



ARIZONA STATE SENATE
Fifty-First Legislature, First Regular Session

FACT SHEET FOR S.B. 1322

assured water supply requirements; exemption

Purpose

Extends the date of repeal for the exemption from assured water supply for certain subdivisions.

Background

The Arizona Department of Water Resources (ADWR), established in 1980, administers and enforces the Arizona Groundwater Management Code (Code). The Code seeks to protect and allocate groundwater resources (A.R.S. § 45-401). To accomplish these goals, ADWR created five Active Management Areas (AMA) in which groundwater is regulated in the Phoenix, Prescott, Tucson, Pinal and Santa Cruz AMAs. The Code requires a subdivision to demonstrate an assured water supply (AWS) to ADWR or have a written commitment for water from a city, town or private water company before the subdivision is offered for sale or lease (A.R.S. § 45-108). In order to demonstrate an AWS, a developer must demonstrate the following: a) a 100-year water supply of sufficient quality and quantity; b) projected groundwater use is consistent with the management plan as well as the AMA management goal; and c) financial capability to construct any necessary water facilities.

Laws 2007, Chapter 51, allows, under specified conditions, ADWR to exempt proposed subdivided lands in AMAs from the AWS requirement necessary to obtain plat approval. These exemptions include the following: a) lands platted before 1973; b) lands with a majority of structures developed before 2002; c) lands destroyed by fire that have not been redeveloped; and d) reconstruction plans of the lands are a modification of the existing plat, will not significantly increase water use and incorporate water conservation measures. The ADWR Director must notify the Real Estate Commissioner if such exemption was granted. Contracts of sales for the subdivided lots must include a statement that ADWR was unable to determine that an assured water supply exists.

There is no anticipated impact to the state General Fund associated with this legislation.

Provisions

1. Extends the repeal date for the exemption from the AWS for certain subdivisions from September 1, 2014, to September 1, 2020.

FACT SHEET

S.B. 1322

Page 2

2. Becomes effective on the general effective date.

Prepared by Senate Research

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