HB 2896

Introduced by
Representatives Cobb, Biasiucci, Blackman, Blanc, Carroll, Engel, Osborne, Thorpe

AN ACT

AMENDING TITLE 45, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13; RELATING TO WATERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 45, chapter 2, Arizona Revised Statutes, is amended by adding article 13, to read:

ARTICLE 13. RURAL MANAGEMENT AREAS

45-651. Designation of rural management area; conditions; hearing; rescission

A. A county board of supervisors in a county outside of an active management area may designate by resolution one or more groundwater basins or subbasins in the county as a rural management area if the board finds that one or more of the following conditions exist in the proposed rural management area:

1. There has been a significant increase in recent water use or projected prospective water use in one or more specific aquifers or groundwater basins or subbasins without sufficient artificial recharge of water to offset the increased uses.

2. There are physical indications of overpumping of water that are documented or reliably observed. Physical indications may include declining water levels in existing wells, decreasing water levels or flow in hydrologically connected surface water or land subsidence.

3. Available groundwater at the applicable regulatory depth below land surface in the area will likely last less than one hundred years, based on credible evidence regarding the current levels of pumping, projected levels of water use and known plans for use.

4. Significant surface water resources are hydrologically connected to groundwater resources, with wells in close proximity to surface water resources.

B. The county board of supervisors may adopt a resolution pursuant to subsection A of this section after all of the following:

1. Providing notice of the proposed resolution to the public and to cities, towns and agricultural or water-related special taxing districts in the proposed rural management area and requesting public comment on the proposed resolution.

2. Providing notice of the proposed resolution to the department.

3. Allowing at least thirty days for public comment and comments from the department and cities, towns and agricultural or water-related special taxing districts on the proposed resolution.

4. Holding at least two public meetings in the communities affected by the proposed resolution.

C. The county board of supervisors may designate one or more groundwater basins or subbasins as a rural management area by majority vote on the resolution. The resolution also shall provide for the formation of a rural management area advisory council and may do either of the following:
1. ESTABLISH THE MANAGEMENT GOAL OF THE RURAL MANAGEMENT AREA, DESCRIBE THE OPTIONS TO ACHIEVE THE GOAL AND ESTABLISH MANAGEMENT PRACTICES TO BE USED TO ACHIEVE THE MANAGEMENT GOAL.

2. DIRECT THE RURAL MANAGEMENT AREA ADVISORY COUNCIL TO ACCOMPLISH THE DUTIES PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION.

D. IF THE GROUNDWATER BASIN OR SUBBASIN UNDER CONSIDERATION FOR DESIGNATION BY THE COUNTY BOARD OF SUPERVISORS LIES IN MORE THAN ONE COUNTY, THE COUNTY BOARD OF SUPERVISORS FOR THE COUNTY THAT CONTAINS THE MAJORITY OF LAND IN THE BASIN OR SUBBASIN HAS AUTHORITY TO DESIGNATE THE RURAL MANAGEMENT AREA.


F. AT ANY TIME AFTER DESIGNATION, A COUNTY BOARD OF SUPERVISORS BY MAJORITY VOTE MAY RESCIND THE DESIGNATION OF THE RURAL MANAGEMENT AREA.

45-652. Rural management area advisory council; membership; director

A. A RURAL MANAGEMENT AREA ADVISORY COUNCIL SHALL BE ESTABLISHED IN EACH DESIGNATED RURAL MANAGEMENT AREA CONSISTING OF FIVE MEMBERS. THE GOVERNOR SHALL APPOINT MEMBERS OF THE COUNCIL TO REPRESENT THE USERS OF GROUNDWATER IN THE RURAL MANAGEMENT AREA AND ON THE BASIS OF THEIR KNOWLEDGE OF, INTEREST IN AND EXPERIENCE WITH PROBLEMS RELATING TO THE DEVELOPMENT, USE AND CONSERVATION OF WATER.

B. THE TERM OF OFFICE OF EACH MEMBER IS SIX YEARS. THE TERMS OF TWO MEMBERS SHALL EXPIRE ON THE THIRD MONDAY OF JANUARY EACH EVEN NUMBERED YEAR, EXCEPT THAT EACH THIRD EVEN NUMBERED YEAR THE TERM OF ONE MEMBER SHALL EXPyre.

C. MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION, EXCEPT THAT EACH MEMBER SHALL BE REIMBURSED FOR TRAVEL AND SUBSISTENCE WHILE ENGAGED IN BUSINESS OF THE ADVISORY COUNCIL IN THE SAME MANNER AS IS PROVIDED BY LAW FOR STATE OFFICERS.

D. THE DIRECTOR SHALL APPOINT A RURAL MANAGEMENT AREA DIRECTOR TO ASSIST IN THE OPERATIONS OF THE RURAL MANAGEMENT AREA.

45-653. Rural management area advisory council; duties; management plan

A. THE RURAL MANAGEMENT AREA ADVISORY COUNCIL SHALL:

1. UNLESS OTHERWISE PROVIDED IN THE RESOLUTION DESIGNATING THE AREA AND AFTER CONSULTATION WITH THE DEPARTMENT, INTERESTED PARTIES AND THE PUBLIC, ESTABLISH ONE OR MORE MANAGEMENT GOALS FOR THE RURAL MANAGEMENT AREA.

2. IDENTIFY AND ANALYZE BEST MANAGEMENT PRACTICES AND OTHER POSSIBLE MANAGEMENT ACTIONS FOR USE IN ACHIEVING THE MANAGEMENT GOAL FOR THE RURAL MANAGEMENT AREA.
3. SUBMIT TO THE DIRECTOR A PROPOSED MANAGEMENT PLAN FOR THE RURAL MANAGEMENT AREA THAT INCLUDES RECOMMENDED METHODS FOR ACHIEVING THE MANAGEMENT GOAL AND THAT MAY INCLUDE BEST MANAGEMENT PRACTICES.

B. THE RURAL MANAGEMENT AREA ADVISORY COUNCIL MAY:
1. REQUEST HYDROLOGIC MODELING AND OTHER TECHNICAL ASSISTANCE FROM THE DEPARTMENT, INCLUDING CREATION OR REFINEMENT OF A GROUNDWATER MODEL OR OTHER MODELING OF FUTURE WATER RESOURCE CONDITIONS AND OUTCOMES AND OF THE POTENTIAL EFFECTIVENESS OF DIFFERENT TOOLS FOR MEETING THE RURAL MANAGEMENT AREA MANAGEMENT GOALS.
2. REQUEST ASSISTANCE FROM THE DEPARTMENT IN CREATING A MANAGEMENT PLAN FOR THE RURAL MANAGEMENT AREA.
3. GATHER INFORMATION AND DATA.
4. COMMISSION OR CREATE REPORTS.
5. RECOMMEND BEST MANAGEMENT PRACTICES AND OTHER MEASURES FOR IMPLEMENTATION IN THE RURAL MANAGEMENT AREA TO ACHIEVE THE GOALS OF THE RURAL MANAGEMENT AREA.
6. COOPERATE WITH CITIES, TOWNS AND COUNTIES AND OTHER PUBLIC OR PRIVATE AGENCIES OR ORGANIZATIONS TO ENGAGE IN COORDINATED REGIONAL PLANNING RELATED TO WATER RESOURCES.
7. ESTABLISH A STEERING COMMITTEE, ADVISORY COMMITTEE OR OTHER SIMILAR ORGANIZATIONAL STRUCTURE TO SOLICIT AND RECEIVE PARTICIPATION, COMMENT AND ADVICE FROM RESIDENTS OF THE RURAL MANAGEMENT AREA AND OTHER INTERESTED PARTIES REGARDING THE DEVELOPMENT AND OPERATION OF A MANAGEMENT GOAL AND MANAGEMENT PLAN.
8. RECOMMEND THAT ANY PERSON WHO FILES A NOTICE OF INTENTION TO DRILL A NON-EXEMPT WELL INSIDE A DESIGNATED RURAL MANAGEMENT AREA BE REQUIRED BY THE APPROVED MANAGEMENT PLAN TO RECORD A COPY OF THE NOTICE IN THE OFFICE OF THE COUNTY RECORDER IN WHICH THE WELL IS TO BE LOCATED AND, ON COMPLETION OF THE WELL, RECORD A COPY OF THE WELL COMPLETION REPORT PRESCRIBED BY SECTION 45-600. FOR THE PURPOSES OF THIS PARAGRAPH, "NON-EXEMPT WELL" MEANS A WELL WITH A MAXIMUM PUMPING CAPACITY OF MORE THAN THIRTY-FIVE GALLONS PER MINUTE.
9. SEEK AND RECEIVE PUBLIC AND PRIVATE MONIES TO ASSIST WITH ITS PLANNING FUNCTIONS.

45-654. Rural management area advisory council; administrative duties
THE RURAL MANAGEMENT AREA ADVISORY COUNCIL SHALL:
1. ADVISE THE AREA DIRECTOR FOR THE RURAL MANAGEMENT AREA.
2. KEEP THE MINUTES OF ITS MEETINGS AND ALL RECORDS, REPORTS AND OTHER INFORMATION RELATIVE TO ITS WORK AND PROGRAMS IN PERMANENT FORM INDEXED AND SYSTEMATICALLY FILED.
3. ELECT FROM ITS MEMBERS A CHAIRPERSON AND VICE CHAIRPERSON FOR TERMS OF TWO YEARS EXPIRING ON THE THIRD MONDAY OF JANUARY OF EACH EVEN NUMBERED YEAR.
4. DESIGNATE THE PERSON OR PERSONS WHO SHALL EXECUTE ALL DOCUMENTS AND INSTRUMENTS ON BEHALF OF THE ADVISORY COUNCIL.

5. MANIFEST AND RECORD ITS ACTIONS BY MOTION, RESOLUTION OR OTHER APPROPRIATE MEANS.

6. MAKE A COMPLETE RECORD OF ITS PROCEEDINGS, WHICH SHALL BE OPEN TO PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS.

45-655. Best management practices; other measures

FOR THE PURPOSES OF THIS ARTICLE, BEST MANAGEMENT PRACTICES AND OTHER MANAGEMENT MEASURES FOR A RURAL MANAGEMENT AREA MAY INCLUDE ANY ONE OR MORE OF THE FOLLOWING:

1. VOLUNTARY OR MANDATORY CONSERVATION PROGRAMS OR PRACTICES FOR PERSONS WITHDRAWING, DISTRIBUTING OR RECEIVING GROUNDWATER THAT ARE DESIGNED TO ACHIEVE REDUCTIONS IN WITHDRAWALS OF GROUNDWATER WITHIN THE RURAL MANAGEMENT AREA.

2. VOLUNTARY OR MANDATORY PROGRAMS OR PRACTICES FOR MEASURING, METERING, MONITORING OR REPORTING GROUNDWATER WITHDRAWALS AND USES WITHIN THE RURAL MANAGEMENT AREA.

3. PROGRAMS TO IMPLEMENT OR INCENTIVIZE AQUIFER RECHARGE OR THE MITIGATION OF IMPACTS CAUSED BY GROUNDWATER WITHDRAWALS.

45-656. Submission of management plan; director's action; effect

AFTER COMPLETING THE PROPOSED MANAGEMENT PLAN, INCLUDING RECOMMENDED BEST MANAGEMENT PRACTICES OR OTHER METHODS OF ACHIEVING THE MANAGEMENT GOAL, THE RURAL MANAGEMENT AREA ADVISORY COUNCIL SHALL SUBMIT THE PLAN TO THE DIRECTOR. THE DIRECTOR SHALL TAKE ACTION ON THE PLAN WITHIN THIRTY DAYS AFTER RECEIPT, MAY APPROVE, REJECT OR REQUEST REVISIONS TO THE PLAN AND MAY REQUEST FURTHER INFORMATION. BEFORE APPROVING ANY MANAGEMENT PLAN, THE DIRECTOR SHALL HOLD A HEARING ON THE PLAN PURSUANT TO PROCEDURES PRESCRIBED IN SECTION 45-570 AND SHALL MAKE FINDINGS ON THE PLAN PURSUANT TO PROCEDURES PRESCRIBED IN SECTION 45-571. ON APPROVAL BY THE DIRECTOR, THE PLAN AND ITS APPROVED PRACTICES AND OTHER MEASURES APPLY IN THE RURAL MANAGEMENT AREA.