

REFERENCE TITLE: groundwater savings facilities; landscape use

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2457

Introduced by
Representative Williams

AN ACT

AMENDING SECTION 45-802.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 131, SECTION 1; AMENDING SECTION 45-802.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 131, SECTION 2; AMENDING SECTION 45-812.01, ARIZONA REVISED STATUTES; RELATING TO UNDERGROUND WATER STORAGE, SAVINGS AND REPLENISHMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-802.01, Arizona Revised Statutes, as amended by
3 Laws 2010, chapter 131, section 1, is amended to read:

4 45-802.01. Definitions

5 Unless the context otherwise requires, the terms defined in section
6 45-402 have the same meanings in this chapter and:

7 1. "Aquifer" means a geologic formation that contains sufficient
8 saturated material to be capable of storing water and transmitting water in
9 usable quantities to a well.

10 2. "Area of impact" means, as projected on the land surface, the area
11 where the stored water has migrated or is located.

12 3. "CERCLA" means the comprehensive environmental response,
13 compensation, and liability act of 1980, as amended (P.L. 96-510; 94 Stat.
14 2767; 42 United States Code sections 9601 through 9657), commonly known as
15 "superfund".

16 4. "Constructed underground storage facility" means a facility that
17 meets the requirements of section 45-811.01 and that is designed and
18 constructed to store water underground pursuant to permits issued under this
19 chapter.

20 5. "District" means a groundwater replenishment district established
21 under title 48, chapter 27.

22 6. "District member" means a member of the groundwater replenishment
23 district as provided by title 48, chapter 27.

24 7. "Electrical district" means a corporate body established pursuant
25 to title 48, chapter 12.

26 8. "Groundwater savings facility":

27 (a) Means a facility that meets the requirements of section 45-812.01
28 in an active management area or an irrigation non-expansion area at which
29 groundwater withdrawals are eliminated or reduced by recipients who use in
30 lieu water on a gallon-for-gallon substitute basis for groundwater that
31 otherwise would have been pumped from within that active management area or
32 irrigation non-expansion area.

33 (b) INCLUDES A FACILITY THAT OTHERWISE MEETS THE REQUIREMENTS FOR A
34 PERMIT AS PRESCRIBED IN SECTION 45-812.01 AND THAT USES IN LIEU WATER FOR
35 PURPOSES OF LANDSCAPE OR TURF IRRIGATION WITHOUT REGARD TO THE FACILITY'S
36 PROXIMITY TO RECLAIMED WATER TREATMENT OR DISTRIBUTION SYSTEM INFRASTRUCTURE.

37 9. "In lieu water":

38 (a) Means water that is delivered by a storer to a groundwater savings
39 facility pursuant to permits issued under this chapter and that is used in an
40 active management area or an irrigation non-expansion area by the recipient
41 on a gallon-for-gallon substitute basis for groundwater that otherwise would
42 have been pumped from within that active management area or irrigation
43 non-expansion area.

44 (b) INCLUDES EFFLUENT DELIVERED BY A STORER TO A GROUNDWATER SAVINGS
45 FACILITY FOR PURPOSES OF LANDSCAPE OR TURF IRRIGATION.

1 10. "Long-term storage account" means an account established pursuant
2 to section 45-852.01.

3 11. "Long-term storage credit" means stored water that meets the
4 requirements of section 45-852.01 and that has been credited to a long-term
5 storage account.

6 12. "Managed underground storage facility" means a facility that meets
7 the requirements of section 45-811.01 and that is designed and managed to
8 utilize the natural channel of a stream to store water underground pursuant
9 to permits issued under this chapter through artificial and controlled
10 releases of water other than surface water naturally present in the stream.
11 Surface water flowing in its natural channel is not a managed underground
12 storage facility.

13 13. "Master replenishment account" means an account established
14 pursuant to section 45-858.01 for a groundwater replenishment district.

15 14. "Recipient" means a person who receives in lieu water for use at a
16 groundwater savings facility.

17 15. "Recoverable amount" means the amount of water, as determined by
18 the director, that will reach the aquifer through water storage.

19 16. "Replenishment" means the storage of water or use of long-term
20 storage credits by a groundwater replenishment district to fulfill its duties
21 under title 48, chapter 27, article 3, by a multi-county water conservation
22 district to fulfill its duties under title 48, chapter 22, article 4 or by an
23 active management area water district to fulfill its duties under title 48,
24 chapter 28, article 7.

25 17. "Reserve target" has the same meaning prescribed in section
26 48-3701.

27 18. "Storage facility" means a groundwater savings facility or an
28 underground storage facility.

29 19. "Stored water" means water that has been stored or saved
30 underground pursuant to a storage permit issued under this chapter.

31 20. "Storer" means the holder of a water storage permit issued pursuant
32 to section 45-831.01 or a person to whom a water storage permit has been
33 conveyed pursuant to section 45-831.01, subsection F.

34 21. "Underground storage facility" means a constructed underground
35 storage facility or a managed underground storage facility.

36 22. "Water that cannot reasonably be used directly" means water that
37 the storer cannot reasonably put to a direct use during the calendar year,
38 including:

39 (a) Except as provided in subdivision (b) **OF THIS PARAGRAPH** or except
40 for an agricultural improvement district as provided in subdivision (d) **OF**
41 **THIS PARAGRAPH**, if the storer is a municipal provider, the amount of central
42 Arizona project water that exceeds the amount of mined groundwater withdrawn
43 during the calendar year by the storer in the active management area in which
44 the storer's service area is located. If the storer withdrew mined
45 groundwater during a calendar year in which the storer stored central Arizona

1 project water underground pursuant to the storage permit, the amount of
2 central Arizona project water stored underground during that year equal to
3 the amount of mined groundwater withdrawn from the active management area in
4 which the storer's service area is located shall not be credited to the
5 storer's long-term storage account but may be considered as being available
6 for recovery by the storer on an annual basis under section 45-851.01. In
7 calculating the amount of mined groundwater withdrawn by the storer from the
8 active management area, the director, at the request of the storer, shall
9 exclude any groundwater withdrawn, treated and delivered for direct use as
10 part of a remedial action undertaken pursuant to CERCLA or title 49, chapter
11 2, article 5. For the purposes of this subdivision, "mined groundwater" and
12 "municipal provider" have the same meanings prescribed in section 45-561.

13 (b) If the storer is a municipal provider that has been designated as
14 having an assured water supply pursuant to section 45-576, the amount of
15 central Arizona project water that exceeds the amount of deficit groundwater
16 withdrawn during the calendar year by the storer in the active management
17 area in which the storer's service area is located. If the storer withdrew
18 deficit groundwater during a calendar year in which the storer stored central
19 Arizona project water underground pursuant to the storage permit, the amount
20 of the central Arizona project water stored underground during that year
21 equal to the amount of deficit groundwater withdrawn from the active
22 management area in which the storer's service area is located shall not be
23 credited to the storer's long-term storage account but may be considered as
24 being available for recovery by the storer on an annual basis pursuant to
25 section 45-851.01. In calculating the amount of deficit groundwater
26 withdrawn by the storer from the active management area, the director, at the
27 request of the storer, shall exclude any groundwater withdrawn, treated and
28 delivered for direct use as part of a remedial action undertaken pursuant to
29 CERCLA or title 49, chapter 2, article 5. For the purposes of this
30 subdivision, "municipal provider" has the same meaning prescribed in section
31 45-561 and "deficit groundwater" means that amount of groundwater withdrawn
32 within an active management area for delivery and use within a service area
33 by a municipal provider in excess of the amount of groundwater that may be
34 withdrawn by the municipal provider consistent with the achievement of the
35 active management area's management goals as prescribed by rules adopted by
36 the director pursuant to section 45-576.

37 (c) Except as provided in subdivision (d) **OF THIS PARAGRAPH**, if the
38 storer is not a municipal provider, the amount of central Arizona project
39 water stored in an active management area that exceeds the amount of
40 groundwater withdrawn during the calendar year by the storer in that active
41 management area. If the storer withdrew groundwater in an active management
42 area during a calendar year in which the storer stored central Arizona
43 project water underground in that active management area pursuant to the
44 storage permit, the amount of central Arizona project water stored
45 underground during that year equal to the amount of groundwater withdrawn

1 from the active management area shall not be credited to the storer's
2 long-term storage account but may be considered as being available for
3 recovery by the storer on an annual basis under section 45-851.01. For the
4 purposes of this subdivision, "municipal provider" has the same meaning
5 prescribed in section 45-561. In calculating the amount of groundwater
6 withdrawn by the storer from the active management area, the director, at the
7 request of the storer, shall exclude:

8 (i) The amount of groundwater withdrawn, treated and delivered for
9 direct use as part of a remedial action undertaken pursuant to CERCLA or
10 title 49, chapter 2, article 5.

11 (ii) The amount of groundwater withdrawn by the storer during the year
12 for mineral extraction and metallurgical processing and delivered during that
13 year for direct use to an irrigation district that is established pursuant to
14 title 48, chapter 19 and that is located in the same active management area
15 from which the amount of groundwater was withdrawn to the extent that the
16 irrigation district or its customers demonstrate a reduction in the amount of
17 groundwater that they otherwise would have withdrawn during that year within
18 the irrigation district.

19 (d) The amount of central Arizona project water stored in an active
20 management area in any year after 1994 by an agricultural improvement
21 district established pursuant to title 48, chapter 17 for use at those
22 portions of electrical generating facilities that are constructed or expanded
23 after June 12, 1980, subject to both of the following:

24 (i) If groundwater was used during a year in an active management area
25 at those portions of the electrical generating facilities that were owned and
26 operated by the agricultural improvement district and that were constructed
27 or expanded after June 12, 1980, the amount of the central Arizona project
28 water stored during that year equal to the amount of the groundwater
29 withdrawn during the year for use at those portions of the facilities that
30 were owned and operated by the agricultural improvement district and that
31 were constructed or expanded after June 12, 1980 shall not be credited to the
32 agricultural improvement district's long-term storage account but may be
33 considered as being available for recovery by the agricultural improvement
34 district on an annual basis under section 45-851.01.

35 (ii) Long-term storage credits accrued as a result of the storage of
36 the central Arizona project water may be recovered within the active
37 management area by the agricultural improvement district only for the purpose
38 of providing central Arizona project water to electrical generating
39 facilities that were owned and operated by the agricultural improvement
40 district and only pursuant to any water requirement included in a facility's
41 certificate of environmental compatibility. Subject to section 45-854.01,
42 the long-term storage credits may be assigned by the agricultural improvement
43 district only to the owner of an electrical generating facility for use
44 pursuant to any water requirement included in that facility's certificate of
45 environmental compatibility.

1 (e) Surface water made available by dams constructed or modified after
2 August 13, 1986.

3 (f) Until the year 2025:

4 (i) Effluent.

5 (ii) If the storage facility is in an active management area, water
6 from outside the active management area that would not have reached the
7 active management area without the efforts of the storer.

8 (iii) If the storage facility is outside of an active management area,
9 water from outside the groundwater basin in which the storage facility is
10 located that would not have reached the groundwater basin without the efforts
11 of the storer.

12 (g) Water that is delivered through the central Arizona project and
13 that is acquired by the Arizona water banking authority.

14 23. "Water storage" means adding water to an aquifer or saving water in
15 an aquifer pursuant to permits issued under this chapter.

16 24. "Water storage permit" means a permit issued pursuant to section
17 45-831.01 to store water at a storage facility.

18 Sec. 2. Section 45-802.01, Arizona Revised Statutes, as amended by
19 Laws 2010, chapter 131, section 2, is amended to read:

20 45-802.01. Definitions

21 Unless the context otherwise requires, the terms defined in section
22 45-402 have the same meanings in this chapter and:

23 1. "Aquifer" means a geologic formation that contains sufficient
24 saturated material to be capable of storing water and transmitting water in
25 usable quantities to a well.

26 2. "Area of impact" means, as projected on the land surface, the area
27 where the stored water has migrated or is located.

28 3. "CERCLA" means the comprehensive environmental response,
29 compensation, and liability act of 1980, as amended (P.L. 96-510; 94 Stat.
30 2767; 42 United States Code sections 9601 through 9657), commonly known as
31 "superfund".

32 4. "Constructed underground storage facility" means a facility that
33 meets the requirements of section 45-811.01 and that is designed and
34 constructed to store water underground pursuant to permits issued under this
35 chapter.

36 5. "District" means a groundwater replenishment district established
37 under title 48, chapter 27.

38 6. "District member" means a member of the groundwater replenishment
39 district as provided by title 48, chapter 27.

40 7. "Electrical district" means a corporate body established pursuant
41 to title 48, chapter 12.

42 8. "Groundwater savings facility":

43 (a) Means a facility that meets the requirements of section 45-812.01
44 in an active management area or an irrigation non-expansion area at which
45 groundwater withdrawals are eliminated or reduced by recipients who use in

1 lieu water on a gallon-for-gallon substitute basis for groundwater that
2 otherwise would have been pumped from within that active management area or
3 irrigation non-expansion area.

4 (b) INCLUDES A FACILITY THAT OTHERWISE MEETS THE REQUIREMENTS FOR A
5 PERMIT AS PRESCRIBED IN SECTION 45-812.01 AND THAT USES IN LIEU WATER FOR
6 PURPOSES OF LANDSCAPE OR TURF IRRIGATION WITHOUT REGARD TO THE FACILITY'S
7 PROXIMITY TO RECLAIMED WATER TREATMENT OR DISTRIBUTION SYSTEM INFRASTRUCTURE.

8 9. "In lieu water":

9 (a) Means water that is delivered by a storer to a groundwater savings
10 facility pursuant to permits issued under this chapter and that is used in an
11 active management area or an irrigation non-expansion area by the recipient
12 on a gallon-for-gallon substitute basis for groundwater that otherwise would
13 have been pumped from within that active management area or irrigation
14 non-expansion area.

15 (b) INCLUDES EFFLUENT DELIVERED BY A STORER TO A GROUNDWATER SAVINGS
16 FACILITY FOR PURPOSES OF LANDSCAPE OR TURF IRRIGATION.

17 10. "Long-term storage account" means an account established pursuant
18 to section 45-852.01.

19 11. "Long-term storage credit" means stored water that meets the
20 requirements of section 45-852.01 and that has been credited to a long-term
21 storage account.

22 12. "Managed underground storage facility" means a facility that meets
23 the requirements of section 45-811.01 and that is designed and managed to
24 utilize the natural channel of a stream to store water underground pursuant
25 to permits issued under this chapter through artificial and controlled
26 releases of water other than surface water naturally present in the stream.
27 Surface water flowing in its natural channel is not a managed underground
28 storage facility.

29 13. "Master replenishment account" means an account established
30 pursuant to section 45-858.01 for a groundwater replenishment district.

31 14. "Recipient" means a person who receives in lieu water for use at a
32 groundwater savings facility.

33 15. "Recoverable amount" means the amount of water, as determined by
34 the director, that will reach the aquifer through water storage.

35 16. "Replenishment" means the storage of water or use of long-term
36 storage credits by a groundwater replenishment district to fulfill its duties
37 under title 48, chapter 27, article 3, by a multi-county water conservation
38 district to fulfill its duties under title 48, chapter 22, article 4 or by an
39 active management area water district to fulfill its duties under title 48,
40 chapter 28, article 7.

41 17. "Reserve target" has the same meaning prescribed in section
42 48-3701.

43 18. "Storage facility" means a groundwater savings facility or an
44 underground storage facility.

1 19. "Stored water" means water that has been stored or saved
2 underground pursuant to a storage permit issued under this chapter.

3 20. "Storer" means the holder of a water storage permit issued pursuant
4 to section 45-831.01 or a person to whom a water storage permit has been
5 conveyed pursuant to section 45-831.01, subsection F.

6 21. "Underground storage facility" means a constructed underground
7 storage facility or a managed underground storage facility.

8 22. "Water that cannot reasonably be used directly" means water that
9 the storer cannot reasonably put to a direct use during the calendar year,
10 including:

11 (a) Except as provided in subdivision (b) OF THIS PARAGRAPH or except
12 for an agricultural improvement district as provided in subdivision (d) OF
13 THIS PARAGRAPH, if the storer is a municipal provider, the amount of central
14 Arizona project water that exceeds the amount of mined groundwater withdrawn
15 during the calendar year by the storer in the active management area in which
16 the storer's service area is located. If the storer withdrew mined
17 groundwater during a calendar year in which the storer stored central Arizona
18 project water underground pursuant to the storage permit, the amount of
19 central Arizona project water stored underground during that year equal to
20 the amount of mined groundwater withdrawn from the active management area in
21 which the storer's service area is located shall not be credited to the
22 storer's long-term storage account but may be considered as being available
23 for recovery by the storer on an annual basis under section 45-851.01. In
24 calculating the amount of mined groundwater withdrawn by the storer from the
25 active management area, the director, at the request of the storer, shall
26 exclude any groundwater withdrawn, treated and delivered for direct use as
27 part of a remedial action undertaken pursuant to CERCLA or title 49, chapter
28 2, article 5. For the purposes of this subdivision, "mined groundwater" and
29 "municipal provider" have the same meanings prescribed in section 45-561.

30 (b) If the storer is a municipal provider that has been designated as
31 having an assured water supply pursuant to section 45-576, the amount of
32 central Arizona project water that exceeds the amount of deficit groundwater
33 withdrawn during the calendar year by the storer in the active management
34 area in which the storer's service area is located. If the storer withdrew
35 deficit groundwater during a calendar year in which the storer stored central
36 Arizona project water underground pursuant to the storage permit, the amount
37 of the central Arizona project water stored underground during that year
38 equal to the amount of deficit groundwater withdrawn from the active
39 management area in which the storer's service area is located shall not be
40 credited to the storer's long-term storage account but may be considered as
41 being available for recovery by the storer on an annual basis pursuant to
42 section 45-851.01. In calculating the amount of deficit groundwater
43 withdrawn by the storer from the active management area, the director, at the
44 request of the storer, shall exclude any groundwater withdrawn, treated and
45 delivered for direct use as part of a remedial action undertaken pursuant to

1 CERCLA or title 49, chapter 2, article 5. For the purposes of this
2 subdivision, "municipal provider" has the same meaning prescribed in section
3 45-561 and "deficit groundwater" means that amount of groundwater withdrawn
4 within an active management area for delivery and use within a service area
5 by a municipal provider in excess of the amount of groundwater that may be
6 withdrawn by the municipal provider consistent with the achievement of the
7 active management area's management goals as prescribed by rules adopted by
8 the director pursuant to section 45-576.

9 (c) Except as provided in subdivision (d) **OF THIS PARAGRAPH**, if the
10 storer is not a municipal provider, the amount of central Arizona project
11 water stored in an active management area that exceeds the amount of
12 groundwater withdrawn during the calendar year by the storer in that active
13 management area. If the storer withdrew groundwater in an active management
14 area during a calendar year in which the storer stored central Arizona
15 project water underground in that active management area pursuant to the
16 storage permit, the amount of central Arizona project water stored
17 underground during that year equal to the amount of groundwater withdrawn
18 from the active management area shall not be credited to the storer's
19 long-term storage account but may be considered as being available for
20 recovery by the storer on an annual basis under section 45-851.01. In
21 calculating the amount of groundwater withdrawn by the storer from the active
22 management area, the director, at the request of the storer, shall exclude
23 any groundwater withdrawn, treated and delivered for direct use as part of a
24 remedial action undertaken pursuant to CERCLA or title 49, chapter 2,
25 article 5. For the purposes of this subdivision, "municipal provider" has
26 the same meaning prescribed in section 45-561.

27 (d) The amount of central Arizona project water stored in an active
28 management area in any year after 1994 by an agricultural improvement
29 district established pursuant to title 48, chapter 17 for use at those
30 portions of electrical generating facilities that are constructed or expanded
31 after June 12, 1980, subject to both of the following:

32 (i) If groundwater was used during a year in an active management area
33 at those portions of the electrical generating facilities that were owned and
34 operated by the agricultural improvement district and that were constructed
35 or expanded after June 12, 1980, the amount of the central Arizona project
36 water stored during that year equal to the amount of the groundwater
37 withdrawn during the year for use at those portions of the facilities that
38 were owned and operated by the agricultural improvement district and that
39 were constructed or expanded after June 12, 1980 shall not be credited to the
40 agricultural improvement district's long-term storage account but may be
41 considered as being available for recovery by the agricultural improvement
42 district on an annual basis under section 45-851.01.

43 (ii) Long-term storage credits accrued as a result of the storage of
44 the central Arizona project water may be recovered within the active
45 management area by the agricultural improvement district only for the purpose

1 of providing central Arizona project water to electrical generating
2 facilities that were owned and operated by the agricultural improvement
3 district and only pursuant to any water requirement included in a facility's
4 certificate of environmental compatibility. Subject to section 45-854.01,
5 the long-term storage credits may be assigned by the agricultural improvement
6 district only to the owner of an electrical generating facility for use
7 pursuant to any water requirement included in that facility's certificate of
8 environmental compatibility.

9 (e) Surface water made available by dams constructed or modified after
10 August 13, 1986.

11 (f) Until the year 2025:

12 (i) Effluent.

13 (ii) If the storage facility is in an active management area, water
14 from outside the active management area that would not have reached the
15 active management area without the efforts of the storer.

16 (iii) If the storage facility is outside of an active management area,
17 water from outside the groundwater basin in which the storage facility is
18 located that would not have reached the groundwater basin without the efforts
19 of the storer.

20 (g) Water that is delivered through the central Arizona project and
21 that is acquired by the Arizona water banking authority.

22 23. "Water storage" means adding water to an aquifer or saving water in
23 an aquifer pursuant to permits issued under this chapter.

24 24. "Water storage permit" means a permit issued pursuant to section
25 45-831.01 to store water at a storage facility.

26 Sec. 3. Section 45-812.01, Arizona Revised Statutes, is amended to
27 read:

28 45-812.01. Groundwater savings facility permit

29 A. A person may apply to the director for a groundwater savings
30 facility permit and may operate a groundwater savings facility only pursuant
31 to a permit.

32 B. The director may issue a permit to operate a groundwater savings
33 facility if the director determines that all of the following apply:

34 1. Operation of the facility will cause the direct reduction or
35 elimination of groundwater withdrawals in an active management area or an
36 irrigation non-expansion area by means of delivery of water other than
37 groundwater pumped from within that active management area or irrigation
38 non-expansion area that the recipient will use in lieu of groundwater that
39 the recipient would otherwise have used.

40 2. The applicant will deliver water other than groundwater pumped from
41 within the active management area or irrigation non-expansion area in which
42 the groundwater savings facility is located to an identified groundwater user
43 who will use and agrees in writing to use the water delivered to the facility
44 on a gallon-for-gallon substitute basis directly in lieu of groundwater that

1 otherwise would have been pumped from within the active management area or
2 irrigation non-expansion area.

3 3. The in lieu water is the only reasonably available source of water
4 for the recipient other than groundwater pumped from within the same active
5 management area or irrigation non-expansion area in which the groundwater
6 savings facility is located.

7 4. The water delivered as in lieu water would not have been a
8 reasonable alternative source of water for the recipient except through the
9 operation of the groundwater savings facility.

10 5. The water delivered to the recipient as in lieu water was not
11 delivered before October 1, 1990.

12 6. The applicant has submitted a plan satisfactory to the director
13 that describes how the applicant will prove the quantity of groundwater saved
14 at the facility each year and what evidence will be submitted with the
15 applicant's annual report as required by section 45-875.01 to prove the
16 groundwater savings. The plan may rely on the following factors:

17 (a) The recipient's cost of pumping groundwater relative to the cost
18 of in lieu water and alternative sources of water available to the recipient.

19 (b) The historic quantity of groundwater pumped by the recipient at
20 the location of the intended use of the in lieu water.

21 (c) The recipient's anticipated demand for groundwater and anticipated
22 total demand for water, including groundwater.

23 (d) The recipient's legal right to withdraw or use groundwater
24 pursuant to chapter 2 of this title.

25 (e) The amount of central Arizona project water for which the
26 recipient anticipates accepting delivery.

27 (f) The historic amount of power used to pump groundwater at the
28 groundwater savings facility compared to the power used during a year in
29 which the recipient received in lieu water.

30 (g) The factors that prevent the recipient from using the water
31 delivered as in lieu water without the operation of the groundwater savings
32 facility.

33 (h) Any other criteria the director may deem to be relevant.

34 C. THE DIRECTOR ALSO MAY ISSUE A PERMIT TO OPERATE A GROUNDWATER
35 SAVINGS FACILITY TO AN APPLICANT IF THE DIRECTOR DETERMINES THAT IN ADDITION
36 TO COMPLYING WITH SUBSECTION B OF THIS SECTION, THE APPLICANT USES IN LIEU
37 WATER FOR PURPOSES OF LANDSCAPE OR TURF IRRIGATION.

38 Sec. 4. Effective date

39 Section 45-802.01, Arizona Revised Statutes, as amended by Laws 2010,
40 chapter 131, section 2 and this act, is effective from and after December 31,
41 2024.