House Engrossed

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

CHAPTER 121

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(a) Determine the total amount of underground water and stored water withdrawn during the year from within the western municipal and industrial protection zone for municipal uses within a western protection zone and the total amount of underground water and stored water withdrawn during the year from within the western municipal and industrial protection zone for industrial uses within the western municipal and industrial protection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.~~

~~(c)~~ (b) Multiply the total number of municipal 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 replenishment obligation for the western municipal protection zone for the year, except that if the result is less than zero, there is no replenishment obligation.

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

(a) Determine the total amount of underground water and stored water withdrawn during the year from within the eastern protection zone north for municipal uses and industrial uses within an eastern 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 eastern protection zone north.

(b) Determine the total amount of underground water and stored water withdrawn during the year by a water company from within the eastern protection zone south and used for municipal uses within the eastern protection zone north.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

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

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

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

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

(a) Determine the total amount of underground water and stored water withdrawn during the year from within the eastern protection zone south for municipal uses and industrial uses within an eastern 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 eastern protection zone south.

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

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

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

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

5. The director shall calculate the irrigation replenishment obligation for the western municipal and industrial protection zone and 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 and industrial protection zone and the western municipal protection zone and used for the irrigation of lands within those protection zones, as reported to the director on the annual reports required by 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 or the western municipal protection zone.

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

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

(d) Subtract the amount in subdivision (c) of this paragraph from the amount in subdivision (a) of this paragraph. The difference is the irrigation replenishment obligation for the year for the western municipal and industrial protection zone and the western municipal protection zone,

except that if the difference is less than zero, there is no replenishment obligation.

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

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

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

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

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

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

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.