



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: NREW DP 10-0-0-0 | 3rd Read 58-0-2-0

Senate: 3rd Read 29-0-1-0

HB 2056: water conservation notice; no forfeiture

Sponsor: Representative Griffin, LD 14

Transmitted to the Governor

Overview

Allows those who are entitled to use water to file a conservation plan notice describing conservation measures that they will implement and allows them to file and refile this notice for up to ten years. Exempts the water rights and claims in this notice from abandonment or forfeiture.

History

Surface waters in Arizona belong to the public and are subject to appropriation. A person, the state or its political subdivisions can appropriate unappropriated waters for many uses. With certain exceptions, when a water right holder ceases or does not use the water for five successive years, the right ceases and the water reverts to the public and is again subject to prior appropriation ([A.R.S. § 45-141](#)).

If the Arizona Department of Water Resources (ADWR) Director determines that a water right may have reverted to the public because of non-use, the water right holder will be asked to explain why that right should not be considered relinquished at an administrative hearing. Statute allows certain reasons to be sufficient cause for non-use, including drought, active service in the U.S. armed forces during a military crisis and laws imposing land or water use restrictions or production quotas ([A.R.S. § 45-189](#)).

Provisions

1. Allows someone who is entitled to use water to file a water conservation plan notice with the ADWR Director. (Sec. 4)
2. Requires this notice to include:
 - a) The name and address of the person who is entitled to use water that is included in this plan;
 - b) A description of all water rights and claims that the person is including in this plan;
 - c) The place and purpose of use for the identified water rights and the current and historical use;
 - d) A description of any water conservation measures that will be implemented as part of the plan;
 - e) A statement that the plan is voluntary and temporary in nature;
 - f) A statement that the plan is intended to result in temporary reductions in water use or diversions;
 - g) A statement that the activities described in the plan will contribute to the practical and economical management, conservation and use of surface water in Arizona's watersheds; and
 - h) A statement that the person who holds a valid water right subject to the plan does not intend to abandon this right during the plan's terms. (Sec. 4)

3. Declares that, upon filing this notice, conserving water as part of this plan does not constitute an abandonment or forfeiture of the water conserved. (Sec. 4)
4. Forbids someone from accruing long-term storage credits for any water conserved in the notice. (Sec. 4)
5. Mandates a water conservation plan to designate a duration of up to ten years. (Sec. 4)
6. Allows someone who filed the water conservation plan notice to file a subsequent notice for some or all the water rights and claims before the designated time expires and to also file subsequent water conservation plan notices for one or more periods up to ten years each. (Sec. 4)
7. States that conserving water pursuant to this notice does not constitute abandonment or forfeiture of water conserved. (Sec. 1 and 2)
8. Specifies that conserving water pursuant to a water conservation plan notice filed with the ADWR Director is sufficient cause for non-use when determining whether a water right has been relinquished. (Sec. 3)
9. Contains a legislative intent section. (Sec. 5)
10. Makes technical and conforming changes. (Sec. 3)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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