



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: NREW DP 4-2-1-0 | 3rd Read 19-9-2-0

House: NREW DP 6-4-0-0

SB 1081: exemption area; assured water supply

Sponsor: Senator Kerr, LD 25

House Engrossed

Overview

Allows the Director of the Arizona Department of Water Resources (ADWR) to designate a portion of a municipality located both in an area delineated for exemption and in the Phoenix active management area (AMA) as having an assured water supply if certain criteria are met.

History

Someone who plans to sell or lease subdivided lands in an AMA must obtain a certificate of assured water supply from ADWR or obtain a commitment for water service from a municipality or private water company with a designation of assured water supply (designation). Otherwise, a municipality or county cannot approve the subdivision plat and the sale or lease of the subdivided lands cannot be authorized. An assured water supply means:

- 1) sufficient groundwater, surface water or effluent of adequate quality that will be legally, physically and continuously available to meet proposed water needs for at least 100 years;
- 2) any projected groundwater use that is consistent with the AMA's management plan and achieving its management goal; and
- 3) the applicant has demonstrated the financial capability to build the infrastructure necessary to make water available for the proposed use ([A.R.S. § 45-576](#)).

Individuals with irrigation grandfathered rights in designated areas are exempt from irrigation water duties from January 1, 1989 until December 1, 2034, as established in the management plans for first, second, third, fourth and fifth management periods for the Phoenix AMA. The boundaries of the exempted area are delineated on a map of the Phoenix AMA filed in the Arizona Secretary of State's office ([A.R.S. § 45-411.01](#)).

Provisions

1. Allows, on application to ADWR by a municipality, the ADWR Director to designate a portion of a municipality that is located both in the area delineated for exemption and in the Phoenix AMA as having an assured water supply if:
 - a) the portion of the municipality seeking a designation is located entirely within an irrigation and water conservation district;
 - b) the municipality seeking a designation has contracted with the irrigation and water conservation district for a term of at least 100 years;

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- c) sufficient surface water or effluent of an adequate quality will be continuously available to satisfy the portion of a municipality's proposed water needs for at least 100 years; and
 - d) the municipality demonstrates the financial capability to construct the water facilities necessary to make the supply of water available for the proposed use. (Sec. 1)
- 2. Allows the ADWR Director to accept evidence of construction assurances to satisfy the financial capability requirement. (Sec. 1)
- 3. Permits the ADWR Director to:
 - a) review the determination that a portion of a municipality has an assured water supply; and
 - b) determine that a portion of a municipality does not have an assured water supply. (Sec. 1)