



ARIZONA HOUSE OF REPRESENTATIVES

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House: NREW DP 6-4-0-0 | 3rd Read 31-28-0-0-1

Senate: NREW DPA 3-2-2-0 | 3rd Read 16-11-3-0

HB 2063: exempt wells; certificate; groundwater use

Sponsor: Representative Griffin, LD 19

Senate Engrossed

Overview

Requires the Arizona Department of Water Resources (ADWR) Director to issue each groundwater user that registers their exempt well a certificate of water rights (Certificate).

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater. Accordingly, ADWR regulates all groundwater wells in Arizona. The ADWR Director must adopt construction standards for new, replacement, deepening, abandonment or capping existing wells. Prior to drilling a new well, deepening or modifying an existing well, a person must choose a well driller and file a Notice of Intent (NOI) to drill a well with ADWR.

If the ADWR Director determines that the NOI meets all requirements, the ADWR Director must record the notice, mail a drilling card that allows the drilling of the well to the well driller and a written notice of the issuance of the drilling card to the person that filed the NOI. On receipt of the drilling card, the well driller has one year to drill or deepen the well at the address stated in the NOI (A.R.S. §§ [45-594](#), [45-596](#)).

There are two types of production wells:

- 1) an *exempt well* is used for non-irrigation uses, noncommercial irrigation of less than two acres of land and watering stock and has a maximum pump capacity of not more than 35 gallons per minute. In active management areas, new exempt wells can withdraw a maximum of 10-acre-feet per year; and
- 2) a *non-exempt well* is used for irrigation or industry uses with a maximum pump capacity exceeding 35 gallons per minute ([A.R.S. § 45-454](#)).

Provisions

1. States an exempt well that is registered with ADWR may withdraw up to 35 gallons per minute. (Sec. 1)
2. Requires the ADWR Director to issue a Certificate to each groundwater user that registers the groundwater user's exempt well with ADWR. (Sec. 1)
3. States the Certificate allows the groundwater user to pump not more than 35 gallons per minute. (Sec. 1)
4. Prohibits a groundwater user to appropriate surface water or subflow out of priority. (Sec. 1)
5. States the withdrawn water is not exempt from a general stream adjudication. (Sec. 1)

6. Makes technical and conforming changes. (Sec. 1)

Senate Amendments

1. States that exempt wells do not preempt or affect:
 - a) decreed or appropriative rights;
 - b) surface water;
 - c) water subject to appropriation; or
 - d) a general adjudication of water rights.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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