

Senate Engrossed

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SENATE BILL 1510

AN ACT

AMENDING TITLE 45, CHAPTER 2, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 45-465.04; RELATING TO GROUNDWATER.

(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 5, Arizona Revised
3 Statutes, is amended by adding section 45-465.04, to read:

4 45-465.04. Use of groundwater to water plants in containers
5 as non-irrigation use; right to use groundwater
6 withdrawn pursuant to irrigation grandfathered
7 right to water plants in containers; definition

8 A. THE USE OF GROUNDWATER TO WATER PLANTS IN CONTAINERS ON OR ABOVE
9 THE SURFACE OF THE GROUND IS A NON-IRRIGATION USE IN AN ACTIVE MANAGEMENT
10 AREA.

11 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IN AN INITIAL
12 ACTIVE MANAGEMENT AREA, A PERSON WHO HOLDS A CERTIFICATE OF IRRIGATION
13 GRANDFATHERED RIGHT MAY WITHDRAW GROUNDWATER PURSUANT TO THE RIGHT AND USE
14 THE GROUNDWATER TO WATER PLANTS IN CONTAINERS ON OR ABOVE THE SURFACE OF
15 THE CERTIFICATED ACRES IF THE PLANTS ARE GROWN FOR SALE OR HUMAN
16 CONSUMPTION OR FOR USE AS FEED FOR LIVESTOCK, RANGE LIVESTOCK OR POULTRY,
17 AS THOSE TERMS ARE DEFINED IN SECTION 3-1201.

18 C. A PERSON WHO HOLDS A CERTIFICATE OF IRRIGATION GRANDFATHERED
19 RIGHT SHALL SEPARATELY MEASURE WITH A MEASURING DEVICE APPROVED BY THE
20 DIRECTOR PURSUANT TO SECTION 45-604 ANY GROUNDWATER USED FOR WATERING
21 PLANTS IN CONTAINERS ON OR ABOVE THE SURFACE OF THE CERTIFICATED ACRES AND
22 ANY GROUNDWATER USED FOR AN IRRIGATION USE ON THE CERTIFICATED ACRES.

23 D. EXCEPT AS PROVIDED IN SECTION 45-563.02, IF A PERSON USES
24 GROUNDWATER TO WATER PLANTS IN CONTAINERS PURSUANT TO SUBSECTION B OF THIS
25 SECTION, THE TOTAL AMOUNT OF WATER USED BY THE PERSON FOR THAT PURPOSE AND
26 FOR ANY IRRIGATION USES ON THE CERTIFICATED ACRES MAY NOT EXCEED THE
27 AMOUNT ALLOWED BY THE IRRIGATION WATER DUTY FOR THE FARM.

28 E. THE DIRECTOR MAY NOT REGISTER CREDITS TO THE FLEXIBILITY ACCOUNT
29 ESTABLISHED PURSUANT TO SECTION 45-467 FOR A FARM IN ANY YEAR IN WHICH THE
30 PERSON WHO HOLDS THE CERTIFICATE OF IRRIGATION GRANDFATHERED RIGHT FOR THE
31 FARM USES GROUNDWATER TO WATER PLANTS IN CONTAINERS ON OR ABOVE THE
32 SURFACE OF THE CERTIFICATED ACRES PURSUANT TO SUBSECTION B OF THIS
33 SECTION.

34 F. ON REQUEST BY THE OWNER OF A CERTIFICATE OF IRRIGATION
35 GRANDFATHERED RIGHT, THE DIRECTOR SHALL SEPARATE THE CERTIFICATE INTO TWO
36 CERTIFICATES, WITH ONE CERTIFICATE FOR THOSE CERTIFICATED ACRES ON WHICH
37 PLANTS IN CONTAINERS ARE WATERED WITH GROUNDWATER PURSUANT TO SUBSECTION B
38 OF THIS SECTION AND ONE CERTIFICATE FOR THOSE CERTIFICATED ACRES ON WHICH
39 GROUNDWATER IS USED FOR AN IRRIGATION USE. IF THE DIRECTOR SEPARATES A
40 CERTIFICATE OF IRRIGATION GRANDFATHERED RIGHT INTO TWO CERTIFICATES
41 PURSUANT TO THIS SUBSECTION, THE CERTIFICATED ACRES ASSOCIATED WITH EACH

1 CERTIFICATE SHALL BE CONSIDERED A SEPARATE FARM FOR PURPOSES OF SUBSECTION
2 E OF THIS SECTION. THE DIRECTOR MAY NOT SEPARATE A CERTIFICATE OF
3 IRRIGATION GRANDFATHERED RIGHT INTO TWO CERTIFICATES PURSUANT TO THIS
4 SUBSECTION IF IT WOULD RESULT IN THE ISSUANCE OF A CERTIFICATE OF
5 IRRIGATION GRANDFATHERED RIGHT WITH LESS THAN TWO CERTIFICATED ACRES.

6 G. FOR THE PURPOSES OF THIS SECTION, "CERTIFICATED ACRES" MEANS THE
7 ACRES DESCRIBED ON THE CERTIFICATE OF IRRIGATION GRANDFATHERED RIGHT.