

House Engrossed

groundwater transportation; Harquahala non-expansion area

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

HOUSE BILL 2200

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 Transportation of groundwater withdrawn in Harquahala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; annual report

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11 withdrawn from a depth to one thousand feet, at a rate that, when added to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~~ AN
21 ENTITY DESCRIBED IN SUBSECTION D OF THIS SECTION THAT owns land eligible
22 to be irrigated under section 45-437, subsection B in the Harquahala
23 irrigation non-expansion area may withdraw groundwater from the land for
24 transportation to an initial active management area for its own use or use
25 by the Arizona water banking authority pursuant to section 45-2491 only:

26 1. If the groundwater is withdrawn:

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

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

33 2. In an amount either:

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

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

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

39 (b) Established by the director, but only if the director
40 determines that withdrawals in an amount greater than that ~~permitted~~
41 ALLOWED by subdivision (a) of this paragraph will not unreasonably
42 increase damage to residents of surrounding land and other water users in
43 the irrigation non-expansion area, or that one or more of the entities
44 withdrawing the groundwater will mitigate the damage to the residents and
45 other water users.

1 3. BY A PUBLIC SERVICE CORPORATION, IF ALL COSTS ASSOCIATED WITH
2 WITHDRAWING, TRANSPORTING AND DELIVERING GROUNDWATER AWAY FROM THE
3 HARQUAHALA IRRIGATION NON-EXPANSION AREA ARE COLLECTED FROM THE CUSTOMERS
4 OF THE PUBLIC SERVICE CORPORATION'S WATER DISTRICT WHERE THE TRANSPORTED
5 GROUNDWATER IS USED.

6 4. IF BEFORE THE WITHDRAWAL OF GROUNDWATER FROM THE HARQUAHALA
7 IRRIGATION NON-EXPANSION AREA OR THE EFFECTIVE DATE OF THIS AMENDMENT TO
8 THIS SECTION, WHICHEVER IS LATER, THE ELIGIBLE ENTITY HAS COMPLIED WITH
9 THE APPLICABLE REQUIREMENTS OF SECTIONS 45-576 AND 45-577 REGARDING A
10 HYDROLOGICAL STUDY.

11 5. IF BEFORE THE WITHDRAWAL OF GROUNDWATER FROM THE HARQUAHALA
12 IRRIGATION NON-EXPANSION AREA OR THE EFFECTIVE DATE OF THIS AMENDMENT TO
13 THIS SECTION, WHICHEVER IS LATER, THE ELIGIBLE ENTITY INSTALLS WATER
14 MEASURING DEVICES, OR OTHER SIMILARLY RELIABLE AND ACCESSIBLE METHODS AS
15 APPROVED BY THE DEPARTMENT TO DETERMINE THE VOLUME OF GROUNDWATER
16 WITHDRAWN FROM ALL RELEVANT WELLS AND TRANSPORTED OUT OF THE HARQUAHALA
17 IRRIGATION NON-EXPANSION AREA BY PIPELINES, CANALS OR CONDUITS.

18 6. IF BEFORE THE WITHDRAWAL OF GROUNDWATER FROM THE HARQUAHALA
19 IRRIGATION NON-EXPANSION AREA OR THE EFFECTIVE DATE OF THIS AMENDMENT TO
20 THIS SECTION, WHICHEVER IS LATER, THE ELIGIBLE ENTITY SUBMITS A MONTHLY
21 REPORT TO THE DEPARTMENT CONTAINING ALL OF THE FOLLOWING:

22 (a) THE VOLUME OF GROUNDWATER THE ENTITY WITHDREW FROM THE
23 HARQUAHALA IRRIGATION NON-EXPANSION AREA IN THE PRECEDING MONTH.

24 (b) THE VOLUME OF GROUNDWATER THE ENTITY TRANSPORTED OUT OF THE
25 HARQUAHALA IRRIGATION NON-EXPANSION AREA IN THE PRECEDING MONTH.

26 (c) THE END USE OR DESTINATION OF GROUNDWATER THE ENTITY
27 TRANSPORTED OUT OF THE HARQUAHALA IRRIGATION NON-EXPANSION AREA IN THE
28 PRECEDING MONTH.

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

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

37 2. From a depth between one thousand and one thousand two hundred
38 feet at the site or sites of the withdrawals only if the director
39 determines either that the withdrawals will not unreasonably increase
40 damage to residents of surrounding land or that one or more of the
41 entities withdrawing the groundwater will mitigate the damage to the
42 residents.

1 D. THE FOLLOWING ENTITIES ARE ELIGIBLE TO TRANSPORT GROUNDWATER
2 AWAY FROM THE HARQUAHALA IRRIGATION NON-EXPANSION AREA PURSUANT TO
3 SUBSECTION B OF THIS SECTION:

4 1. THIS STATE.

5 2. A POLITICAL SUBDIVISION OF THIS STATE.

6 3. A PUBLIC SERVICE CORPORATION THAT IS REGULATED BY THE
7 CORPORATION COMMISSION AND THAT HOLDS A CERTIFICATE OF CONVENIENCE AND
8 NECESSITY FOR WATER SERVICE IN AN INITIAL ACTIVE MANAGEMENT AREA.

9 E. THE DIRECTOR SHALL ADOPT RULES TO IMPLEMENT THIS SECTION,
10 INCLUDING FOR THE REPORTING OF GROUNDWATER TRANSPORTED FROM THE HARQUAHALA
11 IRRIGATION NON-EXPANSION AREA.

12 F. ON OR BEFORE JULY 1 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT A
13 REPORT OF ALL OF THE FOLLOWING TO THE GOVERNOR, THE PRESIDENT OF THE
14 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A
15 COPY OF THIS REPORT TO THE SECRETARY OF STATE:

16 1. THE TOTAL AMOUNT OF GROUNDWATER ALL ELIGIBLE ENTITIES WITHDREW
17 FROM THE HARQUAHALA IRRIGATION NON-EXPANSION AREA IN THE PRECEDING YEAR.

18 2. THE TOTAL AMOUNT OF GROUNDWATER EACH ELIGIBLE ENTITY WITHDREW
19 FROM THE HARQUAHALA IRRIGATION NON-EXPANSION AREA IN THE PRECEDING YEAR
20 DELINEATED BY ENTITY.

21 3. THE TOTAL AMOUNT OF GROUNDWATER ALL ELIGIBLE ENTITIES
22 TRANSPORTED FROM THE HARQUAHALA IRRIGATION NON-EXPANSION AREA IN THE
23 PRECEDING YEAR.

24 4. THE TOTAL AMOUNT OF GROUNDWATER EACH ELIGIBLE ENTITY TRANSPORTED
25 FROM THE HARQUAHALA IRRIGATION NON-EXPANSION AREA IN THE PRECEDING YEAR
26 DELINEATED BY ENTITY.

27 5. THE END USE OR DESTINATION OF ALL GROUNDWATER ALL ELIGIBLE
28 ENTITIES TRANSPORTED FROM THE HARQUAHALA IRRIGATION NON-EXPANSION AREA IN
29 THE PRECEDING YEAR.

30 6. THE END USE OR DESTINATION OF ALL GROUNDWATER ALL ELIGIBLE
31 ENTITIES TRANSPORTED FROM THE HARQUAHALA IRRIGATION NON-EXPANSION AREA IN
32 THE PRECEDING YEAR DELINEATED BY DESTINATION OR END USE.

33 Sec. 2. Exemption from rulemaking

34 Notwithstanding any other law, for the purposes of this act, the
35 department of water resources is exempt from the rulemaking requirements
36 of title 41, chapter 6, Arizona Revised Statutes, for one year after the
37 effective date of this act.