

AMWUA Monitors HB2289

[HB2289: Water Recharge; Direct Use](#)

HB2289 would change the definition of “water that cannot reasonably be used directly” to include the amount of groundwater that is withdrawn by a permitted storer for mining purposes if that amount of groundwater is delivered to an irrigation district for direct use during the same year. This exemption only applies if the irrigation district demonstrates a reduction in the amount of groundwater it otherwise would have withdrawn. The bill requires that the irrigation district be located in the same AMA as the location from where the groundwater was withdrawn.

Resolution Copper, a mining operation in Superior, AZ, is the entity that proposed this change. Resolution has an agreement to transfer, via a 27-mile pipeline, the groundwater it has withdrawn pursuant to its Dewatering Permit to the New Magma Irrigation District (NMID), rather than discharging the treated water into the Queen Creek. Resolution Copper’s dewatering permit was recently extended to 2029.

Resolution Copper is requesting the change in order to allow them to receive the full amount of long-term storage credits for CAP excess water. Resolution Copper argues that because the groundwater they convey to NMID can be used directly – and statute permits credit only on water that “cannot reasonably be used directly,” it reduces the long-term storage credits Resolution Copper can receive.

The language, as introduced, is narrowly tailored to Resolution Copper’s circumstances. From a broader groundwater management perspective, HB2289 furthers AMWUA’s interests in supporting the principles of safe-yield.

See also: SB1241

The bill was amended in House Environment to make the bill retroactive to the beginning of 2010 and provided a 2025 sunset.

Sponsor: Rep. Pratt

