

REFERENCE TITLE: active management areas; technical correction

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2410

Introduced by
Representative Young Wright

AN ACT

AMENDING SECTION 45-462, ARIZONA REVISED STATUTES; RELATING TO WATERS.

(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 A. In an active management area, a person who was legally withdrawing
7 and using groundwater as of the date of the designation of the active
8 management area or who owns land legally entitled to be irrigated with
9 groundwater as determined pursuant to this article has the right to withdraw
10 or receive and use groundwater as determined by the director pursuant to this
11 article.
12 B. For purposes of determining grandfathered rights pursuant to this
13 article, a groundwater use shall not be determined to be illegal merely
14 because the groundwater legally withdrawn is or has been transported.
15 C. The amount of groundwater use described by an ~~applicaton~~
16 APPLICATION for a certificate of exemption is recognized as a legal use for
17 purposes of determining grandfathered rights pursuant to section 45-464,
18 subject to any modification as a result of a finding on appeal of a factual
19 mistake by the state land department or Arizona water commission in computing
20 the amount of the authorized withdrawal.
21 D. The right to withdraw or receive and use groundwater pursuant to
22 this article is a grandfathered right. There are three categories of
23 grandfathered rights as follows:
24 1. Non-irrigation grandfathered rights associated with retired
25 irrigated land as determined pursuant to sections 45-463, 45-469 and 45-472.
26 2. Non-irrigation grandfathered rights not associated with retired
27 irrigated land as determined pursuant to section 45-464.
28 3. Irrigation grandfathered rights as determined pursuant to section
29 45-465.