

Water Supply Adequacy Requirements for Subdivisions

Preliminary Proposal for Discussion

(Changes from the November 20 draft are noted in italics)

1. Counties may adopt regulations providing that subdivisions shall not be approved unless a water supply of adequate quantity and quality will be available to the subdivision for a period of not less than 100 years. Cities and towns within the boundaries of a county that adopts such regulations shall also adopt requirements in conformance with the county regulations *within 90 days of the county adoption. Any city, town or other subdivision of the state may adopt regulations that require an adequate water supply before platting in any county that has not such regulations.* An application for plat approval must be accompanied by a determination of water supply adequacy from the Arizona Department of Water Resources, or by the written commitment of service from a city, town or private water company that is designated by ADWR as having an adequate water supply.
2. The Arizona Department of Real Estate shall not issue a public report for a subdivision located in a county, city or town that has adopted a regulation that requires a water supply of adequate quantity and quality for a period of 100 years, unless the application is accompanied by a determination of water supply adequacy from ADWR or a written commitment for service from a designated water provider, except as provided in section 4 below.
3. ADWR would determine water supply adequacy for all proposed subdivisions or for designated cities, towns and water companies based on rules to ensure that the proposed water supply for a subdivision is of adequate quantity and quality and continuously available for 100 years based on rules. The rules would be developed in consultation with the cities, towns and counties with adequacy requirements.

The rules shall specify hydrologic criteria for the demonstration of adequate water supplies for particular aquifer systems and groundwater basins. The criteria may include depth to water or other physical aquifer characteristics appropriate for the sub-basin and that affect the general physical availability of water for domestic uses. For parts of sub-basins that are outside the boundaries of counties that require water supply adequacy, criteria shall be developed to protect existing and future domestic water users from water shortages caused by development in adjoining counties. *Such criteria will include, at a minimum, consideration of the amount of water projected to be necessary for the development in the adjoining county that is within the groundwater sub-basin.*

The rules shall include criteria for the determination of financial capability to obtain and deliver the water to the subdivision. The demonstration of financial capability would include a demonstration of the ability to construct water delivery systems,

treatment and storage facilities. The rules may specify that construction assurances that are currently required by cities, counties, *ADEQ* and the ADRE shall be required before the determination of financial capability.

4. Cities, towns and counties that have adopted regulations for water supply adequacy may approve a subdivision plat *for which an adequate water supply has not been demonstrated to the ADWR based its rules and criteria for the determination of technical and financial capabilities* ~~without an adequate water supply~~ under the following conditions:
 - a. *A city, town or county may approve a subdivision if a water project that will supply an adequate water supply to the proposed subdivision is under construction and will provide water to the proposed subdivision within twenty(?) years. An alternate supply of water must be demonstrated to be available and financial capability to deliver the water in the interim period must be demonstrated to the local platting agency. The city, town or county must determine that the subdivider or water provider has 1) legally acquired a source of water for the long-term project, 2) financed the long-term project to supply the subdivision, and 3) the long-term project is under construction as of the date of the application.*
 - b. *A city, town or county may approve a dry lot subdivision if the diversion or withdrawal of water for domestic use does not cause harm to existing water users as determined by rules based on technical standards adopted by ADWR for such determination. Rules for the determination of harm shall include criteria for the protection of health and safety of the citizens of the groundwater basin.*
5. For proposed subdivisions in any city, town or county that does not adopt the above regulations, the existing water supply adequacy requirements will continue to be in force.