

REFERENCE TITLE: water; general industrial use permits

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

SB 1439

Introduced by
Senator Flake

AN ACT

AMENDING SECTION 45-515, ARIZONA REVISED STATUTES; RELATING TO GROUNDWATER
WITHDRAWAL PERMITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-515, Arizona Revised Statutes, is amended to
3 read:

4 45-515. General industrial use permits: conditions for
5 issuance; duration of permit

6 A. Except as provided in subsection D of this section, the director
7 shall issue a permit to withdraw groundwater from a point outside of the
8 exterior boundaries of the service area of a city, town or private water
9 company for a general industrial use outside of the exterior boundaries of
10 such service area if the director determines that all of the following apply:

11 1. Uncommitted municipal and industrial central Arizona project water
12 is not available at the point where the operator's wellhead or distribution
13 system would otherwise be, at a cost which does not exceed the current
14 municipal and industrial central Arizona project rates.

15 2. Other surface water of adequate quality or effluent of adequate
16 quality is not available at the point where the operator's wellhead or
17 distribution system would otherwise be, at a cost, including treatment costs,
18 which does not exceed by twenty-five per cent the cost the operator would
19 otherwise incur in withdrawing groundwater.

20 3. Irrigation grandfathered rights appurtenant to acres of land in
21 reasonable proximity to the intended general industrial use are not available
22 for purchase at a reasonable price or cannot be acquired by eminent domain
23 and the applicant does not own or lease grandfathered rights that the
24 applicant is not using or leasing, that may be used for the intended general
25 industrial use and that can be used for the intended general industrial use
26 without imposing an unreasonable economic burden on the applicant.

27 4. The intended general industrial use, if located within three miles
28 of the exterior boundaries of the service area of a city, town or private
29 water company, has been denied service by the city, town or private water
30 company at the customary rate in the customary manner **OR, IF THE APPLICANT IS**
31 **AN ANIMAL INDUSTRY USE OTHER THAN AN EXPANDED ANIMAL INDUSTRY USE, THE COST**
32 **OF THE SERVICE WOULD EXCEED BY TWENTY-FIVE PER CENT THE COST THE APPLICANT**
33 **WOULD OTHERWISE INCUR IN WITHDRAWING THE GROUNDWATER. THE FAILURE TO OFFER**
34 **SERVICE IN WRITING AT A RATE THAT MEETS THE REQUIREMENTS OF THIS PARAGRAPH**
35 **WITHIN THIRTY DAYS AFTER RECEIVING A WRITTEN REQUEST FOR SERVICE SHALL BE**
36 **DEEMED TO BE A DENIAL OF SERVICE.** The requirement of this paragraph does not
37 apply to an expanded animal industry use.

38 5. The management plan for the active management area can be adjusted
39 to accommodate the intended general industrial use consistent with the
40 achievement of the management goal for the active management area.

41 6. There is an assured water supply for the intended use at the
42 intended point of withdrawal. The director may waive this requirement if the
43 director is unable to determine if there is an assured water supply because
44 of hydrogeologic conditions underlying the point of withdrawal. For **THE**
45 purposes of this **section** PARAGRAPH, "assured water supply" means that

1 sufficient groundwater of adequate quality will be available to the applicant
2 to satisfy the projected general industrial use for the duration of the
3 permit.

4 7. If a new well or replacement well at a new location is to be
5 constructed, a permit for the well has been issued pursuant to section
6 45-599.

7 B. A permit issued pursuant to this section shall be granted for a
8 period of up to fifty years, subject to renewal under the same criteria used
9 in granting the original permit.

10 C. If, during the life of the permit, the director determines that
11 uncommitted municipal and industrial central Arizona project water is
12 available or other water or effluent of adequate quality is available at a
13 cost comparable to groundwater, the director may require the permittee to use
14 such water in lieu of groundwater.

15 D. Beginning January 1 of the calendar year following the year in
16 which a groundwater replenishment district is required to submit its
17 preliminary plan pursuant to section 45-576.02, subsection A, paragraph 1,
18 and except for an application to renew a general industrial use permit, on
19 receiving a permit application the director shall not issue a permit for a
20 well in the district unless at the time the application is filed:

21 1. The director has determined that the district's plan for operation
22 is consistent with achieving the management goal, according to section
23 45-576.03, subsection E, and the designation has not expired.

24 2. The master replenishment account, as established in section 45-676,
25 does not have a debit balance in an amount in excess of the amount allowed
26 under section 45-576.01, paragraph 3.