



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2366: physical availability; review; designated providers

Sponsor: Representative Griffin, LD 19

Committee on Natural Resources, Energy & Water

Overview

Prohibits the Arizona Department of Water Resources (ADWR) Director from adopting rules to use the Pinal active management area (AMA) method of calculating the physical availability of groundwater to a municipality in the Phoenix AMA that has received a designation of assured water supply.

History

Currently, a person who plans to sell or lease subdivided lands in an AMA must apply and obtain a certificate of assured water supply (Certificate) from the ADWR Director before presenting the plat for approval to the municipality or county in which the land is located, where such is required, and before filing with the Arizona Department of Real Estate Commissioner a notice of intention to offer such lands for sale or lease ([A.R.S. § 45-576](#)).

A municipality or county may approve a subdivision plat only if the subdivider has obtained a Certificate from the ADWR Director or a written commitment of water service for the subdivision from a municipality or private water company with an assured water supply designation ([A.R.S. § 45-576](#)).

To modify an assured water supply designation in the Pinal AMA, the following must apply:

- 1) if the total volume of groundwater and stored water to be recovered outside the designated storage area does not exceed the previous designation's total volume minus the withdrawals and recoveries by the applicant since the previous designation:
 - a) the ADWR Director cannot review the physical availability of the water sources outside the storage area; and
 - b) physical availability of water outside the storage area is not a valid objection;
- 2) the above conditions cannot affect the ADWR Director's review of assured water supply criteria other than the physical availability of groundwater and stored water outside the storage area; and
- 3) the following stored water sources are deemed physically available for assured water supply designation:
 - a) stored water to be recovered within the storage area based on existing long-term storage credits; and
 - b) stored water to be recovered within the storage area annually or as long-term storage credits earned in the future, meeting specified physical availability requirements ([A.R.S. § 45-576.08](#)).

Provisions

1. Prohibites the ADWR Director from using the Pinal AMA method of calculating the physical availability of groundwater to a municipality in the Phoenix AMA that has an assured water supply designation. (Sec. 1)
2. Requires the ADWR Director, within 30 days after the effective date of this legislation, to review the physical availability of groundwater and stored water of each municipality in the Phoenix AMA with an assured water supply designation. (Sec. 2)

<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
--	--	---	--------------------------------------