

REFERENCE TITLE: drought emergency groundwater transfers

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

## **SB 1380**

Introduced by  
Senators Arzberger, Hale, Miranda, Pesquiera; Representative Alvarez:  
Senators Flake, Garcia, Landrum Taylor, McCune Davis, Rios, Soltero;  
Representatives Boone, Brown, Lopes, McComish

AN ACT

RELATING TO DROUGHT EMERGENCY GROUNDWATER TRANSFERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Drought emergency groundwater transfer

3 A. Notwithstanding section 45-544, subsection A, paragraph 2, Arizona  
4 Revised Statutes, in areas outside of active management areas, groundwater  
5 may be transported away from a groundwater basin on application to and  
6 approval by the director of the department of water resources. The director  
7 shall post the application on the department's website before approving the  
8 application.

9 B. The director of the department of water resources shall approve a  
10 request to transport groundwater away from a groundwater basin outside of an  
11 active management area if the director finds that all of the following apply:

12 1. The governor has declared an emergency due to lack of precipitation  
13 or a water shortage pursuant to section 35-192, Arizona Revised Statutes.

14 2. The groundwater to be transported will be withdrawn from a well  
15 that is in existence as of the date of the governor's declaration of  
16 emergency.

17 3. If the groundwater to be transported will be withdrawn from a well  
18 within the incorporated area of a city or town, the city or town has  
19 consented to the groundwater withdrawal.

20 4. If the groundwater to be transported will be withdrawn from a well  
21 within the boundaries of a political subdivision, however designated,  
22 established pursuant to title 48, chapter 17 or 19, Arizona Revised Statutes,  
23 the political subdivision has consented to the groundwater withdrawal.

24 5. If the groundwater to be transported will be withdrawn from a well  
25 within the boundaries of a county for use in another county, the county from  
26 which the groundwater will be withdrawn has consented to the groundwater  
27 withdrawal.

28 6. The groundwater to be transported will be transported only by motor  
29 vehicle or train.

30 7. The groundwater transportation is necessary to provide water  
31 supplies for domestic, stock watering or potable municipal water service  
32 purposes in a location included in the emergency declaration.

33 8. The groundwater to be transported will be used only for domestic,  
34 stock watering or potable municipal water service purposes.

35 9. The county, city, town or other political subdivision within which  
36 the transported water is to be used has implemented an emergency conservation  
37 plan sufficient to prevent nonessential use of the groundwater.

38 10. The groundwater to be transported will not be used in an active  
39 management area.

40 C. If the director of the department of water resources approves the  
41 request to transport groundwater away from a groundwater basin outside of an  
42 active management area pursuant to subsection B of this section, the approval  
43 is valid for six months, or until the director determines that the  
44 groundwater transportation is no longer necessary to provide water supplies  
45 for domestic, stock watering or potable municipal water service purposes in a

1 location experiencing a water shortage. On request, the director may extend  
2 the approval of the groundwater transportation for one additional six month  
3 period on the expiration of the original approval period, if the director  
4 determines that all of the requirements of subsection B of this section  
5 continue to apply. On expiration or revocation of the approval to transport  
6 groundwater, the transportation of the groundwater shall immediately cease.

7 D. The director of the department of water resources shall approve or  
8 deny a request to transport groundwater away from a groundwater basin outside  
9 of an active management area within thirty days of the receipt of the  
10 request. Title 41, chapter 6, article 7.1, Arizona Revised Statutes, does  
11 not apply to this act.

12 E. Groundwater transported away from a groundwater basin outside of an  
13 active management area pursuant to this act is subject to the payment of  
14 damages.

15 F. Water transported pursuant to this section shall not be transported  
16 to subsidize insufficient supplies due to continued growth or deficient base  
17 water supplies.

18 Sec. 2. Legislative intent

19 It is the intent of this legislature by this act to provide interim  
20 water use for true emergencies.

21 Sec. 3. Retroactivity

22 This act is effective retroactively to from and after April 30, 2008.

23 Sec. 4. Delayed repeal

24 This act is repealed from and after April 30, 2009.