



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: NREW DP 8-2-0-0

HB 2016: grandfathered right; subsequent AMA; extension

Sponsor: Representative Griffin, LD 19

Caucus & COW

Overview

An emergency measure that extends the deadline for a person to claim a grandfathered right to withdraw or receive and use groundwater in the Douglas active management area (Douglas AMA).

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater ([SOS](#)). As part of the management framework, the Code designated five AMAs (Phoenix, Pinal, Prescott, Tucson and Santa Cruz) and three Irrigation Non-Expansion Areas (Douglas, Joseph City and Harquahala) (A.R.S. §§ [45-411](#), [45-411.03](#), [45-431](#) and [45-554](#)) where specific regulations regarding withdrawal and use of groundwater apply.

Under current law, local landowners can petition their county board of supervisors to designate an AMA for one or more groundwater basins. If the petitioners meet a certain statutory threshold, an election will be called ([A.R.S. § 45-415](#)).

Based on a petition filed by the residents of Cochise County, the Cochise County Board of Supervisors called an election to be held on November 8, 2022 on whether to designate the Douglas Groundwater Basin as an AMA. Subsequently, the ballot measure was approved and the Douglas AMA was established on December 1, 2022 ([ADWR](#)).

Individuals and entities seeking to use groundwater are required to apply for a certificate of grandfathered right no later than 15 months after the date of the designation of the AMA with ADWR. Grandfathered rights are withdrawal rights based on historic pumping which includes the five-year period preceding the call for the election or the five-year period preceding the designation of the AMA ([A.R.S. § 45-476](#))([ADWR](#)).

The current deadline to apply for a certificate of grandfathered right for the Douglas AMA is March 1, 2024.

Provisions

1. Extends the deadline, from 15 months to 21 months after the date of the designation of the Douglas AMA, for a person to file an application for a certificate of grandfathered right with ADWR to withdraw or receive and use groundwater in the Douglas AMA. (Sec 1)
2. Repeals these requirements on January 1, 2025. (Sec. 1)

3. Contains an emergency clause. (Sec. 2)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☒ Emergency (40 votes) ☐ Fiscal Note