

COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2573
(Reference to printed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 45-465.04, Arizona Revised Statutes, is amended
3 to read:

4 45-465.04. Use of groundwater to water plants in containers,
5 hydroponics and wine grapes as non-irrigation
6 use; right to use groundwater withdrawn pursuant
7 to irrigation grandfathered right to water
8 plants in containers, hydroponics or wine
9 grapes; definition

10 A. [NOTWITHSTANDING SECTION 45-402, PARAGRAPH 18,]The use of
11 groundwater to water plants in containers on or above the surface of the
12 ground[, PLANTS GROWN USING HYDROPONICS AND WINE GRAPES] is a
13 non-irrigation use in an active management area.

14 B. Notwithstanding subsection A of this section, in an initial
15 active management area, a person who holds a certificate of irrigation
16 grandfathered right may withdraw groundwater pursuant to the right and use
17 the groundwater to water plants in containers on or above the surface of
18 the certificated acres[, TO WATER PLANTS GROWN HYDROPONICALLY ON OR ABOVE
19 THE SURFACE OF THE CERTIFICATED ACRES OR TO WATER WINE GRAPES GROWN ON THE
20 CERTIFICATED ACRES] if the plants are grown for sale or human consumption
21 or for use as feed for livestock, range livestock or poultry, as those
22 terms are defined in section 3-1201.

23 C. A person who holds a certificate of irrigation grandfathered
24 right shall separately measure with a measuring device approved by the
25 director pursuant to section 45-604 any groundwater used for watering
26 plants in containers on or above the surface of the certificated acres and
27 any groundwater used for an irrigation use on the certificated acres.

1 D. Except as provided in section 45-563.02, if a person uses
2 groundwater to water plants [~~in containers~~] [OR WINE GRAPES] pursuant to
3 subsection B of this section, the total amount of water used by the person
4 for that purpose and for any irrigation uses on the certificated acres may
5 not exceed the amount allowed by the irrigation water duty for the farm.

6 E. The director may not register credits to the flexibility account
7 established pursuant to section 45-467 for a farm in any year in which the
8 person who holds the certificate of irrigation grandfathered right for the
9 farm uses groundwater to water plants [~~in containers~~] [OR WINE GRAPES] on
10 or above the surface of the certificated acres pursuant to subsection B of
11 this section.

12 F. On request by the owner of a certificate of irrigation
13 grandfathered right, the director shall separate the certificate into two
14 certificates, with one certificate for those certificated acres on which
15 plants [~~in containers~~][[OR WINE GRAPES THAT] are watered with groundwater
16 pursuant to subsection B of this section and one certificate for those
17 certificated acres on which groundwater is used for an irrigation use. If
18 the director separates a certificate of irrigation grandfathered right
19 into two certificates pursuant to this subsection, the certificated acres
20 associated with each certificate shall be considered a separate farm for
21 THE purposes of subsection E of this section. The director may not
22 separate a certificate of irrigation grandfathered right into two
23 certificates pursuant to this subsection if it would result in the
24 issuance of a certificate of irrigation grandfathered right with less than
25 two certificated acres.

26 G. For the purposes of this section, "certificated acres" means the
27 acres described on the certificate of irrigation grandfathered right.

28 Enroll and engross to conform
29 Amend title to conform
And, as so amended, it do pass

GAIL GRIFFIN
CHAIRMAN

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