



NEW LANGUAGE APPEARS LIKE THIS

Stricken language appears like this

Remaining language appears like this

Chapter 86 - 432R - H Ver of SB1124

Reference Title: bingo games; prize limits

AN ACT

ESTABLISHING WATER RESOURCE GUIDELINES FOR THE PRESCOTT ACTIVE MANAGEMENT AREA; RELATING TO WATER MANAGEMENT.

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

Section 1. Prescott active management area; interim guidelines; assured water supply

A. No later than fifteen days after the effective date of this act, the director of water resources shall publish the first notice of a hearing to determine whether the Prescott active management area is at safe yield under R12-15-705(E), Arizona administrative code. Notwithstanding section 45-576, Arizona Revised Statutes, beginning on the date the director of water resources publishes the first notice under R12-15-705(E), Arizona administrative code, or the effective date of this act, whichever is later, and until the director makes a final decision determining whether the Prescott active management area is at safe-yield, including the exhaustion of any administrative appeals, the following shall apply in the Prescott active management area:

1. The director shall not process an application for designation of assured water supply or an application for certificate of assured water supply unless one of the following applies:

(a) The application was filed prior to the date the director published the first notice under R12-15-705(E), Arizona administrative code, or the effective date of this act, whichever is later, and the director has determined that the application was complete and correct as of the date the notice was published or the effective date of this act, whichever is later.

(b) The application identifies one or more of the following sources of water as fully satisfying the projected demand of the subdivision for one hundred years:

(i) Surface water.

(ii) Effluent.

(iii) Groundwater withdrawn pursuant to credits established for extinguishing grandfathered groundwater rights pursuant to R12-15-705(M), Arizona administrative code.

2. A city, town or county may approve a final plat for subdivided land only if one of the following applies:

(a) The subdivider has obtained a certificate of assured water supply from the director.

(b) A preliminary plat for the lots was approved by the city, town or county on or before the effective date of this act. At the time the preliminary plat was approved, the subdivider must have obtained a written commitment of water service for the lots from a municipal provider designated by the director as having an assured water supply and the municipal provider must have demonstrated to the satisfaction of the director that sufficient water is physically available to serve the lots under the criteria set forth in R12-15-703(B), Arizona administrative code.

B. For purposes of computing the amount of groundwater that an applicant for designation of assured water supply may use under R12-15-705(F)(2), Arizona administrative code, the director of water resources shall replace the volume of groundwater calculated under R12-15-705(F)(2)(a)(i), Arizona administrative code, with a volume of groundwater calculated by multiplying one hundred by the largest volume of groundwater determined by the director to have been withdrawn by the provider from within the Prescott active management area for use within its service area in any calendar year from 1995 through 1998 consistent with the conservation requirements that are applicable under the second management plan for the Prescott active management area.

C. For purposes of determining the volume of groundwater that an applicant for designation of assured water supply may use under R12-15-705(F)(2), Arizona administrative code, the director of water resources shall add to the volume of groundwater that the applicant may use under R12-15-705(F)(2)(a), (b) or (c), Arizona administrative code, the amount of groundwater necessary for the provider to serve for one hundred years any residential groundwater uses, including residential groundwater uses served by an exempt well and including any nonresidential uses associated with the residential uses, in existence on the effective date of this act that have been replaced by permanent water service from the provider after the effective date of this act. The amount of groundwater necessary for the provider to serve those uses for one hundred years shall be computed by multiplying one-half acre-foot of groundwater by the number of housing units receiving such service and multiplying that product by one hundred.

D. For purposes of determining the volume of groundwater that an applicant for designation of assured water supply may use under R12-15-705(F)(2)(a) or (b), Arizona administrative code, at the request of the applicant, and subject to subsection E of this section, the director of water resources shall replace the volume of water calculated in R12-15-705(F)(2)(a)(ii) through (vii), Arizona administrative code, with the amount of groundwater necessary for the provider to serve residential lots to which all of the following apply:

1. A preliminary plat for the lots was submitted to a city, town or county on or before the effective date of this act, and the final plat is subsequently recorded.

2. The lots were not being served water on or before the effective date of this act.

3. Any one of the following applies:

(a) The lots were included within an application for certificate of assured water supply that was filed before the date the director published the first notice under R12-15-705(E), Arizona administrative code, or the effective date of this act, whichever is later, the director determined that the application was complete and correct as of the date the notice was published, or the effective date of this act, whichever is later, and the director subsequently issued a certificate of assured water supply for the lots.

(b) A preliminary plat for the lots was approved by a city, town or county on or before the effective date of this act. At the time the preliminary plat was approved, the subdivider of the lots must have obtained a written commitment of water service from a municipal provider that was

designated as having an assured water supply and the provider must have demonstrated to the satisfaction of the director that sufficient water is physically available to serve the lots under the criteria set forth in R12-15-703(B), Arizona administrative code.

E. The amount of groundwater necessary for a municipal provider to serve the residential lots described in subsection D of this section:

1. Shall be computed as follows:

(a) Determine the average dwelling occupancy within the provider's service area and multiply that average occupancy by an amount of groundwater calculated by multiplying one hundred fifty gallons per capita per day by three hundred sixty-five days.

(b) Multiply the product in subdivision (a) of this paragraph by the number of residential lots described in subsection D of this section.

(c) Multiply the product in subdivision (b) of this paragraph by one hundred.

2. Shall not be included within the amount of groundwater that the municipal provider may use under R12-15-705(F)(2)(a) or (b), Arizona administrative code, until a final plat for the lots has been recorded.

F. For purposes of determining the volume of groundwater that an applicant for designation of assured water supply may use under R12-15-705(F)(2)(b), Arizona administrative code:

1. If the applicant made the request described in subsection D of this section, the director of water resources shall replace the volume of groundwater calculated in R12-15-705(F)(2)(b)(ii), Arizona administrative code, with an amount of groundwater calculated as follows:

(a) Determine the number of calendar years in the period beginning with the declaration year and ending with the calendar year prior to the date of application and multiply that number of years by the largest volume of groundwater determined by the director to have been withdrawn by the provider from within the Prescott active management area for use within its service area in any calendar year from 1995 through 1998, consistent with the conservation requirements applicable under the second management plan for the Prescott active management area.

(b) Determine the average dwelling occupancy within the applicant's service area and multiply that average occupancy by an amount of groundwater calculated by multiplying one hundred fifty gallons per capita per day by three hundred sixty-five days.

(c) For each year in the period beginning with the declaration year and ending with the calendar year prior to the date of application, determine the number of the residential lots that are described in subsection D, paragraphs 1, 2 and 3 of this section and that were served water by the applicant as of July 1 of the year and add together the number of these residential lots determined for each year.

(d) Multiply the volume of groundwater calculated in subdivision (b) of this paragraph by the number of residential lots in subdivision (c) of this paragraph.

(e) Add together the volumes of groundwater from subdivisions (a) and (d) of this paragraph.

2. The volume of groundwater calculated in R12-15-705(F)(2)(b)(iii), Arizona administrative code, shall not be less than zero.

APPROVED BY THE GOVERNOR MAY 11, 1998.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 1998.

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