

REFERENCE TITLE: groundwater storage facility; withdrawals; area

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

SB 1530

Introduced by
Senator Petersen

AN ACT

AMENDING SECTION 45-834.01, ARIZONA REVISED STATUTES; RELATING TO
GROUNDWATER STORAGE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-834.01, Arizona Revised Statutes, is amended
3 to read:

4 45-834.01. Recovery of stored water; recovery well permit;
5 emergency temporary recovery well permit; well
6 construction

7 A. A person who holds long-term storage credits or who may recover
8 water on an annual basis may recover the water stored pursuant to a water
9 storage permit only:

10 1. If the person seeking to recover stored water has applied for
11 and received a recovery well permit under this article.

12 2. For water stored within an active management area, if one of the
13 following applies:

14 (a) The proposed recovery well is located within the area of impact
15 of the stored water, as determined by the director, and either the person
16 recovering the water is the storer or the stored water to be recovered is
17 Colorado River water. If the stored water to be recovered is effluent that
18 is stored in a managed underground storage facility and if the proposed
19 recovery well is not an already constructed well owned by the person
20 recovering the water and is located within the exterior boundaries of the
21 service area of a city, town, private water company or irrigation
22 district, that city, town, private water company or irrigation district
23 must be notified by the person recovering the stored water and must have
24 the right to offer to recover the water stored on behalf of that person.
25 If the city, town, private water company or irrigation district offers to
26 recover the water on behalf of the person seeking recovery and the water
27 that is offered for recovery is of comparable quality to the water that
28 the person could recover, the person seeking to recover the water shall
29 consider accepting the best offer from the city, town, private water
30 company or irrigation district overlying the area of impact that has
31 offered to recover the stored water. FOR THE PURPOSES OF THIS
32 SUBDIVISION, IF A RECOVERY WELL PERMIT APPLICANT DOES NOT SUBMIT A
33 SEPARATE HYDROLOGIC STUDY TO THE DIRECTOR, THE DIRECTOR SHALL ASSUME THAT
34 THE RECOVERY WELL IS LOCATED WITHIN THE AREA OF IMPACT OF STORED WATER IF
35 THE RECOVERY WELL LOCATION IS WITHIN ONE MILE OF ANY OF THE FOLLOWING:

36 (i) THE EXTERIOR BOUNDARY OF A CONSTRUCTED UNDERGROUND STORAGE
37 FACILITY BASIN OR OTHER WATER STORAGE INFRASTRUCTURE.

38 (ii) THE MIDDLE LINE OF A DRAINAGE CHANNEL WITHIN THE STORAGE AREA
39 OF A MANAGED UNDERGROUND STORAGE FACILITY.

40 (iii) THE EXTERIOR BOUNDARY OF A DISTRICT THAT HAS RECEIVED A
41 PERMIT TO OPERATE AS A GROUNDWATER SAVINGS FACILITY.

42 (b) The proposed recovery well is located outside the area of
43 impact of the stored water, as determined by the director, and all of the
44 following apply:

1 (i) The proposed recovery well is located within the same active
2 management area as storage.

3 (ii) The director determines that recovery at the proposed location
4 is consistent with the management plan and achievement of the management
5 goal for the active management area.

6 (iii) If the proposed recovery well is located within the exterior
7 boundaries of the service area of a city, town, private water company or
8 irrigation district, that city, town, private water company or irrigation
9 district is the person seeking to recover the water or has consented to
10 the location of the recovery well.

11 (iv) If the proposed recovery well is located outside, but within
12 three miles of, the exterior boundaries of the service area of a city,
13 town, private water company or irrigation district, the closest city,
14 town, private water company or irrigation district has consented to the
15 location of the recovery well.

16 (c) The proposed recovery well is located within the area of impact
17 of the stored water, as determined by the director, the person recovering
18 the water is not the storer, the stored water to be recovered is not
19 Colorado River water and all of the conditions prescribed by subdivision
20 (b), items (i) through (iv) of this paragraph are met.

21 3. For water stored outside of an active management area, if
22 recovery will occur within the same irrigation non-expansion area,
23 groundwater basin or groundwater ~~sub-basin~~ SUBBASIN, as applicable, in
24 which the water was stored.

25 B. Before recovering from any well water stored pursuant to a water
26 storage permit, a person shall apply for and receive a recovery well
27 permit from the director. The director shall issue the recovery well
28 permit if the director determines that:

29 1. If the application is for a new well, as defined in section
30 45-591, or except as provided in paragraphs 2 and 3 of this subsection for
31 an existing well, as defined in section 45-591, the proposed recovery of
32 stored water will not unreasonably increase damage to surrounding land or
33 other water users from the concentration of wells. The director shall
34 make this determination pursuant to rules adopted by the director.

35 2. If the applicant is a city, town, private water company or
36 irrigation district in an active management area and the application is
37 for an existing well within the service area of the city, town, private
38 water company or irrigation district, the applicant has a right to use the
39 existing well.

40 3. If the applicant is a conservation district and the application
41 is for an existing well within the conservation district and within the
42 groundwater basin or ~~sub-basin~~ SUBBASIN in which the stored water is
43 located, the applicant has a right to use the existing well.

44 C. A city, town, private water company or irrigation district in an
45 active management area may apply with a single application to the director

1 to have all existing wells, as defined in section 45-591, that the
2 applicant has the right to use within its service area listed as recovery
3 wells on the recovery well permit, if those wells otherwise meet the
4 requirements of this section.

5 D. If the applicant is a conservation district, the director may
6 issue an emergency temporary recovery well permit without complying with
7 section 45-871.01, subsection F if the director determines that all of the
8 following apply:

9 1. The conservation district cannot reasonably continue to supply
10 central Arizona project water directly to a city, town, private water
11 company or irrigation district due to an unplanned failure of a portion of
12 the central Arizona project delivery system.

13 2. The emergency temporary recovery well permit is necessary to
14 allow the conservation district to provide immediate delivery of
15 replacement water to the city, town, private water company or irrigation
16 district.

17 3. The application is for an existing well as defined in section
18 45-591 that is within the groundwater basin or groundwater ~~sub-basin~~
19 SUBBASIN in which the stored water is located, is within the conservation
20 district and is within the service area of the city, town, private water
21 company or irrigation district.

22 E. An emergency temporary recovery well permit issued pursuant to
23 subsection D of this section may be issued for a period of up to ninety
24 days and may be extended for additional ninety day periods if the director
25 determines that the conditions prescribed in subsection D of this section
26 continue to apply.

27 F. If the application for a recovery well permit is approved, the
28 director shall issue a permit and the applicant may proceed to construct
29 or use the well. If the application is rejected, the applicant shall not
30 proceed to construct or use the well. A new well shall be completed
31 within one year of receipt of the permit, unless the director in granting
32 the permit approves a longer period to complete the well. If the well is
33 not completed within one year or the longer period approved by the
34 director, the applicant shall file a new application before proceeding
35 with construction.

36 G. A recovery well permit shall include the following information:

37 1. The name and mailing address of the person to whom the permit is
38 issued.

39 2. The legal description of the location of the existing well or
40 proposed new well from which stored water may be recovered pursuant to the
41 permit.

42 3. The purpose for which the stored water will be recovered.

43 4. The depth and diameter of the existing well or proposed new well
44 from which stored water may be recovered pursuant to the permit.

- 1 5. The legal description of the land on which the stored water will
- 2 be used.
- 3 6. The maximum pumping capacity of the existing well or proposed
- 4 new well.
- 5 7. If the permit is for a proposed new well, the latest date for
- 6 completing the proposed new well.
- 7 8. Any other information as the director may determine.