

REFERENCE TITLE: rural management areas

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2510

Introduced by
Representatives Cobb: Biasiucci

AN ACT

AMENDING SECTION 5-572, ARIZONA REVISED STATUTES; AMENDING TITLE 45, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 45-119; 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. Section 5-572, Arizona Revised Statutes, is amended to
3 read:

4 5-572. Use of monies in state lottery fund; report

5 A. If there are any bonds or bond related obligations payable from
6 the state lottery revenue bond debt service fund, the state lottery
7 revenue bond debt service fund shall be secured by a first lien on the
8 monies in the state lottery fund after the payment of operating costs of
9 the lottery, as prescribed in section 5-555, subsection A, paragraph 1,
10 until the state lottery bond debt service fund contains sufficient monies
11 to meet all the requirements for the current period as required by the
12 bond documents. Debt service for revenue bonds issued pursuant to this
13 chapter shall be paid first from monies that would have otherwise been
14 deposited pursuant to this section in the state general fund. After the
15 requirements for the current period have been satisfied as required by the
16 bond documents, the monies in the state lottery fund shall be expended for
17 the expenses of the commission incurred in carrying out its powers and
18 duties and in the operation of the lottery.

19 B. Of the monies remaining in the state lottery fund each fiscal
20 year after appropriations and deposits authorized in subsection A of this
21 section, ~~ten million dollars~~ \$10,000,000 shall be deposited in the Arizona
22 game and fish commission heritage fund established by section 17-297 AND
23 \$50,000,000 SHALL BE DEPOSITED IN THE DEPARTMENT OF WATER RESOURCES
24 HERITAGE FUND ESTABLISHED BY SECTION 45-119.

25 C. Of the monies remaining in the state lottery fund each fiscal
26 year after appropriations and deposits authorized in subsections A and B
27 of this section, ~~five million dollars~~ \$5,000,000 shall be allocated to the
28 department of child safety for the healthy families program established by
29 section 8-481, ~~four million dollars~~ \$4,000,000 shall be allocated to the
30 Arizona board of regents for the Arizona area health education system
31 established by section 15-1643, ~~three million dollars~~ \$3,000,000 shall be
32 allocated to the department of health services to fund the teenage
33 pregnancy prevention programs established in Laws 1995, chapter 190,
34 sections 2 and 3, ~~two million dollars~~ \$2,000,000 shall be allocated to the
35 department of health services for the health start program established by
36 section 36-697, ~~two million dollars~~ \$2,000,000 shall be deposited in the
37 disease control research fund established by section 36-274 and ~~one~~
38 ~~million dollars~~ \$1,000,000 shall be allocated to the department of health
39 services for the federal women, infants and children food program. The
40 allocations in this subsection shall be adjusted annually according to
41 changes in the GDP price deflator as defined in section 41-563 and the
42 allocations are exempt from the provisions of section 35-190 relating to
43 lapsing of appropriations. If there are not sufficient monies available
44 pursuant to this subsection, the allocation of monies for each program
45 shall be reduced on a pro rata basis.

1 D. If the state lottery director determines that monies available
2 to the state general fund may not equal ~~eighty-four million one hundred~~
3 ~~fifty thousand dollars~~ \$84,150,000 in a fiscal year, the director shall
4 not authorize deposits to the Arizona game and fish commission heritage
5 fund OR THE DEPARTMENT OF WATER RESOURCES HERITAGE FUND pursuant to
6 subsection B of this section until the deposits to the state general fund
7 equal ~~eighty-four million one hundred fifty thousand dollars~~ \$84,150,000
8 in a fiscal year.

9 E. Of the monies remaining in the state lottery fund each fiscal
10 year after appropriations and deposits authorized in subsections A through
11 D of this section, ~~one million dollars~~ \$1,000,000 or the remaining balance
12 in the fund, whichever is less, is appropriated to the department of
13 economic security for grants to nonprofit organizations, including faith
14 based organizations, for homeless emergency and transitional shelters and
15 related support services. The department of economic security shall submit
16 a report on the amounts, recipients, purposes and results of each grant to
17 the governor, the speaker of the house of representatives and the
18 president of the senate on or before December 31 of each year for the
19 prior fiscal year and shall provide a copy of this report to the secretary
20 of state.

21 F. Of the monies remaining in the state lottery fund each fiscal
22 year after appropriations and deposits authorized in subsections A through
23 E of this section, and after a total of at least ~~ninety-nine million six~~
24 ~~hundred forty thousand dollars~~ \$99,640,000 has been deposited in the state
25 general fund, ~~three million five hundred thousand dollars~~ \$3,500,000 shall
26 be deposited in the Arizona competes fund established by section
27 41-1545.01. The balance in the state lottery fund remaining after
28 deposits into the Arizona competes fund shall be deposited in the
29 university capital improvement lease-to-own and bond fund established by
30 section 15-1682.03, up to a maximum of eighty percent of the total annual
31 payments of lease-to-own and bond agreements entered into by the Arizona
32 board of regents.

33 G. All monies remaining in the state lottery fund after the
34 appropriations and deposits authorized in this section shall be deposited
35 in the state general fund.

36 H. Except for monies expended for debt service of revenue bonds as
37 provided in subsection A of this section, monies expended under subsection
38 A of this section are subject to legislative appropriation.

39 I. The commission shall transfer monies prescribed in this section
40 on a quarterly basis.

41 Sec. 2. Title 45, chapter 1, article 1, Arizona Revised Statutes,
42 is amended by adding section 45-119, to read:

43 45-119. Department of water resources heritage fund

44 A. THE DEPARTMENT OF WATER RESOURCES HERITAGE FUND IS ESTABLISHED
45 CONSISTING OF MONIES DEPOSITED FROM THE STATE LOTTERY FUND PURSUANT TO

1 SECTION 5-572 AND INTEREST AND OTHER INCOME RECEIVED FROM INVESTING MONIES
2 IN THE FUND.

3 B. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE
4 CONTINUOUSLY APPROPRIATED. MONIES RECEIVED PURSUANT TO SECTION 5-572
5 SHALL BE DEPOSITED DIRECTLY IN THE FUND. ON NOTICE FROM THE DIRECTOR, THE
6 STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY
7 SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE
8 FUND.

9 C. THE DEPARTMENT MAY SPEND MONIES IN THE FUND ONLY FOR THE
10 PURPOSES OF IMPLEMENTING AND SUPPORTING AT THE STATE AND COUNTY LEVEL
11 RURAL MANAGEMENT AREAS THAT ARE ESTABLISHED PURSUANT TO CHAPTER 2, ARTICLE
12 13 OF THIS TITLE AND FOR FUNDING VOLUNTARY, COMPENSATED LAND AND WATER
13 CONSERVATION PLANS TO CONSERVE AND AUGMENT GROUNDWATER SUPPLIES PURSUANT
14 TO FINAL RURAL MANAGEMENT AREA PLANS AND PETITIONS THAT ARE SUBMITTED TO
15 AND APPROVED BY THE DIRECTOR. MONIES IN THE FUND ARE EXEMPT FROM THE
16 PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

17 D. THE DEPARTMENT SHALL NOT EXERCISE ANY POWER OF EMINENT DOMAIN TO
18 ACQUIRE PROPERTY USING MONIES FROM THE FUND.

19 Sec. 3. Title 45, chapter 2, Arizona Revised Statutes, is amended
20 by adding article 13, to read:

21 ARTICLE 13. RURAL MANAGEMENT AREAS

22 45-651. Designation of rural management area; conditions;
23 hearing; rescission

24 A. A COUNTY BOARD OF SUPERVISORS THAT IS IN A COUNTY OUTSIDE OF AN
25 ACTIVE MANAGEMENT AREA AND THAT CONTAINS OR IS BORDERED BY THE COLORADO
26 RIVER MAY DESIGNATE BY RESOLUTION ONE OR MORE GROUNDWATER BASINS,
27 SUBBASINS OR PORTIONS OF SUBBASINS IN THE COUNTY AS A RURAL MANAGEMENT
28 AREA. BEFORE MAKING A DESIGNATION, THE BOARD OF SUPERVISORS SHALL
29 CONSIDER FROM ANY COUNTY, CITY OR TOWN WITHIN THE PROPOSED RURAL
30 MANAGEMENT AREA ANY VOTER-APPROVED MANAGEMENT GOALS IN THE RELEVANT COUNTY
31 COMPREHENSIVE PLAN ADOPTED PURSUANT TO SECTION 11-805, THE RELEVANT
32 MUNICIPAL GENERAL PLAN ADOPTED PURSUANT TO SECTION 9-461.06 AND ANY GOALS
33 INCLUDED IN A COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY. THE BOARD OF
34 SUPERVISORS MAY DESIGNATE A RURAL MANAGEMENT AREA ONLY IF THE BOARD FINDS
35 THAT ONE OR MORE OF THE FOLLOWING CONDITIONS EXIST IN THE PROPOSED RURAL
36 MANAGEMENT AREA:

37 1. THE USE OF GROUNDWATER IS APPROACHING A RATE OF WITHDRAWAL EQUAL
38 TO OR EXCEEDING THE CURRENT RECHARGE RATE.

39 2. THERE ARE PHYSICAL INDICATIONS OF OVERPUMPING OF WATER THAT ARE
40 DOCUMENTED OR RELIABLY OBSERVED. PHYSICAL INDICATIONS MAY INCLUDE
41 DECLINING WATER LEVELS IN EXISTING WELLS, DECREASING WATER LEVELS OR FLOW
42 IN HYDROLOGICALLY CONNECTED SURFACE WATER OR LAND SUBSIDENCE.

43 3. ADDITIONAL ACTION IS NEEDED TO PROTECT RIGHTS TO APPROPRIABLE
44 WATER UNDER STATE OR FEDERAL LAW AND THAT WATER IS HYDROLOGICALLY
45 CONNECTED TO GROUNDWATER.

1 4. ADDITIONAL ACTION AND COOPERATION ARE NEEDED TO ASSIST IN
2 MEETING THE WATER SUPPLY OR LAND USE PLANNING NEEDS FOR THE COMMUNITIES
3 WITHIN THE PROPOSED RURAL MANAGEMENT AREA.

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

6 1. PROVIDING NOTICE OF A DATE AND TIME FOR TWO OR MORE HEARINGS ON
7 THE PROPOSED RESOLUTION TO THE PUBLIC AND TO COUNTIES, CITIES, TOWNS,
8 INDUSTRIAL AND AGRICULTURAL WATER USERS AND WATER-RELATED SPECIAL TAXING
9 DISTRICTS IN THE PROPOSED RURAL MANAGEMENT AREA. THE NOTICE SHALL REQUEST
10 PUBLIC COMMENT AT THE HEARING ON THE PROPOSED RESOLUTION AND SHALL INCLUDE
11 AT LEAST THE FOLLOWING:

12 (a) THE NAME OF THE PROPOSED RURAL MANAGEMENT AREA.

13 (b) THE BOUNDARIES OF THE PROPOSED RURAL MANAGEMENT AREA THAT SHALL
14 BE COTERMINOUS WITH THE BOUNDARIES OF A GROUNDWATER BASIN OR SUBBASIN THAT
15 IS PARTIALLY OR COMPLETELY WITHIN THE COUNTY AND MAY INCLUDE INCORPORATED
16 AND UNINCORPORATED AREAS OF THE COUNTY. A RURAL MANAGEMENT AREA MAY
17 INCLUDE AREAS IN MORE THAN ONE COUNTY IF THE BOARD OF SUPERVISORS IN EACH
18 AFFECTED COUNTY ADOPTS A RESOLUTION THAT SUPPORTS THE BOUNDARIES OF THE
19 PROPOSED RURAL MANAGEMENT AREA WITHIN THAT COUNTY.

20 (c) THE REASONS FOR THE DESIGNATION OF THE RURAL MANAGEMENT AREA,
21 INCLUDING A PRELIMINARY FINDING THAT ONE OR MORE OF THE CONDITIONS
22 PRESCRIBED IN SUBSECTION A OF THIS SECTION EXIST WITHIN THE BOUNDARIES OF
23 THE PROPOSED RURAL MANAGEMENT AREA.

24 2. PUBLISHING NOTICE OF EACH HEARING FOR THREE WEEKS IN A NEWSPAPER
25 OF GENERAL CIRCULATION IN THE PROPOSED RURAL MANAGEMENT AREA AND POSTING
26 THE NOTICE ON THE COUNTY'S WEBSITE.

27 3. PROVIDING NOTICE OF THE PROPOSED RESOLUTION AND THE HEARINGS TO
28 THE DEPARTMENT OF WATER RESOURCES, THE DEPARTMENT OF ENVIRONMENTAL
29 QUALITY, CITIES, TOWNS AND SPECIAL DISTRICTS AND TO ANY PUBLIC OR PRIVATE
30 WATER PROVIDERS IN THE PROPOSED RURAL MANAGEMENT AREA.

31 4. ALLOWING AT LEAST FORTY-FIVE DAYS FOR PUBLIC COMMENT AND
32 COMMENTS FROM THE DEPARTMENT AND CITIES, TOWNS, INDUSTRIAL AND
33 AGRICULTURAL USERS AND WATER-RELATED SPECIAL TAXING DISTRICTS ON THE
34 PROPOSED RESOLUTION.

35 5. HOLDING AT LEAST TWO PUBLIC HEARINGS IN THE COMMUNITIES AFFECTED
36 BY THE PROPOSED RESOLUTION, INCLUDING TRIBAL COMMUNITIES WHERE APPLICABLE.

37 C. AFTER THE HEARINGS, IF THE BOARD OF SUPERVISORS DETERMINES THAT
38 THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY WILL BE SERVED BY
39 DESIGNATING THE RURAL MANAGEMENT AREA, THE BOARD SHALL STATE ITS FINDINGS
40 AND ORDER THE FORMATION OF THE RURAL MANAGEMENT AREA UNDER THE DESIGNATED
41 NAME. THE BOARD SHALL RECORD A CERTIFIED COPY OF THE BOUNDARIES OF THE
42 RURAL MANAGEMENT AREA IN THE OFFICE OF THE COUNTY RECORDER OF EACH COUNTY
43 THAT CONTAINS ANY PORTION OF THE RURAL MANAGEMENT AREA AND SHALL PROVIDE
44 TO THE DIRECTOR A COPY OF THE BOUNDARIES OF THE RURAL MANAGEMENT AREA. IF
45 A PROPOSED RURAL MANAGEMENT AREA INCLUDES AREAS IN MORE THAN ONE COUNTY

1 BUT IS APPROVED BY LESS THAN ALL OF THE COUNTIES WHERE IT IS PROPOSED TO
2 APPLY, THE RURAL MANAGEMENT AREA SHALL BE ESTABLISHED ONLY IN THOSE
3 COUNTIES THAT HAVE APPROVED THE ESTABLISHMENT OF THE RURAL MANAGEMENT
4 AREA.

5 D. AT ANY TIME AFTER DESIGNATION, A COUNTY BOARD OF SUPERVISORS BY
6 MAJORITY VOTE AT A HEARING HELD FOR THIS PURPOSE MAY RESCIND THE
7 DESIGNATION OF THE RURAL MANAGEMENT AREA AFTER A FINDING THAT THE
8 CONDITIONS SPECIFIED IN THE RESOLUTION NO LONGER APPLY IN THE RURAL
9 MANAGEMENT AREA.

10 E. NOTWITHSTANDING ANY PROVISION OF A RURAL MANAGEMENT AREA PLAN
11 AND EXCEPT AS PROVIDED IN SECTION 45-437, SUBSECTION E, THE FOLLOWING
12 APPLY:

13 1. IF ACRES OF LAND WERE IRRIGATED OR GROUNDWATER WAS PUMPED FOR
14 INDUSTRIAL, COMMERCIAL, MUNICIPAL AND DOMESTIC USERS DURING THE FIVE YEARS
15 PRECEDING THE DATE OF THE NOTICE OF HEARING ON THE POSSIBLE DESIGNATION OF
16 THE RURAL MANAGEMENT AREA, THE IRRIGATION AND GROUNDWATER PUMPING MAY
17 CONTINUE. THE ACRES MAY BE IRRIGATED WITH GROUNDWATER, EFFLUENT, DIFFUSED
18 WATER ON THE SURFACE OR SURFACE WATER EXCEPT AS PROVIDED IN SECTIONS
19 45-172, 45-437.01, 45-437.02 AND 45-437.03.

20 2. LAND THAT WAS NOT IRRIGATED AT ANY TIME DURING THE FIVE-YEAR
21 PERIOD BEFORE THE DATE OF THE NOTICE OF HEARING ON THE POSSIBLE
22 DESIGNATION OF THE RURAL MANAGEMENT AREA IS DEEMED TO HAVE BEEN IN
23 IRRIGATION IF THE DIRECTOR FINDS THAT SUBSTANTIAL CAPITAL INVESTMENT HAS
24 BEEN MADE FOR THE SUBJUGATION OF THAT LAND FOR AN IRRIGATION USE,
25 INCLUDING FOR ON-SITE IRRIGATION DISTRIBUTION FACILITIES AND ONE OR MORE
26 WELLS IF THE DRILLING AND CONSTRUCTION OF THE WELLS WERE SUBSTANTIALLY
27 COMMENCED BEFORE THE DATE OF THE NOTICE.

28 F. SUBSECTION E OF THIS SECTION DOES NOT PROHIBIT IRRIGATION WITH
29 SURFACE WATER USED PURSUANT TO DECREED OR APPROPRIATIVE RIGHTS THAT ARE
30 ESTABLISHED BEFORE THE DATE OF THE NOTICE OF HEARING ON THE POSSIBLE
31 DESIGNATION OF THE RURAL MANAGEMENT AREA.

32 G. NOTWITHSTANDING SECTION 45-415, ANY BASIN OR SUBBASIN THAT IS
33 SUBJECT TO A RURAL MANAGEMENT AREA DESIGNATION AND THAT HAS AN AREA PLAN
34 THAT IS IN EFFECT IS NOT ELIGIBLE FOR INCLUSION IN A LOCALLY INITIATED
35 ACTIVE MANAGEMENT AREA. THIS PROHIBITION ON A LOCALLY INITIATED ACTIVE
36 MANAGEMENT AREA APPLIES FOR TEN YEARS AFTER THE DATE OF FINAL ADOPTION OF
37 THE RURAL MANAGEMENT AREA PLAN.

38 H. IT IS THE EXPRESS INTENT OF THE LEGISLATURE THAT THE DESIGNATION
39 OF A RURAL MANAGEMENT AREA NOT ALTER THE LEGAL CHARACTER OF ANY SURFACE
40 WATERS OR GROUNDWATER WITHIN THIS STATE, AFFECT THE VESTED WATER RIGHTS
41 ASSOCIATED WITH ANY SURFACE WATERS OR GROUNDWATER OR ESTABLISH ANY
42 PRECEDENT THAT COULD BE USED IN A COURT OF LAW TO DEFINE, LIMIT OR EXTEND
43 THE RIGHTS OF THIS STATE OR THE UNITED STATES OVER THE SURFACE WATERS AND
44 GROUNDWATER FOUND WITHIN THIS STATE. THIS SECTION DOES NOT AUTHORIZE A
45 COUNTY BOARD OF SUPERVISORS OR A RURAL MANAGEMENT AREA COUNCIL TO

1 ESTABLISH A MANAGEMENT PRACTICE THAT WOULD PREVENT A WATER USER FROM USING
2 A WELL TO DIVERT APPROPRIABLE SURFACE WATER TO WHICH THE WATER USER HAS
3 RIGHT UNDER STATE OR FEDERAL LAW.

4 45-652. Rural management area council; membership

5 A. A RURAL MANAGEMENT AREA THAT IS FORMED PURSUANT TO THIS CHAPTER
6 SHALL BE ADMINISTERED BY A COUNCIL CONSISTING OF NOT FEWER THAN SEVEN NOR
7 MORE THAN NINE MEMBERS WHO HAVE BEEN RESIDENTS OF THE COUNTY IN WHICH THE
8 RURAL MANAGEMENT AREA IS LOCATED FOR AT LEAST FIVE YEARS, HAVE OWNED
9 PROPERTY IN THE COUNTY FOR AT LEAST FIVE YEARS, HAVE OWNED SURFACE WATER
10 RIGHTS OR WATER WELLS IN THE COUNTY FOR AT LEAST FIVE YEARS OR WHOSE
11 EMPLOYERS HAVE OWNED PROPERTY, SURFACE WATER RIGHTS OR WATER WELLS IN THE
12 COUNTY FOR AT LEAST FIVE YEARS. THE BOARD OF SUPERVISORS SHALL NOMINATE
13 AND THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE COUNCIL TO REPRESENT THE
14 GROUNDWATER USERS IN THE RURAL MANAGEMENT AREA AND ON THE BASIS OF THEIR
15 KNOWLEDGE OF, INTEREST IN AND EXPERIENCE WITH PROBLEMS RELATING TO THE
16 DEVELOPMENT, USE AND CONSERVATION OF WATER. MEMBERS OF THE COUNCIL SHALL
17 INCLUDE THE FOLLOWING:

18 1. IF THE BOUNDARIES OF A RURAL MANAGEMENT AREA ARE CONTAINED
19 WITHIN ONE COUNTY:

20 (a) AT LEAST ONE COUNTY SUPERVISOR OR THE SUPERVISOR'S DESIGNEE
21 FROM THE COUNTY THAT ESTABLISHED THE RURAL MANAGEMENT AREA.

22 (b) AT LEAST ONE MAYOR OR COUNCIL MEMBER OR THE MAYOR'S OR COUNCIL
23 MEMBER'S DESIGNEE FROM A CITY OR TOWN WITHIN OR WITHDRAWING GROUNDWATER
24 FROM WITHIN THE BOUNDARIES OF THE RURAL MANAGEMENT AREA, AS APPLICABLE.

25 2. IF THE BOUNDARIES OF A RURAL MANAGEMENT AREA ARE CONTAINED
26 WITHIN TWO OR MORE COUNTIES, EACH ADDITIONAL COUNTY SHALL BE REPRESENTED
27 BY THE FOLLOWING AND THE RURAL MANAGEMENT AREA COUNCIL SHALL BE EXPANDED
28 TO INCLUDE THESE MEMBERS IN ADDITION TO THE MEMBERS OTHERWISE PRESCRIBED
29 BY THIS SECTION:

30 (a) AT LEAST ONE COUNTY SUPERVISOR OR THE SUPERVISOR'S DESIGNEE
31 FROM EACH OF THE COUNTIES WITHIN THE BOUNDARIES OF THE RURAL MANAGEMENT
32 AREA.

33 (b) AT LEAST ONE MAYOR, OR THE MAYOR'S DESIGNEE, OF A CITY OR TOWN
34 WITHIN OR WITHDRAWING GROUNDWATER FROM WITHIN THE BOUNDARIES OF THE RURAL
35 MANAGEMENT AREA FROM A COUNTY WITH ALL OR A PORTION OF ITS JURISDICTION
36 WITHIN THE BOUNDARIES OF THE RURAL MANAGEMENT AREA, AS APPLICABLE.

37 3. AT LEAST ONE REPRESENTATIVE OF AGRICULTURAL INTERESTS WITHIN THE
38 RURAL MANAGEMENT AREA, SUCH AS A REPRESENTATIVE OF A NATURAL RESOURCES
39 CONSERVATION DISTRICT, AN IRRIGATION DISTRICT OR AN AGRICULTURAL WATER
40 USERS ORGANIZATION.

41 4. AT LEAST ONE PERSON WHO IS ACTIVELY ENGAGED IN ANIMAL PRODUCTION
42 AS THAT PERSON'S MAIN SOURCE OF INCOME IN THE COUNTY IN WHICH THE RURAL
43 MANAGEMENT AREA IS LOCATED.

1 5. AT LEAST ONE PERSON WHO IS ACTIVELY ENGAGED IN PLANT PRODUCTION
2 AS THAT PERSON'S MAIN SOURCE OF INCOME IN THE COUNTY IN WHICH THE RURAL
3 MANAGEMENT AREA IS LOCATED.

4 6. AT LEAST ONE PERSON WHO REPRESENTS MINING WATER USERS IN THE
5 RURAL MANAGEMENT AREA OR IF THE RURAL MANAGEMENT AREA DOES NOT SUPPORT ANY
6 MINING USERS, ONE PERSON WHO RESIDES WITHIN THE BOUNDARIES OF THE RURAL
7 MANAGEMENT AREA AND WHO OWNS OR HAS FILED A NOTICE OF INTENTION TO DRILL
8 AT LEAST THREE WELLS WITHIN THE RURAL MANAGEMENT AREA.

9 7. AT LEAST ONE PERSON WHO REPRESENTS INDUSTRIAL USERS IN THE
10 COUNTY IN WHICH THE RURAL MANAGEMENT AREA IS LOCATED.

11 8. AT LEAST ONE PERSON WHO REPRESENTS THE RESIDENTIAL REAL ESTATE
12 OR HOMEBUILDING INDUSTRIES IN THE COUNTY IN WHICH THE RURAL MANAGEMENT
13 AREA IS LOCATED.

14 9. AT LEAST ONE PERSON WHO MANAGES CONSERVATION LANDS FOR A PRIVATE
15 OR PUBLIC ENTITY IN AN AREA OUTSIDE OF THE ACTIVE MANAGEMENT AREAS IN THIS
16 STATE OR ONE PERSON WHO REPRESENTS A WATER OR ELECTRIC UTILITY THAT
17 OPERATES IN THE RURAL MANAGEMENT AREA.

18 10. IF THE BOUNDARIES OF THE RURAL MANAGEMENT AREA INCLUDE ANY
19 PORTION OF A FEDERAL INDIAN RESERVATION OR IF ANY FEDERALLY RECOGNIZED
20 INDIAN TRIBE OWNS LAND OR WATER RESOURCES WITHIN THE RURAL MANAGEMENT
21 AREA, AT LEAST ONE REPRESENTATIVE OF THE GOVERNING BODY OF THAT INDIAN
22 TRIBE. IF A REPRESENTATIVE IS APPOINTED PURSUANT TO THIS PARAGRAPH, THE
23 RURAL MANAGEMENT AREA COUNCIL SHALL BE EXPANDED BY THIS MEMBER IN ADDITION
24 TO THE MEMBERS OTHERWISE PRESCRIBED BY THIS SECTION.

25 B. THE TERM OF OFFICE OF EACH MEMBER IS SIX YEARS. THE TERMS OF
26 THREE MEMBERS SHALL EXPIRE ON THE THIRD MONDAY OF JANUARY IN EACH EVEN
27 NUMBERED YEAR, EXCEPT THAT EACH THIRD EVEN NUMBERED YEAR THE TERM OF ONE
28 TO THREE MEMBERS 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 COUNCIL IN THE SAME MANNER AS IS PROVIDED BY
32 LAW FOR STATE OFFICERS.

33 45-653. Rural management area council; powers and duties;
34 rural management area plan

35 A. THE RURAL MANAGEMENT AREA COUNCIL SHALL:

36 1. IDENTIFY AND ANALYZE WATER MANAGEMENT PRACTICES AND OTHER
37 POSSIBLE ACTIONS FOR USE IN MITIGATING THE WATER CONDITIONS IDENTIFIED IN
38 THE RESOLUTION DESIGNATING THE RURAL MANAGEMENT AREA AND IN BRINGING THE
39 AMOUNT OF WATER PUMPED INTO BALANCE WITH THE AMOUNT OF WATER RECHARGED IN
40 THE RURAL MANAGEMENT AREA.

41 2. AFTER CONSULTATION WITH THE DEPARTMENT AND INTERESTED PARTIES
42 AND AFTER HOLDING HEARINGS AS PRESCRIBED BY SECTION 45-656, ADOPT AND SEND
43 TO THE DIRECTOR THE RURAL MANAGEMENT AREA PLAN FOR THE RURAL MANAGEMENT
44 AREA.

45 B. THE RURAL MANAGEMENT AREA COUNCIL MAY:

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

6 2. REQUEST ASSISTANCE FROM THE DEPARTMENT IN CREATING AN AREA PLAN
7 FOR THE RURAL MANAGEMENT AREA.

8 3. GATHER INFORMATION AND DATA.

9 4. COMMISSION OR CREATE REPORTS.

10 5. RECOMMEND BEST MANAGEMENT PRACTICES AND OTHER MEASURES FOR
11 IMPLEMENTATION IN THE RURAL MANAGEMENT AREA TO ACHIEVE THE GOALS OF THE
12 RURAL MANAGEMENT AREA.

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

16 7. ESTABLISH A STEERING COMMITTEE, ADVISORY COMMITTEE OR OTHER
17 SIMILAR ORGANIZATIONAL STRUCTURE TO SOLICIT AND RECEIVE PARTICIPATION,
18 COMMENT AND ADVICE FROM RESIDENTS OF THE RURAL MANAGEMENT AREA AND OTHER
19 INTERESTED PARTIES REGARDING THE DEVELOPMENT AND OPERATION OF THE RURAL
20 MANAGEMENT AREA AND THE AREA PLAN.

21 8. RECOMMEND THAT ANY PERSON WHO FILES A NOTICE OF INTENTION TO
22 DRILL A NONEXEMPT WELL INSIDE A DESIGNATED RURAL MANAGEMENT AREA BE
23 REQUIRED BY THE APPROVED RURAL MANAGEMENT AREA PLAN TO RECORD A COPY OF
24 THE NOTICE IN THE OFFICE OF THE COUNTY RECORDER IN WHICH THE WELL IS TO BE
25 LOCATED AND, ON COMPLETION OF THE WELL, RECORD A COPY OF THE WELL
26 COMPLETION REPORT PRESCRIBED BY SECTION 45-600. FOR THE PURPOSES OF THIS
27 PARAGRAPH, "NONEXEMPT WELL" MEANS A WELL WITH A MAXIMUM PUMPING CAPACITY
28 OF MORE THAN THIRTY-FIVE GALLONS PER MINUTE.

29 9. SEEK AND RECEIVE PUBLIC AND PRIVATE MONIES TO ASSIST WITH ITS
30 PLANNING, MANAGEMENT AND PURPOSE, INCLUDING GRANTS TO PROVIDE TECHNICAL
31 AND FINANCIAL ASSISTANCE TO GROUNDWATER USERS WITHIN THE RURAL MANAGEMENT
32 AREA INCLUDING MUNICIPAL CORPORATIONS, SPECIAL DISTRICTS, OTHER POLITICAL
33 SUBDIVISIONS OR AUTHORITIES IN THIS STATE, INDIAN TRIBES AND PRIVATE
34 ENTITIES RELATING TO THE MANAGEMENT OF GROUNDWATER RESOURCES WITHIN THE
35 RURAL MANAGEMENT AREA OR FOR ANY OTHER PURPOSES TO CARRY OUT OR ACCOMPLISH
36 THE PURPOSES OF THIS CHAPTER.

37 45-654. Rural management area council; administrative duties

38 THE RURAL MANAGEMENT AREA COUNCIL SHALL:

39 1. 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 2. 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 3. DESIGNATE THE PERSON OR PERSONS WHO SHALL EXECUTE ALL DOCUMENTS
2 AND INSTRUMENTS ON BEHALF OF THE COUNCIL.
- 3 4. MANIFEST AND RECORD ITS ACTIONS BY MOTION, RESOLUTION OR OTHER
4 APPROPRIATE MEANS.
- 5 5. MAKE A COMPLETE RECORD OF ITS PROCEEDINGS THAT ARE OPEN TO
6 PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS.
- 7 45-655. Rural management area plan; contents; notice
- 8 A. THE RURAL MANAGEMENT AREA COUNCIL SHALL ADOPT A RURAL MANAGEMENT
9 AREA PLAN FOR GROUNDWATER PROGRAMS AND POLICIES FOR THE RURAL MANAGEMENT
10 AREA. THE AREA PLAN SHALL INCLUDE:
- 11 1. ONE OR MORE GOALS FOR THE RURAL MANAGEMENT AREA.
- 12 2. A DESCRIPTION OF THE HYDROLOGIC, GEOLOGIC, ECOLOGICAL AND
13 DEMOGRAPHIC CONDITIONS IN THE RURAL MANAGEMENT AREA AND HOW THE GOALS
14 RELATE TO THOSE CONDITIONS AND TO THE CONDITIONS IDENTIFIED IN THE
15 RESOLUTION ESTABLISHING THE RURAL MANAGEMENT AREA.
- 16 3. PROPOSED ACTIONS CONSISTENT WITH ACHIEVING THE RURAL MANAGEMENT
17 AREA GOALS AND IDENTIFYING THE RELEVANT PUBLIC OR PRIVATE CORPORATION,
18 MUNICIPALITY, COUNTY OR STATE AGENCY, INDIAN TRIBE OR FEDERAL AGENCY WITH
19 AUTHORITY TO IMPLEMENT AND ENFORCE EACH PROPOSED ACTION.
- 20 4. METHODS TO MONITOR AND REPORT ON PROGRESS TOWARD THE RURAL
21 MANAGEMENT AREA'S GOALS.
- 22 B. THE GOALS SPECIFIED IN THE AREA PLAN MUST ADDRESS THE CONDITIONS
23 IDENTIFIED IN THE RESOLUTION ESTABLISHING THE RURAL MANAGEMENT AREA.
24 BEFORE ADOPTING AN AREA PLAN, THE COUNCIL SHALL CONSIDER THE VOTER
25 APPROVED MANAGEMENT GOALS IN THE RELEVANT MUNICIPAL GENERAL PLANS ADOPTED
26 PURSUANT TO SECTION 9-461.06, THE RELEVANT COUNTY COMPREHENSIVE PLANS
27 ADOPTED PURSUANT TO SECTION 11-805 AND ANY GOALS INCLUDED IN ANY
28 COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY ADOPTED FOR A COUNTY, CITY OR
29 TOWN WITHIN THE RURAL MANAGEMENT AREA. THE MANAGEMENT GOALS MAY INCLUDE,
30 AS APPROPRIATE:
- 31 1. ACHIEVING SAFE YIELD.
- 32 2. PREVENTING LONG-TERM DECLINES IN GROUNDWATER LEVELS.
- 33 3. CONTROLLING AND PREVENTING SUBSIDENCE.
- 34 4. CONTROLLING AND PREVENTING WATER QUALITY DEGRADATION.
- 35 5. ADDRESSING OTHER ENVIRONMENTAL OR NATURAL RESOURCE ISSUES
36 RELEVANT TO THE GROUNDWATER RESOURCES WITHIN THE RURAL MANAGEMENT AREA.
- 37 C. THE AREA PLAN MUST INCLUDE MONITORING OF RELEVANT HYDROLOGIC,
38 BIOLOGIC AND ECOLOGICAL CONDITIONS TO TRACK PROGRESS TOWARDS THE AREA
39 GOALS. THE RURAL MANAGEMENT AREA COUNCIL MAY COORDINATE WITH THE DIRECTOR
40 OF WATER RESOURCES AND OTHER STATE AGENCIES, MUNICIPAL CORPORATIONS,
41 SPECIAL DISTRICTS, PUBLIC AUTHORITIES, POLITICAL SUBDIVISIONS OF THIS
42 STATE, PRIVATE ENTITIES, INDIAN TRIBES AND ANY AGENCIES OF THE UNITED
43 STATES GOVERNMENT RELATED TO MONITORING OF RELEVANT RESOURCES.
- 44 D. THE RURAL MANAGEMENT AREA PLAN MAY INCLUDE:

1 1. ACTIONS THAT MAY BE RECOMMENDED BY THE RURAL MANAGEMENT AREA
2 COUNCIL FOR IMPLEMENTATION BY RELEVANT CITIES AND TOWNS, COUNTY
3 GOVERNMENTS OR OTHER PUBLIC AGENCIES WITHIN THE RURAL MANAGEMENT AREA,
4 WHETHER INDIVIDUALLY OR THROUGH AN INTERGOVERNMENTAL AGREEMENT OR CONTRACT
5 THAT MAY INCLUDE:

6 (a) A RECOMMENDATION TO COUNTY AND MUNICIPAL GOVERNMENTS IN THE
7 RURAL MANAGEMENT AREA TO INCENTIVIZE OR REQUIRE WATER CONSERVATION AND
8 PROTECTION OF WATER RESOURCES CONSISTENT WITH ACHIEVING THE RURAL
9 MANAGEMENT AREA GOALS THAT MAY INCLUDE:

10 (i) ADDRESSING AREA GOALS IN RELEVANT COMPREHENSIVE PLANS ADOPTED
11 PURSUANT TO SECTION 11-805 AND GENERAL PLANS ADOPTED PURSUANT TO SECTION
12 9-461.06.

13 (ii) ADOPTING THE PROVISION AUTHORIZED BY SECTION 11-823,
14 SUBSECTION A.

15 (iii) ESTABLISHING SPECIAL ZONING DISTRICTS OR REGULATIONS
16 AUTHORIZED BY SECTION 9-462.01.

17 (iv) ADOPTING OVERLAY ZONING DISTRICTS AND REGULATIONS AUTHORIZED
18 BY SECTION 11-811.

19 (v) REGULATING SUBDIVISIONS AUTHORIZED BY SECTIONS 9-463.01 AND
20 11-821.

21 (vi) ADOPTING BUILDING CODES AND OTHER RELATED CODES AUTHORIZED BY
22 SECTION 11-861 OR REQUIRING THE ISSUANCE OF BUILDING PERMITS AUTHORIZED BY
23 SECTION 9-467.

24 (b) A RECOMMENDATION TO WATER UTILITIES WITHIN THE RURAL MANAGEMENT
25 AREA TO ESTABLISH INCENTIVES AND RULES TO ENCOURAGE WATER CONSERVATION
26 PURSUANT TO AND CONSISTENT WITH SECTIONS 9-511.01 AND 40-202 AND ARTICLE
27 XV, SECTION 3, CONSTITUTION OF ARIZONA.

28 (c) A PLAN FOR RECHARGE, STORAGE AND RECOVERY TO IMPROVE AQUIFER
29 RECHARGE CONSISTENT WITH CHAPTER 3.1 OF THIS TITLE, WITH A RECOMMENDATION
30 TO COUNTY AND MUNICIPAL GOVERNMENTS REGARDING CONSTRUCTION AND OPERATION
31 OF RELEVANT INFRASTRUCTURE.

32 2. PROPOSED ACTIONS FOR IMPLEMENTATION BY THE DEPARTMENT ON
33 PETITION BY THE RURAL MANAGEMENT AREA COUNCIL IN ITS AREA PLAN. THOSE
34 ACTIONS MAY INCLUDE:

35 (a) REQUIRING WATER MEASURING DEVICES FOR CERTAIN GROUNDWATER
36 WITHDRAWALS FROM NONEXEMPT WELLS WITHIN THE RURAL MANAGEMENT AREA PURSUANT
37 TO SECTION 45-604.

38 (b) REQUIRING AN ANNUAL REPORT TO BE FILED WITH THE DIRECTOR BY ANY
39 PERSONS WITHDRAWING WATER FROM A NONEXEMPT WELL PURSUANT TO SECTION
40 45-632.

41 (c) PETITIONING THE DIRECTOR FOR DESIGNATION OF A SUBSEQUENT
42 IRRIGATION NON-EXPANSION AREA WITHIN ALL OR A PORTION OF THE RURAL
43 MANAGEMENT AREA PURSUANT TO SECTION 45-433.

44 (d) ADOPTING RULES GOVERNING THE LOCATION OF NEW WELLS AND
45 REPLACEMENT WELLS IN THE RURAL MANAGEMENT AREA TO PREVENT UNREASONABLY

1 INCREASING DAMAGE TO SURROUNDING LAND OR OTHER WATER USERS OR OTHERWISE
2 PREVENT ACHIEVEMENT OF THE MANAGEMENT GOALS OF THE RURAL MANAGEMENT AREA
3 FROM THE CONCENTRATION OF WELLS PURSUANT TO SECTION 45-598.

4 (e) VOLUNTARY OR MANDATORY CONSERVATION PROGRAMS THAT APPLY TO
5 CERTAIN PERSONS WITHDRAWING, DISTRIBUTING OR RECEIVING GROUNDWATER WITHIN
6 THE RURAL MANAGEMENT AREA PURSUANT TO SECTION 45-_____.

7 (f) A PROGRAM TO APPROVE AND FUND VOLUNTARY, COMPENSATED LAND AND
8 WATER CONSERVATION PLANS TO CONSERVE AND AUGMENT GROUNDWATER SUPPLIES
9 WITHIN THE RURAL MANAGEMENT AREA.

10 (g) GROUNDWATER WITHDRAWAL PERMIT REQUIREMENTS FOR WITHDRAWAL OF
11 GROUNDWATER FROM NEW NONEXEMPT WELLS FOR CERTAIN PURPOSES PURSUANT TO
12 SECTION 45-512.

13 E. NOTWITHSTANDING SECTIONS 45-432, 45-433 AND 45-435, THE DIRECTOR
14 MAY DESIGNATE AN AREA THAT IS NOT INCLUDED WITHIN AN ACTIVE MANAGEMENT
15 AREA AS A SUBSEQUENT IRRIGATION NON-EXPANSION AREA IF THE DIRECTOR
16 DETERMINES THAT THE DESIGNATION OF THE SUBSEQUENT IRRIGATION NON-EXPANSION
17 AREA IS BEING CONSIDERED IN RESPONSE TO A PETITION BY A RURAL MANAGEMENT
18 AREA COUNCIL PURSUANT TO SECTION 45-433, SUBSECTION A AND THE DESIGNATION
19 OF A SUBSEQUENT IRRIGATION NON-EXPANSION AREA IS CONSISTENT WITH ACHIEVING
20 THE RURAL MANAGEMENT AREA GOALS. AN IRRIGATION NON-EXPANSION AREA
21 ESTABLISHED PURSUANT TO THIS SUBSECTION MAY INCLUDE MORE THAN ONE
22 GROUNDWATER SUBBASIN AND MAY BE CONTERMINOUS WITH THE BOUNDARIES OF THE
23 RURAL MANAGEMENT AREA OR A PORTION OF THE RURAL MANAGEMENT AREA, AS
24 IDENTIFIED IN THE PETITION TO THE DIRECTOR PURSUANT TO SUBSECTION D,
25 PARAGRAPH 2, SUBDIVISION (c) OF THIS SECTION OR SECTION 45-656. THE
26 DIRECTOR SHALL HOLD A HEARING AND FOLLOW THE PROCEDURES PRESCRIBED IN
27 SECTIONS 45-435 AND 45-436.

28 F. IN A SUBSEQUENT IRRIGATION NON-EXPANSION AREA ESTABLISHED
29 PURSUANT TO SUBSECTION E OF THIS SECTION AND EXCEPT AS PROVIDED IN
30 SUBSECTION D, PARAGRAPH 2, SUBDIVISION (e) OF THIS SECTION, ONLY ACRES OF
31 LAND THAT WERE IRRIGATED AT ANY TIME DURING THE FIVE YEARS PRECEDING THE
32 DATE OF THE NOTICE OF HEARING ON THE PROPOSED DESIGNATION, AND ANY
33 ADDITIONAL ACRES AS APPROVED BY THE DIRECTOR THAT ARE IRRIGATED WITH NO
34 MORE GROUNDWATER ANNUALLY THAN WAS USED WITHIN THE FIVE YEARS PRECEDING
35 THE DATE OF NOTICE OF HEARING ON THE PROPOSED DESIGNATION BY THAT
36 IRRIGATOR MAY BE IRRIGATED WITH GROUNDWATER, EFFLUENT, DIFFUSED WATER ON
37 THE SURFACE OR SURFACE WATER, EXCEPT AS PROVIDED IN SECTIONS 45-172,
38 45-437.01, 45-437.02 AND 45-437.03. THIS SUBSECTION DOES NOT PROHIBIT
39 IRRIGATION WITH SURFACE WATER USED PURSUANT TO DECREED OR APPROPRIATIVE
40 RIGHTS ESTABLISHED BEFORE THE DATE OF THE NOTICE. LAND THAT WAS NOT
41 IRRIGATED AT ANY TIME DURING THIS FIVE YEAR PERIOD IS DEEMED TO HAVE BEEN
42 IN IRRIGATION IF THE DIRECTOR FINDS THAT SUBSTANTIAL CAPITAL INVESTMENT
43 HAS BEEN MADE FOR THE SUBJUGATION OF SUCH LAND FOR AN IRRIGATION USE
44 INCLUDING ON-SITE IRRIGATION DISTRIBUTION FACILITIES AND A WELL OR WELLS

1 THE DRILLING AND CONSTRUCTION OF WHICH WERE SUBSTANTIALLY COMMENCED BEFORE
2 THE DATE OF THE NOTICE OF HEARING ON THE PROPOSED DESIGNATION.

3 45-656. Adoption of rural management area plan; council
4 hearings; department hearings; notice

5 A. THE RURAL MANAGEMENT AREA COUNCIL SHALL HOLD AT LEAST TWO PUBLIC
6 HEARINGS TO RECEIVE PUBLIC COMMENT ON ANY PROPOSED RURAL MANAGEMENT AREA
7 PLAN OR REVISED AREA PLAN, AFTER PROVIDING NOTICE OF THE HEARINGS AS
8 PRESCRIBED IN SECTION 45-651 TO THE PERSONS AND ENTITIES PRESCRIBED BY
9 SECTION 45-651. THE RURAL MANAGEMENT AREA COUNCIL SHALL HEAR ALL PERSONS
10 WHO WISH TO APPEAR BEFORE THE COUNCIL REGARDING THE RURAL MANAGEMENT AREA
11 PLAN. ON COMPLETION OF THE HEARINGS AND AFTER MAKING ANY CHANGES TO THE
12 PROPOSED RURAL MANAGEMENT AREA PLAN OR REVISED RURAL MANAGEMENT AREA PLAN,
13 THE COUNCIL SHALL ADOPT THE RURAL MANAGEMENT AREA PLAN. THE COUNCIL SHALL
14 RECORD A CERTIFIED COPY OF THE PROCEEDINGS IN THE OFFICE OF THE COUNTY
15 RECORDER FOR ANY COUNTY WITH LAND WITHIN THE RURAL MANAGEMENT AREA AND
16 SHALL SUBMIT A COPY TO THE DIRECTOR.

17 B. ON ADOPTION OF THE PLAN, THE RURAL MANAGEMENT AREA COUNCIL SHALL
18 PETITION THE DEPARTMENT FOR APPROVAL BY THE DEPARTMENT OF ANY PROPOSED
19 ACTIONS IN THE PLAN THAT WOULD BE IMPLEMENTED BY THE DEPARTMENT. THE
20 RURAL MANAGEMENT AREA COUNCIL SHALL SUBMIT TO THE APPROPRIATE CITIES,
21 TOWNS AND COUNTIES AND OTHER PUBLIC AGENCIES ANY PROPOSED ACTIONS IN THE
22 AREA PLAN THAT WOULD BE IMPLEMENTED BY THOSE CITIES, TOWNS AND COUNTIES OR
23 OTHER PUBLIC AGENCIES IN THE RURAL MANAGEMENT AREA.

24 C. ON RECEIPT OF A PETITION BY A RURAL MANAGEMENT AREA COUNCIL
25 PURSUANT TO SUBSECTION B OF THIS SECTION AND BEFORE IMPLEMENTING ANY
26 RECOMMENDED ACTIONS CONTAINED IN THE AREA PLAN, THE DIRECTOR SHALL HOLD A
27 PUBLIC HEARING ON THE ACTIONS PROPOSED FOR IMPLEMENTATION BY THE
28 DEPARTMENT.

29 D. THE DIRECTOR SHALL GIVE NOTICE OF THE DEPARTMENT HEARING WITHIN
30 THIRTY DAYS AFTER THE RURAL MANAGEMENT AREA COUNCIL PETITIONS THE
31 DEPARTMENT. THE NOTICE SHALL INCLUDE A SUMMARY OF THE PETITION AND
32 PROPOSED ACTIVITIES FOR IMPLEMENTATION BY THE DEPARTMENT, THE AREA PLAN, A
33 MAP OR A DESCRIPTION OF THE BOUNDARIES OF THE RURAL MANAGEMENT AREA, AND
34 THE TIME AND PLACE OF THE HEARING. THE NOTICE SHALL BE PUBLISHED ONCE
35 EACH WEEK FOR TWO CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION
36 IN EACH COUNTY IN WHICH THE RURAL MANAGEMENT AREA IS LOCATED.

37 E. THE HEARING SHALL BE HELD AT A LOCATION WITHIN THE RURAL
38 MANAGEMENT AREA AS SOON AS PRACTICABLE BUT AT LEAST THIRTY DAYS AND NOT
39 MORE THAN SIXTY DAYS AFTER THE FIRST PUBLICATION OF THE NOTICE OF HEARING.

40 F. AT THE HEARING, THE RURAL MANAGEMENT AREA COUNCIL SHALL PRESENT
41 DATA IN SUPPORT OF THE PETITION AND A SUMMARY OF THE PUBLIC COMMENTS
42 RECEIVED. ANY PERSON MAY APPEAR AT THE HEARING EITHER IN PERSON OR BY
43 REPRESENTATIVE AND SUBMIT ORAL OR DOCUMENTARY EVIDENCE FOR OR AGAINST THE
44 PETITION FOR DEPARTMENT IMPLEMENTATION OF THE PROPOSED ACTIONS.

1 G. WITHIN THIRTY DAYS AFTER THE HEARING, THE DIRECTOR SHALL ISSUE A
2 PRELIMINARY DECISION DETERMINING WHETHER THE PROPOSED ACTIONS INCLUDED
3 WITHIN THE PETITION, SINGLY OR IN COMBINATION, ARE CONSISTENT WITH
4 ACHIEVING THE RURAL MANAGEMENT AREA GOALS. WITHIN NINETY DAYS AFTER THE
5 HEARING, THE DIRECTOR SHALL ISSUE A FINAL DECISION DETERMINING WHETHER THE
6 PROPOSED ACTIONS INCLUDED WITHIN THE PETITION, SINGLY OR IN COMBINATION,
7 ARE CONSISTENT WITH ACHIEVING THE RURAL MANAGEMENT AREA GOALS AND SUCH
8 ORDERS AND DESIGNATIONS AS MAY BE REQUIRED TO IMPLEMENT THE ACTIONS
9 APPROVED BY THE DECISION. THE DIRECTOR SHALL INCLUDE A SUMMARY OF FINDINGS
10 WITH RESPECT TO MATTERS CONSIDERED DURING THE HEARING WITH THE DECISION
11 AND A SUMMARY OF ALL PUBLIC COMMENTS RECEIVED IN WRITING AND PUBLIC
12 COMMENTS MADE AT THE PUBLIC HEARING.

13 H. INFORMATION COMPILED BY THE DIRECTOR IN CONNECTION WITH THE
14 PLAN, A TRANSCRIPT OF THE HEARING, A COPY OF THE FINDINGS AND A COPY OF
15 THE AREA PLAN ARE PUBLIC RECORDS OF THE DEPARTMENT AND SHALL BE AVAILABLE
16 FOR EXAMINATION BY THE PUBLIC DURING REGULAR BUSINESS HOURS.

17 I. THE FINDINGS AND ORDER OF THE DIRECTOR ARE SUBJECT TO REHEARING
18 OR REVIEW AND TO JUDICIAL REVIEW AS PROVIDED IN SECTION 45-114,
19 SUBSECTION C.