

REFERENCE TITLE: reporting; groundwater pumping; measuring

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

HB 2399

Introduced by
Representatives Crews: Austin, Contreras P, Gutierrez, Hernandez M, Ortiz,
Schwiebert, Seaman, Stahl Hamilton, Villegas; Senators Epstein, Mendez,
Sundareshan

AN ACT

AMENDING SECTIONS 45-402, 45-604, 45-632 AND 45-2602, 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 45-402, Arizona Revised Statutes, is amended to
3 read:

4 45-402. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Accounting period" means the calendar year, except such other
7 twelve-month period as may be otherwise agreed on by the director and the
8 owner of a farm or a district on behalf of its landowners.

9 2. "Active management area" means a geographical area that has been
10 designated pursuant to article 2 of this chapter as requiring active
11 management of groundwater or, in the case of the Santa Cruz active
12 management area, active management of any water, other than stored water,
13 withdrawn from a well.

14 3. "Animal industry use" means the production, growing and feeding
15 of livestock, range livestock or poultry, as ~~such~~ THOSE terms are defined
16 in section 3-1201. Animal industry use is included in the term and
17 general treatment of industry in this chapter, unless specifically
18 provided otherwise.

19 4. "City" or "town" means a city or town incorporated or chartered
20 under the constitution and laws of this state.

21 5. "Conservation district" means a multi-county water conservation
22 district established under title 48, chapter 22.

23 6. "Convey" means to transfer the ownership of a grandfathered
24 right from one person to another.

25 7. "Date of the designation of the active management area" means:

26 (a) With respect to an initial active management area, June 12,
27 1980.

28 (b) With respect to a subsequent active management area, the date
29 on which the director's order designating the active management area
30 becomes effective as provided in section 45-414 or the date on which the
31 final results of an election approving the establishment of the active
32 management area pursuant to section 45-415 are certified by the board of
33 supervisors of the county or counties in which the active management area
34 is located.

35 8. "Exempt well" means a well that has a pump with a maximum
36 capacity of not more than thirty-five gallons per minute and that is used
37 to withdraw groundwater pursuant to section 45-454.

38 9. "Expanded animal industry use" means increased water use by an
39 animal industrial enterprise on the land in use by the enterprise on June
40 12, 1980 or on immediately adjoining land, excluding irrigation uses.

41 10. "Farm" means an area of irrigated land that is under the same
42 ownership, that is served by a water distribution system common to the
43 irrigated land and to which can be applied common conservation, water
44 measurement and water accounting procedures.

1 11. "Farm unit" means:

2 (a) With respect to areas outside an active management area and
3 with respect to an active management area other than the Santa Cruz active
4 management area, one or more farms that are irrigated with groundwater and
5 that are contiguous or in proximity to each other with similar soil
6 conditions, crops and cropping patterns.

7 (b) With respect to the Santa Cruz active management area, one or
8 more farms that are irrigated with water, other than stored water,
9 withdrawn from a well and that are contiguous or in proximity to each
10 other with similar soil conditions, crops and cropping patterns.

11 12. "Grandfathered right" means a right to withdraw and use
12 groundwater pursuant to article 5 of this chapter based on the fact of
13 lawful withdrawals and use of groundwater before the date of the
14 designation of an active management area.

15 13. "Groundwater basin" means an area that, as nearly as known
16 facts allow as determined by the director pursuant to this chapter, may be
17 designated so as to enclose a relatively hydrologically distinct body or
18 related bodies of groundwater, which shall be described horizontally by
19 surface description.

20 14. "Groundwater replenishment district" or "replenishment
21 district" means a district that is established pursuant to title 48,
22 chapter 27.

23 15. "Groundwater withdrawal permit" means a permit issued by the
24 director pursuant to article 7 of this chapter.

25 16. "Initial active management area" means the Phoenix, Prescott or
26 Pinal active management area established by section 45-411, the Tucson
27 active management area established by section 45-411 and modified by
28 section 45-411.02 and the Santa Cruz active management area established by
29 section 45-411.03.

30 17. "Integrated farming operation" means:

31 (a) With respect to land within an irrigation non-expansion area,
32 more than ten acres of land that are contiguous or in close proximity,
33 that may be irrigated pursuant to section 45-437, that are not under the
34 same ownership and that are farmed as a single farming operation.

35 (b) With respect to land ~~within an active management area,~~ **OUTSIDE**
36 **OF AN IRRIGATION NON-EXPANSION AREA,** two or more farms that are contiguous
37 or in close proximity, that collectively have more than ten irrigation
38 acres and that are farmed as a single farming operation.

39 18. "Irrigate" means to apply water to two or more acres of land to
40 produce plants or parts of plants for sale or human consumption, or for
41 use as feed for livestock, range livestock or poultry, as ~~such~~ **THOSE** terms
42 are defined in section 3-1201.

43 19. "Irrigation acre" means an acre of land, as determined in
44 section 45-465, subsection B, to which an irrigation grandfathered right
45 is appurtenant.

1 20. "Irrigation district" means a political subdivision, however
2 designated, established pursuant to title 48, chapter 17 or 19.

3 21. "Irrigation grandfathered right" means a grandfathered right
4 determined pursuant to section 45-465.

5 22. "Irrigation non-expansion area" means a geographical area that
6 has been designated pursuant to article 3 of this chapter as having
7 insufficient groundwater to provide a reasonably safe supply for the
8 irrigation of the cultivated lands at the current rate of withdrawal.

9 23. "Irrigation use" means:

10 (a) With respect to areas outside an active management area and
11 with respect to an active management area other than the Santa Cruz active
12 management area, the use of groundwater on two or more acres of land to
13 produce plants or parts of plants for sale or human consumption, or for
14 use as feed for livestock, range livestock or poultry, as ~~such~~ THOSE terms
15 are defined in section 3-1201.

16 (b) With respect to the Santa Cruz active management area, the use
17 of water, other than stored water, withdrawn from a well on two or more
18 acres of land to produce plants or parts of plants for sale or human
19 consumption, or for use as feed for livestock, range livestock or poultry,
20 as ~~such~~ THOSE terms are defined in section 3-1201.

21 24. "Irrigation water duty" or "water duty" means the amount of
22 water in acre-feet per acre that is reasonable to apply to irrigated land
23 in a farm unit during the accounting period, as determined by the director
24 pursuant to sections 45-564 through 45-568 or as prescribed in section
25 45-483.

26 25. "Member land" means real property that qualifies as a member
27 land of a conservation district as provided by title 48, chapter 22.

28 26. "Member service area" means the service area of a city, town or
29 private water company that qualifies as a member service area of a
30 conservation district as provided by title 48, chapter 22.

31 27. "Non-irrigation grandfathered right" means a grandfathered
32 right determined pursuant to section 45-463, 45-464, 45-469 or 45-472.

33 28. "Non-irrigation use" means:

34 (a) With respect to areas outside an active management area and
35 with respect to an active management area other than the Santa Cruz active
36 management area, a use of groundwater other than an irrigation use.

37 (b) With respect to the Santa Cruz active management area, a use of
38 water, other than stored water, withdrawn from a well, other than an
39 irrigation use.

40 29. "Person" means an individual, public or private corporation,
41 company, partnership, firm, association, society, estate or trust, any
42 other private organization or enterprise, the United States, any state,
43 territory or country or a governmental entity, political subdivision or
44 municipal corporation organized under or subject to the constitution and
45 laws of this state.

1 30. "Private water company" means:

2 (a) With respect to areas outside an active management area and
3 with respect to an active management area other than the Santa Cruz active
4 management area, any entity that distributes or sells groundwater, except
5 a political subdivision or an entity that is established pursuant to title
6 48 and that is not regulated as a public service corporation by the
7 Arizona corporation commission under a certificate of public convenience
8 and necessity. A city or town is not a private water company.

9 (b) With respect to the Santa Cruz active management area, any
10 entity that distributes or sells water, other than stored water, withdrawn
11 from a well, except a political subdivision or an entity that is
12 established pursuant to title 48 and that is not regulated as a public
13 service corporation by the Arizona corporation commission under a
14 certificate of public convenience and necessity. A city or town is not a
15 private water company.

16 31. "Service area" means:

17 (a) With respect to a city or town, the area of land actually being
18 served water, for a non-irrigation use, by the city or town plus:

19 (i) Additions to such area that contain an operating distribution
20 system owned by the city or town primarily for the delivery of water for a
21 non-irrigation use.

22 (ii) The service area of a city, town or private water company that
23 obtains its water from the city pursuant to a contract entered into before
24 the date of the designation of the active management area.

25 (b) With respect to a private water company, the area of land of
26 the private water company actually being served water, for a
27 non-irrigation use, by the private water company plus additions to such
28 area that contain an operating distribution system owned by the private
29 water company primarily for the delivery of water for a non-irrigation
30 use.

31 32. "Service area of an irrigation district" means:

32 (a) With respect to an irrigation district that was engaged in the
33 withdrawal, delivery and distribution of groundwater as of the date of the
34 designation of the active management area, the area of land within the
35 boundaries of the irrigation district actually being served water by the
36 irrigation district at any time during the five years preceding the date
37 of the designation of the active management area plus any areas as of the
38 date of the designation of the active management area within the
39 boundaries of the irrigation district that contain an operating system of
40 canals, flumes, ditches and other works owned or operated by the
41 irrigation district. The service area may be modified pursuant to section
42 45-494.01.

43 (b) With respect to an irrigation district that was not engaged in
44 the withdrawal, delivery and distribution of groundwater as of the date of
45 the designation of the active management area:

1 (i) The acres of member lands within the boundaries of the
2 irrigation district that were legally irrigated at any time from
3 January 1, 1975 through January 1, 1980 for initial active management
4 areas or during the five years preceding the date of the designation of
5 the active management area for subsequent active management areas.

6 (ii) Any areas of land that contain an operating system of canals,
7 flumes, ditches and other works owned or operated by the irrigation
8 district for the withdrawal, delivery and distribution of water, except
9 that additional areas containing an operating system of canals, flumes,
10 ditches and other works owned or operated by the irrigation district may
11 not be added after December 31, 2027.

12 33. "Stored water" means water that is stored underground for the
13 purpose of recovery pursuant to a permit issued under chapter 3.1 of this
14 title.

15 34. "Subbasin" means an area that, as nearly as known facts allow
16 as determined by the director pursuant to this chapter, may be designated
17 so as to enclose a relatively hydrologically distinct body of groundwater
18 within a groundwater basin, which shall be described horizontally by
19 surface description.

20 35. "Subsequent active management area" means an active management
21 area established after June 12, 1980 pursuant to article 2 of this
22 chapter.

23 36. "Subsidence" means the settling or lowering of the surface of
24 land that results from the withdrawal of groundwater.

25 37. "Transportation" means the movement of groundwater from the
26 point of withdrawal to the point of use.

27 38. "Type 1 non-irrigation grandfathered right" means a
28 non-irrigation grandfathered right associated with retired irrigated land
29 and determined pursuant to section 45-463, 45-469 or 45-472.

30 39. "Type 2 non-irrigation grandfathered right" means a
31 non-irrigation grandfathered right not associated with retired irrigated
32 land and determined pursuant to section 45-464.

33 40. "Water district" means an active management area water district
34 that is established under title 48, chapter 28 and that has adopted an
35 ordinance or resolution to undertake water district groundwater
36 replenishment obligations as defined and used in title 48, chapter 28,
37 article 7.

38 41. "Water district member land" means real property that qualifies
39 as water district member land of a water district as provided by title 48,
40 chapter 28.

41 42. "Water district member service area" means the service area of
42 the city, town or private water company that qualifies as a water district
43 member service area of a water district as provided by title 48,
44 chapter 28.

1 43. "Well" means a man-made opening in the earth through which
2 water may be withdrawn or obtained from beneath the surface of the earth
3 except as provided in section 45-591.01.

4 Sec. 2. Section 45-604, Arizona Revised Statutes, is amended to
5 read:

6 45-604. Water measuring devices

7 A. Except as provided in subsections B, C, ~~and~~ D AND E of this
8 section, a person who withdraws groundwater from a nonexempt well in an
9 active management area or an irrigation non-expansion area, a person who
10 withdraws water from a ~~non-exempt~~ NONEXEMPT well in the Santa Cruz active
11 management area, ~~or~~ a person who withdraws groundwater for transportation
12 to an initial active management area pursuant to article 8.1 of this
13 chapter OR A PERSON WHO WITHDRAWS GROUNDWATER FROM A NONEXEMPT WELL UNDER
14 ANY OTHER CIRCUMSTANCES AND IN ANY OTHER LOCATION shall use a water
15 measuring device approved by the director.

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

24 C. In an irrigation non-expansion area:

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

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

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

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

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

1 irrigation acres that are exempt from irrigation water duties pursuant to
2 section 45-563.02.

3 E. FOR A NONEXEMPT WELL OTHER THAN A NONEXEMPT WELL PRESCRIBED BY
4 SUBSECTIONS B, C AND D OF THIS SECTION:

5 1. A PERSON WHO WITHDRAWS TEN OR FEWER ACRE-FEET OF GROUNDWATER PER
6 YEAR FROM A NONEXEMPT WELL FOR A NON-IRRIGATION USE IS NOT REQUIRED TO USE
7 A WATER MEASURING DEVICE TO MEASURE WITHDRAWALS FROM THAT WELL.

8 2. A PERSON WHO WITHDRAWS GROUNDWATER FROM A NONEXEMPT WELL FOR AN
9 IRRIGATION USE IS NOT REQUIRED TO USE A WATER MEASURING DEVICE TO MEASURE
10 WITHDRAWALS FROM THAT WELL IF BOTH OF THE FOLLOWING APPLY:

11 (a) GROUNDWATER WITHDRAWN FROM THE WELL FOR AN IRRIGATION USE IS
12 USED ONLY ON LAND THAT IS OWNED BY A PERSON WHO HAS THE RIGHT TO IRRIGATE
13 TEN OR FEWER CONTIGUOUS ACRES AT THE PLACE OF THE USE.

14 (b) GROUNDWATER WITHDRAWN FROM THE WELL IS NOT USED ON LAND THAT IS
15 PART OF AN INTEGRATED FARMING OPERATION.

16 ~~E.~~ F. The director shall adopt rules setting forth the
17 requirements and specifications for water measuring devices.

18 Sec. 3. Section 45-632, Arizona Revised Statutes, is amended to
19 read:

20 45-632. Records and annual report of groundwater pumping,
21 transportation and use; penalty

22 A. Each person who is required to file an annual report under this
23 section or who files an annual report under subsection E of this section
24 shall maintain current accurate records of the person's withdrawals,
25 transportation, deliveries and use of groundwater and, in the Santa Cruz
26 active management area, current accurate records of the person's
27 withdrawals, deliveries and use of all water withdrawn from a well, as
28 prescribed by the director under subsection ~~P~~ Q of this section.

29 B. Except as provided in subsections C and D of this section, an
30 annual report shall be filed with the director by each person who:

31 1. Owns or leases a right under this chapter to withdraw, receive
32 or use groundwater in an active management area, unless a report is filed
33 for that person by an irrigation district under subsection E of this
34 section or by another person in a form acceptable to the director.

35 2. Uses groundwater ~~which~~ THAT is transported from an active
36 management area.

37 3. Is an individual user subject to a municipal conservation
38 requirement for appropriate conservation measures included in a management
39 plan adopted by the director pursuant to article 9 of this chapter.

40 4. Withdraws groundwater for transportation to an initial active
41 management area pursuant to article 8.1 of this chapter.

42 5. Withdraws water from a well in the Santa Cruz active management
43 area or who uses water, other than stored water, withdrawn from a
44 ~~non-exempt~~ NONEXEMPT well in the Santa Cruz active management area.

1 6. WITHDRAWS GROUNDWATER FROM A NONEXEMPT WELL IN A LOCATION
2 OUTSIDE OF AN ACTIVE MANAGEMENT AREA AND OUTSIDE OF AN IRRIGATION
3 NON-EXPANSION AREA, EXCEPT THAT A PERSON WHO WITHDRAWS GROUNDWATER FOR AN
4 IRRIGATION USE FROM A NONEXEMPT WELL IS EXEMPT FROM ANNUAL REPORTING
5 REQUIREMENTS IF THE GROUNDWATER IS USED ONLY ON LAND THAT IS OWNED BY A
6 PERSON WHO HAS THE RIGHT TO IRRIGATE TEN OR FEWER CONTIGUOUS ACRES AT THE
7 PLACE OF USE AND THE LAND IS NOT PART OF AN INTEGRATED FARMING OPERATION
8 OF MORE THAN TEN ACRES.

9 C. Persons who withdraw groundwater from exempt wells and
10 non-irrigation customers of cities, towns, private water companies and
11 irrigation districts, except customers receiving water pursuant to a
12 permit, are exempt from the record keeping and reporting requirements of
13 this section for such water.

14 D. A person who owns or leases an irrigation grandfathered right
15 that is appurtenant to ten or fewer irrigation acres is exempt from the
16 record keeping and reporting requirements of this section for the
17 irrigation grandfathered right unless one of the following applies:

18 1. The land to which the irrigation grandfathered right is
19 appurtenant is part of an integrated farming operation.

20 2. Groundwater is withdrawn from the land to which the irrigation
21 grandfathered right is appurtenant and delivered for use pursuant to
22 either a service area right pursuant to article 6 of this chapter or a
23 grandfathered groundwater right other than an irrigation grandfathered
24 right that is appurtenant to irrigation acres that are exempt from
25 irrigation water duties pursuant to section 45-563.02.

26 3. Groundwater is withdrawn from land that is both owned by the
27 owner of the irrigation grandfathered right and contiguous to the land to
28 which the irrigation grandfathered right is appurtenant and delivered for
29 use pursuant to either a service area right pursuant to article 6 of this
30 chapter or a grandfathered groundwater right other than an irrigation
31 grandfathered right that is appurtenant to irrigation acres that are
32 exempt from irrigation water duties pursuant to section 45-563.02.

33 E. An irrigation district ~~which~~ THAT delivers and distributes
34 groundwater in an active management area may file an annual report with
35 the director for each person who holds an irrigation grandfathered right
36 appurtenant to irrigation acres within the service area of the irrigation
37 district, if the irrigation district delivers all the water used on the
38 person's irrigation acres. If an irrigation district files an annual
39 report for such a person, the irrigation district shall report the
40 following information for each such person:

41 1. The name of the person and the certificate number of the
42 person's irrigation grandfathered right.

43 2. The quantity of groundwater, if any, delivered during the
44 calendar year.

1 F. Persons who are required to report under subsection B, paragraph
2 1 of this section and who withdraw groundwater during the calendar year in
3 an active management area shall report the following information for each
4 well:

5 1. The registration number and location of the well.

6 2. The quantity of groundwater withdrawn from the well during the
7 calendar year. A person who, under section 45-604, subsection B, is not
8 required to use and does not use a water measuring device to measure
9 withdrawals made pursuant to a type 2 non-irrigation grandfathered right
10 or a groundwater withdrawal permit shall estimate the quantity of
11 groundwater withdrawn pursuant to the grandfathered right or withdrawal
12 permit.

13 3. The quantity of fuel or electricity consumed by the pump during
14 the calendar year.

15 4. The uses to which the groundwater was applied or the persons to
16 whom the groundwater was delivered during the calendar year.

17 G. Persons who are required to report under subsection B, paragraph
18 1 of this section and who use groundwater during the calendar year in an
19 active management area and persons who are required to report under
20 subsection B, paragraph 2 of this section shall report the following
21 information:

22 1. The source of the groundwater, including:

23 (a) The name of the person from whom the groundwater was obtained.

24 (b) The registration number and location of the well, if known.

25 2. The quantity of groundwater used during the calendar year.

26 3. The specific uses to which the groundwater was applied during
27 the calendar year.

28 H. Persons who are required to report under subsection B, paragraph
29 4 of this section and who transport groundwater during the calendar year
30 to an initial active management area under article 8.1 of this chapter
31 shall report the following information:

32 1. The registration number and location of each well.

33 2. The quantity of groundwater withdrawn from each well during the
34 calendar year.

35 3. The quantity of groundwater transported during the calendar year
36 to an initial active management area.

37 4. The quantity of groundwater that was withdrawn during the
38 calendar year and that was not transported to an initial active management
39 area and the uses to which the groundwater was applied.

40 5. The quantity of fuel or electricity consumed by each pump during
41 the calendar year.

42 6. The uses to which the groundwater was applied or the persons to
43 whom the groundwater was delivered during the calendar year.

1 I. Persons who are required to report under subsection B, paragraph
2 1 of this section and who neither withdraw nor use groundwater during the
3 calendar year shall report the following information:

4 1. The fact that no groundwater was withdrawn or used during the
5 calendar year.

6 2. The registration number and location of each well, if any.

7 J. Persons who are required to report under subsection B, paragraph
8 5 of this section and who withdraw water from a ~~non-exempt~~ NONEXEMPT well
9 in the Santa Cruz active management area during the calendar year shall
10 report the following information:

11 1. The registration number and location of the well.

12 2. The quantity of water, by type, withdrawn from the well during
13 the calendar year.

14 3. The quantity of fuel or electricity consumed by the pump during
15 the calendar year.

16 4. The uses to which the groundwater was applied or the persons to
17 whom the water was delivered during the calendar year.

18 K. Persons who are required to report under subsection B, paragraph
19 5 of this section and who use water withdrawn from a ~~non-exempt~~ NONEXEMPT
20 well in the Santa Cruz active management area during the calendar year
21 shall report the following information:

22 1. The source of the water, including:

23 (a) The name of the person from whom the water was obtained.

24 (b) The registration number and location of the well, if known.

25 2. The quantity of the water, by type, used during the calendar
26 year.

27 3. The specific uses to which the water was applied during the
28 calendar year.

29 L. PERSONS WHO ARE REQUIRED TO REPORT UNDER SUBSECTION B, PARAGRAPH
30 6 OF THIS SECTION AND WHO WITHDRAW GROUNDWATER FROM A NONEXEMPT WELL
31 DURING THE CALENDAR YEAR SHALL REPORT THE FOLLOWING INFORMATION:

32 1. THE REGISTRATION NUMBER AND LOCATION OF THE WELL.

33 2. THE QUANTITY OF GROUNDWATER WITHDRAWN FROM THE WELL DURING THE
34 CALENDAR YEAR, EXCEPT THAT A PERSON WHO, UNDER SECTION 45-604, SUBSECTION
35 E, PARAGRAPH 1, IS NOT REQUIRED TO USE A WATER MEASURING DEVICE SHALL
36 ESTIMATE THE QUANTITY OF GROUNDWATER WITHDRAWN.

37 3. THE QUANTITY OF FUEL OR ELECTRICITY CONSUMED BY THE PUMP DURING
38 THE CALENDAR YEAR.

39 4. THE USES TO WHICH THE GROUNDWATER WAS APPLIED OR THE PERSONS TO
40 WHOM THE GROUNDWATER WAS DELIVERED DURING THE CALENDAR YEAR.

41 5. THE QUANTITY OF THE GROUNDWATER USED DURING THE CALENDAR YEAR.

42 ~~L~~ M. If a person both withdraws groundwater in an active
43 management area and uses such water, the person may combine the
44 information required by subsections F and G of this section into one
45 report. If a person both withdraws water, other than stored water, from a

1 non-exempt well in the Santa Cruz active management area and uses such
2 water, the person may combine the information required by subsections J
3 and K of this section into one report.

4 ~~M.~~ N. The director may require such other information in the
5 report as may be necessary to accomplish the management goals of the
6 applicable active management area.

7 ~~N.~~ O. Each report shall contain either a sworn statement or a
8 certification, under penalty of perjury, that the information contained in
9 the report is true and correct according to the best belief and knowledge
10 of the person filing the report.

11 ~~O.~~ P. The annual report shall be maintained on a calendar year
12 basis and shall be filed with the director no later than March 31 of each
13 year for the preceding calendar year. If a person who is required under
14 this section to file an annual report for calendar year 1985 or any
15 subsequent calendar year fails to file a report for the calendar year in
16 question on or before March 31 of the following year, the director may
17 assess and collect a penalty of ~~twenty-five dollars~~ \$25 for each month or
18 portion of a month that the annual report is delinquent. The total
19 penalty assessed under this subsection shall not exceed ~~one hundred fifty~~
20 ~~dollars~~ \$150. The director shall deposit, pursuant to sections 35-146 and
21 35-147, all penalties collected under this subsection in the state general
22 fund.

23 ~~P.~~ Q. The records and reports required to be kept and filed under
24 this section shall be in such form as the director prescribes. The
25 director shall prepare blank forms and distribute them on a timely
26 schedule throughout each active management area and furnish them ~~upon~~ ON
27 request. Failure to receive or obtain the forms does not relieve any
28 person from keeping the required records or making any required report.
29 The director shall cooperate with cities and towns, private water
30 companies and irrigation districts in establishing the form of the records
31 and reports to be kept and filed by them.

32 Sec. 4. Section 45-2602, Arizona Revised Statutes, is amended to
33 read:

34 45-2602. Establishment of southside protection zones;
35 reporting requirements

36 A. The following southside protection zones are established on ~~the~~
37 ~~effective date of this section~~ DECEMBER 14, 2007:

- 38 1. The eastern protection zone north.
- 39 2. The eastern protection zone south.
- 40 3. The western municipal and industrial protection zone.
- 41 4. The western municipal protection zone.
- 42 5. The central protection zone.

1 B. The boundaries of the southside protection zones established
2 under subsection A **OF THIS SECTION** are shown on the maps that are dated
3 March 25, 2002 and that are on file in the department. The maps shall be
4 available for examination by the public during regular business hours.

5 C. Each person in the Pinal active management area who withdraws
6 underground water during a calendar year in a southside protection zone
7 established under this section, other than the central protection zone,
8 shall file an annual report with the director no later than March 31 of
9 each year for the preceding calendar year. The report shall contain the
10 following information in addition to any other information required by
11 section 45-632:

12 1. The amount of underground water withdrawn within the southside
13 protection zone and the name of the protection zone.

14 2. If the underground water was used for a nonirrigation use, the
15 purpose for which the underground water was used, the location of the use,
16 the acreage of the parcel or parcels of land on which the underground
17 water was used and the date the use commenced.

18 3. The amount of any water replenished during the year pursuant to
19 section 45-2611, subsection B, paragraph 2, the water use for which the
20 water was replenished and the manner in which the water was replenished.

21 4. The amount of any water replaced during the year pursuant to
22 section 45-2611, subsection B, paragraph 3, the water use for which the
23 water was replaced and the manner in which the water was replaced.

24 D. A person who is required to file an annual report for a year
25 under subsection C of this section:

26 1. Shall use a water measuring device approved by the director
27 unless exempt under section 45-604.

28 2. Shall maintain current accurate records of the person's
29 withdrawals, transportation, deliveries and use of underground water as
30 prescribed by the director.

31 3. May combine the report with an annual report for the same year
32 filed under section 45-632.

33 4. Shall comply with the requirements prescribed in section 45-632,
34 subsections ~~N~~, O, ~~and~~ P and Q **AND** is subject to the penalties prescribed
35 in section 45-632, subsection ~~O~~ P as if the report was required by
36 section 45-632.

37 E. A person who withdraws underground water from an exempt well is
38 exempt from the record keeping and reporting requirements of subsections C
39 and D of this section. For the purposes of this subsection, "exempt well"
40 means a well that has a pump with a maximum capacity of not more than
41 thirty-five gallons per minute, that is used to withdraw underground water
42 and that would qualify as an exempt well under section 45-454 if used to
43 withdraw groundwater.

- 1 F. If stored water is withdrawn in the Pinal active management area
2 in a southside protection zone established under this section, other than
3 the central protection zone, the annual report filed under section
4 45-875.01, subsection D shall include:
- 5 1. The amount of stored water withdrawn within the southside
6 protection zone and the name of the protection zone.
- 7 2. If the stored water was used for a nonirrigation use, the
8 purpose for which the water was used, the acreage of the parcel or parcels
9 of land on which the water was used, the location of the use and the date
10 the use commenced.
- 11 3. The identification of the storage facility in which the water
12 was stored.
- 13 4. The amount of any water replenished during the year pursuant to
14 section 45-2611, subsection B, paragraph 2, the water use for which the
15 water was replenished and the manner in which the water was replenished.
- 16 5. The amount of any water replaced during the year pursuant to
17 section 45-2611, subsection B, paragraph 3, the water use for which the
18 water was replaced and the manner in which the water was replaced.