

House Engrossed

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HOUSE BILL 2672

AN ACT

AMENDING SECTION 45-151, ARIZONA REVISED STATUTES; RELATING TO
APPROPRIATION OF WATER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 45-151, Arizona Revised Statutes, is amended to
3 read:
4 45-151. Right of appropriation; permitted uses; water rights
5 in stockponds; futile call
6 A. Any person, ~~the THIS state of Arizona~~ or a political subdivision
7 ~~thereof~~ OF THIS STATE may appropriate unappropriated water for domestic,
8 municipal, irrigation, stock watering, water power, recreation, wildlife,
9 including fish, nonrecoverable water storage pursuant to section 45-833.01
10 or mining uses, for ~~his~~ personal use or for delivery to consumers. The
11 person, ~~the THIS state of Arizona~~ or a political subdivision ~~thereof~~ OF
12 THIS STATE first appropriating the water shall have the better right.
13 B. To effect the beneficial use, the person, ~~the THIS state of~~
14 ~~Arizona~~ or a political subdivision ~~thereof~~ OF THIS STATE appropriating the
15 water may construct and maintain reservoirs, storage facilities pursuant
16 to chapter 3.1 of this title, dams, canals, ditches, flumes and other
17 necessary waterways.
18 C. A PERSON, THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE
19 WITH A RIGHT TO APPROPRIATE WATER MAY PREVENT THE CURTAILMENT OF THAT
20 RIGHT BY A BETTER RIGHT HOLDER BY DEMONSTRATING THAT CURTAILMENT WOULD NOT
21 PRODUCE WATER FOR BENEFICIAL USE FOR THE BETTER RIGHT HOLDER.
22 ~~C.~~ D. A water right in a stockpond, certified pursuant to article
23 10 of this chapter, shall be recognized as if such water had been
24 appropriated pursuant to this article.