



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2200: groundwater transportation; Harquahala non-expansion area

Sponsor: Representative Dunn, LD 25

Committee on Natural Resources, Energy & Water

Overview

Adds a public service corporation to the list of eligible entities authorized to transport groundwater from the Harquahala Irrigation Non-expansion Area (INA) to an initial active management area (AMA).

History

Unless specifically authorized, groundwater that is withdrawn in a basin or sub-basin located outside an initial AMA may not be transported to an initial AMA. Current law identifies four groundwater basins and sub-basins from which groundwater can be withdrawn and transported to an initial AMA. Those basins are: 1) McMullen Valley; 2) Butler Valley; 3) Harquahala INA; and 4) Big Chino sub-basin of the Verde River groundwater basin. Transportation of groundwater from these basins is subject to limitations, including:

- 1) a municipal or private water company with Central Arizona Project water delivery subcontracts must use most of its entitlements before using transported water;
- 2) any property from which groundwater is withdrawn must remain free of noxious weeds;
- 3) only certain wells can be used to withdraw groundwater for transportation;
- 4) an entity transporting groundwater must pay annual transportation fees to the affected county; and
- 5) depending on the infrastructure utilized, transportation may be subject to the National Environmental Policy Act process ([A.R.S. §§ 9-431 et seq.](#), [42-15251 et seq.](#), [45-551](#), [45-556](#), [45-557](#), [45-558](#), [45-559](#), [42 U.S.C. § 4332 et seq.](#)).

In the Harquahala INA, only Arizona and its political subdivisions can withdraw and transport groundwater from legally irrigable lands. The groundwater can be withdrawn up to a depth of 1,000 feet at a rate that, when combined with current withdrawals, does not cause groundwater declines at the site by more than 10 feet annually during a 100-year period. There are limitations on how much can be withdrawn per acre over specified time periods ([A.R.S. § 45-554](#)).

The Arizona Corporation Commission (ACC) regulates public service corporations, including non-municipal utilities that provide water for irrigation, fire protection and other public uses. The ACC issues certificates of convenience and necessity that authorize the corporation to provide a service in a certain geographical area (Constitution of Arizona, Article 15 §§ [2](#) and [3](#), [A.R.S. § 40-281](#)).

Provisions

1. Adds public service corporations to the list of authorized entities that may transport groundwater from the Harquahala INA to an initial AMA. (Sec. 1)
2. Specifies that the public service corporation must be regulated by the ACC, hold a certificate of convenience and necessity for water service in an initial AMA and own land in the INA that is eligible to be irrigated. (Sec. 1)
3. Specifies the transported groundwater must be used by the transporting entity's customers within five years of the time it is transported and cannot be sold or conveyed for use other than by the eligible entity. (Sec. 1)
4. Requires all costs associated with withdrawing, transporting and delivering groundwater that is transported away from the basin by a public service corporation to be collected from the customers of the corporation's water distribution system where the transported groundwater is used. (Sec. 1)
5. Requires the ADWR Director to adopt administrative rules to implement the provisions of this legislation and include reporting of groundwater transported from the Harquahala INA. (Sec. 1)
6. Exempts ADWR from rulemaking requirements related to this measure for one year after the effective date of this legislation. (Sec. 2)
7. Makes technical changes. (Sec. 1)

<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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