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HB 2127: assured water supply certificate; effluent

Sponsor: Representative Griffin, LD 19

Transmitted to the Governor

Overview

Allows effluent produced by a proposed subdivision to be used to demonstrate legal and physical availability of water for an assured water supply application in the Tucson, Phoenix and Pinal active management areas (AMA).

History

The Groundwater Management Code (Code), enacted in 1980, 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 effluent, produced by a proposed subdivision in the Phoenix, Pinal and Tucson AMAs, to be included as part of demonstrating legal and physical availability of water for an assured water supply application if the effluent will be:
 - a) used directly to meet water demands associated with the subdivision; or
 - b) recharged in the subbasin where the subdivision will be located. (Sec. 1)
2. Contains technical and conforming changes. (Sec. 1)