

## **Water Supply Adequacy Requirements for Subdivisions**

### **Preliminary Proposal for Discussion**

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. 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.

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 and the ADRE shall be required before the determination of financial capability.

November 20, 2006  
Statewide Water Advisory Group

4. Cities, towns and counties that have adopted regulations for water supply adequacy may approve a subdivision plat without an adequate water supply under the following conditions:
  - a. The city, town or county has determined that the subdivider or water provider has 1) legally acquired a source of water, 2) financed a project to supply the subdivision, and 3) the project 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.
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.