

House Engrossed

assured water supply; analysis; availability

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2589

AN ACT

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

4 45-576.10. Assured water supply; analysis; physical
5 availability; definition

6 A. FOR THE PURPOSES OF ISSUING A CERTIFICATE OF ASSURED WATER
7 SUPPLY UNDER RULES ADOPTED BY THE DIRECTOR PURSUANT TO SECTION 45-576,
8 SUBSECTION H, THE DIRECTOR SHALL ACCEPT AN ANALYSIS AS A VALID
9 DEMONSTRATION OF PHYSICAL AVAILABILITY FOR THE VOLUME OF GROUNDWATER
10 STATED IN THE ANALYSIS, AFTER REDUCING THE VOLUME OF GROUNDWATER STATED IN
11 THE ANALYSIS BY THE AMOUNT OF GROUNDWATER REPRESENTED BY ALL CERTIFICATES
12 OF ASSURED WATER SUPPLY ISSUED IN RELIANCE ON THE ANALYSIS, IF ALL OF THE
13 FOLLOWING APPLY:

- 14 1. THE DIRECTOR ISSUED THE ANALYSIS ON OR BEFORE MAY 31, 2023.
- 15 2. THE ANALYSIS HAS NOT EXPIRED.
- 16 3. THE ANALYSIS INCLUDES A DETERMINATION OF PHYSICAL AVAILABILITY
17 OF GROUNDWATER.

18 B. AFTER THE EFFECTIVE DATE OF THIS SECTION, AN APPLICANT FOR A
19 CERTIFICATE OF ASSURED WATER SUPPLY THAT HOLDS AN ANALYSIS AS PRESCRIBED
20 BY SUBSECTION A OF THIS SECTION MAY SUBMIT A SWORN STATEMENT TO THE
21 DEPARTMENT IN WHICH THE APPLICANT AGREES TO REDUCE THE REMAINING VOLUME OF
22 GROUNDWATER RESERVED BY THE ANALYSIS BY FIFTEEN PERCENT AFTER THE DIRECTOR
23 GRANTS A CERTIFICATE OF ASSURED WATER SUPPLY. IF THE DIRECTOR RECEIVES A
24 SWORN STATEMENT PURSUANT TO THIS SUBSECTION, THE DIRECTOR SHALL GRANT THE
25 APPLICANT A CERTIFICATE OF ASSURED WATER SUPPLY.

26 C. FOR EACH NEW CERTIFICATE OF ASSURED WATER SUPPLY ISSUED IN
27 RELIANCE ON AN ANALYSIS OF ASSURED WATER SUPPLY ISSUED PURSUANT TO
28 SUBSECTION A OF THIS SECTION, THE DIRECTOR SHALL ISSUE THE CERTIFICATE
29 USING THE WATER DEMAND ASSUMPTION IN USE BY THE DIRECTOR WHEN THE
30 APPLICATION FOR A CERTIFICATE WAS SUBMITTED. WHEN A CERTIFICATE IS
31 ISSUED, THE ANALYSIS SHALL BE REDUCED BY THE VOLUME OF GROUNDWATER USING
32 THE SAME WATER DEMAND ASSUMPTION THE DIRECTOR USED WHEN THE ANALYSIS WAS
33 ORIGINALLY ISSUED. THE DIFFERENCE IN VOLUME BETWEEN THE WATER DEMAND
34 ASSUMPTION THE DIRECTOR USED WHEN THE APPLICATION FOR A CERTIFICATE IS
35 FIRST SUBMITTED AND THE WATER DEMAND ASSUMPTIONS USED TO ISSUE THE
36 ORIGINAL ANALYSIS SHALL REMAIN PHYSICALLY AVAILABLE FOR FURTHER
37 SUBDIVISION DEVELOPMENT IN THE SERVICE AREA OF THE DESIGNATED PROVIDER
38 SERVING THE ANALYSIS LAND.

39 D. FOR THE PURPOSES OF THIS SECTION, "ANALYSIS" MEANS A
40 DETERMINATION BY THE DIRECTOR PURSUANT TO RULES ADOPTED BY THE DIRECTOR
41 THAT ONE OR MORE CRITERIA REQUIRED FOR A CERTIFICATE OF ASSURED WATER
42 SUPPLY HAVE BEEN DEMONSTRATED FOR A DEVELOPMENT.