

Senate Engrossed

~~government anti-identification procedures; technical correction~~
(now: storm water)

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1236

AN ACT

AMENDING SECTION 45-831.01, ARIZONA REVISED STATUTES; AMENDING TITLE 45,
CHAPTER 3.1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION
45-837.01; RELATING TO WATER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 45-831.01, Arizona Revised Statutes, is amended
3 to read:

4 45-831.01. Water storage permits

5 A. A person may apply to the director for a water storage permit
6 and may store water at a storage facility only pursuant to a water storage
7 permit.

8 B. The director may issue a water storage permit to store water at
9 a storage facility if the director determines that all of the following
10 apply:

11 1. The applicant has a right to use the proposed source of water OR
12 THE PROPOSED SOURCE OF WATER IS STORMWATER THAT WILL BE RECHARGED FOR
13 AQUIFER REPLENISHMENT IN A CONSTRUCTED UNDERGROUND STORAGE FACILITY
14 PURSUANT TO SECTION 45-837.01. Any determination made by the director for
15 purposes of this subsection regarding the validity, nature, extent or
16 relative priority of a water right claimed by the applicant or another
17 person is not binding in any other administration proceeding or in any
18 judicial proceeding.

19 2. The applicant has applied for any water quality permit required
20 by the department of environmental quality under title 49, chapter 2,
21 article 3 and by federal law.

22 3. The water storage will occur at a permitted storage facility.

23 C. In addition to the requirements of subsection B of this section,
24 if the applicant has applied for a water storage permit to store water at
25 a groundwater savings facility, the director shall not issue the water
26 storage permit unless the applicant has agreed in writing to comply with
27 the plan by which the quantity of groundwater saved at the facility will
28 be proved each year.

29 D. If the director issues a water storage permit, the director may
30 make, if possible, the following determinations:

31 1. Whether the water to be stored is water that cannot reasonably
32 be used directly by the applicant and otherwise meets the requirements of
33 section 45-852.01 for long-term storage credits.

34 2. If use of the water to be stored is appurtenant to a particular
35 location, and if so, where the water may be legally used after
36 recovery. Any determination made by the director for purposes of this
37 subsection regarding the validity, nature, extent or relative priority of
38 a water right claimed by the applicant or another person is not binding in
39 any other administrative proceeding or in any judicial proceeding.

40 E. The director may issue a water storage permit for a period of
41 not more than fifty years, except that:

42 1. On request of the holder of the permit, the director may renew
43 the permit if the director determines that the requirements of subsection
44 B of this section apply and, if the requirement of subsection C of this
45 section applied at the time of issuance, that the requirement of
46 subsection C of this section applies at the time of renewal.

1 2. Subject to the provisions of this chapter, the holder of
2 long-term storage credits earned pursuant to the permit may recover the
3 water over a period longer than the duration of the permit.

4 F. The holder of a water storage permit may apply to the director
5 for approval to convey the permit to another person. The director may
6 approve the conveyance if the director determines that the person to whom
7 the permit is to be conveyed and the water storage will continue to meet
8 the applicable requirements of this section. If long-term storage credits
9 accrued pursuant to the water storage permit are being assigned pursuant
10 to section 45-854.01 with the water storage permit, the director shall be
11 given notice of the impending assignment of long-term storage credits at
12 the time the holder of the water storage permit applies to convey the
13 permit.

14 G. A person who holds a water storage permit may apply to the
15 director on a form approved by the director for a modification of that
16 water storage permit. The director may modify the permit within twenty
17 days ~~of~~ AFTER receiving the application without complying with section
18 45-871.01 if all of the following apply:

19 1. The holder of the storage facility permit with which the water
20 storage permit is affiliated has consented to the modification.

21 2. The modification to the water storage permit does not require a
22 modification of the affiliated water storage facility permit.

23 3. The only modification requested is to add an amount of Colorado
24 river water as a type of water to be stored under the water storage
25 permit.

26 4. Water storage of Colorado river water has previously been
27 permitted at the affiliated storage facility.

28 5. The person requesting the modification has the right to use the
29 Colorado river water.

30 H. A water storage permit shall include the following information:

31 1. The name and mailing address of the person to whom the permit is
32 issued.

33 2. The storage facility where the water storage will occur and the
34 name of the active management area, irrigation non-expansion area,
35 groundwater basin or groundwater ~~sub-basin~~ SUBBASIN, as applicable, in
36 which that facility is located.

37 3. The maximum annual amount of water that may be stored.

38 4. If the applicable finding of subsection D of this section has
39 been made, whether the water to be stored is water that cannot reasonably
40 be used directly by the applicant.

41 5. If the applicable finding of subsection D of this section has
42 been made, any restrictions on where the water to be stored may legally be
43 used.

44 6. Other conditions consistent with this chapter.

45 7. The duration of the permit.

1 I. If the water storage will occur at a groundwater savings
2 facility, the water storage permit shall include, in addition to the
3 information required by subsection H of this section, the requirements of
4 the plan by which the quantity of groundwater saved at the storage
5 facility will be proved each year.

6 J. If the director of the department of water resources decides to
7 issue a water storage permit and the applicant has not received a water
8 quality permit required by the department of environmental quality under
9 title 49, chapter 2, article 3 and by federal law, the director of the
10 department of water resources shall make receipt of the water quality
11 permit a condition of the water storage permit and the holder of the water
12 storage permit shall not store water until receiving the water quality
13 permit.

14 Sec. 2. Title 45, chapter 3.1, article 3, Arizona Revised Statutes,
15 is amended by adding section 45-837.01, to read:

16 45-837.01. Stormwater storage; replenishment credits

17 A. A STORER MAY RECHARGE STORMWATER WITHIN A CONSTRUCTED
18 UNDERGROUND STORAGE FACILITY PURSUANT TO THE OPERATIONAL TERMS OF THE
19 WATER STORAGE AND CONSTRUCTED UNDERGROUND STORAGE FACILITY PERMITS AND IN
20 COMPLIANCE WITH ALL APPLICABLE WATER QUALITY PERMITS AND RECEIVE A
21 REPLENISHMENT CREDIT.

22 B. THE DIRECTOR SHALL ANNUALLY DETERMINE THE QUANTITY OF STORMWATER
23 RECHARGED BY A STORER AND SHALL CREDIT THE STORER'S REPLENISHMENT CREDIT
24 ACCOUNT WITH NINETY-FIVE PERCENT OF THE TOTAL VOLUME OF RECHARGED
25 STORMWATER IN THE PREVIOUS CALENDAR YEAR. THE DIRECTOR SHALL MAINTAIN A
26 RECORD OF EARNED AND TRANSFERRED REPLENISHMENT CREDITS FOR EACH CREDIT
27 HOLDER AND SHALL DEBIT CREDITS FROM THE HOLDER'S ACCOUNT EQUAL TO THE
28 AMOUNT OF CREDITS USED.

29 C. A STORER MAY USE REPLENISHMENT CREDITS OR TRANSFER THE CREDITS
30 TO ANY OTHER ELIGIBLE ENTITY AND OFFSET AN EQUAL AMOUNT OF THE STORER'S
31 REPLENISHMENT OBLIGATION WITHIN THE SAME SUBBASIN FOR ANY YEAR. A STORER
32 MAY USE REPLENISHMENT CREDITS TO OFFSET THE STORER'S REPLENISHMENT
33 OBLIGATION IF THE OFFSET IS FOR EITHER:

34 1. GROUNDWATER WITHDRAWN FROM A WELL WITHIN TWO MILES OF THE
35 CONSTRUCTED UNDERGROUND STORAGE FACILITY WHERE REPLENISHMENT OCCURRED.

36 2. GROUNDWATER WITHDRAWN AND SERVED BY A WATER PROVIDER WITHIN THE
37 WATER PROVIDER'S SERVICE AREA AND A PORTION OF THE SERVICE AREA IS LOCATED
38 WITHIN TWO MILES OF THE CONSTRUCTED UNDERGROUND STORAGE FACILITY WHERE THE
39 REPLENISHMENT OCCURRED.

40 D. THE DIRECTOR SHALL TREAT REPLENISHMENT CREDITS AS GROUNDWATER
41 AND NOT AS STORED WATER.

42 E. NOTWITHSTANDING ANY OTHER LAW, THE DIRECTOR MAY ISSUE A PERMIT
43 TO AN UNDERGROUND STORAGE FACILITY SOLELY FOR THE STORAGE OF STORMWATER AS
44 PROVIDED IN THIS SECTION OR FOR A COMBINATION OF WATER SOURCES.