

House Engrossed

transportation; groundwater; Douglas AMA

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

CHAPTER 253
HOUSE BILL 2368

AN ACT

AMENDING TITLE 45, CHAPTER 2, ARTICLE 8.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 45-555.01; 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 8.1, Arizona Revised
3 Statutes, is amended by adding section 45-555.01, to read:

4 45-555.01. Transportation of groundwater withdrawn in upper
5 San Pedro groundwater basin to Douglas active
6 management area

7 A. AN OWNER OF A WELL THAT IS LOCATED IN THE UPPER SAN PEDRO
8 GROUNDWATER BASIN MAY ANNUALLY WITHDRAW GROUNDWATER FROM THE UPPER SAN
9 PEDRO GROUNDWATER BASIN FOR TRANSPORTATION TO THE DOUGLAS ACTIVE
10 MANAGEMENT AREA IN AN AMOUNT DETERMINED PURSUANT TO THIS SECTION IF ALL OF
11 THE FOLLOWING APPLY:

12 1. THE GROUNDWATER IS TRANSPORTED TO THE DOUGLAS ACTIVE MANAGEMENT
13 AREA FOR THE SAME PURPOSES FOR WHICH THE GROUNDWATER WAS TRANSPORTED FROM
14 THE UPPER SAN PEDRO GROUNDWATER BASIN TO THE DOUGLAS GROUNDWATER BASIN
15 BEFORE DECEMBER 1, 2022.

16 2. THE OWNER OF THE WELL OR THE OWNER'S PREDECESSOR IN INTEREST
17 WITHDREW GROUNDWATER FROM THE UPPER SAN PEDRO GROUNDWATER BASIN FOR
18 TRANSPORTATION TO THE DOUGLAS ACTIVE MANAGEMENT AREA ON OR BEFORE
19 DECEMBER 1, 2022.

20 3. IF THE OWNER OF THE WELL IS A PRIVATE WATER COMPANY, THE PRIVATE
21 WATER COMPANY, AS OF THE EFFECTIVE DATE OF THIS SECTION, HAS A CERTIFICATE
22 OF CONVENIENCE AND NECESSITY ISSUED BY THE CORPORATION COMMISSION TO
23 PROVIDE WATER SERVICE FOR A MUNICIPAL PURPOSE WITHIN THE DOUGLAS ACTIVE
24 MANAGEMENT AREA.

25 B. THE TOTAL AMOUNT OF GROUNDWATER THAT AN OWNER OF A WELL THAT
26 MEETS THE REQUIREMENTS PRESCRIBED IN SUBSECTION A OF THIS SECTION MAY
27 ANNUALLY TRANSPORT FROM THE UPPER SAN PEDRO GROUNDWATER BASIN TO THE
28 DOUGLAS ACTIVE MANAGEMENT AREA MAY NOT EXCEED THE HIGHEST ANNUAL AMOUNT OF
29 GROUNDWATER THAT THE OWNER OF THE WELL WITHDREW FROM THE UPPER SAN PEDRO
30 GROUNDWATER BASIN FOR TRANSPORTATION TO THE DOUGLAS GROUNDWATER BASIN IN
31 ANY OF THE PRECEDING TEN YEARS BEFORE DECEMBER 1, 2022.

32 C. WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION OR
33 THIRTY DAYS BEFORE THE EFFECTIVE DATE OF GROUNDWATER WITHDRAWAL, WHICHEVER
34 IS LATER, A WELL OWNER THAT WISHES TO TRANSPORT GROUNDWATER FROM THE UPPER
35 SAN PEDRO GROUNDWATER BASIN TO THE DOUGLAS GROUNDWATER BASIN SHALL SUBMIT
36 TO THE DIRECTOR:

37 1. EVIDENCE THAT THE WELL OWNER WITHDREW GROUNDWATER FROM THE UPPER
38 SAN PEDRO GROUNDWATER BASIN FOR TRANSPORTATION TO THE DOUGLAS GROUNDWATER
39 BASIN ON OR BEFORE DECEMBER 1, 2022.

40 2. EVIDENCE OF THE PURPOSES FOR WHICH THE WELL OWNER TRANSPORTED
41 GROUNDWATER FROM THE UPPER SAN PEDRO GROUNDWATER BASIN TO THE DOUGLAS
42 GROUNDWATER BASIN ON OR BEFORE DECEMBER 1, 2022.

43 3. EVIDENCE OF THE PURPOSES FOR WHICH THE WELL OWNER HAS
44 TRANSPORTED OR PLANS TO TRANSPORT GROUNDWATER FROM THE UPPER SAN PEDRO
45 GROUNDWATER BASIN TO THE DOUGLAS GROUNDWATER BASIN AFTER DECEMBER 1, 2022.

1 4. IF THE OWNER IS A PRIVATE WATER COMPANY, EVIDENCE THAT THE
2 PRIVATE WATER COMPANY HAD A CERTIFICATE OF CONVENIENCE AND NECESSITY
3 ISSUED BY THE CORPORATION COMMISSION TO PROVIDE WATER SERVICE FOR A
4 MUNICIPAL PURPOSE WITHIN THE DOUGLAS ACTIVE MANAGEMENT AREA AS OF THE
5 EFFECTIVE DATE OF THIS SECTION.

6 5. THE TOTAL ANNUAL AMOUNT OF GROUNDWATER THAT THE OWNER WITHDREW
7 FROM THE UPPER SAN PEDRO GROUNDWATER BASIN FOR TRANSPORTATION TO THE
8 DOUGLAS GROUNDWATER BASIN IN EACH OF THE PRECEDING TEN YEARS BEFORE
9 DECEMBER 1, 2022.

APPROVED BY THE GOVERNOR JUNE 21, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 21, 2024.