

House Engrossed Senate Bill

~~assured water supply; certificate; model.~~
(now: bodies of water; effluent; landscaping)

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1200

AN ACT

AMENDING SECTION 45-132, ARIZONA REVISED STATUTES; RELATING TO BODIES OF WATER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-132, Arizona Revised Statutes, is amended to
3 read:

4 45-132. Filling large bodies of water for landscape or
5 recreational purposes prohibited; exceptions;
6 preemption

7 A. Except as provided in subsection B of this section, in an active
8 management area established under chapter 2 of this title, a person shall
9 not use any water for the purpose of filling or refilling all or a portion
10 of a body of water.

11 B. This section does not apply to a body of water if any of the
12 following applies:

13 1. The body of water was filled before January 1, 1987. If the
14 surface area of the body of water is increased on or after January 1,
15 1987, this exception does not apply to the quantity of water that is
16 added.

17 2. The director has determined that substantial capital investment
18 has been made in the physical on-site construction of the body of water
19 before January 1, 1987. If the surface area of the body of water is
20 increased after it is initially filled, this exception does not apply to
21 the quantity of water that is added.

22 3. The body of water is located in a recreational facility that is
23 open to the public and ~~THAT IS~~ owned or operated by the United States,
24 this state, a city, town or county, a flood control district established
25 under title 48, chapter 21 or a multi-county water conservation district
26 established under title 48, chapter 22.

27 4. The body of water is filled and refilled exclusively with any
28 one or any combination of the following:

29 (a) Effluent ~~ONLY IF THE BODY OF WATER WAS CONSTRUCTED OR~~
30 ~~SUBSTANTIAL CAPITAL INVESTMENT WAS MADE TOWARD CONSTRUCTION OF THE BODY OF~~
31 ~~WATER BEFORE DECEMBER 31, 2030.~~

32 (b) Storm water runoff that is not subject to appropriation under
33 section 45-141.

34 (c) Poor quality water used pursuant to a permit issued under
35 subsections ~~C and~~ D AND E of this section.

36 (d) Groundwater withdrawn pursuant to a drainage water withdrawal
37 permit issued under section 45-519.

38 (e) Groundwater withdrawn in the first year of a temporary
39 dewatering permit issued under section 45-518.

40 (f) Groundwater withdrawn as part of a remedial action under title
41 49, chapter 2, article 5, including mitigation of a nonhazardous release
42 undertaken pursuant to an order issued by the department of environmental
43 quality pursuant to section 49-286.

44 (g) Water used pursuant to a permit for interim water use issued
45 under section 45-133.

1 (h) Surface water except central Arizona project water that, as
2 determined by the director, physically occurs at such times, in such
3 quantities or under such other circumstances that it cannot be physically
4 captured and beneficially used by any other holder of an appropriative
5 right.

6 5. The body of water is an integral part of a golf course that
7 complies with any applicable conservation requirements in the management
8 plan for the active management area adopted under chapter 2, article 9 of
9 this title.

10 6. The body of water is unsealed and is an integral part of an
11 underground storage facility for which the director has issued a permit
12 under chapter 3.1 of this title.

13 7. The body of water is a swimming pool that is owned and operated
14 by a hotel, motel, country club or resort and THAT has a surface area
15 equal to or less than forty-three thousand five hundred sixty square feet.
16 If a hotel, motel, country club or resort has more than one swimming pool,
17 only one of those swimming pools may have a surface area greater than
18 twelve thousand three hundred twenty square feet.

19 C. FOR A BODY OF WATER THAT WAS CONSTRUCTED BEFORE JANUARY 1, 2026
20 IN AN ACTIVE MANAGEMENT AREA PURSUANT TO SUBSECTION B, PARAGRAPH 4,
21 SUBDIVISION (a) OF THIS SECTION AND THAT WAS USED TO CONVEY NONEFFLUENT
22 FOR LANDSCAPE OR RECREATIONAL PURPOSES BETWEEN JUNE 30, 2023 AND JUNE 30,
23 2026, A PERSON MAY USE THE BODY OF WATER AS A CONDUIT FOR TRANSPORTING
24 ANOTHER TYPE OF WATER FOR LANDSCAPE OR RECREATIONAL PURPOSES OFF THE BODY
25 OF WATER BY COMMINGLING THE EFFLUENT WITH THE WATER THAT THE PERSON USES
26 FOR LANDSCAPE OR RECREATIONAL PURPOSES OFF THE BODY OF WATER IF THE OWNER
27 OR OPERATOR OF THE BODY OF WATER DOES ALL OF THE FOLLOWING:

28 1. USING MEASURING DEVICES THAT ARE APPROVED BY THE DIRECTOR:

29 (a) MEASURES THE VOLUME OF WATER BY TYPE OF WATER THAT IS DELIVERED
30 TO AND WITHDRAWN FROM THE BODY OF WATER FOR LANDSCAPE OR RECREATIONAL
31 PURPOSES IN EACH CALENDAR YEAR.

32 (b) MEASURES THE TOTAL VOLUME OF EFFLUENT THAT IS DELIVERED TO THE
33 BODY OF WATER IN EACH CALENDAR YEAR.

34 2. ADDS A VOLUME OF EFFLUENT TO THE BODY OF WATER EACH CALENDAR
35 YEAR THAT IS EQUAL TO OR GREATER THAN THE AMOUNT THAT IS LOST TO SEEPAGE
36 AND EVAPORATION FROM THE BODY OF WATER. THE AMOUNT LOST TO SEEPAGE AND
37 EVAPORATION SHALL BE DETERMINED BY SUBTRACTING THE AMOUNT OF WATER THAT IS
38 WITHDRAWN FOR LANDSCAPE OR RECREATIONAL PURPOSES FROM THE TOTAL AMOUNT OF
39 WATER DELIVERED TO THE BODY OF WATER IN THE CALENDAR YEAR. THE AMOUNT OF
40 NONEFFLUENT DELIVERED TO THE BODY OF WATER MAY NOT EXCEED THE TOTAL VOLUME
41 WITHDRAWN FROM THE BODY OF WATER FOR LANDSCAPE OR RECREATIONAL PURPOSES.
42 EXCEPT AS ALLOWED PURSUANT TO SECTION 45-468 OR ANY OTHER LAW, THE
43 EFFLUENT MUST BE DELIVERED TO THE END USER BEFORE COMMINGLING WITH ANY
44 OTHER TYPE OF WATER.

45 3. ON OR BEFORE MARCH 31 OF EACH YEAR, REPORTS BOTH OF THE
46 FOLLOWING TO THE DIRECTOR:

1 (a) THE VOLUME OF WATER THAT THE PERSON DELIVERED TO THE BODY OF
2 WATER IN THE PRECEDING CALENDAR YEAR BY TYPE OF WATER.

3 (b) THE VOLUME OF WATER THAT THE PERSON WITHDREW FROM THE BODY OF
4 WATER FOR LANDSCAPE OR RECREATIONAL PURPOSES IN THE PRECEDING CALENDAR
5 YEAR.

6 4. ON OR BEFORE JANUARY 1, 2028, PROVIDES DOCUMENTATION TO THE
7 DIRECTOR THAT THE BODY OF WATER WAS USED TO CONVEY NONEFFLUENT FOR
8 LANDSCAPE OR RECREATIONAL PURPOSES BETWEEN JUNE 30, 2023 AND JUNE 30,
9 2026. THE DOCUMENTATION MUST CONTAIN ALL OF THE FOLLOWING:

10 (a) ANNUAL REPORTS THAT THE OWNER OR OPERATOR PREVIOUSLY FILED WITH
11 THE DIRECTOR.

12 (b) A REPORT THAT IS AFFIXED WITH A SEAL BY A REGISTERED CIVIL
13 ENGINEER, THAT DESCRIBES THE DISTRIBUTION SYSTEM OF THE BODY OF WATER AND
14 THAT INCLUDES A MAP AND NARRATIVE DESCRIPTION OF THE SOURCE OF THE WATER
15 AND THE LOCATION AND TYPE OF USE OF THE WATER.

16 (c) AN AFFIDAVIT OF AN OWNER OF THE BODY OF WATER THAT AFFIRMS
17 COMPLIANCE WITH THIS SUBSECTION.

18 ~~D.~~ D. A person who seeks to use poor quality groundwater to fill
19 or refill all or a portion of a body of water shall apply to the director
20 for a permit to use the groundwater for that purpose. The director may
21 issue a permit if the applicant demonstrates that all of the following
22 apply:

23 1. The applicant otherwise has a right to use the proposed source
24 of groundwater for the proposed purpose.

25 2. The groundwater because of its poor quality cannot be used for
26 another beneficial purpose at the present time and it is not economically
27 feasible to treat and transport the groundwater and use it for another
28 beneficial purpose.

29 3. The withdrawal of the groundwater is consistent with the
30 management plan and achievement of the management goal for the active
31 management area.

32 ~~D.~~ E. A permit issued pursuant to subsection ~~D~~ of this section
33 may be issued for a period of up to thirty-five years. The director shall
34 determine the duration of the permit on the basis of the estimated life of
35 the source of poor quality groundwater and the potential for future
36 beneficial use. The director shall monitor the use of groundwater
37 pursuant to the permit and shall terminate the permit if any of the
38 conditions for issuance of the permit no longer applies. A permit may be
39 renewed subject to the same criteria used in granting the original permit.

40 F. UNLESS AUTHORIZED PURSUANT TO SECTION 45-133, SUBSECTION C OF
41 THIS SECTION DOES NOT ALLOW THE USE OF GROUNDWATER FOR EITHER OF THE
42 FOLLOWING PURPOSES:

43 1. TO PROVIDE THE INITIAL FILL OF A BODY OF WATER.

44 2. TO MEET SEEPAGE OR EVAPORATIVE LOSS OF A BODY OF WATER.

1 ~~F.~~ G. This section preempts all municipal and county laws,
2 charters, ordinances, rules and regulations relating to the use of any
3 water to fill or refill all or a portion of a body of water, except that
4 this section does not preempt a law, charter, ordinance, rule or
5 regulation that has previously been adopted, passed or enacted or is
6 subsequently adopted, passed or enacted if the law, charter, ordinance,
7 rule or regulation is more restrictive than this section.