

REFERENCE TITLE: water; rural management areas

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2679

Introduced by
Representative Cobb

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 THAT IS IN A COUNTY OUTSIDE OF AN
8 ACTIVE MANAGEMENT AREA AND THAT CONTAINS OR IS BORDERED BY THE COLORADO
9 RIVER MAY DESIGNATE BY RESOLUTION ONE OR MORE GROUNDWATER BASINS OR
10 SUBBASINS IN THE COUNTY AS A RURAL MANAGEMENT AREA IF THE BOARD FINDS THAT
11 ONE OR MORE OF THE FOLLOWING CONDITIONS EXIST IN THE PROPOSED RURAL
12 MANAGEMENT AREA:

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

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

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

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

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

30 1. PROVIDING NOTICE OF THE PROPOSED RESOLUTION TO THE PUBLIC AND TO
31 CITIES, TOWNS, INDUSTRIAL AND AGRICULTURAL USERS AND WATER-RELATED SPECIAL
32 TAXING DISTRICTS IN THE PROPOSED RURAL MANAGEMENT AREA AND REQUESTING
33 PUBLIC COMMENT ON THE PROPOSED RESOLUTION. THE NOTICE SHALL BE PUBLISHED
34 IN A NEWSPAPER OF GENERAL CIRCULATION IN THE PROPOSED RURAL MANAGEMENT
35 AREA AND ON THE COUNTY'S WEBSITE.

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

37 3. ALLOWING AT LEAST THIRTY DAYS FOR PUBLIC COMMENT AND COMMENTS
38 FROM THE DEPARTMENT AND CITIES, TOWNS, INDUSTRIAL AND AGRICULTURAL USERS
39 AND WATER-RELATED SPECIAL TAXING DISTRICTS ON THE PROPOSED RESOLUTION.

40 4. HOLDING AT LEAST TWO PUBLIC MEETINGS IN THE COMMUNITIES AFFECTED
41 BY THE PROPOSED RESOLUTION INCLUDING TRIBAL COMMUNITIES WHERE APPLICABLE.

42 C. THE COUNTY BOARD OF SUPERVISORS MAY DESIGNATE ONE OR MORE
43 GROUNDWATER BASINS OR SUBBASINS AS A RURAL MANAGEMENT AREA BY MAJORITY
44 VOTE ON THE RESOLUTION. THE RESOLUTION ALSO SHALL PROVIDE FOR THE

1 FORMATION OF A RURAL MANAGEMENT AREA ADVISORY COUNCIL AND MAY DO EITHER OF
2 THE FOLLOWING:

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

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

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

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

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

19 45-652. Rural management area advisory council; membership;
20 director

21 A. A RURAL MANAGEMENT AREA ADVISORY COUNCIL SHALL BE ESTABLISHED IN
22 EACH DESIGNATED RURAL MANAGEMENT AREA CONSISTING OF FIVE MEMBERS. THE
23 GOVERNOR SHALL APPOINT MEMBERS OF THE COUNCIL TO REPRESENT THE USERS OF
24 GROUNDWATER IN THE RURAL MANAGEMENT AREA AND ON THE BASIS OF THEIR
25 KNOWLEDGE OF, INTEREST IN AND EXPERIENCE WITH PROBLEMS RELATING TO THE
26 DEVELOPMENT, USE AND CONSERVATION OF WATER. ONE OF THE APPOINTEES SHALL BE
27 A SCIENCE-BASED EXPERT WITH THE APPROPRIATE KNOWLEDGE OF ISSUES OF WATER
28 IN THE PROPOSED RURAL MANAGEMENT AREA.

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

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

37 D. THE DIRECTOR SHALL APPOINT A RURAL MANAGEMENT AREA DIRECTOR TO
38 ASSIST IN THE OPERATIONS OF THE RURAL MANAGEMENT AREA. ONE PERSON MAY BE
39 THE AREA DIRECTOR FOR MORE THAN ONE RURAL MANAGEMENT AREA AND ACTIVE
40 MANAGEMENT AREA SIMULTANEOUSLY. THE RURAL MANAGEMENT AREA DIRECTOR SHALL
41 SERVE AT THE PLEASURE OF THE DIRECTOR OF WATER RESOURCES. THE RURAL
42 MANAGEMENT AREA DIRECTOR IS SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4 AND
43 IS ENTITLED TO RECEIVE COMPENSATION AS DETERMINED PURSUANT TO SECTION
44 38-611.

1 45-653. Rural management area advisory council: duties:
2 management plan; hearing

3 A. THE RURAL MANAGEMENT AREA ADVISORY COUNCIL SHALL:

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

8 2. IDENTIFY AND ANALYZE BEST MANAGEMENT PRACTICES AND OTHER
9 POSSIBLE MANAGEMENT ACTIONS FOR USE IN ACHIEVING THE MANAGEMENT GOAL FOR
10 THE RURAL MANAGEMENT AREA.

11 3. AFTER PROVIDING THIRTY DAYS OF PUBLIC NOTICE BY PUBLICATION AND
12 HOLDING A HEARING TO RECEIVE PUBLIC COMMENT ON ANY PROPOSED MANAGEMENT
13 PLAN OR REVISED PLAN, SUBMIT TO THE DIRECTOR A PROPOSED MANAGEMENT PLAN OR
14 A REVISED PLAN FOR THE RURAL MANAGEMENT AREA THAT INCLUDES METHODS FOR
15 ACHIEVING THE MANAGEMENT GOAL AND THAT MAY INCLUDE BEST MANAGEMENT
16 PRACTICES.

17 B. THE RURAL MANAGEMENT AREA ADVISORY COUNCIL MAY:

18 1. REQUEST HYDROLOGIC MODELING AND OTHER TECHNICAL ASSISTANCE FROM
19 THE DEPARTMENT, INCLUDING CREATION OR REFINEMENT OF A GROUNDWATER MODEL OR
20 OTHER MODELING OF FUTURE WATER RESOURCE CONDITIONS AND OUTCOMES AND OF THE
21 POTENTIAL EFFECTIVENESS OF DIFFERENT TOOLS FOR MEETING THE RURAL
22 MANAGEMENT AREA MANAGEMENT GOALS.

23 2. REQUEST ASSISTANCE FROM THE DEPARTMENT IN CREATING A MANAGEMENT
24 PLAN FOR THE RURAL MANAGEMENT AREA.

25 3. GATHER INFORMATION AND DATA.

26 4. COMMISSION OR CREATE REPORTS.

27 5. RECOMMEND BEST MANAGEMENT PRACTICES AND OTHER MEASURES FOR
28 IMPLEMENTATION IN THE RURAL MANAGEMENT AREA TO ACHIEVE THE GOALS OF THE
29 RURAL MANAGEMENT AREA.

30 6. COOPERATE WITH CITIES, TOWNS AND COUNTIES AND OTHER PUBLIC OR
31 PRIVATE AGENCIES OR ORGANIZATIONS TO ENGAGE IN COORDINATED REGIONAL
32 PLANNING RELATED TO WATER RESOURCES.

33 7. ESTABLISH A STEERING COMMITTEE, ADVISORY COMMITTEE OR OTHER
34 SIMILAR ORGANIZATIONAL STRUCTURE TO SOLICIT AND RECEIVE PARTICIPATION,
35 COMMENT AND ADVICE FROM RESIDENTS OF THE RURAL MANAGEMENT AREA AND OTHER
36 INTERESTED PARTIES REGARDING THE DEVELOPMENT AND OPERATION OF A MANAGEMENT
37 GOAL AND MANAGEMENT PLAN.

38 8. RECOMMEND THAT ANY PERSON WHO FILES A NOTICE OF INTENTION TO
39 DRILL A NON-EXEMPT WELL INSIDE A DESIGNATED RURAL MANAGEMENT AREA BE
40 REQUIRED BY THE APPROVED MANAGEMENT PLAN TO RECORD A COPY OF THE NOTICE IN
41 THE OFFICE OF THE COUNTY RECORDER IN WHICH THE WELL IS TO BE LOCATED AND,
42 ON COMPLETION OF THE WELL, RECORD A COPY OF THE WELL COMPLETION REPORT
43 PRESCRIBED BY SECTION 45-600. FOR THE PURPOSES OF THIS PARAGRAPH,
44 "NON-EXEMPT WELL" MEANS A WELL WITH A MAXIMUM PUMPING CAPACITY OF MORE
45 THAN THIRTY-FIVE GALLONS PER MINUTE.

1 9. SEEK AND RECEIVE PUBLIC AND PRIVATE MONIES TO ASSIST WITH ITS
2 PLANNING AND MANAGEMENT FUNCTIONS.

3 45-654. Rural management area advisory council;
4 administrative duties

5 THE RURAL MANAGEMENT AREA ADVISORY COUNCIL SHALL:

6 1. ADVISE THE AREA DIRECTOR FOR THE RURAL MANAGEMENT AREA.

7 2. KEEP THE MINUTES OF ITS MEETINGS AND ALL RECORDS, REPORTS AND
8 OTHER INFORMATION RELATIVE TO ITS WORK AND PROGRAMS IN PERMANENT FORM
9 INDEXED AND SYSTEMATICALLY FILED.

10 3. ELECT FROM ITS MEMBERS A CHAIRPERSON AND VICE CHAIRPERSON FOR
11 TERMS OF TWO YEARS EXPIRING ON THE THIRD MONDAY OF JANUARY OF EACH EVEN
12 NUMBERED YEAR.

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

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

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

19 45-655. Best management practices; other measures

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

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

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

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

32 45-656. Submission of management plan; director's action;
33 effect

34 AFTER COMPLETING THE PROPOSED MANAGEMENT PLAN OR REVISED PLAN,
35 INCLUDING RECOMMENDED BEST MANAGEMENT PRACTICES OR OTHER METHODS OF
36 ACHIEVING THE MANAGEMENT GOAL, AND AFTER PROVIDING THIRTY DAYS OF PUBLIC
37 NOTICE BY PUBLICATION AS PRESCRIBED BY SECTION 45-653, SUBSECTION A, THE
38 RURAL MANAGEMENT AREA ADVISORY COUNCIL SHALL HOLD A HEARING TO RECEIVE
39 PUBLIC COMMENT ON ANY PROPOSED MANAGEMENT PLAN OR REVISED PLAN. WITHIN
40 THIRTY DAYS AFTER THE PUBLIC HEARING, THE PLAN OR REVISED PLAN SHALL BE
41 SUBMITTED TO THE DIRECTOR WITH THE COMMENTS AND RESPONSES THAT RESULT FROM
42 THE PUBLIC HEARING. THE DIRECTOR SHALL TAKE ACTION ON THE PLAN WITHIN
43 THIRTY DAYS AFTER RECEIPT, MAY APPROVE, REJECT OR REQUEST REVISIONS TO THE
44 PLAN AND MAY REQUEST FURTHER INFORMATION BASED ON THE LIKELIHOOD OF THE
45 PLAN MEETING THE GOAL OF THE RURAL MANAGEMENT AREA. BEFORE APPROVING ANY

1 MANAGEMENT PLAN OR REVISED PLAN, THE DIRECTOR SHALL HOLD A HEARING ON THE
2 PLAN PURSUANT TO PROCEDURES PRESCRIBED IN SECTION 45-570 AND SHALL MAKE
3 FINDINGS ON THE PLAN PURSUANT TO PROCEDURES PRESCRIBED IN SECTION 45-571.
4 IN TAKING ACTION ON THE PLAN, THE DIRECTOR SHALL CONSIDER WHETHER THE
5 PROPOSED MANAGEMENT PLAN IS LIKELY TO FURTHER THE MANAGEMENT GOALS
6 ESTABLISHED BY THE RURAL MANAGEMENT AREA. ON APPROVAL BY THE DIRECTOR,
7 THE PLAN AND ITS APPROVED PRACTICES AND OTHER MEASURES APPLY IN THE RURAL
8 MANAGEMENT AREA.