

REFERENCE TITLE: water storage facility; withdrawals; area

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **SB 1785**

Introduced by  
Senator Petersen

AN ACT

AMENDING SECTION 45-834.01, ARIZONA REVISED STATUTES; RELATING TO WATER 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 THE STORED WATER  
35 IF THE RECOVERY WELL LOCATION IS EITHER IN LAND PERMITTED TO OPERATE AS A  
36 GROUNDWATER SAVINGS FACILITY OR WITHIN ONE MILE OF ANY OF THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

27 1. If the application is for a new well, as defined in section  
28 45-591, or except as provided in paragraphs 2 and 3 of this subsection for  
29 an existing well, as defined in section 45-591, the proposed recovery of  
30 stored water will not unreasonably increase damage to surrounding land or  
31 other water users from the concentration of wells. The director shall  
32 make this determination pursuant to rules adopted by the director.

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

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

1 C. A city, town, private water company or irrigation district in an  
2 active management area may apply with a single application to the director  
3 to have all existing wells, as defined in section 45-591, that the  
4 applicant has the right to use within its service area listed as recovery  
5 wells on the recovery well permit, if those wells otherwise meet the  
6 requirements of this section.

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

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

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

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

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

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

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

39 1. The name and mailing address of the person to whom the permit is  
40 issued.

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

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

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