



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: NREW DPA 5-4-0-1

HB 2127: assured water supply certificate; effluent

Sponsor: Representative Griffin, LD 19

Caucus & COW

Overview

Allows an application for a certificate of assured water supply for a proposed subdivision in the Tucson, Phoenix, Prescott or Santa Cruz active management areas (AMAs) to include effluent generated by a proposed subdivision.

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater. As part of the management framework, the Code designated five AMAs: Phoenix, Pinal, Prescott, Tucson and Santa Cruz (A.R.S. §§ [45-411](#), [45-411.03](#), [45-431](#) and [45-554](#)).

The Code's *Assured and Adequate Water Supply Program* requires a developer who plans to sell or lease subdivided lands in an AMA to obtain a *certificate of assured water supply* from the Arizona Department of Water Resources (ADWR) or obtain a commitment for water service from a municipality or private water company with an assured water supply designation. Without a certificate, a municipality or county cannot approve the subdivision plat and the State Real Estate Commissioner will not issue a public report authorizing the sale or lease of the subdivided lands ([ADWR](#)).

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 is consistent with the AMA's management plan and 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](#)).

The Central Arizona Groundwater Replenishment District (CAGR) is a function of the Central Arizona Project that replenishes groundwater pumped by its members and provides a way to comply with requirements of the assured water supply program ([CAGR](#)).

Effluent is water that has been collected in a sanitary sewer for subsequent treatment in a facility regulated by the Arizona Department of Environmental Quality. Such water remains effluent until it acquires the characteristics of groundwater or surface water ([A.R.S. § 45-101](#)).

Provisions

1. Allows an applicant for a certificate of assured water supply for proposed subdivisions in the Tucson, Phoenix, Prescott or Santa Cruz AMAs to use any projected effluent, as follows:
 - a) if the application states the subdivision will use all the effluent it produces, the applicant can use this to demonstrate physical availability of water and consistency with the management plan and the ADWR Director must deem the applicant to be consistent with the AMA's management plan and goal; and
 - b) if the applicant enrolls with CAGR as a member land, and all projected effluent produced by the subdivision will be recharged in the subbasin in which the proposed subdivision is located, the ADWR Director is required to grant a certificate of assured water supply to the applicant. (Sec. 1)
2. Contains technical and conforming changes. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Adds that an application for a certificate of assured water supply for a proposed subdivision in the Pinal AMA can include projected effluent and removes references to the Prescott and Santa Cruz AMAs.
2. Allows an applicant for an assured water supply certificate to include effluent projections for the proposed subdivision as evidence of legal and physical availability if:
 - a) the effluent will be used directly to meet water demand of the subdivision; or
 - b) the effluent will be recharged in the same subbasin where the subdivision will be located.

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| <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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