

REFERENCE TITLE: subsequent AMAs; groundwater portability

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

SB 1518

Introduced by
Senator Dunn

AN ACT

AMENDING TITLE 45, CHAPTER 2, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 45-484; RELATING TO IRRIGATION GRANDFATHERED RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 45, chapter 2, article 5, Arizona Revised
3 Statutes, is amended by adding section 45-484, to read:

4 45-484. Irrigation grandfathered rights; associated water
5 duty; subsequent active management areas;
6 portability; rules

7 A. NOTWITHSTANDING ANY OTHER LAW, IN A SUBSEQUENT ACTIVE MANAGEMENT
8 AREA, AN OWNER OF AN IRRIGATION GRANDFATHERED RIGHT MAY USE, SELL,
9 TRANSFER OR LEASE THE IRRIGATION GRANDFATHERED RIGHT AND THE WATER DUTY
10 THAT WAS ASSOCIATED WITH THOSE ACRES AS PROVIDED IN THIS SECTION.

11 B. THE OWNER OF AN IRRIGATION GRANDFATHERED RIGHT MAY CHOOSE NOT TO
12 IRRIGATE A SET PORTION OF LANDS ATTACHED TO THE IRRIGATION GRANDFATHERED
13 RIGHT. THE OWNER MAY SELL, TRANSFER OR LEASE THE ASSOCIATED WATER DUTY OF
14 THE ACRES THAT ARE NOT IRRIGATED TO ANOTHER IRRIGATOR IN THE SUBSEQUENT
15 ACTIVE MANAGEMENT AREA. THE ORIGINAL OWNER OF THE ASSOCIATED WATER DUTY
16 MAY ALSO RETAIN THE ASSOCIATED WATER DUTY AND USE THE FULL VOLUME OF THE
17 ASSOCIATED WATER DUTY THAT IS ATTACHED TO THE ACRES THAT THE OWNER DOES
18 NOT IRRIGATE ANYWHERE ON THE FARM UNIT.

19 C. A PERSON THAT RECEIVES A SOLD, LEASED OR TRANSFERRED ASSOCIATED
20 WATER DUTY MAY USE THE ASSOCIATED WATER DUTY ANYWHERE IN THE SUBSEQUENT
21 ACTIVE MANAGEMENT AREA FOR IRRIGATION USE. THE PERSON MAY FURTHER CONVEY
22 THE ASSOCIATED WATER DUTY.

23 D. AN OWNER OF AN IRRIGATION GRANDFATHERED RIGHT THAT PROPOSES TO
24 USE, SELL, TRANSFER OR LEASE THE IRRIGATION GRANDFATHERED RIGHT AND THE
25 ASSOCIATED WATER DUTY SHALL NOTIFY THE DIRECTOR, ON A FORM PRESCRIBED AND
26 FURNISHED BY THE DIRECTOR. THE FORM SHALL INCLUDE THE ACRES THAT ARE NOT
27 SUBJECT TO IRRIGATION. IF THE OWNER RETAINS THE ASSOCIATED WATER DUTY FOR
28 IRRIGATION OF THE FARM UNIT, THE OWNER SHALL NOTE WHAT ACRES ARE SUBJECT
29 TO IRRIGATION WITH THE ASSOCIATED WATER DUTY. IF THE OWNER OR THE HOLDER
30 CONVEYS THE ASSOCIATED WATER DUTY TO ANOTHER PERSON, THE FORM SHALL NOTE
31 THE TYPE OF CONVEYANCE AND VOLUME OF GROUNDWATER THAT THE RECIPIENT OF THE
32 CONVEYANCE MAY USE. IF THE CONVEYANCE IS FOR A LEASE, THE FORM SHALL NOTE
33 THE TERMS AND DURATION OF THE LEASE. ALL FORMS SHALL NOTE THE INTENDED
34 ACRES WHERE AN OWNER OR HOLDER WILL IRRIGATE WITH THE ASSOCIATED WATER
35 DUTY.

36 E. THE DIRECTOR SHALL ADOPT RULES, INCLUDING FOR THE IMPLEMENTATION
37 OF FLEXIBILITY ACCOUNTS OR SIMILAR ACCOUNTING METHODS, TO IMPLEMENT THIS
38 SECTION.