

REFERENCE TITLE: well drilling application; location; GPS

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2248

Introduced by
Representatives Mathis: De Los Santos, Villegas

AN ACT

AMENDING SECTION 45-596, ARIZONA REVISED STATUTES; RELATING TO WELLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-596, Arizona Revised Statutes, is amended to
3 read:

4 45-596. Notice of intention to drill; fee

5 A. In an area not subject to active management, a person may not
6 drill or cause to be drilled any well or deepen an existing well without
7 first filing notice of intention to drill pursuant to subsection C of this
8 section or obtaining a permit pursuant to section 45-834.01. Only one
9 notice of intention to drill is required for all wells that are drilled by
10 or for the same person to obtain geophysical, mineralogical or
11 geotechnical data within a single section of land.

12 B. In an active management area, a person may not drill or cause to
13 be drilled an exempt well, a replacement well in approximately the same
14 location or any other well for which a permit is not required under this
15 article, article 7 of this chapter or section 45-834.01 or deepen an
16 existing well without first filing a notice of intention to drill pursuant
17 to subsection C of this section. Only one notice of intention to drill is
18 required for all wells that are drilled by or for the same person to
19 obtain geophysical, mineralogical or geotechnical data within a single
20 section of land.

21 C. A notice of intention to drill shall be filed with the director
22 on a form that is prescribed and furnished by the director and that shall
23 include:

- 24 1. The name and mailing address of the person filing the notice.
- 25 2. The legal description of the land on which the well is proposed
26 to be drilled and the name and mailing address of the owner of the land.
- 27 3. The legal description AND GLOBAL POSITIONING SYSTEM COORDINATES
28 of the location of the well on the land.
- 29 4. The depth, diameter and type of casing of the proposed well.
- 30 5. Such legal description of the land on which the groundwater is
31 proposed to be used as may be required by the director to administer this
32 chapter.
- 33 6. When construction is to begin.
- 34 7. The proposed uses to which the groundwater will be applied.
- 35 8. The name and well driller's license number of the well driller
36 who is to construct the well.
- 37 9. The design pumping capacity of the well.
- 38 10. If for a replacement well, the maximum capacity of the original
39 well and the distance of the replacement well from the original well.
- 40 11. Proof that the director determines to be satisfactory that the
41 person proposing to construct the well holds a valid license issued by the
42 registrar of contractors pursuant to title 32, chapter 10 and that the
43 license is of the type necessary to construct the well described in the
44 notice of intention to drill. If the proposed well driller does not hold
45 a valid license, the director may accept proof that the proposed well
46 driller is exempt from licensing as prescribed by section 32-1121.

1 12. If any water from the proposed well will be used for domestic
2 purposes as defined in section 45-454, evidence of compliance with the
3 requirements of subsection F of this section.

4 13. If for a second exempt well at the same location for the same
5 use pursuant to section 45-454, subsection I, proof that the requirements
6 of that subsection are met.

7 14. If for a well to obtain geophysical, mineralogical or
8 geotechnical data within a single section of land, the information
9 prescribed by this subsection for each well that will be included in that
10 section of land before each well is drilled.

11 15. Such other information as the director may require.

12 D. On receiving a notice of intention to drill and the fee required
13 by subsection L of this section, the director shall endorse on the notice
14 the date of its receipt. The director shall then determine whether all
15 information that is required has been submitted and whether the
16 requirements of subsection C, paragraphs 11 and 12 and subsection I of
17 this section have been met. If so, within fifteen days ~~of~~ AFTER receipt
18 of the notice, or such longer time as provided in subsection J of this
19 section, the director shall record the notice, mail a drilling card that
20 authorizes the drilling of the well to the well driller identified in the
21 notice and mail written notice of the issuance of the drilling card to the
22 person filing the notice of intention to drill at the address stated in
23 the notice. On receipt of the drilling card, the well driller may proceed
24 to drill or deepen the well as described in the notice of intention to
25 drill. If the director determines that the required information has not
26 been submitted or that the requirements of subsection C, paragraphs 11 and
27 12 or subsection I of this section have not been met, the director shall
28 mail a statement of the determination to the person giving the notice to
29 the address stated in the notice, and the person giving the notice may not
30 proceed to drill or deepen the well.

31 E. The well shall be completed within one year after the date of
32 the notice unless the director approves a longer period of time pursuant
33 to this subsection. If the well is not completed within one year or
34 within the time approved by the director pursuant to this subsection, the
35 person shall file a new notice before proceeding with further
36 construction. At the time the drilling card for the well is issued, the
37 director may provide for and approve a completion period that is greater
38 than one year but not to exceed five years from the date of the notice if
39 both of the following apply:

40 1. The proposed well is a nonexempt well within an active
41 management area and qualifies as a replacement well in approximately the
42 same location as prescribed in rules adopted by the director pursuant to
43 section 45-597.

44 2. The applicant has submitted evidence that demonstrates one of
45 the following:

(a) This state or a political subdivision of this state has acquired or has begun a condemnation action to acquire the land on which the original well is located.

(b) The original well has been rendered inoperable due to flooding, subsidence or other extraordinary physical circumstances that are beyond the control of the well owner.

F. If any water from a proposed well will be used for domestic purposes as defined in section 45-454 on a parcel of land of five or fewer acres, the applicant shall submit a well site plan of the property with the notice of intention to drill. The site plan shall:

1. Include the county assessor's parcel identification number.

2. Show the proposed well location and the location of any septic tank or sewer system that is either located on the property or within one hundred feet of the proposed well site.

3. Show written approval by the county health authority that controls the installation of septic tanks or sewer systems in the county, or by the local health authority in areas where the authority to control installation of septic tanks or sewer systems has been delegated to a local authority. In areas where there is no local or county authority that controls the installation of septic tanks or sewer systems, the applicant shall apply for approval directly to the department of water resources.

G. Before approving a well site plan submitted pursuant to subsection F of this section, the county or local health authority or the department of water resources, as applicable, pursuant to subsection F of this section, shall review the well site plan and determine whether the proposed well location complies with applicable local laws, ordinances and regulations and any laws or rules adopted under this title and title 49 regarding the placement of wells and the proximity of wells to septic tanks or sewer systems. If the health authority or the department of water resources, as applicable, pursuant to subsection F of this section, finds that the proposed well location complies with this title and title 49 and with local requirements, it shall endorse the site plan and the proposed well placement in a manner indicating approval. On endorsement, the director of water resources shall approve the construction of the well, if all remaining requirements have been met. If the health authority is unable to determine whether the proposed well location complies with this title and title 49 and local requirements, it shall indicate this on the site plan and the decision to approve or reject the proposed construction rests with the director of water resources. If parcel size, geology or location of improvements on the property prevents the well from being drilled in accordance with this title and title 49 or local requirements, the property owner may apply for a variance. The property owner shall make the request for a variance to the county or local authority if a county or local law, ordinance or regulation prevents the proposed construction. If a law or rule adopted under this title or

1 title 49 prevents the proposed construction, the property owner shall make
2 the request for a variance directly to the department of water resources.
3 The request for a variance shall be in the form and shall contain the
4 information that the department of water resources, county or local
5 authority may require. The department of water resources, or the county
6 or local authority whose law, ordinance or regulation prevents the
7 proposed construction, may expressly require that a particular variance
8 shall include certification by a registered professional engineer or
9 geologist that the location of the well will not pose a health hazard to
10 the applicant or surrounding property or inhabitants. If all necessary
11 variances are obtained, the director of water resources shall approve the
12 construction of the well if all remaining requirements have been met.

13 H. If a well that was originally drilled as an exploration well, a
14 monitor well or a piezometer well or for any use other than domestic use
15 is later proposed to be converted to use for domestic purposes as defined
16 in section 45-454, the well owner shall file a notice of intention to
17 drill and shall comply with this section before the well is converted and
18 any water from that well is used for domestic purposes.

19 I. Except as prescribed in subsection K of this section, the
20 director shall not approve the drilling of the well if the director
21 determines that the well will likely cause the migration of contaminated
22 groundwater from a remedial action site to another well, resulting in
23 unreasonably increasing damage to the owner of the well or persons using
24 water from the well. In making this determination, the director of water
25 resources shall follow the applicable criteria in the rules adopted by the
26 director of water resources pursuant to section 45-598, subsection A and
27 shall consult with the director of environmental quality. For the
28 purposes of this subsection:

29 1. "Contaminated groundwater" means groundwater that has been
30 contaminated by a release of a hazardous substance, as defined in section
31 49-201, or a pollutant, as defined in section 49-201.

32 2. "Remedial action site" means any of the following:

33 (a) The site of a remedial action undertaken pursuant to the
34 comprehensive environmental response, compensation, and liability act of
35 1980, as amended (P.L. 96-510; 94 Stat. 2767; 42 United States Code
36 sections 9601 through 9657), commonly known as "superfund".

37 (b) The site of a corrective action undertaken pursuant to title
38 49, chapter 6.

39 (c) The site of a voluntary remediation action undertaken pursuant
40 to title 49, chapter 1, article 5.

41 (d) The site of a remedial action undertaken pursuant to title 49,
42 chapter 2, article 5, including mitigation of a nonhazardous release
43 undertaken pursuant to an order issued by the department of environmental
44 quality pursuant to section 49-286.

1 (e) The site of a remedial action undertaken pursuant to the
2 resource conservation and recovery act of 1976 (P.L. 94-580; 90 Stat.
3 2795; 42 United States Code sections 6901 through 6992).

4 (f) The site of remedial action undertaken pursuant to the
5 department of defense environmental restoration program (P.L. 99-499; 100
6 Stat. 1719; 10 United States Code section 2701).

7 J. Except as prescribed in subsection K of this section, the
8 director shall approve or deny the drilling of a well within forty-five
9 days after receipt of the notice of intention to drill if one of the
10 following applies:

11 1. The proposed well is located within a remedial action site.

12 2. The proposed well is located within one mile of any of the
13 following remedial action sites:

14 (a) A remedial action undertaken pursuant to title 49, chapter 2,
15 article 5, including mitigation of a nonhazardous release undertaken
16 pursuant to an order issued by the department of environmental quality
17 pursuant to section 49-286.

18 (b) A remedial action undertaken pursuant to the comprehensive
19 environmental response, compensation, and liability act of 1980, as
20 amended (P.L. 96-510; 94 Stat. 2767; 42 United States Code sections 9601
21 through 9657), commonly known as "superfund".

22 (c) A remedial action undertaken pursuant to the department of
23 defense environmental restoration program (P.L. 99-499; 100 Stat. 1719; 10
24 United States Code section 2701).

25 3. The proposed well is located within one-half mile of either of
26 the following remedial action sites:

27 (a) A remedial action undertaken pursuant to title 49, chapter 1,
28 article 5.

29 (b) A remedial action undertaken pursuant to the resource
30 conservation and recovery act of 1976 (P.L. 94-580; 90 Stat. 2795; 42
31 United States Code sections 6901 through 6992).

32 4. The proposed well is located within five hundred feet of the
33 site of a corrective action undertaken pursuant to title 49, chapter 6.

34 K. Subsections I and J of this section do not apply to the
35 deepening of a well or to the drilling of a replacement well in
36 approximately the same location.

37 L. A notice of intention to drill filed under this section shall be
38 accompanied by a filing fee of ~~one hundred fifty dollars~~ \$150, except that
39 a notice filed for a proposed well that will not be located within an
40 active management area or an irrigation nonexpansion area, that will be
41 used solely for domestic purposes as defined in section 45-454 and that
42 will have a pump with a maximum capacity of not more than thirty-five
43 gallons per minute shall be accompanied by a filing fee of ~~one hundred~~
44 ~~dollars~~ \$100. The director shall deposit, pursuant to sections 35-146 and
45 35-147, all fees collected pursuant to this subsection in the well
46 administration and enforcement fund established by section 45-606.