

REFERENCE TITLE: assured water supply; legislative intent

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HCR 2039

Introduced by
Representative Griffin

A CONCURRENT RESOLUTION

**OPPOSING ANY POLICY THAT REQUIRES A DEMONSTRATION OF MORE WATER THAN
NECESSARY FOR A CERTIFICATE OR DESIGNATION OF AN ASSURED WATER SUPPLY.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, in 1980, the Arizona House of Representatives and Senate
2 passed the 1980 Groundwater Management Act; and

3 Whereas, section 45-576, Arizona Revised Statutes (A.R.S.), requires
4 an applicant for a certificate or designation of an assured water supply
5 to demonstrate an assured water supply; and

6 Whereas, pursuant to A.R.S. section 45-576, the legislative body of
7 this state defines "assured water supply" as meaning "sufficient
8 groundwater, surface water or effluent of adequate quality [that] will be
9 continuously available to satisfy the water needs of the proposed use for
10 at least one hundred years"; and

11 Whereas, pursuant to A.R.S. section 45-576, the Arizona Legislature
12 does not define "assured water supply" as meaning sufficient water to
13 satisfy the needs of other users who are not the applicant and instead
14 limits the requirement to "the needs of the proposed use"; and

15 Whereas, pursuant to A.R.S. section 45-576, the Arizona Legislature
16 does not define "assured water supply" as requiring more water than needed
17 to satisfy the proposed use for one hundred years; and

18 Whereas, pursuant to A.R.S. section 45-576, the Arizona Legislature
19 does not define "assured water supply" as meaning that each source of
20 water that an applicant plans to use must be a one hundred-year supply, if
21 all proposed sources total one hundred years; and

22 Whereas, in adopting A.R.S. section 45-576, the Arizona Legislature
23 did not authorize the Governor or the Director of the Arizona Department
24 of Water Resources to require an applicant for a certificate or
25 designation of assured water supply to meet, provide or demonstrate more
26 water than is necessary for the applicant to satisfy the water needs of
27 the applicant's proposed use for one hundred years. The Legislature did
28 not authorize making the Department's issuance of a certificate or
29 designation of an assured water supply conditional on the applicant
30 meeting, providing or demonstrating any other condition, offset or
31 requirement that results in the applicant having to meet, provide or
32 demonstrate more water than is necessary for the applicant to satisfy the
33 water needs of the applicant's proposed use for one hundred years; and

34 Whereas, in adopting A.R.S. section 45-576, the Arizona Legislature
35 did not authorize the Governor or the Director of the Arizona Department
36 of Water Resources to deny or withhold a certificate or designation of
37 assured water supply based on a determination that the water supply that
38 the applicant is or would be relying on to meet the water needs of the
39 applicant's proposed use for one hundred years is or would be composed of
40 a combination of groundwater, surface water or effluent or that such a
41 combination is or may be comingled in one or more water districts, systems
42 or service areas that will serve the proposed use; and

43 Whereas, in adopting A.R.S. section 45-576, the Arizona Legislature
44 did not authorize the Governor or the Director of the Arizona Department

1 of Water Resources to deny or withhold a certificate or designation of
2 assured water supply based on well depth or "unmet demand"; and

3 Whereas, in adopting A.R.S. section 45-576, the Arizona Legislature
4 did not authorize the Governor or the Director of the Arizona Department
5 of Water Resources to deny or withhold the issuance of a certificate or
6 designation of assured water supply or the processing of an application
7 for any reason that is not expressly authorized by 1980 Groundwater
8 Management Act or consistent with the legislative intent articulated in
9 this resolution; and

10 Whereas, the legislative intent of the 1980 Groundwater Management
11 Act and of the requirements to obtain a certificate or designation of
12 assured water supply, as set forth in A.R.S. section 45-576, are as
13 described in this resolution.

14 Therefore

15 Be it resolved by the House of Representatives of the State of Arizona,
16 the Senate concurring:

17 1. That the Members of the Legislature oppose the rule proposed by
18 the Arizona Department of Water Resources on August 23, 2024 (12 Arizona
19 Administrative Code 2623-34), approved by the Governor's Regulatory Review
20 Council and submitted to the Secretary of State on November 25, 2024 and
21 determine that it is contrary to Arizona statutory law and therefore null
22 and void.

23 2. That the Members of the Legislature oppose any rule, regulation,
24 policy or condition that the Governor or the Director of the Arizona
25 Department of Water Resources proposes or adopts, as follows, and
26 determine that any such rule, regulation, policy or condition is contrary
27 to the text and legislative intent of the 1980 Groundwater Management Act
28 and is accordingly void and unenforceable:

29 (a) Any requirement that an applicant for a certificate or
30 designation of assured water supply meet, provide or demonstrate more
31 water than is necessary to satisfy the water needs of the applicant's
32 proposed use for one hundred years.

33 (b) Any denial or withholding of the approval or timely resolution
34 of an application for a certificate or designation of assured water supply
35 on the basis:

36 (i) That any portion or all of the groundwater that the applicant
37 is or will be relying on to satisfy a portion of the water needs of the
38 proposed use will not be continuously available for one hundred years, if
39 the applicant has otherwise demonstrated that the applicant has sufficient
40 surface water, effluent or any combination of these nongroundwater
41 supplies continuously available for the remainder of the one hundred-year
42 period.

43 (ii) That the applicant relies on a combination of groundwater,
44 surface water or effluent that is or may be comingled in one or more water
45 districts, systems or service areas.

1 (iii) Of other users' well depth or "unmet demand," if the
2 applicant has otherwise demonstrated that the applicant has sufficient
3 groundwater, surface water, effluent or any combination continuously
4 available to satisfy the water needs of the applicant's proposed use for
5 one hundred years.

6 3. That the Members of the Legislature determine that, when an
7 applicant submits an application for a certificate or designation of
8 assured water supply and the application indicates that the applicant is
9 or will be relying on groundwater to satisfy any part or all of the water
10 needs of the proposed use during any part or all of the one hundred-year
11 period, the Director shall ascertain the maximum volume of groundwater,
12 measured in years, that the Director deems is "continuously available."

13 4. That the Members of the Legislature determine that, if the
14 application meets the requirements of the 1980 Groundwater Management Act
15 and the legislative intent articulated in this resolution, the Director of
16 the Arizona Department of Water Resources has no authority to deny or
17 withhold the issuance of a certificate or designation of assured water
18 supply or the processing of an application.