



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

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## **HB 2896: water; RMAs**

**Sponsor: Representative Cobb, LD 5**  
**Committee on Appropriations**

### **Overview**

Authorizes county boards of supervisors (BOS) outside of active management areas (AMA) to designate groundwater basins or sub-basins as a rural management areas (RMAs) if they meet criteria established in this act. Establishes membership requirements and responsibilities for the council that would lead this RMA.

### **History**

Statute establishes two primary ways that communities outside of the active management area (AMA) can actively regulate and manage groundwater usage:

- 1) Local landowners can petition the ADWR Director to designate an irrigation non-expansion area (INA) for one or more groundwater basins or sub-basins. The ADWR Director will do so if they determine that there is insufficient groundwater to provide a reasonably safe supply for irrigating cultivated lands at current withdrawal rates and establishing an active management area is unnecessary ([A.R.S. § 45-432](#)). Once designated, those lands that were irrigated at any time during the five years preceding its creation can be irrigated. Non-exempt wells must be metered and well owners must submit annual reports to ADWR ([A.R.S. § 45-437](#)).
- 2) Local landowners can petition their BOS to designate an AMA for one or more groundwater basins or sub-basins. If they meet a certain statutory threshold, an election will be called ([A.R.S. § 45-415](#)). If the voters approve designating an AMA, the ADWR Director must establish a management goal for that area and a timeline for achieving that goal and promulgate an initial management plan for that area. The management goal and any management plans can only be adopted after public hearings ([A.R.S. § 45-569](#)). Additionally, once this AMA is designated, an groundwater users advisor council (GUAC) will be formed to advise the AMA's area director and make recommendations on programs and policies ([A.R.S. § 45-421](#)). Each GUAC consists five members who are appointed by the Governor and serve six-year terms ([A.R.S. § 45-420](#)).

### **Provisions**

#### ***Creating an RMA***

1. Allows a BOS outside of an AMA to adopt a resolution designating groundwater basins or sub-basins in that county as an RMA by majority vote if any of the following conditions exist in that area:
  - a) There has been a significant increase in water use or projected prospective water use in one or more aquifers or groundwater basins or sub-basins without sufficient artificial recharge of water to offset the increased uses;
  - b) There are physical implications of over-pumping water that are documented or reliably observed;

- c) Available groundwater at the applicable regulatory depth below will last less than 100 years based on evidence of current levels pumping, projected levels of water use, and known plans of use; or
  - d) Significant surface water resources are hydrologically connected to groundwater resources.
2. Requires the BOS to:
    - a) Notify communities within the proposed RMA and the Arizona Department of Water Resources;
    - b) Allow at least 30 days for public comment and comments from ADWR, cities, towns, agricultural or water-related special taxing districts on the proposed resolution; and
    - c) Hold at least two public meetings in those communities prior to adopting the resolution.
  3. Authorizes the BOS to designate one or more groundwater basins or sub-basins as RMAs by majority vote on a resolution.
  4. Instructs the BOS to establish an RMA Advisory Council (Council) in the resolution that may either:
    - a) Establish the management goal for the RMA, describe options to achieve the goal, and establish management practices to achieve this goal; and
    - b) Direct the Council to accomplish the tasks for the RMA.
  5. Specifies that if the groundwater basin or sub-basin is in more than one county, the BOS for the county that contains most of the land in the basin or sub-basin has authority to designate the RMA.
  6. Stipulates that the RMA is designed on adoption of the BOS's resolution.
  7. Authorizes a BOS by majority vote to rescind the RMA designation.

***Council Membership***

8. Designates that the Council to include five members who are appointed by the Governor and must meet criteria established in this act.
9. Prescribes six-year terms for Council members and a staggered schedule for when their terms expire.
10. Requires members to serve without compensation except for reimbursement for travel and subsistence while engaged in the Council's business.
11. Instructs the ADWR Director to appoint an RMA area director to assist in the RMA's operations.

***Council Responsibilities for Management Plan***

12. Directs the Council to:
  - a) Establish one or more management goals for the RMA after consulting with ADWR, unless otherwise provided in the resolution designating the RMA;
  - b) Identify and analyze best management practices and other possible management actions to achieve the RMA's management goal; and
  - c) Submit a proposed management plan to the ADWR Director.
13. Allows the Council to:
  - a) Request technical assistance from ADWR;
  - b) Request assistant for ADWR in creating a management plan for the RMA;
  - c) Gather information and data;

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- d) Commission or create reports;
- e) Recommend best management practices and other measures for achieve the management plan's goals;
- f) Cooperate with public and private agencies and organizations to engage in coordinate regional planning for water resources;
- g) Establish steering and advisory committees to solicit and receive input from RMA residents and other interested parties;
- h) Recommend that anyone who files a notice to drill a non-exempt well inside the RMA by required by the approved management plan to record a copy of that notice in the county recorder's office; and
- i) Seek and receive public and private monies to assist with planning functions.

#### ***Council Administrative Duties***

- 14. Requires the Council to:
  - a) Advise the RMA director;
  - b) Keep meeting minutes and all records, reports, and information related to its work and programs in permanent form indexed and systematically filed;
  - c) Elect a Chairperson and Vice Chairperson for two-year terms from its membership;
  - d) Designate someone to execute all documents and instruments on its behalf;
  - e) Manifest and record its actions by motion, resolution or other appropriate means; and
  - f) Make a complete record of its proceedings which must be open to public inspection.

#### ***ADWR Responsibilities***

- 15. Requires the ADWR Director to act on the RMA's management plan within 30 days of receiving it.
- 16. Allows the ADWR Director to approve, reject, or request revisions to the plan or additional information.
- 17. Instructs the ADWR Director to hold a hearing on the plan and make findings on the plan similar in the same manner as an AMA management plan.
- 18. Declares that the plan and its practices and other measures apply to the RMA only after being approved by the ADWR Director.

#### ***Miscellaneous***

- 19. Defines *best management practices* for the purposes of this act.