

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 118

HOUSE BILL 2594

AN ACT

AMENDING SECTION 45-1002, ARIZONA REVISED STATUTES; RELATING TO WATER EXCHANGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 45-1002, Arizona Revised Statutes, is amended to
3 read:

4 45-1002. Water exchanges; conditions

5 A. A person may withdraw, divert or use water received through a water
6 exchange only if one or more of the following apply:

7 1. Neither the water exchange is in an amount nor any associated water
8 exchange contract provides for a water exchange in an amount exceeding fifty
9 acre-feet in any twelve month period. If two or more water exchanges or
10 water exchange contracts allow the same use at the same location, the
11 aggregate quantity of the water exchanges and water exchanges pursuant to the
12 water exchange contracts may not exceed fifty acre-feet in any twelve month
13 period to qualify for this condition.

14 2. All water exchanged pursuant to the water exchange or water
15 exchange contract is effluent.

16 3. The water exchange is made pursuant to a water exchange contract
17 enrolled under section 45-1021 and either:

18 (a) The amount of water exchanged does not exceed either the maximum
19 amount of water exchanged in any twelve month period before 1992 or any
20 specific maximum amount established in the water exchange contract, whichever
21 is more.

22 (b) If no water was exchanged in any twelve month period before 1992
23 and no specific maximum amount of water was established in the water exchange
24 contract, the water to be exchanged by one of the parties is central Arizona
25 project water for which a subcontract was not offered by the secretary of the
26 interior by January 1, 1992.

27 4. The water exchange involves surface water other than Colorado river
28 water, and the person who gives surface water other than Colorado river water
29 in the exchange holds a permit under section 45-1041.

30 5. The water exchange is made pursuant to a notice of water exchange
31 filed with the director under section 45-1051.

32 6. All water exchanged pursuant to the water exchange or water
33 exchange contract is groundwater and the exchange is between an irrigation
34 district and an irrigation grandfathered right holder within that irrigation
35 district.

36 B. A party that gives water pursuant to a water exchange authorized
37 under subsection A of this section must receive the water to be exchanged for
38 it within a twelve month period unless one of the following applies:

39 1. The exchange is made pursuant to a water exchange contract enrolled
40 under section 45-1021 and the contract contains an explicit term providing
41 for a longer period.

42 2. The exchange is made pursuant to subsection A, paragraph 6 of this
43 section.

44 3. The parties to the exchange demonstrate to the director that the
45 water to be received cannot be delivered within the period allowed for the

1 exchange or that the water to be received cannot reasonably be put to
2 beneficial use within the period allowed for the exchange. On this
3 demonstration the director may grant an extension of six months if the
4 director has determined that the extension is consistent with the goal of
5 efficient water management and does not impair vested rights to the use of
6 water.

7 4. THE EXCHANGE IS BETWEEN A MULTI-COUNTY WATER CONSERVATION DISTRICT
8 ESTABLISHED PURSUANT TO TITLE 48, CHAPTER 22 AND AN AGRICULTURAL IMPROVEMENT
9 DISTRICT ESTABLISHED PURSUANT TO TITLE 48, CHAPTER 17 AND THE EXCHANGE
10 INVOLVES SURFACE WATER THAT IS STORED IN RESERVOIRS THAT ARE OPERATED BY THE
11 AGRICULTURAL IMPROVEMENT DISTRICT.

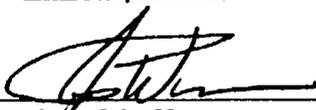
APPROVED BY THE GOVERNOR MAY 1, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2002.

Passed the House March 27, 2002,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

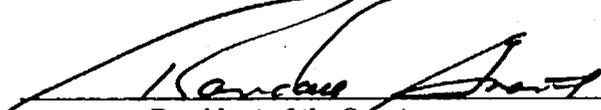

Speaker of the House


Chief Clerk of the House

Passed the Senate April 25, 2002,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting


President of the Senate

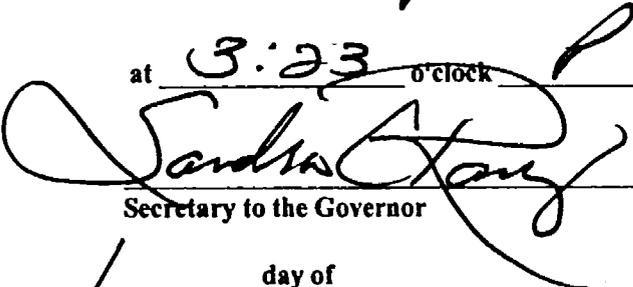

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of April, 2002,

at 3:23 o'clock P M.


Secretary to the Governor

Approved this 1 day of

May, 2002,

at 12:28 o'clock P M.

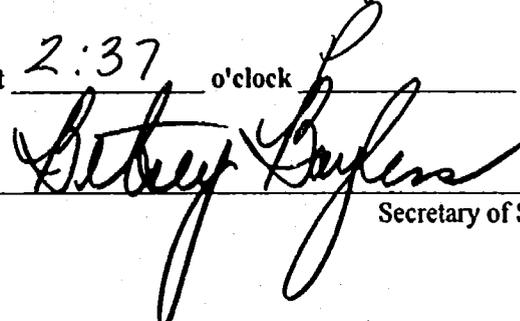

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 2002,

at 2:37 o'clock P M.


Secretary of State

H.B. 2594