

REFERENCE TITLE: area of impact; stored water

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

# HB 2331

Introduced by  
Representative Cook

## AN ACT

AMENDING SECTION 45-576.08, ARIZONA REVISED STATUTES; AMENDING SECTION 45-802.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 1, SECTION 9; AMENDING SECTION 45-802.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 1, SECTION 10; RELATING TO STORED WATER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-576.08, Arizona Revised Statutes, is amended  
3 to read:

4 45-576.08. Pinal active management area; assured water  
5 supply; physical availability; definitions

6 A. All of the following apply in the Pinal active management area  
7 for an application to modify a designation of assured water supply:

8 1. If the total volume of groundwater and stored water to be  
9 recovered outside the area of impact of storage sought to be included in  
10 the designation does not exceed the total volume of those sources of water  
11 included in the previous designation minus the sum of the volume of  
12 groundwater actually withdrawn and the volume of stored water recovered  
13 outside the area of impact of storage by the applicant since issuance of  
14 the previous designation order:

15 (a) The director shall not review the physical availability of the  
16 groundwater and stored water to be recovered outside of the area of impact  
17 of storage sought to be included in the designation.

18 (b) The physical availability of the groundwater and stored water  
19 to be recovered outside the area of impact of storage sought to be  
20 included in the designation shall not be grounds for an objection.

21 2. Paragraph 1 of this subsection shall not affect the director's  
22 review of assured water supply criteria other than the physical  
23 availability of groundwater and stored water to be recovered outside the  
24 area of impact of storage.

25 3. Both of the following are deemed physically available for  
26 purposes of an assured water supply designation:

27 (a) Stored water that is to be recovered by the applicant within  
28 the area of impact of storage pursuant to existing long-term storage  
29 credits pledged to the designation of assured water supply.

30 (b) Stored water that is to be recovered by the applicant within  
31 the area of impact of storage either on an annual basis pursuant to  
32 section 45-851.01 or as long-term storage credits to be earned in the  
33 future if the water to be stored meets the physical availability  
34 requirements for the water supply under rules adopted pursuant to section  
35 45-576, subsection H.

36 B. For the purposes of this section:

37 1. "Area of impact of storage" ~~means any of the following:~~

38 ~~(a) Within one mile of an existing or proposed underground storage~~  
39 ~~facility where the water to be recovered is or will be stored.~~

40 ~~(b) Within the district boundaries of an irrigation district that~~  
41 ~~has a permit for a groundwater savings facility and where the water to be~~  
42 ~~recovered is or will be stored.~~

43 ~~(c) An area not described in subdivision (a) or (b) of this~~  
44 ~~paragraph that has been shown to have been positively impacted by the~~  
45 ~~storage of the water to be recovered as demonstrated by a hydrologic model~~

1 ~~approved by the director~~ HAS THE SAME MEANING AS AREA OF IMPACT DEFINED IN  
2 SECTION 45-802.01.

3 2. "Long-term storage credit" has the same meaning prescribed in  
4 section 45-802.01.

5 3. "Stored water" has the same meaning prescribed in section  
6 45-802.01.

7 Sec. 2. Section 45-802.01, Arizona Revised Statutes, as amended by  
8 Laws 2019, chapter 1, section 9, is amended to read:

9 45-802.01. Definitions

10 Unless the context otherwise requires, the terms defined in section  
11 45-402 have the same meanings in this chapter and:

12 1. "Aquifer" means a geologic formation that contains sufficient  
13 saturated material to be capable of storing water and transmitting water  
14 in usable quantities to a well.

15 2. "Area of impact" means, ~~as projected on the land surface, the~~  
16 ~~area where the stored water has migrated or is located~~ ANY OF THE  
17 FOLLOWING:

18 (a) THE AREA WITHIN ONE MILE OF AN EXISTING OR PROPOSED UNDERGROUND  
19 STORAGE FACILITY WHERE THE WATER TO BE RECOVERED IS OR WILL BE STORED.

20 (b) THE AREA WITHIN ONE MILE OF THE DISTRICT BOUNDARIES OR WITHIN  
21 THE DISTRICT BOUNDARIES OF AN IRRIGATION DISTRICT THAT HAS A PERMIT FOR A  
22 GROUNDWATER SAVINGS FACILITY AND WHERE THE WATER TO BE RECOVERED IS OR  
23 WILL BE STORED.

24 (c) ANY AREA THAT IS NOT DESCRIBED IN SUBDIVISION (a) OR (b) OF  
25 THIS PARAGRAPH AND THAT HAS BEEN SHOWN TO HAVE BEEN POSITIVELY IMPACTED BY  
26 THE STORAGE OF THE WATER TO BE RECOVERED AS DEMONSTRATED BY A HYDROLOGIC  
27 MODEL APPROVED BY THE DIRECTOR.

28 3. "CERCLA" means the comprehensive environmental response,  
29 compensation, and liability act of 1980, as amended (P.L. 96-510; 94 Stat.  
30 2767; 42 United States Code sections 9601 through 9657), commonly known as  
31 "superfund".

32 4. "Constructed underground storage facility" means a facility that  
33 meets the requirements of section 45-811.01 and that is designed and  
34 constructed to store water underground pursuant to permits issued under  
35 this chapter.

36 5. "District" means a groundwater replenishment district  
37 established under title 48, chapter 27.

38 6. "District member" means a member of the groundwater  
39 replenishment district as provided by title 48, chapter 27.

40 7. "Electrical district" means a corporate body established  
41 pursuant to title 48, chapter 12.

42 8. "Existing effluent managed underground storage facility" means a  
43 managed underground storage facility that meets one of the following  
44 conditions:

1 (a) The facility is operated pursuant to a storage facility permit  
2 that the director issued before January 1, 2019 and that authorizes the  
3 storage of effluent at the facility.

4 (b) The facility is operated pursuant to a renewed or modified  
5 storage facility permit that the director issued after January 1, 2019 if  
6 the facility qualified as an existing effluent managed underground storage  
7 facility under subdivision (a), (c) or (d) of this paragraph at any time  
8 before the renewal or modification.

9 (c) The facility is operated pursuant to a permit that the director  
10 issued after January 1, 2019 and that authorizes the storage of effluent  
11 at a location where the permit holder was authorized to store effluent  
12 pursuant to a storage facility permit that the director issued before  
13 January 1, 2019.

14 (d) The facility is operated pursuant to a permit that the director  
15 issued after January 1, 2019 and that authorizes the storage of effluent  
16 at the facility, and the application to operate the facility was on file  
17 with the director as of January 1, 2019.

18 9. "Groundwater savings facility" means a facility that meets the  
19 requirements of section 45-812.01 in an active management area or an  
20 irrigation non-expansion area at which groundwater withdrawals are  
21 eliminated or reduced by recipients who use in lieu water on a  
22 gallon-for-gallon substitute basis for groundwater that otherwise would  
23 have been pumped from within that active management area or irrigation  
24 non-expansion area.

25 10. "In lieu water" means water that is delivered by a storer to a  
26 groundwater savings facility pursuant to permits issued under this chapter  
27 and that is used in an active management area or an irrigation  
28 non-expansion area by the recipient on a gallon-for-gallon substitute  
29 basis for groundwater that otherwise would have been pumped from within  
30 that active management area or irrigation non-expansion area.

31 11. "Long-term storage account" means an account established  
32 pursuant to section 45-852.01.

33 12. "Long-term storage credit" means stored water that meets the  
34 requirements of section 45-852.01 and that has been credited to a  
35 long-term storage account.

36 13. "Managed underground storage facility" means a facility that  
37 meets the requirements of section 45-811.01 and that is designed and  
38 managed to utilize the natural channel of a stream to store water  
39 underground pursuant to permits issued under this chapter through  
40 artificial and controlled releases of water other than surface water  
41 naturally present in the stream. Surface water flowing in its natural  
42 channel is not a managed underground storage facility.

43 14. "Master replenishment account" means an account established  
44 pursuant to section 45-858.01 for a groundwater replenishment district.

- 1           15. "Recipient" means a person who receives in lieu water for use at  
2 a groundwater savings facility.
- 3           16. "Recoverable amount" means the amount of water, as determined by  
4 the director, that will reach the aquifer through water storage.
- 5           17. "Replenishment" means the storage of water or use of long-term  
6 storage credits by a groundwater replenishment district to fulfill its  
7 duties under title 48, chapter 27, article 3, by a multi-county water  
8 conservation district to fulfill its duties under title 48, chapter 22,  
9 article 4 or by an active management area water district to fulfill its  
10 duties under title 48, chapter 28, article 7.
- 11           18. "Reserve target" has the same meaning prescribed in section  
12 48-3701.
- 13           19. "Storage facility" means a groundwater savings facility or an  
14 underground storage facility.
- 15           20. "Stored water" means water that has been stored or saved  
16 underground pursuant to a storage permit issued under this chapter.
- 17           21. "Storer" means the holder of a water storage permit issued  
18 pursuant to section 45-831.01 or a person to whom a water storage permit  
19 has been conveyed pursuant to section 45-831.01, subsection F.
- 20           22. "Underground storage facility" means a constructed underground  
21 storage facility or a managed underground storage facility.
- 22           23. "Water that cannot reasonably be used directly" means water that  
23 the storer cannot reasonably put to a direct use during the calendar year,  
24 including:
- 25           (a) Except as provided in subdivision (b) or except for an  
26 agricultural improvement district as provided in subdivision (d), if the  
27 storer is a municipal provider, the amount of central Arizona project  
28 water that exceeds the amount of mined groundwater withdrawn during the  
29 calendar year by the storer in the active management area in which the  
30 storer's service area is located. If the storer withdrew mined  
31 groundwater during a calendar year in which the storer stored central  
32 Arizona project water underground pursuant to the storage permit, the  
33 amount of central Arizona project water stored underground during that  
34 year equal to the amount of mined groundwater withdrawn from the active  
35 management area in which the storer's service area is located shall not be  
36 credited to the storer's long-term storage account but may be considered  
37 as being available for recovery by the storer on an annual basis under  
38 section 45-851.01. In calculating the amount of mined groundwater  
39 withdrawn by the storer from the active management area, the director, at  
40 the request of the storer, shall exclude any groundwater withdrawn,  
41 treated and delivered for direct use as part of a remedial action  
42 undertaken pursuant to CERCLA or title 49, chapter 2, article 5. For the  
43 purposes of this subdivision, "mined groundwater" and "municipal provider"  
44 have the same meanings prescribed in section 45-561.

1 (b) If the storer is a municipal provider that has been designated  
2 as having an assured water supply pursuant to section 45-576, the amount  
3 of central Arizona project water that exceeds the amount of deficit  
4 groundwater withdrawn during the calendar year by the storer in the active  
5 management area in which the storer's service area is located. If the  
6 storer withdrew deficit groundwater during a calendar year in which the  
7 storer stored central Arizona project water underground pursuant to the  
8 storage permit, the amount of the central Arizona project water stored  
9 underground during that year equal to the amount of deficit groundwater  
10 withdrawn from the active management area in which the storer's service  
11 area is located shall not be credited to the storer's long-term storage  
12 account but may be considered as being available for recovery by the  
13 storer on an annual basis pursuant to section 45-851.01. In calculating  
14 the amount of deficit groundwater withdrawn by the storer from the active  
15 management area, the director, at the request of the storer, shall exclude  
16 any groundwater withdrawn, treated and delivered for direct use as part of  
17 a remedial action undertaken pursuant to CERCLA or title 49, chapter 2,  
18 article 5. For the purposes of this subdivision, "municipal provider" has  
19 the same meaning prescribed in section 45-561 and "deficit groundwater"  
20 means that amount of groundwater withdrawn within an active management  
21 area for delivery and use within a service area by a municipal provider in  
22 excess of the amount of groundwater that may be withdrawn by the municipal  
23 provider consistent with the achievement of the active management area's  
24 management goals as prescribed by rules adopted by the director pursuant  
25 to section 45-576.

26 (c) Except as provided in subdivision (d), if the storer is not a  
27 municipal provider, the amount of central Arizona project water stored in  
28 an active management area that exceeds the amount of groundwater withdrawn  
29 during the calendar year by the storer in that active management area. If  
30 the storer withdrew groundwater in an active management area during a  
31 calendar year in which the storer stored central Arizona project water  
32 underground in that active management area pursuant to the storage permit,  
33 the amount of central Arizona project water stored underground during that  
34 year equal to the amount of groundwater withdrawn from the active  
35 management area shall not be credited to the storer's long-term storage  
36 account but may be considered as being available for recovery by the  
37 storer on an annual basis under section 45-851.01. For the purposes of  
38 this subdivision, "municipal provider" has the same meaning prescribed in  
39 section 45-561. In calculating the amount of groundwater withdrawn by the  
40 storer from the active management area, the director, at the request of  
41 the storer, shall exclude:

42 (i) The amount of groundwater withdrawn, treated and delivered for  
43 direct use as part of a remedial action undertaken pursuant to CERCLA or  
44 title 49, chapter 2, article 5.

1           (ii) The amount of groundwater withdrawn by the storer during the  
2 year for mineral extraction and metallurgical processing and delivered  
3 during that year for direct use to an irrigation district that is  
4 established pursuant to title 48, chapter 19 and that is located in the  
5 same active management area from which the amount of groundwater was  
6 withdrawn to the extent that the irrigation district or its customers  
7 demonstrate a reduction in the amount of groundwater that they otherwise  
8 would have withdrawn during that year within the irrigation district.

9           (iii) The amount of groundwater withdrawn by the storer during the  
10 year for mineral extraction or metallurgical processing if the storer was  
11 engaged in mineral extraction and metallurgical processing within an  
12 initial active management area on or before January 1, 2011.

13           (d) The amount of central Arizona project water stored in an active  
14 management area in any year after 1994 by an agricultural improvement  
15 district established pursuant to title 48, chapter 17 for use at those  
16 portions of electrical generating facilities that are constructed or  
17 expanded after June 12, 1980, subject to both of the following:

18           (i) If groundwater was used during a year in an active management  
19 area at those portions of the electrical generating facilities that were  
20 owned and operated by the agricultural improvement district and that were  
21 constructed or expanded after June 12, 1980, the amount of the central  
22 Arizona project water stored during that year equal to the amount of the  
23 groundwater withdrawn during the year for use at those portions of the  
24 facilities that were owned and operated by the agricultural improvement  
25 district and that were constructed or expanded after June 12, 1980 shall  
26 not be credited to the agricultural improvement district's long-term  
27 storage account but may be considered as being available for recovery by  
28 the agricultural improvement district on an annual basis under section  
29 45-851.01.

30           (ii) Long-term storage credits accrued as a result of the storage  
31 of the central Arizona project water may be recovered within the active  
32 management area by the agricultural improvement district only for the  
33 purpose of providing central Arizona project water to electrical  
34 generating facilities that were owned and operated by the agricultural  
35 improvement district and only pursuant to any water requirement included  
36 in a facility's certificate of environmental compatibility. Subject to  
37 section 45-854.01, the long-term storage credits may be assigned by the  
38 agricultural improvement district only to the owner of an electrical  
39 generating facility for use pursuant to any water requirement included in  
40 that facility's certificate of environmental compatibility.

41           (e) Surface water made available by dams constructed or modified  
42 after August 13, 1986.

43           (f) Effluent.

1 (g) If the storage facility is in an active management area, water  
2 from outside the active management area that would not have reached the  
3 active management area without the efforts of the storer.

4 (h) If the storage facility is outside of an active management  
5 area, water from outside the groundwater basin in which the storage  
6 facility is located that would not have reached the groundwater basin  
7 without the efforts of the storer.

8 (i) Water that is delivered through the central Arizona project and  
9 that is acquired by the Arizona water banking authority.

10 24. "Water storage" means adding water to an aquifer or saving water  
11 in an aquifer pursuant to permits issued under this chapter.

12 25. "Water storage permit" means a permit issued pursuant to section  
13 45-831.01 to store water at a storage facility.

14 Sec. 3. Section 45-802.01, Arizona Revised Statutes, as amended by  
15 Laws 2019, chapter 1, section 10, is amended to read:

16 45-802.01. Definitions

17 Unless the context otherwise requires, the terms defined in section  
18 45-402 have the same meanings in this chapter and:

19 1. "Aquifer" means a geologic formation that contains sufficient  
20 saturated material to be capable of storing water and transmitting water  
21 in usable quantities to a well.

22 2. "Area of impact" means, ~~as projected on the land surface, the~~  
23 ~~area where the stored water has migrated or is located~~ ANY OF THE  
24 FOLLOWING:

25 (a) THE AREA WITHIN ONE MILE OF AN EXISTING OR PROPOSED UNDERGROUND  
26 STORAGE FACILITY WHERE THE WATER TO BE RECOVERED IS OR WILL BE STORED.

27 (b) THE AREA WITHIN ONE MILE OF THE DISTRICT BOUNDARIES OR WITHIN  
28 THE DISTRICT BOUNDARIES OF AN IRRIGATION DISTRICT THAT HAS A PERMIT FOR A  
29 GROUNDWATER SAVINGS FACILITY AND WHERE THE WATER TO BE RECOVERED IS OR  
30 WILL BE STORED.

31 (c) ANY AREA THAT IS NOT DESCRIBED IN SUBDIVISION (a) OR (b) OF  
32 THIS PARAGRAPH AND THAT HAS BEEN SHOWN TO HAVE BEEN POSITIVELY IMPACTED BY  
33 THE STORAGE OF THE WATER TO BE RECOVERED AS DEMONSTRATED BY A HYDROLOGIC  
34 MODEL APPROVED BY THE DIRECTOR.

35 3. "CERCLA" means the comprehensive environmental response,  
36 compensation, and liability act of 1980, as amended (P.L. 96-510; 94 Stat.  
37 2767; 42 United States Code sections 9601 through 9657), commonly known as  
38 "superfund".

39 4. "Constructed underground storage facility" means a facility that  
40 meets the requirements of section 45-811.01 and that is designed and  
41 constructed to store water underground pursuant to permits issued under  
42 this chapter.

43 5. "District" means a groundwater replenishment district  
44 established under title 48, chapter 27.



1           6. "District member" means a member of the groundwater  
2 replenishment district as provided by title 48, chapter 27.

3           7. "Electrical district" means a corporate body established  
4 pursuant to title 48, chapter 12.

5           8. "Existing effluent managed underground storage facility" means a  
6 managed underground storage facility that meets one of the following  
7 conditions:

8           (a) The facility is operated pursuant to a storage facility permit  
9 that the director issued before January 1, 2019 and that authorizes the  
10 storage of effluent at the facility.

11           (b) The facility is operated pursuant to a renewed or modified  
12 storage facility permit that the director issued after January 1, 2019 if  
13 the facility qualified as an existing effluent managed underground storage  
14 facility under subdivision (a), (c) or (d) of this paragraph at any time  
15 before the renewal or modification.

16           (c) The facility is operated pursuant to a permit that the director  
17 issued after January 1, 2019 and that authorizes the storage of effluent  
18 at a location where the permit holder was authorized to store effluent  
19 pursuant to a storage facility permit that the director issued before  
20 January 1, 2019.

21           (d) The facility is operated pursuant to a permit that the director  
22 issued after January 1, 2019 and that authorizes the storage of effluent  
23 at the facility, and the application to operate the facility was on file  
24 with the director as of January 1, 2019.

25           9. "Groundwater savings facility" means a facility that meets the  
26 requirements of section 45-812.01 in an active management area or an  
27 irrigation non-expansion area at which groundwater withdrawals are  
28 eliminated or reduced by recipients who use in lieu water on a  
29 gallon-for-gallon substitute basis for groundwater that otherwise would  
30 have been pumped from within that active management area or irrigation  
31 non-expansion area.

32           10. "In lieu water" means water that is delivered by a storer to a  
33 groundwater savings facility pursuant to permits issued under this chapter  
34 and that is used in an active management area or an irrigation  
35 non-expansion area by the recipient on a gallon-for-gallon substitute  
36 basis for groundwater that otherwise would have been pumped from within  
37 that active management area or irrigation non-expansion area.

38           11. "Long-term storage account" means an account established  
39 pursuant to section 45-852.01.

40           12. "Long-term storage credit" means stored water that meets the  
41 requirements of section 45-852.01 and that has been credited to a  
42 long-term storage account.

43           13. "Managed underground storage facility" means a facility that  
44 meets the requirements of section 45-811.01 and that is designed and  
45 managed to utilize the natural channel of a stream to store water

1 underground pursuant to permits issued under this chapter through  
2 artificial and controlled releases of water other than surface water  
3 naturally present in the stream. Surface water flowing in its natural  
4 channel is not a managed underground storage facility.

5 14. "Master replenishment account" means an account established  
6 pursuant to section 45-858.01 for a groundwater replenishment district.

7 15. "Recipient" means a person who receives in lieu water for use at  
8 a groundwater savings facility.

9 16. "Recoverable amount" means the amount of water, as determined by  
10 the director, that will reach the aquifer through water storage.

11 17. "Replenishment" means the storage of water or use of long-term  
12 storage credits by a groundwater replenishment district to fulfill its  
13 duties under title 48, chapter 27, article 3, by a multi-county water  
14 conservation district to fulfill its duties under title 48, chapter 22,  
15 article 4 or by an active management area water district to fulfill its  
16 duties under title 48, chapter 28, article 7.

17 18. "Reserve target" has the same meaning prescribed in section  
18 48-3701.

19 19. "Storage facility" means a groundwater savings facility or an  
20 underground storage facility.

21 20. "Stored water" means water that has been stored or saved  
22 underground pursuant to a storage permit issued under this chapter.

23 21. "Storer" means the holder of a water storage permit issued  
24 pursuant to section 45-831.01 or a person to whom a water storage permit  
25 has been conveyed pursuant to section 45-831.01, subsection F.

26 22. "Underground storage facility" means a constructed underground  
27 storage facility or a managed underground storage facility.

28 23. "Water that cannot reasonably be used directly" means water that  
29 the storer cannot reasonably put to a direct use during the calendar year,  
30 including:

31 (a) Except as provided in subdivision (b) or except for an  
32 agricultural improvement district as provided in subdivision (d), if the  
33 storer is a municipal provider, the amount of central Arizona project  
34 water that exceeds the amount of mined groundwater withdrawn during the  
35 calendar year by the storer in the active management area in which the  
36 storer's service area is located. If the storer withdrew mined  
37 groundwater during a calendar year in which the storer stored central  
38 Arizona project water underground pursuant to the storage permit, the  
39 amount of central Arizona project water stored underground during that  
40 year equal to the amount of mined groundwater withdrawn from the active  
41 management area in which the storer's service area is located shall not be  
42 credited to the storer's long-term storage account but may be considered  
43 as being available for recovery by the storer on an annual basis under  
44 section 45-851.01. In calculating the amount of mined groundwater  
45 withdrawn by the storer from the active management area, the director, at

1 the request of the storer, shall exclude any groundwater withdrawn,  
2 treated and delivered for direct use as part of a remedial action  
3 undertaken pursuant to CERCLA or title 49, chapter 2, article 5. For the  
4 purposes of this subdivision, "mined groundwater" and "municipal provider"  
5 have the same meanings prescribed in section 45-561.

6 (b) If the storer is a municipal provider that has been designated  
7 as having an assured water supply pursuant to section 45-576, the amount  
8 of central Arizona project water that exceeds the amount of deficit  
9 groundwater withdrawn during the calendar year by the storer in the active  
10 management area in which the storer's service area is located. If the  
11 storer withdrew deficit groundwater during a calendar year in which the  
12 storer stored central Arizona project water underground pursuant to the  
13 storage permit, the amount of the central Arizona project water stored  
14 underground during that year equal to the amount of deficit groundwater  
15 withdrawn from the active management area in which the storer's service  
16 area is located shall not be credited to the storer's long-term storage  
17 account but may be considered as being available for recovery by the  
18 storer on an annual basis pursuant to section 45-851.01. In calculating  
19 the amount of deficit groundwater withdrawn by the storer from the active  
20 management area, the director, at the request of the storer, shall exclude  
21 any groundwater withdrawn, treated and delivered for direct use as part of  
22 a remedial action undertaken pursuant to CERCLA or title 49, chapter 2,  
23 article 5. For the purposes of this subdivision, "municipal provider" has  
24 the same meaning prescribed in section 45-561 and "deficit groundwater"  
25 means that amount of groundwater withdrawn within an active management  
26 area for delivery and use within a service area by a municipal provider in  
27 excess of the amount of groundwater that may be withdrawn by the municipal  
28 provider consistent with the achievement of the active management area's  
29 management goals as prescribed by rules adopted by the director pursuant  
30 to section 45-576.

31 (c) Except as provided in subdivision (d), if the storer is not a  
32 municipal provider, the amount of central Arizona project water stored in  
33 an active management area that exceeds the amount of groundwater withdrawn  
34 during the calendar year by the storer in that active management area. If  
35 the storer withdrew groundwater in an active management area during a  
36 calendar year in which the storer stored central Arizona project water  
37 underground in that active management area pursuant to the storage permit,  
38 the amount of central Arizona project water stored underground during that  
39 year equal to the amount of groundwater withdrawn from the active  
40 management area shall not be credited to the storer's long-term storage  
41 account but may be considered as being available for recovery by the  
42 storer on an annual basis under section 45-851.01. For the purposes of  
43 this subdivision, "municipal provider" has the same meaning prescribed in  
44 section 45-561. In calculating the amount of groundwater withdrawn by the

1 storer from the active management area, the director, at the request of  
2 the storer, shall exclude:

3 (i) The amount of any groundwater withdrawn, treated and delivered  
4 for direct use as part of a remedial action undertaken pursuant to CERCLA  
5 or title 49, chapter 2, article 5.

6 (ii) The amount of groundwater withdrawn by the storer during the  
7 year for mineral extraction or metallurgical processing if the storer was  
8 engaged in mineral extraction and metallurgical processing within an  
9 initial active management area on or before January 1, 2011.

10 (d) The amount of central Arizona project water stored in an active  
11 management area in any year after 1994 by an agricultural improvement  
12 district established pursuant to title 48, chapter 17 for use at those  
13 portions of electrical generating facilities that are constructed or  
14 expanded after June 12, 1980, subject to both of the following:

15 (i) If groundwater was used during a year in an active management  
16 area at those portions of the electrical generating facilities that were  
17 owned and operated by the agricultural improvement district and that were  
18 constructed or expanded after June 12, 1980, the amount of the central  
19 Arizona project water stored during that year equal to the amount of the  
20 groundwater withdrawn during the year for use at those portions of the  
21 facilities that were owned and operated by the agricultural improvement  
22 district and that were constructed or expanded after June 12, 1980 shall  
23 not be credited to the agricultural improvement district's long-term  
24 storage account but may be considered as being available for recovery by  
25 the agricultural improvement district on an annual basis under section  
26 45-851.01.

27 (ii) Long-term storage credits accrued as a result of the storage  
28 of the central Arizona project water may be recovered within the active  
29 management area by the agricultural improvement district only for the  
30 purpose of providing central Arizona project water to electrical  
31 generating facilities that were owned and operated by the agricultural  
32 improvement district and only pursuant to any water requirement included  
33 in a facility's certificate of environmental compatibility. Subject to  
34 section 45-854.01, the long-term storage credits may be assigned by the  
35 agricultural improvement district only to the owner of an electrical  
36 generating facility for use pursuant to any water requirement included in  
37 that facility's certificate of environmental compatibility.

38 (e) Surface water made available by dams constructed or modified  
39 after August 13, 1986.

40 (f) Effluent.

41 (g) If the storage facility is in an active management area, water  
42 from outside the active management area that would not have reached the  
43 active management area without the efforts of the storer.

44 (h) If the storage facility is outside of an active management  
45 area, water from outside the groundwater basin in which the storage

1 facility is located that would not have reached the groundwater basin  
2 without the efforts of the storer.

3 (i) Water that is delivered through the central Arizona project and  
4 that is acquired by the Arizona water banking authority.

5 24. "Water storage" means adding water to an aquifer or saving water  
6 in an aquifer pursuant to permits issued under this chapter.

7 25. "Water storage permit" means a permit issued pursuant to section  
8 45-831.01 to store water at a storage facility.

9 Sec. 4. Effective date

10 Section 45-802.01, Arizona Revised Statutes, as amended by Laws  
11 2019, chapter 1, section 10 and this act, is effective from and after  
12 December 31, 2024.