

House Engrossed

wells; water measuring devices; prohibition

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

HOUSE BILL 2123

AN ACT

AMENDING SECTION 45-604, ARIZONA REVISED STATUTES; RELATING TO WATER
MEASURING DEVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-604, Arizona Revised Statutes, is amended to
3 read:

4 45-604. Water measuring devices; prohibition

5 A. Except as provided in subsections B, C, ~~and~~ D AND E of this
6 section, a person who withdraws groundwater from a nonexempt well in an
7 active management area or an irrigation non-expansion area, a person who
8 withdraws water from a ~~non-exempt~~ NONEXEMPT well in the Santa Cruz active
9 management area or a person who withdraws groundwater for transportation
10 to an initial active management area pursuant to article 8.1 of this
11 chapter shall use a water measuring device approved by the director.

12 B. A person who holds a type 2 non-irrigation grandfathered right
13 or a groundwater withdrawal permit in the amount of ten or fewer acre-feet
14 per year is not required to use a water measuring device to measure
15 withdrawals pursuant to that grandfathered right or groundwater withdrawal
16 permit unless the person holds more than one such right or permit in the
17 aggregate amount of more than ten acre-feet per year and withdraws more
18 than ten acre-feet of groundwater per year pursuant to those rights or
19 permits from one well.

20 C. In an irrigation non-expansion area:

21 1. A person who withdraws ten or fewer acre-feet of groundwater per
22 year from a ~~non-exempt~~ NONEXEMPT well for a non-irrigation use is not
23 required to use a water measuring device to measure withdrawals from that
24 well.

25 2. A person who withdraws groundwater from a ~~non-exempt~~ NONEXEMPT
26 well for an irrigation use is not required to use a water measuring device
27 to measure withdrawals from that well if both of the following apply:

28 (a) Groundwater withdrawn from the well for an irrigation use is
29 used only on land that is owned by a person who has the right under
30 section 45-437 to irrigate ten or fewer contiguous acres at the place of
31 the use.

32 (b) Groundwater withdrawn from the well is not used on land that is
33 part of an integrated farming operation.

34 D. In an active management area, a person, other than an irrigation
35 district, who withdraws groundwater from a ~~non-exempt~~ NONEXEMPT well for
36 use pursuant to an irrigation grandfathered right that is appurtenant to
37 ten or fewer irrigation acres is not required to use a water measuring
38 device to measure withdrawals from that well unless groundwater withdrawn
39 from the well is also used pursuant to either a service area right
40 pursuant to article 6 of this chapter or a grandfathered groundwater right
41 other than an irrigation grandfathered right that is appurtenant to
42 irrigation acres that are exempt from irrigation water duties pursuant to
43 section 45-563.02.

1 E. NOTWITHSTANDING ANY OTHER LAW, THIS STATE OR A POLITICAL
2 SUBDIVISION OF THIS STATE MAY NOT REQUIRE A WATER MEASURING DEVICE FOR ANY
3 WELL THAT IS LOCATED IN A BASIN OR SUBBASIN TO WHICH ALL OF THE FOLLOWING
4 APPLY:

5 1. THE GROUNDWATER BASIN OR SUBBASIN CONTAINS A RIVER SYSTEM OR
6 SOURCE THAT IS SUBJECT TO A GENERAL ADJUDICATION OF WATER RIGHTS PURSUANT
7 TO CHAPTER 1, ARTICLE 9 OF THIS TITLE, AND WATER RIGHTS ARE NOT FULLY
8 ADJUDICATED.

9 2. THE GROUNDWATER BASIN OR SUBBASIN IS LOCATED OUTSIDE OF AN
10 INITIAL ACTIVE MANAGEMENT AREA.

11 3. THE GROUNDWATER BASIN OR SUBBASIN IS LOCATED OUTSIDE OF AN AREA
12 IN WHICH GROUNDWATER MAY BE WITHDRAWN AND TRANSPORTED PURSUANT TO ARTICLE
13 8.1 OF THIS CHAPTER.

14 F. SUBSECTION E OF THIS SECTION DOES NOT IMPEDE OR IMPAIR EITHER:

15 1. THE TERMS AND CONDITIONS OF A VALID CONTRACT OR SETTLEMENT
16 AGREEMENT.

17 2. THE AUTHORITY, ACTIONS AND REMEDIES THAT ARE AVAILABLE TO A
18 COURT OF COMPETENT JURISDICTION OR SPECIAL MASTER IN A GENERAL STREAM
19 ADJUDICATION.

20 ~~E.~~ G. The director shall adopt rules setting forth the
21 requirements and specifications for water measuring devices.