House Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 75

HOUSE BILL 2321

AN ACT

AMENDING SECTION 45-108, ARIZONA REVISED STATUTES; RELATING TO EVALUATION OF SUBDIVISION WATER SUPPLY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 45-108, Arizona Revised Statutes, is amended to read:

45-108. Evaluation of subdivision water supply

A. In areas outside of active management areas established pursuant to chapter 2, article 2 of this title, the developer of a proposed subdivision including dry lot subdivisions, regardless of subdivided lot size, prior to recordation of the plat, shall submit plans for the water supply for the subdivision and demonstrate the adequacy of the water supply to meet the needs projected by the developer to the director. The director shall evaluate the plans and issue a report on the plans.

B. The director shall evaluate the proposed source of water for the subdivision to determine its ability to meet proposed uses for a period of years commensurate with normal practices in other areas of the state and shall forward a copy of such evaluation to the state real estate commissioner.

C. The director may designate cities, towns and private water companies as having an adequate water supply by reporting that designation to the water department of the city or town or private water company and the state real estate commissioner.

D. AS AN ALTERNATIVE TO DESIGNATION UNDER SUBSECTION C, the director may designate a city or town that ~~does not directly supply water to customers as having an adequate water supply by reporting that designation to the city or town and the state real estate commissioner if all of the following apply:~~

~~1. The city or town~~ has entered into a contract with the United States secretary of the interior or a county water authority established pursuant to chapter 13 of this title for permanent supplies of Colorado river water for municipal and industrial use AS HAVING AN ADEQUATE WATER SUPPLY IF ALL OF THE FOLLOWING APPLY: ~~:~~

~~2.~~ 1. The city or town has entered into a contract with each private water company that serves water within the city or town to provide Colorado river water to those private water companies.

~~3.~~ 2. The Colorado river water for which the city or town has contracted is sufficient together with other water supplies available to the CITY OR TOWN AND THE private water companies that serve water within that city or town to provide an adequate supply of water for the city or town.

~~4.~~ 3. The director finds that new subdivisions within the city or town will be served primarily with Colorado river water by THE CITY OR TOWN OR one of the private water companies that serve water within that city or town.

E. The director shall not require a developer to submit plans for the water supply pursuant to subsection A ~~of this section~~ if either:

1. Both of the following apply:

(a) The developer has obtained a written commitment of water service from cities, towns or private water companies that have been designated as having an adequate water supply.

(b) That city, town or private water company has been designated as having an adequate water supply pursuant to subsection C ~~of this section~~.

2. All of the following apply:

(a) The city or town has been designated as having an adequate water supply pursuant to subsection D ~~of this section~~.

(b) The developer has obtained a written commitment of water service from THE CITY OR TOWN OR a private water company that serves water within that city or town.

(c) The developer has obtained the written concurrence of the city or town that has been designated.

F. The director may revoke a designation made pursuant to this section when the director finds that the water supply may become inadequate.

G. The state of Arizona and the director or department shall not be liable for any report, designation or evaluation prepared in good faith pursuant to this section.

APPROVED BY THE GOVERNOR APRIL 16, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2007.