START\_STATUTE48-4401.  Definitions

In this chapter, unless the context otherwise requires:

1.  "Active management area" means an active management area established under title 45, chapter 2, article 2.

2.  "Actual central Arizona project water supply" means, for any calendar year, the total amount of central Arizona project water that is delivered to a district member during the year by a multi‑county water conservation district pursuant to a subcontract for central Arizona project municipal and industrial water service by the United States secretary of the interior and a multi-county water conservation district.

3.  "Actual surface water supply" means for any year the total amount of surface water, other than central Arizona project water, that is delivered to the district member for non-irrigation use during the year by irrigation districts and water users' associations.

4.  "Adjusted groundwater" means the number computed by subtracting the excluded groundwater withdrawn in the district by a district member from all groundwater withdrawn in the district by the district member for non-irrigation use.

5.  "Administrative costs" means the compensation and employment related expenses of the officers and administrative employees of the district, the compensation and reimbursements of members of the board of directors, operation and maintenance expenses and acquisition costs of property, equipment and other materials that the district acquires for administrative purposes.

6.  "Board" means the board of directors of a groundwater replenishment district.

7.  "Capacity costs" means the cost of acquiring, constructing or leasing replenishment facilities, including any necessary land, any facilities that are necessary to treat water and facilities that are required to transport water to a treatment facility or replenishment area that is operated, owned or leased by a district, including interest on any amount that was borrowed to acquire, lease or construct the facilities.

8.  "CERCLA" means the comprehensive environmental response, compensation, and liability act of 1980, as amended (P.L. 96‑510; 94 Stat. 2767; 42 United States Code sections 9601 through 9657), commonly known as "superfund".

9.  "Director" means the director of water resources.

10.  "District" means a groundwater replenishment district established under this chapter.

11.  "District member" or "member" means a municipality that contains a service area and petitions for the formation of the district or petitions for the expansion of the district pursuant to this title.

12.  "District water" means water that a district acquires in a calendar year and that exceeds the amount that is necessary to fulfill its contracts for replenishment pursuant to section 48‑4470, demand services pursuant to section 48‑4472 and replenishment pursuant to section 48‑4501.

13.  "Drought replacement water" means groundwater that is withdrawn by a district member during a drought year and that the district determines was required to be withdrawn to replace unavailable surface water or unavailable central Arizona project water.

14.  "Drought year" means:

(a)  A year in which the district member's actual central Arizona project water supply is less than eighty per cent of the district member's normal central Arizona project water supply, if the district member's actual central Arizona project water supply is also less than the amount of central Arizona project water ordered by the district member from a multi-county water conservation district.

(b)  A year in which the district member's actual surface water supply is less than eighty per cent of the district member's normal surface water supply.

15.  "Excluded groundwater" means the amount of groundwater that is withdrawn in the district by a district member and that is excluded from the replenishment tax pursuant to section 48‑4502, paragraph 1, subdivisions (b) through (e).

16.  "Groundwater" has the definition prescribed by section 45‑101.

17.  "Historic annual net natural recharge" means the average annual net natural recharge of the groundwater basin beneath a groundwater replenishment district during a thirty year period, as established by the director in the most recent management plan for the active management area in which the district is located pursuant to title 45, chapter 2, article 9, or a proportionate share established by the director, if the groundwater basin is partially located beneath a district.

18.  "Historic annual per acre surface water deliveries" means, for any year, the total amount of surface water, other than central Arizona project water, delivered by an irrigation district or water users' association during the thirty year period ending with the preceding calendar year for use on surface water right acres that are currently in a district divided by the product obtained by multiplying the number of such surface water right acres times thirty, as established by the district.

19.  "Irrigation district" means a political subdivision, however designated, established pursuant to chapter 17 or 19 of this title.

20.  "Multi-county water conservation district" means a political subdivision established pursuant to chapter 22 of this title.

21.  "Municipality" means a city or town incorporated or chartered under the constitution and laws of this state.

22.  "Net natural recharge" means the amount of water added to a groundwater basin during a definite period of time through natural underground inflow, natural infiltration through mountain fronts and natural infiltration through streambeds or other natural channels, except for water released into streambeds or other natural channels as effluent, less the amount of water that left the groundwater basin during the same period of time through natural outflow.

23.  "Non‑exempt well" means a well other than an exempt well, as defined by section 45‑402.

24.  "Non‑irrigation use" means any use of water, other than on two or more acres of land to produce plants or parts of plants for sale or human consumption or for use as feed for livestock, range livestock or poultry, as those terms are defined in section 3‑1201.

25.  "Normal central Arizona project water supply" means, for any calendar year, the maximum amount of central Arizona project water that a multi-county water conservation district has agreed to deliver to a district member for municipal or industrial use during the calendar year pursuant to a municipal and industrial water service subcontract.

26.  "Normal surface water supply" means for any year an amount of surface water that is measured by multiplying any surface water right acres for which the district member received surface water, other than central Arizona project water, for non-irrigation use during the year from an irrigation district or water users' association times the historic annual per acre surface water deliveries of the irrigation district or water users' association.

27.  "Person" means an individual, public or private corporation, company, partnership, firm, association, society, estate or trust, any other public organization or enterprise, the United States, any state, territory or country or a governmental entity, political subdivision or municipal corporation organized under or subject to the constitution and laws of this state.

28.  "Replenish" means to increase the amount of groundwater in a district either incidentally or through water storage undertaken pursuant to title 45, chapter 3.1.

29.  "Replenishment tax" means the taxes imposed by sections 48‑4470, 48‑4472 and 48‑4501 on district members for the privilege of withdrawing groundwater.

30.  "Service area" has the same meaning as prescribed by section 45‑402.

31.  "Surface water" has the definition prescribed by section 45‑101.

32.  "Surface water right acre" means an acre of land on which decreed or appropriative surface water, other than central Arizona project water, is legally entitled to be applied.

33.  "Total water used" means all water that a district member uses or delivers to its customers for non-irrigation use.

34.  "Unavailable central Arizona project water" means an amount of water that is measured by subtracting the district member's actual central Arizona project water supply in a drought year from eighty per cent of the district member's normal central Arizona project water supply for the year, up to the difference between the amount of central Arizona project water ordered by the district member from a multi-county water conservation district for municipal or industrial use during the year and the district member's actual central Arizona project water supply during the year.

35.  "Unavailable surface water" means an amount of water computed by subtracting a district member's actual surface water supply in a drought year from eighty per cent of the district member's normal surface water supply for that year.

36.  "Water acquisition costs" means the cost of acquiring water for use by the district in fulfilling its replenishment obligations pursuant to sections 48‑4470, 48‑4472 and 48‑4501, including costs of purchase or lease of water, energy costs for transporting water, operation costs, maintenance costs, withdrawal or severance taxes paid in connection with the water, capital costs for headworks, well or transmission facilities constructed at a water source and interest on monies that are borrowed to acquire water.  Water acquisition costs also include a portion of the capacity costs of the facility or facilities, allocated over the life of the facility or facilities, that are used to transport, treat or replenish the water.  In determining the portion of capacity costs to be charged to a district member in connection with providing replenishment services, the district shall consider the use of the capacity by the district member and the amount of capacity that must be held in reserve to accomplish the replenishment service but shall not charge the member for capacity that is held in reserve for future growth or drought contingencies.  Water acquisition costs do not include the cost of capacity that is acquired or constructed for purposes of title 45, chapter 3, article 2 or that is constructed with monies derived from selling demonstration project water.

37.  "Water storage" has the same meaning as prescribed by section 45‑802.01.

38.  "Water users' association" has the same meaning as prescribed by section 10‑140.

39.  "Well" has the definition prescribed by section 45‑402. END\_STATUTE