



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: NREW DPA 5-4-0-0

HB 2062: assured water supply; certificate; model

Sponsor: Representative Griffin, LD 19

House Engrossed

Overview

An emergency measure that requires the Arizona Department of Water Resources (ADWR) to review the merits of an application for a certificate of assured water supply (Certificate) in the Phoenix active management area (AMA) and issue a new written determination of action within 15 days if certain criteria are met.

History

Currently, a person who plans to sell or lease subdivided lands in an AMA must apply for and obtain a Certificate from the ADWR Director before presenting the plat for approval to the city, town 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](#)).

An application for a Certificate must be filed by the current owner of the land that contains specified information and submit an initial \$1,000 fee. The ADWR Director must issue a Certificate if the applicant demonstrates:

- 1) sufficient supplies of water are physically available to meet the estimated water demand of the subdivision;
- 2) sufficient supplies of water are continuously available to meet the estimated water demand of the subdivision;
- 3) sufficient supplies of water are legally available to meet the estimated water demand of the subdivision;
- 4) the sources of water are of adequate quality;
- 5) the applicant has the financial capability to construct adequate delivery, storage, and treatment works for the subdivision;
- 6) the proposed use of groundwater withdrawn within an AMA is consistent with the management plan in effect at the time of the application; and
- 7) the proposed use of groundwater withdrawn within an AMA is consistent with the achievement of the management goal ([A.C.C. R12-15-704](#)).

Provisions

1. Requires, on request of an eligible applicant, ADWR to review the merits of an application for a Certificate and issue a new written determination within 15 days if the application:
 - a) is for a Certificate in the Phoenix AMA;
 - b) was submitted on or after January 26, 2021 and by May 31, 2023; and
 - c) has been denied as of the effective date of this legislation or the applicant has not received a Certificate. (Sec. 1)

2. Instructs ADWR to use either the 2006-2009 Salt River Valley regional model or the 2006 Lower Hassayampa Sub-basin groundwater flow model and any financial information submitted by the applicant to review the determination to grant a Certificate. (Sec. 1)
3. Requires ADWR, within 5 days after the effective date of this legislation, to notify all eligible applicants of the ability to have their determinations of assured water supply reviewed. (Sec. 1)
4. Allows eligible applicants to request that ADWR review their application within 90 days after the effective date of this legislation. (Sec. 2)
5. Contains a delayed repeal of January 1, 2025. (Sec. 1)
6. Contains an emergency clause. (Sec. 2)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note