AN ACT

AMENDING SECTIONS 45-453 AND 45-598, ARIZONA REVISED STATUTES; RELATING TO WELLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 45-453, Arizona Revised Statutes, is amended to read:

45-453. **Groundwater rights and uses in areas outside active management areas; declining basins; amounts; transportation; irrigation non-expansion areas**

In areas outside of active management areas, a person may:

1. Withdraw and use groundwater for reasonable and beneficial use, except as provided in article 8.1 of this chapter, SECTION 45-598 AND RULES ADOPTED BY THE DIRECTOR.

2. Transport groundwater pursuant to articles 8 and 8.1 of this chapter.

3. Use groundwater for irrigation purposes within the exterior boundaries of an irrigation non-expansion area only pursuant to article 3 of this chapter.

Sec. 2. Section 45-598, Arizona Revised Statutes, is amended to read:

45-598. **New wells and replacement wells in new locations in active management areas; declining basins; rules; permit required**

A. The director shall adopt rules governing the location of new wells and replacement wells in new locations in active management areas to prevent unreasonably increasing damage to surrounding land or other water users from the concentration of wells. AS FOLLOWS:

1. **IN ACTIVE MANAGEMENT AREAS.**
2. **IN GROUNDWATER BASINS THAT THE DIRECTOR DETERMINES TO BE EXPERIENCING DECLINING GROUNDWATER LEVELS, FOR WELLS HAVING A PUMP WITH A MAXIMUM CAPACITY OF MORE THAN THIRTY-FIVE GALLONS PER MINUTE. IN LIEU OF ADOPTING NEW RULES PURSUANT TO THIS PARAGRAPH, THE DIRECTOR MAY FOLLOW THE CRITERIA FOR PROPOSED WITHDRAWALS IN ACTIVE MANAGEMENT AREAS.**

B. A person who is entitled to withdraw groundwater in an active management area pursuant to article 5 or 6 of this chapter may construct a new well or a replacement well in a new location if the location of the new well or the replacement well complies with the rules adopted by the director pursuant to subsection A of this section and if the person has applied for and received a permit from the director pursuant to section 45-599.

C. An applicant for a general industrial use permit pursuant to sections 45-515 and 45-521 who proposes to construct a new well or a replacement well in a new location shall also apply for a permit pursuant to section 45-599.

D. A person who is entitled to withdraw groundwater in an active management area under article 5 or 6 of this chapter may withdraw groundwater under article 5 or 6 of this chapter from a well drilled to withdraw groundwater pursuant to a groundwater withdrawal permit issued.
under article 7 of this chapter if the location of the well complies with
the rules adopted by the director under subsection A of this section and
if the person has applied for and received a permit from the director
pursuant to section 45-599. A person WHO IS entitled to withdraw
groundwater in an active management area under a general industrial use
permit issued under section 45-515 may withdraw groundwater under section
45-515 from a well used to withdraw groundwater pursuant to another
category of groundwater withdrawal permit issued under article 7 of this
chapter if the location of the well complies with the rules adopted by the
director under subsection A of this section and if the person has applied
for and received a permit from the director pursuant to section 45-599.

E. A PERSON WHO IS ENTITLED TO WITHDRAW GROUNDWATER IN A
GROUNDWATER BASIN DETERMINED BY THE DIRECTOR TO BE EXPERIENCING DECLINING
GROUNDWATER LEVELS MAY CONSTRUCT A NEW WELL IF THE LOCATION OF THE WELL
COMPLIES WITH THE RULES ADOPTED BY THE DIRECTOR UNDER SUBSECTION A,
PARAGRAPH 2 OF THIS SECTION AND IF THE PERSON HAS APPLIED FOR AND RECEIVED
A PERMIT FROM THE DIRECTOR PURSUANT TO SECTION 45-599.