

Senate Engrossed

exemption area; assured water supply

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1081

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. Waterlogged area; assured water supply;
5 designation

6 A. ON APPLICATION TO THE DEPARTMENT BY A CITY OR TOWN, THE DIRECTOR
7 MAY DESIGNATE A PORTION OF A CITY OR TOWN THAT IS LOCATED BOTH IN THE AREA
8 DELINEATED FOR EXEMPTION UNDER SECTION 45-411.01 AND IN THE PHOENIX ACTIVE
9 MANAGEMENT AREA AS HAVING AN ASSURED WATER SUPPLY IF ALL OF THE FOLLOWING
10 APPLY:

11 1. THE PORTION OF THE CITY OR TOWN SEEKING AN ASSURED WATER SUPPLY
12 DESIGNATION IS LOCATED ENTIRELY WITHIN AN IRRIGATION AND WATER
13 CONSERVATION DISTRICT ESTABLISHED PURSUANT TO TITLE 48, CHAPTER 19.

14 2. THE CITY OR TOWN SEEKING AN ASSURED WATER SUPPLY DESIGNATION HAS
15 CONTRACTED WITH THE IRRIGATION AND WATER CONSERVATION DISTRICT FOR A TERM
16 OF NOT LESS THAN ONE HUNDRED YEARS UNDER WHICH THE CITY OR TOWN WILL
17 RECEIVE WATER THAT THE LANDOWNERS IN THE DISTRICT HAVE THE RIGHT TO USE ON
18 THEIR LANDS AND WILL TREAT AND DELIVER THE WATER FOR EXCLUSIVE USE ON
19 IRRIGATION AND CONSERVATION DISTRICT LANDS FOR MUNICIPAL USE.

20 3. SUFFICIENT SURFACE WATER OR EFFLUENT OF AN ADEQUATE QUALITY WILL
21 BE CONTINUOUSLY AVAILABLE TO SATISFY THE PORTION OF A CITY'S OR TOWN'S
22 PROPOSED WATER NEEDS FOR NOT LESS THAN ONE HUNDRED YEARS.

23 4. THE CITY OR TOWN DEMONSTRATES THE FINANCIAL CAPABILITY TO
24 CONSTRUCT THE WATER FACILITIES, INCLUDING DELIVERY SYSTEMS, STORAGE
25 FACILITIES AND TREATMENT WORKS, NECESSARY TO MAKE THE SUPPLY OF WATER
26 AVAILABLE FOR THE PROPOSED USE. THE DIRECTOR MAY ACCEPT EVIDENCE OF THE
27 CONSTRUCTION ASSURANCES REQUIRED BY SECTION 9-463.01, 11-822 OR 32-2181 TO
28 SATISFY THIS REQUIREMENT.

29 B. FOR THE PURPOSES OF THIS SECTION AND WITHIN AN EXEMPTION AREA
30 ESTABLISHED PURSUANT TO SECTION 45-411.01:

31 1. THE DIRECTOR MAY REVIEW THE DETERMINATION THAT A PORTION OF A
32 CITY OR TOWN HAS AN ASSURED WATER SUPPLY.

33 2. THE DIRECTOR MAY DETERMINE THAT A PORTION OF A CITY OR TOWN DOES
34 NOT HAVE AN ASSURED WATER SUPPLY.