

45-552. Transportation of groundwater withdrawn in McMullen valley basin to an active management area; definitions

A. A city that purchased land before January 1, 1988 in the McMullen valley groundwater basin or a person who purchased land before January 1, 1988 that was in that basin and that was in the same county as an adjacent initial active management area, either directly or in exchange for central Arizona project water allocated for agricultural purposes, may transport groundwater from that land to an adjacent initial active management area for use by any city, town, private water company or groundwater replenishment district. A city, town, private water company or groundwater replenishment district that purchases any land in the McMullen Valley groundwater basin from that city or land that was in that basin and that was in the same county as an adjacent initial active management area from that person, either directly or in exchange for central Arizona project water allocated for agricultural purposes, may transport groundwater from that land to the adjacent initial active management area only for use by a city, town, private water company or groundwater replenishment district or the Arizona water banking authority pursuant to section 45-2491. The amount of groundwater that may be transported away from the basin shall be determined pursuant to subsection B of this section but shall not exceed:

1. In any year, two times the annual transportation allotment for the land determined pursuant to subsection B of this section.

2. For any period of ten consecutive years computed in continuing progressive series beginning in the year transportation of groundwater from the land begins, ten times the annual transportation allotment for the land determined pursuant to subsection B of this section.

3. Six million acre-feet in total.

B. The director shall determine the annual transportation allotment for land that is subject to this section as follows:

1. Determine each farm or portion of a farm on that land.

2. For each such farm or portion of a farm, determine the historically irrigated acres.

3. Multiply the sum of those historically irrigated acres for all such farms or portions of farms by three acre-feet per acre.

C. In an initial active management area, for purposes of determining whether to issue a certificate of assured water supply or to designate or redesignate a city, town or private water company as having an assured water supply, pursuant to section 45-576, based in whole or in part on groundwater transported from the groundwater basin under this section, the director shall consider only the amount of groundwater that can be withdrawn in the groundwater basin from a depth to one thousand two hundred feet at the site or sites of the proposed withdrawals at a rate that, when added to the existing rates of withdrawal in the area, is not expected to cause the groundwater table at the site or sites to decline more than an average of ten feet per year during the one hundred year evaluation period and does not exceed forty per cent of the groundwater that can be withdrawn in the groundwater basin, less the sum of the following amounts of groundwater in the groundwater basin:

1. The total amount on which the director has already based certificates or designations of assured water supply in an initial active management area.

2. The total amount transported to an initial active management area for other purposes.

D. For the purposes of this section:

1. Land that is owned by a city, town, private water company or groundwater replenishment district includes land that is owned indirectly

through a nonprofit corporation or other entity that is owned or controlled by the city, town, private water company or groundwater replenishment district.

2. "Historically irrigated acres" means land overlying an aquifer that was irrigated with groundwater from that aquifer before January 1, 1988.

3. "Person" means person as defined in section 45-402 and a person who purchased land before January 1, 1988 includes any successor in interest of that person if the successor acquires an interest in the land by means of either of the following:

(a) Inheritance, devise or intrafamily gift or conveyance directly or in trust.

(b) The reorganization of a closely held corporation, a partnership or a limited liability company that is and remains owned by or controlled by or for the benefit of individuals related to that person.