

45-141. Public nature of waters of the state; beneficial use; reversion to state; actions not constituting abandonment or forfeiture

A. The waters of all sources, flowing in streams, canyons, ravines or other natural channels, or in definite underground channels, whether perennial or intermittent, flood, waste or surplus water, and of lakes, ponds and springs on the surface, belong to the public and are subject to appropriation and beneficial use as provided in this chapter.

B. Beneficial use shall be the basis, measure and limit to the use of water.

C. Except as otherwise provided in this title or in title 48, when the owner of a right to the use of water ceases or fails to use the water appropriated for five successive years, the right to the use shall cease, and the water shall revert to the public and shall again be subject to appropriation.

D. Underground water storage, pursuant to chapter 3.1 of this title, for future beneficial use of waters appropriated pursuant to this chapter does not constitute an abandonment or forfeiture.

E. The following water exchange arrangements or substitutions do not constitute an abandonment or forfeiture of all or any portion of a right to use surface water:

1. Exchanging surface water for groundwater, effluent, Colorado river water, including water delivered through the central Arizona project, or another source of surface water pursuant to chapter 4 of this title.

2. Substituting groundwater, effluent, Colorado river water, including water delivered through the central Arizona project, or another source of surface water for surface water.

F. Conservation of water pursuant to a water conservation plan notice filed with the director as prescribed by section 45-189.01 does not constitute an abandonment or forfeiture of the water conserved.