

DRAFT Commingling Rules

R12-15-704. Certificate of Assured Water Supply

A. No change

B. An applicant for a certificate shall submit an application on a form prescribed by the Director with the fee required by R12-15-103(C) and provide the following:

1. One of the following forms of proof of ownership for each applicant to be listed on the certificate:
 - a. For an applicant that is the current owner, one of the following:
 - i. A title report, condition of title report, limited search title report, or recorded deed, dated within 90 days of the date the application is filed, demonstrating that the applicant is the owner of the land that is the subject of the application;
or
 - ii. Evidence that the CAGR D has reviewed and approved evidence that the applicant is the owner of the land that is the subject of the application.
 - b. For an applicant that is a potential purchaser, evidence of a purchase agreement;
 - c. For an applicant that is an affiliate of another applicant, a certification by the other applicant of the affiliate status;
2. A plat of the subdivision;
3. An estimate of the 100-year water demand for the subdivision;
4. If the subdivision is enrolled as a member land in the CAGR D and the applicant proposes to install gray water reuse systems in the subdivision, sufficient information for the Director to determine the appropriate reduction in demand;
5. A list of all proposed sources of water that will be used by the subdivision;
6. Evidence that the criteria in subsections (F) or (G) and (N) if applicable of this Section are met; and
7. Any other information that the Director reasonably determines is necessary to decide whether an assured water supply exists for the subdivision.

C. No change

D. No change

E. No change

1. No change
2. No change
3. No change

F. Except as provided in subsection (G) of this Section, the Director shall issue a

certificate if the applicant demonstrates all of the following:

1. Sufficient supplies of water are physically available to meet the estimated water demand of the subdivision, according to the criteria in R12-15-716 or as provided in R12-15-704(N);
2. Sufficient supplies of water are continuously available to meet the estimated water demand of the subdivision, according to the criteria in R12-15-717;
3. Sufficient supplies of water are legally available to meet the estimated water demand of the subdivision, according to the criteria in R12-15-718;
4. The sources of water are of adequate quality, according to the criteria in R12-15-719;
5. The applicant has the financial capability to construct adequate delivery, storage, and treatment works for the subdivision, according to the criteria in R12-15-720;
6. The proposed use of groundwater withdrawn within an AMA is consistent with the management plan in effect at the time of the application, according to the criteria in R12-15-721; and
7. The proposed use of groundwater withdrawn within an AMA is consistent with the achievement of the management goal, according to the criteria in R12-15-722.

G. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change

H. No change

1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
2. No change

I. No change

J. No change

1. No change
 - a. No change

- b. No change
- 2. No change
- 3. No change
- K.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- L.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- M.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- N.** Until June 30, 2027, for an application for a certificate in the Phoenix or Pinal AMA that includes a proposed source of supply that is not groundwater or stored water recovered outside the area of impact and that will be served through a distribution system that is commingled with groundwater or stored water recovered outside the area of impact, the commingled groundwater or stored water recovered outside the area of impact shall be deemed physically available if all of the following apply:
 - 1. The application includes a proposed source of supply that is not groundwater or stored water recovered outside the area of impact at a volume equal to the estimated water demand for the proposed subdivision that is committed to the proposed subdivision;
 - 2. The proposed source of supply in subsection N(1) of the Section is a new supply that was not served within the service area of the municipal provider as of the calendar year **2022-2023**;
 - 3. The proposed source of supply in subsection N(1) of the Section meets the requirements in R12-15-716 through 720;
 - 4. The proposed municipal provider has acquired an additional volume of the proposed source of supply in subsection N(1) of the Section that was not served within the service area of the municipal provider as of the calendar year **2021-2023**, equal to 30% of the estimated water demand for the proposed subdivision, to substitute for

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its existing use of groundwater or stored water recovered outside the area of impact, and the additional volume meets the requirements in R12-15-716 through 720; and

5. The land that is the subject of the application is a member land of the CAGRD.
6. The Director shall use the annual report submitted by the municipal provider for calendar year 2023, as verified by the Director, for purposes of this subsection.