

REFERENCE TITLE: exemption area; assured water supply

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1081

Introduced by
Senator Kerr: Representatives Carbone, Dunn

AN ACT

AMENDING TITLE 45, CHAPTER 2, ARTICLE 9, ARIZONA REVISED STATUTES, BY
ADDING SECTION 45-576.10; 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. Title 45, chapter 2, article 9, Arizona Revised
3 Statutes, is amended by adding section 45-576.10, to read:

4 45-576.10. Waterlogged area; assured water supply;
5 designation

6 A. ON APPLICATION TO THE DEPARTMENT BY A CITY OR TOWN, THE DIRECTOR
7 SHALL DESIGNATE A PORTION OF A CITY OR TOWN THAT IS LOCATED BOTH IN THE
8 AREA DELINEATED FOR EXEMPTION UNDER SECTION 45-411.01 AND IN THE PHOENIX
9 ACTIVE MANAGEMENT AREA AS HAVING AN ASSURED WATER SUPPLY IF ALL OF THE
10 FOLLOWING APPLY:

11 1. THE PORTION OF THE CITY OR TOWN SEEKING AN ASSURED WATER SUPPLY
12 DESIGNATION IS LOCATED ENTIRELY WITHIN AN IRRIGATION AND WATER
13 CONSERVATION DISTRICT ESTABLISHED PURSUANT TO TITLE 48, CHAPTER 19.

14 2. THE CITY OR TOWN SEEKING AN ASSURED WATER SUPPLY DESIGNATION HAS
15 CONTRACTED WITH THE IRRIGATION AND WATER CONSERVATION DISTRICT FOR A TERM
16 OF NOT LESS THAN ONE HUNDRED YEARS UNDER WHICH THE CITY OR TOWN WILL
17 RECEIVE WATER THAT THE LANDOWNERS IN THE DISTRICT HAVE THE RIGHT TO USE ON
18 THEIR LANDS AND WILL TREAT AND DELIVER THE WATER FOR EXCLUSIVE USE ON
19 IRRIGATION AND CONSERVATION DISTRICT LANDS FOR MUNICIPAL USE.

20 3. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, THE CITY OR
21 TOWN SEEKING AN ASSURED WATER SUPPLY DESIGNATION IS NOT USING NEW
22 GROUNDWATER AS THE BASIS FOR THE ASSURED WATER SUPPLY WITHIN ANY PORTION
23 OF THE CITY'S OR TOWN'S SERVICE AREA LOCATED INSIDE THE IRRIGATION AND
24 WATER CONSERVATION DISTRICT.

25 B. FOR THE PURPOSES OF THIS SECTION AND WITHIN AN EXEMPTION AREA
26 ESTABLISHED PURSUANT TO SECTION 45-411.01:

27 1. AN IRRIGATION AND CONSERVATION DISTRICT MAY ALLOW WITHDRAWAL OF
28 UP TO TEN THOUSAND ACRE-FEET PER YEAR OF GROUNDWATER BY THE CITY OR TOWN
29 FROM THE IRRIGATION AND WATER CONSERVATION DISTRICT WELLS FOR MUNICIPAL
30 USE ON LANDS WITHIN THE BOUNDARIES OF AN IRRIGATION AND WATER CONSERVATION
31 DISTRICT.

32 2. THE DIRECTOR SHALL DEEM GROUNDWATER WITHDRAWN PURSUANT TO THIS
33 SECTION TO BE PHYSICALLY AVAILABLE AND SUFFICIENT GROUNDWATER AS
34 PRESCRIBED IN SECTION 45-576.

35 3. THE DIRECTOR SHALL DEEM GROUNDWATER WITHDRAWN PURSUANT TO THIS
36 SECTION TO BE CONSISTENT WITH THE MANAGEMENT GOALS OF THE PHOENIX ACTIVE
37 MANAGEMENT AREA IF THE AVERAGE GROUNDWATER LEVEL IN THE IRRIGATION AND
38 WATER CONSERVATION DISTRICT, AS MEASURED BY TEN INDEX WELLS, IS LESS THAN
39 ONE HUNDRED FIFTY FEET BELOW SURFACE LEVEL OVER A THREE-YEAR PERIOD.

40 4. IF THE DIRECTOR DETERMINES AVERAGE GROUNDWATER LEVELS IN THE
41 IRRIGATION AND WATER CONSERVATION DISTRICT, AS MEASURED BY TEN INDEX
42 WELLS, IS MORE THAN ONE HUNDRED FIFTY FEET BELOW SURFACE LEVEL OVER A
43 THREE-YEAR PERIOD, ALL FUTURE GROUNDWATER WITHDRAWALS FROM WELLS IN THE

1 IRRIGATION AND WATER CONSERVATION DISTRICT FOR MUNICIPAL USE SHALL BE
2 DEEMED TO BE GROUNDWATER SUBJECT TO REPLENISHMENT PURSUANT TO TITLE 48,
3 CHAPTER 22, ARTICLE 4, AND ANY PORTION OF THE CITY OR TOWN WITH A CONTRACT
4 FOR GROUNDWATER WITH AN IRRIGATION AND WATER CONSERVATION DISTRICT SHALL
5 EITHER BE OR APPLY FOR AND BECOME A MEMBER SERVICE AREA PURSUANT TO TITLE
6 48, CHAPTER 22, ARTICLE 4.