or by petition to the director signed by
33 either:

34 1. Not less than twenty-five irrigation users of groundwater, or
35 one-fourth of the irrigation users of groundwater within the boundaries of
36 the groundwater basin or ~~sub-basin~~ SUBBASIN specified in the petition.

37 2. Ten ~~per-cent~~ PERCENT of the registered voters ~~residing~~ WHO
38 RESIDE within the boundaries of the groundwater basin or ~~sub-basin~~
39 SUBBASIN AND WHO RECEIVE THEIR DRINKING WATER FROM THAT GROUNDWATER BASIN
40 OR SUBBASIN specified in the petition as of the most recent report
41 compiled by the county recorder in compliance with section 16-168,
42 subsection ~~H~~ H. The form of the petition shall be the same as for an
43 initiative petition and the applicant for ~~such~~ THE petition shall comply

1 with ~~the provisions of~~ section 19-111, BE A RESIDENT OF THE GROUNDWATER
2 BASIN OR SUBBASIN AND RECEIVE THEIR DRINKING WATER FROM THE GROUNDWATER
3 BASIN OR SUBBASIN. If a groundwater basin or ~~sub-basin~~ SUBBASIN is
4 located in two or more counties, the number of registered voters required
5 to sign the petition shall be ten ~~per cent~~ PERCENT of the registered
6 voters ~~residing~~ WHO RESIDE within the boundaries of the groundwater basin
7 or ~~sub-basin~~ SUBBASIN AND WHO RECEIVE THEIR DRINKING WATER FROM THE
8 GROUNDWATER BASIN OR SUBBASIN, as of the most recent report compiled by
9 the county recorder in compliance with section 16-168, subsection ~~G~~ H,
10 within the county in which the plurality of the registered voters in the
11 groundwater basin or ~~sub-basin~~ SUBBASIN resides.

12 B. A SUBSEQUENT IRRIGATION NON-EXPANSION AREA DESIGNATION MAY BE
13 REMOVED BY THE DIRECTOR OR BY PETITION TO THE DIRECTOR SIGNED BY EITHER:

14 1. NOT LESS THAN TWENTY-FIVE IRRIGATION USERS OF GROUNDWATER OR
15 ONE-FOURTH OF THE IRRIGATION USERS OF GROUNDWATER WITHIN THE BOUNDARIES OF
16 THE GROUNDWATER BASIN OR SUBBASIN SPECIFIED IN THE PETITION.

17 2. TEN PERCENT OF THE REGISTERED VOTERS WHO RESIDE WITHIN THE
18 BOUNDARIES OF THE SUBSEQUENT IRRIGATION NON-EXPANSION AREA BASIN OR
19 SUBBASIN AND WHO RECEIVE THEIR DRINKING WATER FROM THE BASIN OR SUBBASIN,
20 AS OF THE MOST RECENT REPORT COMPILED BY THE COUNTY RECORDER IN COMPLIANCE
21 WITH SECTION 16-168, SUBSECTION H, AND A SUBSEQUENT ELECTION HELD PURSUANT
22 TO THE GENERAL ELECTION LAWS OF THIS STATE. THE FORM OF THE PETITION
23 SHALL BE THE SAME AS FOR INITIATIVE PETITIONS, AND THE APPLICANT FOR THE
24 PETITION SHALL COMPLY WITH SECTION 19-111. IF A GROUNDWATER BASIN OR
25 SUBBASIN IS LOCATED IN TWO OR MORE COUNTIES, THE NUMBER OF REGISTERED
26 VOTERS REQUIRED TO SIGN THE PETITION SHALL BE TEN PERCENT OF THE
27 REGISTERED VOTERS WHO RESIDE WITHIN THE BOUNDARIES OF THE GROUNDWATER
28 BASIN OR SUBBASIN AND WHO RECEIVE THEIR DRINKING WATER FROM THE
29 GROUNDWATER BASIN OR SUBBASIN, AS OF THE MOST RECENT REPORT COMPILED BY
30 THE COUNTY RECORDER IN COMPLIANCE WITH SECTION 16-168, SUBSECTION H,
31 WITHIN THE COUNTY IN WHICH THE PLURALITY OF THE REGISTERED VOTERS WHO
32 RECEIVE THEIR DRINKING WATER FROM THE GROUNDWATER BASIN OR SUBBASIN
33 RESIDES.

34 ~~B.~~ C. ~~Upon~~ ON receipt of a petition pursuant to subsection A,
35 paragraph 2 OR SUBSECTION B, PARAGRAPH 2 of this section, the director
36 shall transmit the petition to the county recorder of each county in which
37 the groundwater basin or ~~sub-basin~~ SUBBASIN is located for verification of
38 signatures. In addition, the director shall transmit a map of the
39 groundwater basin or ~~sub-basin~~ SUBBASIN to the county recorder of each
40 such county included. The map shall be on a scale adequate to show with
41 substantial accuracy where the boundaries of the groundwater basin or
42 ~~sub-basin~~ SUBBASIN cross the boundaries of county voting precincts. The
43 director shall also transmit to the county recorder all other factual data

1 concerning the boundaries of the groundwater basin or ~~sub-basin~~ SUBBASIN
2 that may aid the county recorder in ~~the determination of~~ DETERMINING which
3 registered voters of the county are residents of the groundwater basin or
4 ~~sub-basin~~ SUBBASIN AND ARE ELIGIBLE VOTERS OR PETITIONERS, INCLUDING A MAP
5 OF THE RESIDENCES THAT RECEIVE DRINKING WATER FROM THE GROUNDWATER BASIN
6 OR SUBBASIN.

7 Sec. 3. Section 45-435, Arizona Revised Statutes, is amended to
8 read:

9 45-435. Hearing on designation or removal of subsequent
10 irrigation non-expansion areas and boundaries;
11 notice; procedures

12 A. If the director finds that an area ~~which~~ THAT is not included
13 within an active management area meets the criteria specified in section
14 45-432, A SUBSEQUENT IRRIGATION NON-EXPANSION AREA NO LONGER MEETS THE
15 CRITERIA SPECIFIED IN SECTION 45-431 or a petition is filed pursuant to
16 section 45-433, the director shall hold a public hearing to consider:

17 1. Whether to issue an order declaring the area an irrigation
18 non-expansion area OR TO REMOVE A SUBSEQUENT IRRIGATION NON-EXPANSION AREA
19 DESIGNATION.

20 2. The boundaries of the proposed irrigation non-expansion area OR
21 ANY BOUNDARY MODIFICATION OF A SUBSEQUENT IRRIGATION NON-EXPANSION AREA.

22 B. The director shall give reasonable notice of the hearing under
23 the circumstances ~~which shall include the~~ BY publication once each week
24 for two consecutive weeks in a newspaper of general circulation in each
25 county in which the proposed irrigation non-expansion area OR CURRENTLY
26 DESIGNATED SUBSEQUENT IRRIGATION NON-EXPANSION AREA is located. Any
27 notice shall contain the time and place of the hearing, the legal
28 description and a map clearly identifying and describing all lands to be
29 included in the proposed irrigation non-expansion area OR TO BE REMOVED
30 FROM THE CURRENTLY DESIGNATED SUBSEQUENT IRRIGATION NON-EXPANSION AREA and
31 any other information the director deems necessary.

32 C. The hearing shall be held at a location in the county in which
33 the major portion of the proposed irrigation non-expansion area is located
34 ~~in~~ OR AT A LOCATION WITHIN THE CURRENTLY DESIGNATED SUBSEQUENT IRRIGATION
35 NON-EXPANSION AREA NOT less than thirty days but ~~in~~ NOT more than sixty
36 days after the first publication of the notice of the hearing. At the
37 hearing, the director shall present the factual data in ~~his~~ THE DIRECTOR'S
38 possession in support of or in opposition to the proposed action. Any
39 person may appear at the hearing, either in person or by representative,
40 and submit oral or documentary evidence for or against the proposed
41 action. In making ~~his~~ THE determination, the director shall give full
42 consideration to public comment and to recommendations made by local
43 political subdivisions.

1 Sec. 4. Section 45-436, Arizona Revised Statutes, is amended to
2 read:

3 45-436. Findings on hearing; order for irrigation
4 non-expansion area; order for irrigation non-
5 expansion area removal; publication

6 A. Within thirty days after the hearing, the director shall make
7 and file in the director's office written findings with respect to matters
8 considered during the hearing. If the director decides to declare an area
9 an irrigation non-expansion area, the director shall make and file an
10 order designating the irrigation non-expansion area. **IF THE DIRECTOR**
11 **DECIDES TO REMOVE AN AREA FROM A SUBSEQUENT IRRIGATION NON-EXPANSION AREA,**
12 **THE DIRECTOR SHALL MAKE AND FILE AN ORDER DESIGNATING THE AREA AS OUTSIDE**
13 **OF AN IRRIGATION NON-EXPANSION AREA.**

14 B. The findings and order shall be published in the manner and for
15 the length of time prescribed for the publication of notice of the public
16 hearing, and the order is effective when published for the final time.
17 All factual data compiled by the director, a transcript of the hearing, a
18 copy of the findings and a map identifying the lands included in the
19 irrigation non-expansion area **OR REMOVED FROM THE IRRIGATION NON-EXPANSION**
20 **AREA** are public records of the department and shall be available for
21 examination by the public during regular business hours. The findings and
22 order of the director are subject to rehearing or review and to judicial
23 review as provided in section 45-114, subsection C.

24 C. The director shall file a true copy of the map in the office of
25 the county recorder of the county or counties in which the irrigation
26 non-expansion area is located **OR WAS LOCATED.**