

REFERENCE TITLE: assured water; supply; nonlocal water

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2258

Introduced by
Representative Cook

AN ACT

AMENDING SECTION 45-468, ARIZONA REVISED STATUTES; AMENDING TITLE 45, CHAPTER 2, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 45-576.10; RELATING TO THE GROUNDWATER CODE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-468, Arizona Revised Statutes, is amended to
3 read:

4 45-468. Accounting of water by persons delivering a
5 combination of surface water and groundwater for
6 irrigation uses

7 A. A person delivering a combination of surface water or effluent,
8 or both, and groundwater for irrigation uses shall ~~prior to~~ BEFORE the
9 beginning of each accounting period estimate the amount of groundwater
10 that will be withdrawn and delivered during the next accounting period and
11 shall make ~~such~~ THE estimate available to the director. The estimate may
12 be modified from time to time as conditions warrant.

13 B. Within ninety days following the end of each accounting period a
14 person who delivers a combination of surface water or effluent, or both,
15 and groundwater for uses by cities, towns, private water companies,
16 industries, farms or other users shall provide the director with an
17 accounting for water during the past accounting period ~~which~~ THAT shows
18 the following:

19 1. All surface water provided to each class of user and each ~~farm~~
20 USER AUTHORIZED TO WITHDRAW GROUNDWATER.

21 2. All groundwater provided to each class of user and each ~~farm~~
22 USER AUTHORIZED TO WITHDRAW GROUNDWATER.

23 3. All effluent provided to each class of user and each ~~farm~~ USER
24 AUTHORIZED TO WITHDRAW GROUNDWATER.

25 C. If a WATER PROVIDER OR ANY OTHER person delivers water to a user
26 through a delivery system that commingles groundwater with surface water
27 or effluent, or both, the amount of groundwater charged to the user
28 pursuant to the accounting in subsection B OF THIS SECTION shall be
29 computed as follows:

30 1. Determine the total amount of water delivered to the user
31 through the system during the accounting period.

32 2. Determine the amount of surface water and effluent that would
33 have been delivered to the user through the system during the accounting
34 period if no groundwater had been delivered through the system.

35 3. Subtract the amount determined pursuant to paragraph 2 from the
36 amount determined pursuant to paragraph 1.

37 D. THIS SECTION DOES NOT CHANGE THE APPLICABILITY, IF ANY, OF
38 GROUNDWATER CONSERVATION RULES TO WATER SUPPLIES THAT PHYSICALLY CONTAIN
39 GROUNDWATER.

40 Sec. 2. Title 45, chapter 2, article 9, Arizona Revised Statutes,
41 is amended by adding section 45-576.10, to read:

42 45-576.10. Certificates of assured water supply: nonlocal
43 groundwater; water from outside active
44 management area

45 FOR AN APPLICATION FOR A CERTIFICATE OF ASSURED WATER SUPPLY THAT
46 PROPOSES TO USE A WATER SUPPLY OTHER THAN GROUNDWATER WITHDRAWN FROM

1 WITHIN THE ACTIVE MANAGEMENT AREA IN WHICH THE PROPOSED DEVELOPMENT IS
2 LOCATED, ALL OF THE FOLLOWING APPLY:

3 1. THE PROPOSED SOURCE SHALL BE DEEMED CONSISTENT WITH THE GOAL OF
4 THE ACTIVE MANAGEMENT AREA.

5 2. IF THE PROPOSED SOURCE IS STORED WATER RECOVERED WITHIN THE AREA
6 OF IMPACT AS DEFINED IN SECTION 45-802.01, THE PROPOSED SOURCE SHALL BE
7 DEEMED PHYSICALLY AVAILABLE AND THE DIRECTOR SHALL NOT REVIEW THE PHYSICAL
8 AVAILABILITY OF OTHER SOURCES OF WATER SERVED BY THE MUNICIPAL PROVIDER OR
9 INCLUDED IN AN ISSUED CERTIFICATE OF ASSURED WATER SUPPLY OR DESIGNATION
10 OF ASSURED WATER SUPPLY IN THE ACTIVE MANAGEMENT AREA.

11 3. IF A MUNICIPAL PROVIDER PROPOSES TO USE A SOURCE OF WATER
12 PRESCRIBED BY THIS SECTION IN THE SAME WATER SYSTEM WITH CENTRAL ARIZONA
13 PROJECT WATER, SURFACE WATER, EFFLUENT OR GROUNDWATER, THE PROPOSED SOURCE
14 DOES NOT AFFECT THE CONTINUOUS, LEGAL AND PHYSICAL AVAILABILITY OF THE
15 PROPOSED SOURCE, WITHOUT REGARD TO THE CONTINUOUS, LEGAL AND PHYSICAL
16 AVAILABILITY OF OTHER SUPPLIES WITHIN THE SAME MUNICIPAL PROVIDER'S WATER
17 SYSTEM, INCLUDING GROUNDWATER WITHDRAWN WITHIN THE ACTIVE MANAGEMENT AREA
18 IN WHICH THE PROPOSED CERTIFICATE OF ASSURED WATER SUPPLY IS LOCATED.