

REFERENCE TITLE: water; rural management areas

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

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)

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

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

4 ARTICLE 13. RURAL MANAGEMENT AREAS

5 45-651. Designation of rural management area; conditions;
6 hearing; rescission

7 A. A COUNTY BOARD OF SUPERVISORS IN A COUNTY OUTSIDE OF AN ACTIVE
8 MANAGEMENT AREA MAY DESIGNATE BY RESOLUTION ONE OR MORE GROUNDWATER BASINS
9 OR SUBBASINS IN THE COUNTY AS A RURAL MANAGEMENT AREA IF THE BOARD FINDS
10 THAT ONE OR MORE OF THE FOLLOWING CONDITIONS EXIST IN THE PROPOSED RURAL
11 MANAGEMENT AREA:

12 1. THERE HAS BEEN A SIGNIFICANT INCREASE IN RECENT WATER USE OR
13 PROJECTED PROSPECTIVE WATER USE IN ONE OR MORE SPECIFIC AQUIFERS OR
14 GROUNDWATER BASINS OR SUBBASINS WITHOUT SUFFICIENT ARTIFICIAL RECHARGE OF
15 WATER TO OFFSET THE INCREASED USES.

16 2. THERE ARE PHYSICAL INDICATIONS OF OVERPUMPING OF WATER THAT ARE
17 DOCUMENTED OR RELIABLY OBSERVED. PHYSICAL INDICATIONS MAY INCLUDE
18 DECLINING WATER LEVELS IN EXISTING WELLS, DECREASING WATER LEVELS OR FLOW
19 IN HYDROLOGICALLY CONNECTED SURFACE WATER OR LAND SUBSIDENCE.

20 3. AVAILABLE GROUNDWATER AT THE APPLICABLE REGULATORY DEPTH BELOW
21 LAND SURFACE IN THE AREA WILL LIKELY LAST LESS THAN ONE HUNDRED YEARS,
22 BASED ON CREDIBLE EVIDENCE REGARDING THE CURRENT LEVELS OF PUMPING,
23 PROJECTED LEVELS OF WATER USE AND KNOWN PLANS FOR USE.

24 4. SIGNIFICANT SURFACE WATER RESOURCES ARE HYDROLOGICALLY CONNECTED
25 TO GROUNDWATER RESOURCES, WITH WELLS IN CLOSE PROXIMITY TO SURFACE WATER
26 RESOURCES.

27 B. THE COUNTY BOARD OF SUPERVISORS MAY ADOPT A RESOLUTION PURSUANT
28 TO SUBSECTION A OF THIS SECTION AFTER ALL OF THE FOLLOWING:

29 1. PROVIDING NOTICE OF THE PROPOSED RESOLUTION TO THE PUBLIC AND TO
30 CITIES, TOWNS AND AGRICULTURAL OR WATER-RELATED SPECIAL TAXING DISTRICTS
31 IN THE PROPOSED RURAL MANAGEMENT AREA AND REQUESTING PUBLIC COMMENT ON THE
32 PROPOSED RESOLUTION.

33 2. PROVIDING NOTICE OF THE PROPOSED RESOLUTION TO THE DEPARTMENT.

34 3. ALLOWING AT LEAST THIRTY DAYS FOR PUBLIC COMMENT AND COMMENTS
35 FROM THE DEPARTMENT AND CITIES, TOWNS AND AGRICULTURAL OR WATER-RELATED
36 SPECIAL TAXING DISTRICTS ON THE PROPOSED RESOLUTION.

37 4. HOLDING AT LEAST TWO PUBLIC MEETINGS IN THE COMMUNITIES AFFECTED
38 BY THE PROPOSED RESOLUTION.

39 C. THE COUNTY BOARD OF SUPERVISORS MAY DESIGNATE ONE OR MORE
40 GROUNDWATER BASINS OR SUBBASINS AS A RURAL MANAGEMENT AREA BY MAJORITY
41 VOTE ON THE RESOLUTION. THE RESOLUTION ALSO SHALL PROVIDE FOR THE
42 FORMATION OF A RURAL MANAGEMENT AREA ADVISORY COUNCIL AND MAY DO EITHER OF
43 THE FOLLOWING:

1 1. ESTABLISH THE MANAGEMENT GOAL OF THE RURAL MANAGEMENT AREA,
2 DESCRIBE THE OPTIONS TO ACHIEVE THE GOAL AND ESTABLISH MANAGEMENT
3 PRACTICES TO BE USED TO ACHIEVE THE MANAGEMENT GOAL.

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

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

11 E. ON ADOPTION OF THE RESOLUTION, THE RURAL MANAGEMENT AREA IS
12 DESIGNATED AND THE COUNTY BOARD OF SUPERVISORS SHALL RECORD A MAP OF THE
13 DESIGNATED RURAL MANAGEMENT AREA IN THE OFFICE OF THE COUNTY RECORDER FOR
14 THE COUNTY IN WHICH THE RURAL MANAGEMENT AREA IS LOCATED.

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

17 45-652. Rural management area advisory council; membership;
18 director

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

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

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

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

35 45-653. Rural management area advisory council; duties;
36 management plan

37 A. THE RURAL MANAGEMENT AREA ADVISORY COUNCIL SHALL:

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

42 2. IDENTIFY AND ANALYZE BEST MANAGEMENT PRACTICES AND OTHER
43 POSSIBLE MANAGEMENT ACTIONS FOR USE IN ACHIEVING THE MANAGEMENT GOAL FOR
44 THE RURAL MANAGEMENT AREA.

- 1 3. SUBMIT TO THE DIRECTOR A PROPOSED MANAGEMENT PLAN FOR THE RURAL
2 MANAGEMENT AREA THAT INCLUDES RECOMMENDED METHODS FOR ACHIEVING THE
3 MANAGEMENT GOAL AND THAT MAY INCLUDE BEST MANAGEMENT PRACTICES.
- 4 B. THE RURAL MANAGEMENT AREA ADVISORY COUNCIL MAY:
- 5 1. REQUEST HYDROLOGIC MODELING AND OTHER TECHNICAL ASSISTANCE FROM
6 THE DEPARTMENT, INCLUDING CREATION OR REFINEMENT OF A GROUNDWATER MODEL OR
7 OTHER MODELING OF FUTURE WATER RESOURCE CONDITIONS AND OUTCOMES AND OF THE
8 POTENTIAL EFFECTIVENESS OF DIFFERENT TOOLS FOR MEETING THE RURAL
9 MANAGEMENT AREA MANAGEMENT GOALS.
- 10 2. REQUEST ASSISTANCE FROM THE DEPARTMENT IN CREATING A MANAGEMENT
11 PLAN FOR THE RURAL MANAGEMENT AREA.
- 12 3. GATHER INFORMATION AND DATA.
- 13 4. COMMISSION OR CREATE REPORTS.
- 14 5. RECOMMEND BEST MANAGEMENT PRACTICES AND OTHER MEASURES FOR
15 IMPLEMENTATION IN THE RURAL MANAGEMENT AREA TO ACHIEVE THE GOALS OF THE
16 RURAL MANAGEMENT AREA.
- 17 6. COOPERATE WITH CITIES, TOWNS AND COUNTIES AND OTHER PUBLIC OR
18 PRIVATE AGENCIES OR ORGANIZATIONS TO ENGAGE IN COORDINATED REGIONAL
19 PLANNING RELATED TO WATER RESOURCES.
- 20 7. ESTABLISH A STEERING COMMITTEE, ADVISORY COMMITTEE OR OTHER
21 SIMILAR ORGANIZATIONAL STRUCTURE TO SOLICIT AND RECEIVE PARTICIPATION,
22 COMMENT AND ADVICE FROM RESIDENTS OF THE RURAL MANAGEMENT AREA AND OTHER
23 INTERESTED PARTIES REGARDING THE DEVELOPMENT AND OPERATION OF A MANAGEMENT
24 GOAL AND MANAGEMENT PLAN.
- 25 8. RECOMMEND THAT ANY PERSON WHO FILES A NOTICE OF INTENTION TO
26 DRILL A NON-EXEMPT WELL INSIDE A DESIGNATED RURAL MANAGEMENT AREA BE
27 REQUIRED BY THE APPROVED MANAGEMENT PLAN TO RECORD A COPY OF THE NOTICE IN
28 THE OFFICE OF THE COUNTY RECORDER IN WHICH THE WELL IS TO BE LOCATED AND,
29 ON COMPLETION OF THE WELL, RECORD A COPY OF THE WELL COMPLETION REPORT
30 PRESCRIBED BY SECTION 45-600. FOR THE PURPOSES OF THIS PARAGRAPH,
31 "NON-EXEMPT WELL" MEANS A WELL WITH A MAXIMUM PUMPING CAPACITY OF MORE
32 THAN THIRTY-FIVE GALLONS PER MINUTE.
- 33 9. SEEK AND RECEIVE PUBLIC AND PRIVATE MONIES TO ASSIST WITH ITS
34 PLANNING FUNCTIONS.
- 35 45-654. Rural management area advisory council:
36 administrative duties
- 37 THE RURAL MANAGEMENT AREA ADVISORY COUNCIL SHALL:
- 38 1. ADVISE THE AREA DIRECTOR FOR THE RURAL MANAGEMENT AREA.
- 39 2. KEEP THE MINUTES OF ITS MEETINGS AND ALL RECORDS, REPORTS AND
40 OTHER INFORMATION RELATIVE TO ITS WORK AND PROGRAMS IN PERMANENT FORM
41 INDEXED AND SYSTEMATICALLY FILED.
- 42 3. ELECT FROM ITS MEMBERS A CHAIRPERSON AND VICE CHAIRPERSON FOR
43 TERMS OF TWO YEARS EXPIRING ON THE THIRD MONDAY OF JANUARY OF EACH EVEN
44 NUMBERED YEAR.

1 4. DESIGNATE THE PERSON OR PERSONS WHO SHALL EXECUTE ALL DOCUMENTS
2 AND INSTRUMENTS ON BEHALF OF THE ADVISORY COUNCIL.

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

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

7 45-655. Best management practices; other measures

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

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

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

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

20 45-656. Submission of management plan; director's action;
21 effect

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