[HB 2549](): stored water; certificates; impact; accounting
Sponsor: Representative Griffin, LD 14
Caucus & COW

Overview

Requires the Arizona Department of Water Resources (ADWR) to assume an entity's service area mirror its boundaries when determining if future groundwater will be physically available for an assured water supply (AWS). Directs ADWR to make certain assumptions about the physical availability of water and consistency with a management goal for AWS certificate (CAWS) application to commingle water other than groundwater withdrawn from the development's active management area (AMA) with other supplies for that development. Redefines *area of impact* and *area of impact of storage*.

History

Groundwater Management Act and Assured Water Supply Requirements

Under the Groundwater Management Act, someone who plans to sell or lease subdivided lands in an AMA must obtain a CAWS from the ADWR or obtain a commitment for water service from a city, town or private water company that has an AWS designation (DAWS). Otherwise, a municipality or county cannot approve that subdivision plat, and the State Real Estate Commissioner will not authorize the sale or lease of the subdivided lands. An AWS means:

- Sufficient groundwater, surface water or effluent of adequate quality that will be legally, physically and continuously available to meet proposed water needs for at least 100 years;
- Projected groundwater use is consistent with the management plan and achieving the AMA's management goal; and
- Demonstrating the financial capability to build the facilities necessary to make water available for the proposed use ([A.R.S. § 45-576]()).

Services Areas

Service areas have unique definitions under the Groundwater Management Act, specifically:

- A municipality's service area consists of land being served water for non-irrigation use along with any areas that have an operating municipal distribution system that delivers water for non-irrigation use. It also includes the service area of any municipality or private water company that has contracted for water deliveries prior to the AMA's designation; and
- A private water company's service area is comprised of those lands to which the company serves water for non-irrigation use along with areas containing the company's operating distribution system which delivers water for a non-irrigation use ([A.R.S. § 45-402]()).

Service areas cannot be extended to include a well field, furnish large amounts of water to large water users unless doing so is consistent with the AMA's management plan and has been approved by ADWR, include irrigated lands to extinguish the right to convey irrigation grandfathered rights for non-irrigation uses or to withdraw and distribute groundwater for irrigation ([A.R.S. § 45-493]()).

Underground Water Storage and the Area of Impact

Under the regulatory framework for storing water underground, the *area of impact* is the land area where stored water is located or has migrated (A.R.S. § 45-802.01). The *area of impact* factors into whether ADWR will issue permits for certain facilities such as underground storage facilities and water storage facilities, groundwater withdrawal permits and permits to construct a new well or replacement well. It also factors into AWS and adequate water supply determinations (A.R.S. §§ 45-811.01, 45-814.01, and 45-856.01). By contrast, when modifying a DAWS in the Pinal AMA, the *area of impact of storage* means:

1) Within one mile of an existing or proposed underground storage facility where the water to be recovered is or will be stored;
2) Within the boundaries of an irrigation district with a permit for a groundwater savings facility and where the water to be recovered is or will be stored; or
3) An area shown to have been positively impacted by stored water to be recovered as demonstrated by an ADWR-approved hydrologic model (A.R.S. § 45-576.08).

Provisions

Accounting for Water Deliveries (Sec. 1)

1. Requires an entity that delivered a combination of groundwater and surface water or effluent to end users to provide a report showing all surface water, groundwater and effluent provided to each user authorized to withdraw groundwater (instead of each farm).

2. Declares that these changes do not impact the applicability, if any, of groundwater conservation rules to water supplies that physically contain groundwater.

Assured Water Supply Determinations

3. Instructs ADWR, when determining if groundwater will be physically available to be withdrawn through future wells for AWS determinations, to assume the service area mirrors the boundaries of a municipality, a water provider that is an improvement district and a water provider that is a private water company regulated by the Arizona Corporation Commission. (Sec. 2)

4. Declares that the following provisions apply for a CAWS application proposing to use water other than groundwater withdrawn from the AMA where the development is located:
   a) The proposed source is considered consistent with the AMA's management goal;
   b) If the proposed source is stored water recovered within the area of impact, the source will be considered physically available and ADWR will be prohibited from reviewing the physical availability of other water sources served by the municipal provider or included in an issued CAWS or DAWS in the AMA;
   c) If the proposed source will be used by a municipality in the same water system as CAP water, surface water, effluent or groundwater, the proposed source will not affect the continuous, legal and physical availability of the proposed source, regardless of the continuous, legal and physical availability of other supplies in the same water system. (Sec. 4)

Defining Area of Impact and Area of Impact of Storage

5. Redefines *area of impact of storage* and *area of impact*. (Sec. 3, 5, 6 and 7)

Miscellaneous

6. Makes technical and conforming changes. (Sec. 1-2)

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