

House Engrossed

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2393

AN ACT

AMENDING SECTION 45-2622, ARIZONA REVISED STATUTES; RELATING TO THE GILA RIVER INDIAN COMMUNITY WATER SETTLEMENT PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 45-2622, Arizona Revised Statutes, is amended to read:

45-2622. Annual southside replenishment obligations

A. No later than October 1 of each calendar year ~~following the year in which this section becomes effective~~ AFTER 2007, the director shall calculate the southside replenishment obligations for the preceding calendar year and notify the authority of the amount of the obligations.

B. The director shall calculate the southside replenishment obligations for a calendar year as follows:

1. The director shall calculate the municipal and industrial replenishment obligation for the western municipal and industrial protection zone for the year as follows:

(a) Determine the total amount of underground water and stored water withdrawn during the year from within the western municipal and industrial protection zone for municipal uses within a western protection zone and the total amount of underground water and stored water withdrawn during the year from within the western municipal and industrial protection zone for industrial uses within the western municipal and industrial protection zone, as reported to the director under sections 45-632, 45-875.01 and 45-2602. For the purposes of this subdivision, stored water does not include any water stored at a storage facility located within the western municipal and industrial protection zone.

~~(b) Divide the volume of water determined in subdivision (a) of this paragraph by the total number of municipal acres and industrial acres within the western protection zones on which the water was used during the year.~~

~~(c)~~ (b) Multiply the total number of municipal acres and industrial acres within the western protection zones on which the water determined in subdivision (a) of this paragraph was used during the year by two acre-feet.

~~(d)~~ (c) Subtract the product in subdivision ~~(c)~~ (b) of this paragraph from the ~~quotient in subdivision (b)~~ VOLUME IN SUBDIVISION (a) of this paragraph. The result is the municipal and industrial replenishment obligation for the western municipal and industrial protection zone for the year, except that if the result is less than zero, there is no replenishment obligation.

2. The director shall calculate the municipal replenishment obligation for the western municipal protection zone for the year as follows:

(a) Determine the total amount of underground water and stored water withdrawn during the year from within the western municipal protection zone for municipal uses within a western protection zone, as reported to the director under sections 45-632, 45-875.01 and 45-2602. For the purposes of this subdivision, stored water does not include any water stored at a storage facility located within the western municipal protection zone.

~~(b) Divide the volume of water determined in subdivision (a) of this paragraph by the total number of municipal acres within the western protection zones on which the water was used during the year.~~

1 ~~(e)~~ (b) Multiply the total number of municipal acres within the
2 western protection zones on which the water determined in subdivision (a) of
3 this paragraph was used during the year by two acre-feet.

4 ~~(d)~~ (c) Subtract the product in subdivision ~~(e)~~ (b) of this
5 paragraph from the ~~quotient in subdivision (b)~~ VOLUME IN SUBDIVISION (a) of
6 this paragraph. The result is the municipal replenishment obligation for the
7 western municipal protection zone for the year, except that if the result is
8 less than zero, there is no replenishment obligation.

9 3. The director shall calculate the municipal and industrial
10 replenishment obligation for the eastern protection zone north for the year
11 as follows:

12 (a) Determine the total amount of underground water and stored water
13 withdrawn during the year from within the eastern protection zone north for
14 municipal uses and industrial uses within an eastern protection zone, as
15 reported to the director under sections 45-632, 45-875.01 and 45-2602. For
16 the purposes of this subdivision, stored water does not include any water
17 stored at a storage facility located within the eastern protection zone
18 north.

19 (b) Determine the total amount of underground water and stored water
20 withdrawn during the year by a water company from within the eastern
21 protection zone south and used for municipal uses within the eastern
22 protection zone north. For the purposes of this subdivision, stored water
23 does not include any water stored at a storage facility located within the
24 eastern protection zone south.

25 (c) Add the volumes of water in subdivisions (a) and (b) of this
26 paragraph ~~and then divide the sum by the total number of municipal acres and~~
27 ~~industrial acres within the eastern protection zones on which the water was~~
28 ~~used during the year.~~

29 (d) Multiply the total number of municipal acres and industrial acres
30 within the eastern protection zones on which the water determined in
31 subdivision (c) of this paragraph was used during the year by 2.33 acre-feet.

32 (e) Subtract the product in subdivision (d) of this paragraph from the
33 ~~quotient~~ SUM in subdivision (c) of this paragraph. The result is the
34 municipal and industrial replenishment obligation for the eastern protection
35 zone north for the year, except that if the result is less than zero, there
36 is no replenishment obligation.

37 4. The director shall calculate the municipal and industrial
38 replenishment obligation for the eastern protection zone south for the year
39 as follows:

40 (a) Determine the total amount of underground water and stored water
41 withdrawn during the year from within the eastern protection zone south for
42 municipal uses and industrial uses within an eastern protection zone, as
43 reported to the director under sections 45-632, 45-875.01 and 45-2602. For
44 the purposes of this subdivision, stored water does not include any water
45 stored at a storage facility located within the eastern protection zone
46 south.

1 (b) Determine the total amount of underground water and stored water
2 withdrawn during the year by a water company from within the eastern
3 protection zone south and used for municipal uses within the eastern
4 protection zone north. For the purposes of this subdivision, stored water
5 does not include any water stored at a storage facility located within the
6 eastern protection zone south.

7 (c) Subtract the volume in subdivision (b) of this paragraph from the
8 volume in subdivision (a) of this paragraph ~~and then divide the difference by~~
9 ~~the total number of municipal acres and industrial acres within the eastern~~
10 ~~protection zones on which the water determined in subdivision (a) of this~~
11 ~~paragraph other than water determined in subdivision (b) of this paragraph~~
12 ~~was used during the year.~~

13 (d) Multiply the total number of municipal acres and industrial acres
14 within the eastern protection zones on which the water determined in
15 subdivision (a) of this paragraph other than water determined in subdivision
16 (b) of this paragraph was used during the year by 2.33 acre-feet.

17 (e) Subtract the product in subdivision (d) of this paragraph from the
18 ~~quotient~~ DIFFERENCE in subdivision (c) of this paragraph. The result is the
19 municipal and industrial replenishment obligation for the eastern protection
20 zone south for the year, except that if the result is less than zero, there
21 is no replenishment obligation.

22 5. The director shall calculate the irrigation replenishment
23 obligation for the western municipal and industrial protection zone and the
24 western municipal protection zone for the year as follows:

25 (a) Determine the total amount of underground water and stored water
26 withdrawn during the year from within the western municipal and industrial
27 protection zone and the western municipal protection zone and used for the
28 irrigation of lands within those protection zones, as reported to the
29 director on the annual reports required by sections 45-632, 45-875.01 and
30 45-2602. For the purposes of this subdivision, stored water does not include
31 any water stored at a storage facility located within the western municipal
32 and industrial protection zone or the western municipal protection zone.

33 (b) For each farm within the western municipal and industrial
34 protection zone and the western municipal protection zone for which an annual
35 report is filed under section 45-632, 45-875.01 or 45-2602 for the year,
36 calculate the maximum amount of groundwater that may be used on the farm for
37 irrigation purposes during the year without causing the flexibility account
38 for the farm to be in arrears in excess of the amount allowed under section
39 45-467, subsection I. In making this calculation, the director shall use the
40 irrigation water duty established for the farm for the third management
41 period pursuant to section 45-566, subsection A, paragraph 1.

42 (c) Add together the amount calculated for each farm under
43 subdivision (b) of this paragraph.

44 (d) Subtract the amount in subdivision (c) of this paragraph from the
45 amount in subdivision (a) of this paragraph. The difference is the
46 irrigation replenishment obligation for the year for the western municipal

1 and industrial protection zone and the western municipal protection zone,
2 except that if the difference is less than zero, there is no replenishment
3 obligation.

4 6. The director shall calculate the irrigation replenishment
5 obligation for the eastern protection zone north and the eastern protection
6 zone south for the year as follows:

7 (a) Determine the total amount of underground water and stored water
8 withdrawn during the year from within the eastern protection zone north and
9 the eastern protection zone south and used for the irrigation of lands within
10 those protection zones, as reported to the director on the annual reports
11 required by section 45-632, section 45-875.01, subsection D and section
12 45-2602. For the purposes of this subdivision, stored water does not include
13 any water stored at a storage facility located within the eastern protection
14 zone north or the eastern protection zone south.

15 (b) For each farm within the eastern protection zone north and the
16 eastern protection zone south for which an annual report is filed under
17 section 45-632, 45-875.01 or 45-2602 for the year, calculate the maximum
18 amount of groundwater that may be used on the farm for irrigation purposes
19 during the year without causing the flexibility account for the farm to be in
20 arrears in excess of the amount allowed under section 45-467, subsection I.
21 In making this calculation, the director shall use the irrigation water duty
22 established for the farm for the third management period pursuant to section
23 45-566, subsection A, paragraph 1.

24 (c) Add together the amount calculated for each farm under
25 subdivision (b) of this paragraph.

26 (d) Subtract the amount in subdivision (c) of this paragraph from the
27 amount in subdivision (a) of this paragraph. The difference is the
28 irrigation replenishment obligation for the year for the eastern protection
29 zone north and the eastern protection zone south, except that if the
30 difference is less than zero, there is no replenishment obligation.

31 7. Through 2023, the director shall calculate the water company
32 replenishment obligation for the year by determining the amount of
33 underground water and stored water withdrawn during the year from within the
34 eastern protection zones by a water company and transported for municipal
35 uses outside of the eastern protection zones and then subtracting from that
36 amount one thousand two hundred seventy-five acre-feet. The difference is
37 the water company replenishment obligation for the year, except that if the
38 difference is less than zero, there is no replenishment obligation. For the
39 purposes of this paragraph, stored water does not include any water stored at
40 a storage facility located within an eastern protection zone and recovered
41 within that protection zone.