

REFERENCE TITLE: active management areas; technical correction

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1265

Introduced by
Senator Dunn

AN ACT

AMENDING SECTION 45-462, ARIZONA REVISED STATUTES; RELATING TO WATERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-462, Arizona Revised Statutes, is amended to
3 read:

4 45-462. Grandfathered groundwater rights; persons included;
5 certificate of exemption amount is legal use

6 A. In an active management area, a person who was legally
7 withdrawing and using groundwater as of the date of the designation of the
8 active management area or who owns land legally entitled to be irrigated
9 with groundwater as determined pursuant to this article has the right to
10 withdraw or receive and use groundwater as determined by the director
11 pursuant to this article.

12 B. For purposes of determining grandfathered rights pursuant to
13 this article, a groundwater use shall not be determined to be illegal
14 merely because the groundwater legally withdrawn is or has been
15 transported.

16 C. The amount of groundwater use described by an ~~applicaton~~
17 APPLICATION for a certificate of exemption is recognized as a legal use
18 for purposes of determining grandfathered rights pursuant to section
19 45-464, subject to any modification as a result of a finding on appeal of
20 a factual mistake by the state land department or Arizona water commission
21 in computing the amount of the authorized withdrawal.

22 D. The right to withdraw or receive and use groundwater pursuant to
23 this article is a grandfathered right. There are three categories of
24 grandfathered rights as follows:

25 1. Non-irrigation grandfathered rights associated with retired
26 irrigated land as determined pursuant to sections 45-463, 45-469 and
27 45-472.

28 2. Non-irrigation grandfathered rights not associated with retired
29 irrigated land as determined pursuant to section 45-464.

30 3. Irrigation grandfathered rights as determined pursuant to
31 section 45-465.