

REFERENCE TITLE: groundwater; extinguishment credits; Pinal AMA

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1166

Introduced by
Senators McGuire, Gallardo: Hobbs, Pancrazi

AN ACT

AMENDING SECTION 45-462, 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 45-462, Arizona Revised Statutes, is amended to
3 read:

4 45-462. Grandfathered groundwater rights; persons included;
5 certificate of exemption amount is legal use;
6 extinguishment

7 A. In an active management area, a person who was legally withdrawing
8 and using groundwater as of the date of the designation of the active
9 management area or who owns land legally entitled to be irrigated with
10 groundwater as determined pursuant to this article has the right to withdraw
11 or receive and use groundwater as determined by the director pursuant to this
12 article.

13 B. For purposes of determining grandfathered rights pursuant to this
14 article, a groundwater use shall not be determined to be illegal merely
15 because the groundwater legally withdrawn is or has been transported.

16 C. The amount of groundwater use described by an ~~applicaton~~
17 APPLICATION for a certificate of exemption is recognized as a legal use for
18 purposes of determining grandfathered rights pursuant to section 45-464,
19 subject to any modification as a result of a finding on appeal of a factual
20 mistake by the state land department or Arizona water commission in computing
21 the amount of the authorized withdrawal.

22 D. The right to withdraw or receive and use groundwater pursuant to
23 this article is a grandfathered right. There are three categories of
24 grandfathered rights as follows:

25 1. Non-irrigation grandfathered rights associated with retired
26 irrigated land as determined pursuant to sections 45-463, 45-469 and 45-472.

27 2. Non-irrigation grandfathered rights not associated with retired
28 irrigated land as determined pursuant to section 45-464.

29 3. Irrigation grandfathered rights as determined pursuant to section
30 45-465.

31 E. NOTWITHSTANDING ANY OTHER LAW, THE DIRECTOR SHALL NOT ADOPT OR
32 IMPLEMENT ANY ADMINISTRATIVE RULE IN THE PINAL ACTIVE MANAGEMENT AREA THAT
33 REDUCES THE AMOUNT OR QUANTITY OF CREDITS GRANTED BY THE DEPARTMENT FOR THE
34 EXTINGUISHMENT OF IRRIGATION GRANDFATHERED RIGHTS TO AN AMOUNT THAT IS LESS
35 THAN THE FULL AMOUNT OF THE IRRIGATION GRANDFATHERED RIGHT HELD BY THE OWNER
36 OF THE RIGHT. THIS SUBSECTION APPLIES TO ANY RULE ADOPTED BEFORE OR AFTER
37 THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.