



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2060

irrigation non-expansion area; substitution; acres

Purpose

An emergency measure that allows a person who owns acres of land that may be irrigated to permanently retire those acres from irrigation, substitute for those acres the same number of acres in the same irrigation non-expansion area (INA) and use the associated water for any end use if the person demonstrates to the Director of the Arizona Department of Water Resources (ADWR) that the substitution of acres will not lead to a net increase in groundwater withdrawal in the INA. Requires the Cochise and Graham County Recorders to include a question on the 2024 general election ballot regarding whether to designate the Willcox Groundwater Basin (Willcox Basin) as an INA.

Background

An *INA* is a geographic area that has been designated as having insufficient groundwater to provide a reasonably safe supply for the irrigation of the cultivated lands at the current rate of withdrawal ([A.R.S. § 45-402](#)).

In an INA, only acres of land that were legally irrigated at any time between January 1, 1975, and January 1, 1980, may be irrigated with groundwater, effluent, diffused water on the surface or surface water, with outlined exceptions ([A.R.S. § 45-437](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows a person who owns acres of land that may be irrigated, if the person demonstrates to the Director of ADWR's satisfaction that the substitution of acres will not lead to a net increase in groundwater withdrawal in the INA, to:
 - a) permanently retire those acres from irrigation;
 - b) substitute, for those acres, the same number of acres in the same INA; and
 - c) use the associated water for any end use.
2. Requires the Cochise and Graham County Recorders to include an outlined question on the 2024 general election ballot for all eligible voters who reside and who receive drinking water from within the Willcox Basin regarding whether to designate the Willcox Basin as an INA.
3. Requires the Director of ADWR, on signature of the Governor, to transmit, to the Cochise and Graham County Recorders, a map of the Willcox Basin.

4. Requires the map to be on a scale adequate to show, with substantial accuracy, where the boundaries of the Willcox Basin or Subbasin cross the boundaries of county voting precincts.
5. Requires the Director of ADWR to transmit, to the Cochise and Graham County Recorders, all other factual data concerning the boundaries of the Willcox Basin that may aid the Cochise and Graham County Recorders in determining which registered voters of the county are residents of the Willcox Basin and are eligible voters, including a map of the residences that receive drinking water from the Willcox Basin.
6. Requires that only registered voters who reside within the Willcox Basin and who receive drinking water from the Willcox Basin be allowed to vote on the question.
7. Requires the Director of ADWR, after the general election results are certified, to make and file an order designating the Willcox Basin as:
 - a) the Willcox INA, if 50 percent or more of voters voted in the affirmative, and file a true copy of the map of the Willcox INA in the offices of the Cochise and Graham County Recorders and the central and local offices of ADWR and provide a copy of the order and map to the Chairpersons of the Senate and House of Representatives (House) Natural Resources, Energy and Water (NREW) Committees, or their successor committees; or
 - b) outside the boundaries of any INA, if fewer than 50 percent of the eligible voters voted in the affirmative and file a true copy of the map of the Willcox Basin in the offices of the Cochise and Graham County Recorders and the central and local offices of ADWR and provide a copy of the order and map to the Chairpersons of the Senate and House NREW Committees, or their successor committees.
8. Becomes effective on signature of the Governor, if the emergency clause is enacted.

Amendments Adopted by Committee

1. Removes the prohibition on the Director of ADWR conditioning the approval of a person's application to substitute acres on the person reducing groundwater use.
2. Requires the Cochise and Graham County Recorders to include an outlined question on the 2024 general election ballot for all eligible voters who reside and who receive drinking water from within the Willcox Basin regarding whether to designate the Willcox Basin as an INA.
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 - b) outside the boundaries of any INA, if fewer than 50 percent of the eligible voters voted in the affirmative and file a true copy of the map of the Willcox Basin in the offices of the Cochise and Graham County Recorders and the central and local offices of ADWR and provide a copy of the order and map to the Chairpersons of the Senate and House NREW Committees, or their successor committees.
8. Adds an emergency clause.

House Action

Senate Action

NREW	2/6/24	DP	5-4-0-1	NREW	3/14/24	DPA	4-2-1
3 rd Read	2/27/24		31-27-1-0-1				

Prepared by Senate Research
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RA/SDR/slp