

REFERENCE TITLE: rural management areas; water

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

HB 2661

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.

23 C. Of the monies remaining in the state lottery fund each fiscal
24 year after appropriations and deposits authorized in subsections A and B
25 of this section, ~~five million dollars~~ \$5,000,000 shall be allocated to the
26 department of child safety for the healthy families program established by
27 section 8-481, ~~four million dollars~~ \$4,000,000 shall be allocated to the
28 Arizona board of regents for the Arizona area health education system
29 established by section 15-1643, ~~three million dollars~~ \$3,000,000 shall be
30 allocated to the department of health services to fund the teenage
31 pregnancy prevention programs established in Laws 1995, chapter 190,
32 sections 2 and 3, ~~two million dollars~~ \$2,000,000 shall be allocated to the
33 department of health services for the health start program established by
34 section 36-697, ~~two million dollars~~ \$2,000,000 shall be deposited in the
35 disease control research fund established by section 36-274 and ~~one~~
36 ~~million dollars~~ \$1,000,000 shall be allocated to the department of health
37 services for the federal women, infants and children food program. The
38 allocations in this subsection shall be adjusted annually according to
39 changes in the GDP price deflator as defined in section 41-563 and the
40 allocations are exempt from the provisions of section 35-190 relating to
41 lapsing of appropriations. If there are not sufficient monies available
42 pursuant to this subsection, the allocation of monies for each program
43 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
16 submit a report on the amounts, recipients, purposes and results of each
17 grant to 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, \$50,000,000 SHALL BE DEPOSITED IN THE DEPARTMENT OF
24 WATER RESOURCES HERITAGE FUND ESTABLISHED BY SECTION 45-119.

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

37 ~~G.~~ H. All monies remaining in the state lottery fund after the
38 appropriations and deposits authorized in this section shall be deposited
39 in the state general fund.

40 ~~H.~~ I. Except for monies expended for debt service of revenue bonds
41 as provided in subsection A of this section, monies expended under
42 subsection A of this section are subject to legislative appropriation.

43 ~~I.~~ J. The commission shall transfer monies prescribed in this
44 section on a quarterly basis.

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

3 45-119. Department of water resources heritage fund

4 A. THE DEPARTMENT OF WATER RESOURCES HERITAGE FUND IS ESTABLISHED
5 CONSISTING OF MONIES DEPOSITED FROM THE STATE LOTTERY FUND PURSUANT TO
6 SECTION 5-572 AND INTEREST AND OTHER INCOME RECEIVED FROM INVESTING MONIES
7 IN THE FUND.

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

14 C. THE DEPARTMENT MAY SPEND MONIES IN THE FUND ONLY FOR THE
15 PURPOSES OF IMPLEMENTING AND SUPPORTING AT THE STATE AND COUNTY LEVEL
16 RURAL MANAGEMENT AREAS THAT ARE ESTABLISHED PURSUANT TO CHAPTER 2, ARTICLE
17 13 OF THIS TITLE AND FOR FUNDING VOLUNTARY, COMPENSATED LAND AND WATER
18 CONSERVATION PLANS TO CONSERVE AND AUGMENT GROUNDWATER SUPPLIES PURSUANT
19 TO FINAL RURAL MANAGEMENT AREA PLANS AND PETITIONS THAT ARE SUBMITTED TO
20 AND APPROVED BY THE DIRECTOR. MONIES IN THE FUND ARE EXEMPT FROM THE
21 PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

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

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

26 ARTICLE 13. RURAL MANAGEMENT AREAS

27 45-651. Designation of rural management area; conditions;
28 hearing; rescission

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

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

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

5 3. ADDITIONAL ACTION IS NEEDED TO PROTECT RIGHTS TO APPROPRIABLE
6 WATER UNDER STATE OR FEDERAL LAW AND THAT WATER IS HYDROLOGICALLY
7 CONNECTED TO GROUNDWATER.

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

11 5. AVAILABLE GROUNDWATER AT THE APPLICABLE REGULATORY DEPTH BELOW
12 LAND SURFACE IN THE AREA WILL LIKELY LAST LESS THAN ONE HUNDRED YEARS,
13 BASED ON CREDIBLE EVIDENCE REGARDING THE CURRENT LEVELS OF PUMPING,
14 PROJECTED LEVELS OF WATER USE AND KNOWN PLANS FOR USE.

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

17 1. PROVIDING NOTICE OF A DATE AND TIME FOR TWO OR MORE HEARINGS ON
18 THE PROPOSED RESOLUTION TO THE PUBLIC AND TO COUNTIES, CITIES, TOWNS,
19 INDUSTRIAL AND AGRICULTURAL WATER USERS AND WATER-RELATED SPECIAL TAXING
20 DISTRICTS IN THE PROPOSED RURAL MANAGEMENT AREA. THE NOTICE SHALL REQUEST
21 PUBLIC COMMENT AT THE HEARING ON THE PROPOSED RESOLUTION AND SHALL INCLUDE
22 AT LEAST THE FOLLOWING:

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

24 (b) THE BOUNDARIES OF THE PROPOSED RURAL MANAGEMENT AREA THAT SHALL
25 BE COTERMINOUS WITH THE BOUNDARIES OF A GROUNDWATER BASIN OR SUBBASIN THAT
26 IS PARTIALLY OR COMPLETELY WITHIN THE COUNTY AND MAY INCLUDE INCORPORATED
27 AND UNINCORPORATED AREAS OF THE COUNTY. A RURAL MANAGEMENT AREA MAY
28 INCLUDE AREAS IN MORE THAN ONE COUNTY IF THE BOARD OF SUPERVISORS IN EACH
29 AFFECTED COUNTY ADOPTS A RESOLUTION THAT SUPPORTS THE BOUNDARIES OF THE
30 PROPOSED RURAL MANAGEMENT AREA WITHIN THAT COUNTY.

31 (c) THE REASONS FOR THE DESIGNATION OF THE RURAL MANAGEMENT AREA,
32 INCLUDING A PRELIMINARY FINDING THAT ONE OR MORE OF THE CONDITIONS
33 PRESCRIBED IN SUBSECTION A OF THIS SECTION EXIST WITHIN THE BOUNDARIES OF
34 THE PROPOSED RURAL MANAGEMENT AREA.

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

38 3. PROVIDING NOTICE OF THE PROPOSED RESOLUTION AND THE HEARINGS TO
39 THE DEPARTMENT OF WATER RESOURCES, THE DEPARTMENT OF ENVIRONMENTAL
40 QUALITY, CITIES, TOWNS AND SPECIAL DISTRICTS AND TO ANY PUBLIC OR PRIVATE
41 WATER PROVIDERS IN THE PROPOSED RURAL MANAGEMENT AREA.

42 4. ALLOWING AT LEAST FORTY-FIVE DAYS FOR PUBLIC COMMENT AND
43 COMMENTS FROM THE DEPARTMENT AND CITIES, TOWNS, INDUSTRIAL AND
44 AGRICULTURAL USERS AND WATER-RELATED SPECIAL TAXING DISTRICTS ON THE
45 PROPOSED RESOLUTION.

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

3 C. AFTER THE HEARINGS, IF THE BOARD OF SUPERVISORS DETERMINES THAT
4 THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY WILL BE SERVED BY
5 DESIGNATING THE RURAL MANAGEMENT AREA, THE BOARD SHALL STATE ITS FINDINGS
6 AND ORDER THE FORMATION OF THE RURAL MANAGEMENT AREA UNDER THE DESIGNATED
7 NAME. THE BOARD SHALL RECORD A CERTIFIED COPY OF THE BOUNDARIES OF THE
8 RURAL MANAGEMENT AREA IN THE OFFICE OF THE COUNTY RECORDER OF EACH COUNTY
9 THAT CONTAINS ANY PORTION OF THE RURAL MANAGEMENT AREA AND SHALL PROVIDE
10 TO THE DIRECTOR A COPY OF THE BOUNDARIES OF THE RURAL MANAGEMENT AREA. IF
11 A PROPOSED RURAL MANAGEMENT AREA INCLUDES AREAS IN MORE THAN ONE COUNTY
12 BUT IS APPROVED BY LESS THAN ALL OF THE COUNTIES WHERE IT IS PROPOSED TO
13 APPLY, THE RURAL MANAGEMENT AREA SHALL BE ESTABLISHED ONLY IN THOSE
14 COUNTIES THAT HAVE APPROVED THE ESTABLISHMENT OF THE RURAL MANAGEMENT
15 AREA.

16 D. AT ANY TIME AFTER DESIGNATION, A COUNTY BOARD OF SUPERVISORS BY
17 MAJORITY VOTE AT A HEARING HELD FOR THIS PURPOSE MAY RESCIND THE
18 DESIGNATION OF THE RURAL MANAGEMENT AREA AFTER A FINDING THAT THE
19 CONDITIONS SPECIFIED IN THE RESOLUTION NO LONGER APPLY IN THE RURAL
20 MANAGEMENT AREA.

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

24 1. IF ACRES OF LAND WERE IRRIGATED OR GROUNDWATER WAS PUMPED FOR
25 INDUSTRIAL, COMMERCIAL, MUNICIPAL AND DOMESTIC USERS DURING THE FIVE YEARS
26 PRECEDING THE DATE OF THE NOTICE OF HEARING ON THE POSSIBLE DESIGNATION OF
27 THE RURAL MANAGEMENT AREA, THE IRRIGATION AND GROUNDWATER PUMPING MAY
28 CONTINUE. THE ACRES MAY BE IRRIGATED WITH GROUNDWATER, EFFLUENT, DIFFUSED
29 WATER ON THE SURFACE OR SURFACE WATER EXCEPT AS PROVIDED IN SECTIONS
30 45-172, 45-437.01, 45-437.02 AND 45-437.03.

31 2. LAND THAT WAS NOT IRRIGATED AT ANY TIME DURING THE FIVE-YEAR
32 PERIOD BEFORE THE DATE OF THE NOTICE OF HEARING ON THE POSSIBLE
33 DESIGNATION OF THE RURAL MANAGEMENT AREA IS DEEMED TO HAVE BEEN IN
34 IRRIGATION IF THE DIRECTOR FINDS THAT SUBSTANTIAL CAPITAL INVESTMENT HAS
35 BEEN MADE FOR THE SUBJUGATION OF THAT LAND FOR AN IRRIGATION USE,
36 INCLUDING FOR ON-SITE IRRIGATION DISTRIBUTION FACILITIES AND ONE OR MORE
37 WELLS IF THE DRILLING AND CONSTRUCTION OF THE WELLS WERE SUBSTANTIALLY
38 COMMENCED BEFORE THE DATE OF THE NOTICE.

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

43 G. NOTWITHSTANDING SECTION 45-415, ANY BASIN OR SUBBASIN THAT IS
44 SUBJECT TO A RURAL MANAGEMENT AREA DESIGNATION AND THAT HAS AN AREA PLAN
45 THAT IS IN EFFECT IS NOT ELIGIBLE FOR INCLUSION IN A LOCALLY INITIATED

1 ACTIVE MANAGEMENT AREA. THIS PROHIBITION ON A LOCALLY INITIATED ACTIVE
2 MANAGEMENT AREA APPLIES FOR TEN YEARS AFTER THE DATE OF FINAL ADOPTION OF
3 THE RURAL MANAGEMENT AREA PLAN.

4 H. IT IS THE EXPRESS INTENT OF THE LEGISLATURE THAT THE DESIGNATION
5 OF A RURAL MANAGEMENT AREA NOT ALTER THE LEGAL CHARACTER OF ANY SURFACE
6 WATERS OR GROUNDWATER WITHIN THIS STATE, AFFECT THE VESTED WATER RIGHTS
7 ASSOCIATED WITH ANY SURFACE WATERS OR GROUNDWATER OR ESTABLISH ANY
8 PRECEDENT THAT COULD BE USED IN A COURT OF LAW TO DEFINE, LIMIT OR EXTEND
9 THE RIGHTS OF THIS STATE OR THE UNITED STATES OVER THE SURFACE WATERS AND
10 GROUNDWATER FOUND WITHIN THIS STATE. THIS SECTION DOES NOT AUTHORIZE A
11 COUNTY BOARD OF SUPERVISORS OR A RURAL MANAGEMENT AREA COUNCIL TO
12 ESTABLISH A MANAGEMENT PRACTICE THAT WOULD PREVENT A WATER USER FROM USING
13 A WELL TO DIVERT APPROPRIABLE SURFACE WATER TO WHICH THE WATER USER HAS
14 RIGHT UNDER STATE OR FEDERAL LAW.

15 45-652. Rural management area council; membership

16 A. A RURAL MANAGEMENT AREA THAT IS FORMED PURSUANT TO THIS CHAPTER
17 SHALL BE ADMINISTERED BY A COUNCIL CONSISTING OF MEMBERS WHO HAVE BEEN
18 RESIDENTS OF THE COUNTY IN WHICH THE RURAL MANAGEMENT AREA IS LOCATED FOR
19 AT LEAST FIVE YEARS, HAVE OWNED PROPERTY IN THE COUNTY FOR AT LEAST FIVE
20 YEARS, HAVE OWNED SURFACE WATER RIGHTS OR WATER WELLS IN THE COUNTY FOR AT
21 LEAST FIVE YEARS OR WHOSE EMPLOYERS HAVE OWNED PROPERTY, SURFACE WATER
22 RIGHTS OR WATER WELLS IN THE COUNTY FOR AT LEAST FIVE YEARS. THE BOARD OF
23 SUPERVISORS SHALL NOMINATE AND THE GOVERNOR SHALL APPOINT THE MEMBERS OF
24 THE COUNCIL TO REPRESENT THE GROUNDWATER USERS IN THE RURAL MANAGEMENT
25 AREA AND ON THE BASIS OF THEIR KNOWLEDGE OF, INTEREST IN AND EXPERIENCE
26 WITH PROBLEMS RELATING TO THE DEVELOPMENT, USE AND CONSERVATION OF WATER.
27 MEMBERS OF THE COUNCIL SHALL INCLUDE THE FOLLOWING:

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

30 (a) ONE COUNTY SUPERVISOR OR THE SUPERVISOR'S DESIGNEE FROM THE
31 COUNTY THAT ESTABLISHED THE RURAL MANAGEMENT AREA.

32 (b) ONE MAYOR OR COUNCIL MEMBER OR THE MAYOR'S OR COUNCIL MEMBER'S
33 DESIGNEE FROM A CITY OR TOWN WITHIN OR WITHDRAWING GROUNDWATER FROM WITHIN
34 THE BOUNDARIES OF THE RURAL MANAGEMENT AREA, AS APPLICABLE.

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

40 (a) ONE COUNTY SUPERVISOR OR THE SUPERVISOR'S DESIGNEE FROM EACH OF
41 THE COUNTIES WITHIN THE BOUNDARIES OF THE RURAL MANAGEMENT AREA.

42 (b) ONE MAYOR, OR THE MAYOR'S DESIGNEE, OF A CITY OR TOWN WITHIN OR
43 WITHDRAWING GROUNDWATER FROM WITHIN THE BOUNDARIES OF THE RURAL MANAGEMENT
44 AREA FROM A COUNTY WITH ALL OR A PORTION OF ITS JURISDICTION WITHIN THE
45 BOUNDARIES OF THE RURAL MANAGEMENT AREA, AS APPLICABLE.

1 3. ONE REPRESENTATIVE OF AGRICULTURAL INTERESTS WITHIN THE RURAL
2 MANAGEMENT AREA, SUCH AS A REPRESENTATIVE OF A NATURAL RESOURCES
3 CONSERVATION DISTRICT, AN IRRIGATION DISTRICT OR AN AGRICULTURAL WATER
4 USERS ORGANIZATION.

5 4. ONE PERSON WHO IS ACTIVELY ENGAGED IN ANIMAL PRODUCTION AS THAT
6 PERSON'S MAIN SOURCE OF INCOME IN THE COUNTY IN WHICH THE RURAL MANAGEMENT
7 AREA IS LOCATED.

8 5. ONE PERSON WHO IS ACTIVELY ENGAGED IN PLANT PRODUCTION AS THAT
9 PERSON'S MAIN SOURCE OF INCOME IN THE COUNTY IN WHICH THE RURAL MANAGEMENT
10 AREA IS LOCATED.

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

16 7. ONE PERSON WHO REPRESENTS INDUSTRIAL USERS IN THE COUNTY IN
17 WHICH THE RURAL MANAGEMENT AREA IS LOCATED.

18 8. ONE PERSON WHO REPRESENTS THE RESIDENTIAL REAL ESTATE OR
19 HOMEBUILDING INDUSTRIES IN THE COUNTY IN WHICH THE RURAL MANAGEMENT AREA
20 IS LOCATED.

21 9. ONE PERSON WHO MANAGES CONSERVATION LANDS FOR A PRIVATE OR
22 PUBLIC ENTITY IN AN AREA OUTSIDE OF THE ACTIVE MANAGEMENT AREAS IN THIS
23 STATE OR ONE PERSON WHO REPRESENTS A WATER OR ELECTRIC UTILITY THAT
24 OPERATES IN THE RURAL MANAGEMENT AREA.

25 10. IF THE BOUNDARIES OF THE RURAL MANAGEMENT AREA INCLUDE ANY
26 PORTION OF A FEDERAL INDIAN RESERVATION OR IF ANY FEDERALLY RECOGNIZED
27 INDIAN TRIBE OWNS LAND OR WATER RESOURCES WITHIN THE RURAL MANAGEMENT
28 AREA, ONE REPRESENTATIVE OF THE GOVERNING BODY OF THAT INDIAN TRIBE. IF A
29 REPRESENTATIVE IS APPOINTED PURSUANT TO THIS PARAGRAPH, THE RURAL
30 MANAGEMENT AREA COUNCIL SHALL BE EXPANDED BY THIS MEMBER IN ADDITION TO
31 THE MEMBERS OTHERWISE PRESCRIBED BY THIS SECTION.

32 11. IF THERE IS AN EVEN NUMBER OF COUNCIL MEMBERS AFTER EACH OF THE
33 COUNCIL SEATS ARE FILLED, ONE AT-LARGE MEMBER WHO IS APPOINTED BY THE
34 GOVERNOR.

35 B. THE TERM OF OFFICE OF EACH MEMBER IS SIX YEARS. THE TERMS OF
36 THREE MEMBERS SHALL EXPIRE ON THE THIRD MONDAY OF JANUARY IN EACH EVEN
37 NUMBERED YEAR, EXCEPT THAT EACH THIRD EVEN NUMBERED YEAR THE TERM OF ONE
38 TO THREE MEMBERS SHALL EXPIRE.

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

1 45-653. Rural management area council: powers and duties:
2 rural management area plan

3 A. THE RURAL MANAGEMENT AREA COUNCIL SHALL:

4 1. IDENTIFY AND ANALYZE WATER MANAGEMENT PRACTICES AND OTHER
5 POSSIBLE ACTIONS FOR USE IN MITIGATING THE WATER CONDITIONS IDENTIFIED IN
6 THE RESOLUTION DESIGNATING THE RURAL MANAGEMENT AREA AND IN BRINGING THE
7 AMOUNT OF WATER PUMPED INTO BALANCE WITH THE AMOUNT OF WATER RECHARGED IN
8 THE RURAL MANAGEMENT AREA.

9 2. AFTER CONSULTATION WITH THE DEPARTMENT AND INTERESTED PARTIES
10 AND AFTER HOLDING HEARINGS AS PRESCRIBED BY SECTION 45-656, ADOPT AND SEND
11 TO THE DIRECTOR THE RURAL MANAGEMENT AREA PLAN FOR THE RURAL MANAGEMENT
12 AREA.

13 B. THE RURAL MANAGEMENT AREA COUNCIL MAY:

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

19 2. REQUEST ASSISTANCE FROM THE DEPARTMENT IN CREATING AN AREA PLAN
20 FOR THE RURAL MANAGEMENT AREA.

21 3. GATHER INFORMATION AND DATA.

22 4. COMMISSION OR CREATE REPORTS.

23 5. RECOMMEND BEST MANAGEMENT PRACTICES AND OTHER MEASURES FOR
24 IMPLEMENTATION IN THE RURAL MANAGEMENT AREA TO ACHIEVE THE GOALS OF THE
25 RURAL MANAGEMENT AREA.

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

29 7. ESTABLISH A STEERING COMMITTEE, ADVISORY COMMITTEE OR OTHER
30 SIMILAR ORGANIZATIONAL STRUCTURE TO SOLICIT AND RECEIVE PARTICIPATION,
31 COMMENT AND ADVICE FROM RESIDENTS OF THE RURAL MANAGEMENT AREA AND OTHER
32 INTERESTED PARTIES REGARDING THE DEVELOPMENT AND OPERATION OF THE RURAL
33 MANAGEMENT AREA AND THE AREA PLAN.

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

42 9. SEEK AND RECEIVE PUBLIC AND PRIVATE MONIES TO ASSIST WITH ITS
43 PLANNING, MANAGEMENT AND PURPOSE, INCLUDING GRANTS TO PROVIDE TECHNICAL
44 AND FINANCIAL ASSISTANCE TO GROUNDWATER USERS WITHIN THE RURAL MANAGEMENT
45 AREA INCLUDING MUNICIPAL CORPORATIONS, SPECIAL DISTRICTS, OTHER POLITICAL

1 SUBDIVISIONS OR AUTHORITIES IN THIS STATE, INDIAN TRIBES AND PRIVATE
2 ENTITIES RELATING TO THE MANAGEMENT OF GROUNDWATER RESOURCES WITHIN THE
3 RURAL MANAGEMENT AREA OR FOR ANY OTHER PURPOSES TO CARRY OUT OR ACCOMPLISH
4 THE PURPOSES OF THIS CHAPTER.

5 45-654. Rural management area council; administrative duties

6 THE RURAL MANAGEMENT AREA COUNCIL SHALL:

7 1. 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 2. 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 3. DESIGNATE THE PERSON OR PERSONS WHO SHALL EXECUTE ALL DOCUMENTS
14 AND INSTRUMENTS ON BEHALF OF THE COUNCIL.

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

17 5. MAKE A COMPLETE RECORD OF ITS PROCEEDINGS THAT ARE OPEN TO
18 PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS.

19 45-655. Rural management area plan; contents; notice

20 A. THE RURAL MANAGEMENT AREA COUNCIL SHALL ADOPT A RURAL MANAGEMENT
21 AREA PLAN FOR GROUNDWATER PROGRAMS AND POLICIES FOR THE RURAL MANAGEMENT
22 AREA. THE AREA PLAN SHALL INCLUDE:

23 1. ONE OR MORE GOALS FOR THE RURAL MANAGEMENT AREA.

24 2. A DESCRIPTION OF THE HYDROLOGIC, GEOLOGIC, ECOLOGICAL AND
25 DEMOGRAPHIC CONDITIONS IN THE RURAL MANAGEMENT AREA AND HOW THE GOALS
26 RELATE TO THOSE CONDITIONS AND TO THE CONDITIONS IDENTIFIED IN THE
27 RESOLUTION ESTABLISHING THE RURAL MANAGEMENT AREA.

28 3. PROPOSED ACTIONS CONSISTENT WITH ACHIEVING THE RURAL MANAGEMENT
29 AREA GOALS AND IDENTIFYING THE RELEVANT PUBLIC OR PRIVATE CORPORATION,
30 MUNICIPALITY, COUNTY OR STATE AGENCY, INDIAN TRIBE OR FEDERAL AGENCY WITH
31 AUTHORITY TO IMPLEMENT AND ENFORCE EACH PROPOSED ACTION.

32 4. METHODS TO MONITOR AND REPORT ON PROGRESS TOWARD THE RURAL
33 MANAGEMENT AREA'S GOALS.

34 B. THE GOALS SPECIFIED IN THE AREA PLAN MUST ADDRESS THE CONDITIONS
35 IDENTIFIED IN THE RESOLUTION ESTABLISHING THE RURAL MANAGEMENT AREA.
36 BEFORE ADOPTING AN AREA PLAN, THE COUNCIL SHALL CONSIDER THE VOTER
37 APPROVED MANAGEMENT GOALS IN THE RELEVANT MUNICIPAL GENERAL PLANS ADOPTED
38 PURSUANT TO SECTION 9-461.06, THE RELEVANT COUNTY COMPREHENSIVE PLANS
39 ADOPTED PURSUANT TO SECTION 11-805 AND ANY GOALS INCLUDED IN ANY
40 COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY ADOPTED FOR A COUNTY, CITY OR
41 TOWN WITHIN THE RURAL MANAGEMENT AREA. THE MANAGEMENT GOALS MAY INCLUDE,
42 AS APPROPRIATE:

43 1. ACHIEVING SAFE YIELD.

44 2. PREVENTING LONG-TERM DECLINES IN GROUNDWATER LEVELS.

45 3. CONTROLLING AND PREVENTING SUBSIDENCE.

1 4. CONTROLLING AND PREVENTING WATER QUALITY DEGRADATION.
2 5. ADDRESSING OTHER ENVIRONMENTAL OR NATURAL RESOURCE ISSUES
3 RELEVANT TO THE GROUNDWATER RESOURCES WITHIN THE RURAL MANAGEMENT AREA.
4 C. THE AREA PLAN MUST INCLUDE MONITORING OF RELEVANT HYDROLOGIC,
5 BIOLOGIC AND ECOLOGICAL CONDITIONS TO TRACK PROGRESS TOWARDS THE AREA
6 GOALS. THE RURAL MANAGEMENT AREA COUNCIL MAY COORDINATE WITH THE DIRECTOR
7 OF WATER RESOURCES AND OTHER STATE AGENCIES, MUNICIPAL CORPORATIONS,
8 SPECIAL DISTRICTS, PUBLIC AUTHORITIES, POLITICAL SUBDIVISIONS OF THIS
9 STATE, PRIVATE ENTITIES, INDIAN TRIBES AND ANY AGENCIES OF THE UNITED
10 STATES GOVERNMENT RELATED TO MONITORING OF RELEVANT RESOURCES.
11 D. THE RURAL MANAGEMENT AREA PLAN MAY INCLUDE:
12 1. ACTIONS THAT MAY BE RECOMMENDED BY THE RURAL MANAGEMENT AREA
13 COUNCIL FOR IMPLEMENTATION BY RELEVANT CITIES AND TOWNS, COUNTY
14 GOVERNMENTS OR OTHER PUBLIC AGENCIES WITHIN THE RURAL MANAGEMENT AREA,
15 WHETHER INDIVIDUALLY OR THROUGH AN INTERGOVERNMENTAL AGREEMENT OR CONTRACT
16 THAT MAY INCLUDE:
17 (a) A RECOMMENDATION TO COUNTY AND MUNICIPAL GOVERNMENTS IN THE
18 RURAL MANAGEMENT AREA TO INCENTIVIZE OR REQUIRE WATER CONSERVATION AND
19 PROTECTION OF WATER RESOURCES CONSISTENT WITH ACHIEVING THE RURAL
20 MANAGEMENT AREA GOALS THAT MAY INCLUDE:
21 (i) ADDRESSING AREA GOALS IN RELEVANT COMPREHENSIVE PLANS ADOPTED
22 PURSUANT TO SECTION 11-805 AND GENERAL PLANS ADOPTED PURSUANT TO SECTION
23 9-461.06.
24 (ii) ADOPTING THE PROVISION AUTHORIZED BY SECTION 11-823,
25 SUBSECTION A.
26 (iii) ESTABLISHING SPECIAL ZONING DISTRICTS OR REGULATIONS
27 AUTHORIZED BY SECTION 9-462.01.
28 (iv) ADOPTING OVERLAY ZONING DISTRICTS AND REGULATIONS AUTHORIZED
29 BY SECTION 11-811.
30 (v) REGULATING SUBDIVISIONS AUTHORIZED BY SECTIONS 9-463.01 AND
31 11-821.
32 (vi) ADOPTING BUILDING CODES AND OTHER RELATED CODES AUTHORIZED BY
33 SECTION 11-861 OR REQUIRING THE ISSUANCE OF BUILDING PERMITS AUTHORIZED BY
34 SECTION 9-467.
35 (b) A RECOMMENDATION TO WATER UTILITIES WITHIN THE RURAL MANAGEMENT
36 AREA TO ESTABLISH INCENTIVES AND RULES TO ENCOURAGE WATER CONSERVATION
37 PURSUANT TO AND CONSISTENT WITH SECTIONS 9-511.01 AND 40-202 AND ARTICLE
38 XV, SECTION 3, CONSTITUTION OF ARIZONA.
39 (c) A PLAN FOR RECHARGE, STORAGE AND RECOVERY TO IMPROVE AQUIFER
40 RECHARGE CONSISTENT WITH CHAPTER 3.1 OF THIS TITLE, WITH A RECOMMENDATION
41 TO COUNTY AND MUNICIPAL GOVERNMENTS REGARDING CONSTRUCTION AND OPERATION
42 OF RELEVANT INFRASTRUCTURE.
43 2. PROPOSED ACTIONS FOR IMPLEMENTATION BY THE DEPARTMENT ON
44 PETITION BY THE RURAL MANAGEMENT AREA COUNCIL IN ITS AREA PLAN. THOSE
45 ACTIONS MAY INCLUDE:

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

4 (b) REQUIRING AN ANNUAL REPORT TO BE FILED WITH THE DIRECTOR BY ANY
5 PERSONS WITHDRAWING WATER FROM A NONEXEMPT WELL PURSUANT TO SECTION
6 45-632.

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

10 (d) ADOPTING RULES GOVERNING THE LOCATION OF NEW WELLS AND
11 REPLACEMENT WELLS IN THE RURAL MANAGEMENT AREA TO PREVENT UNREASONABLY
12 INCREASING DAMAGE TO SURROUNDING LAND OR OTHER WATER USERS OR OTHERWISE
13 PREVENT ACHIEVEMENT OF THE MANAGEMENT GOALS OF THE RURAL MANAGEMENT AREA
14 FROM THE CONCENTRATION OF WELLS PURSUANT TO SECTION 45-598.

15 (e) VOLUNTARY OR MANDATORY CONSERVATION PROGRAMS THAT APPLY TO
16 CERTAIN PERSONS WITHDRAWING, DISTRIBUTING OR RECEIVING GROUNDWATER WITHIN
17 THE RURAL MANAGEMENT AREA.

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

21 (g) GROUNDWATER WITHDRAWAL PERMIT REQUIREMENTS FOR WITHDRAWAL OF
22 GROUNDWATER FROM NEW NONEXEMPT WELLS FOR CERTAIN PURPOSES PURSUANT TO
23 SECTION 45-512.

24 E. NOTWITHSTANDING SECTIONS 45-432, 45-433 AND 45-435, THE DIRECTOR
25 MAY DESIGNATE AN AREA THAT IS NOT INCLUDED WITHIN AN ACTIVE MANAGEMENT
26 AREA AS A SUBSEQUENT IRRIGATION NON-EXPANSION AREA IF THE DIRECTOR
27 DETERMINES THAT THE DESIGNATION OF THE SUBSEQUENT IRRIGATION NON-EXPANSION
28 AREA IS BEING CONSIDERED IN RESPONSE TO A PETITION BY A RURAL MANAGEMENT
29 AREA COUNCIL PURSUANT TO SECTION 45-433, SUBSECTION A AND THE DESIGNATION
30 OF A SUBSEQUENT IRRIGATION NON-EXPANSION AREA IS CONSISTENT WITH ACHIEVING
31 THE RURAL MANAGEMENT AREA GOALS. AN IRRIGATION NON-EXPANSION AREA
32 ESTABLISHED PURSUANT TO THIS SUBSECTION MAY INCLUDE MORE THAN ONE
33 GROUNDWATER SUBBASIN AND MAY BE CONTERMINOUS WITH THE BOUNDARIES OF THE
34 RURAL MANAGEMENT AREA OR A PORTION OF THE RURAL MANAGEMENT AREA, AS
35 IDENTIFIED IN THE PETITION TO THE DIRECTOR PURSUANT TO SUBSECTION D,
36 PARAGRAPH 2, SUBDIVISION (c) OF THIS SECTION OR SECTION 45-656. THE
37 DIRECTOR SHALL HOLD A HEARING AND FOLLOW THE PROCEDURES PRESCRIBED IN
38 SECTIONS 45-435 AND 45-436.

39 F. IN A SUBSEQUENT IRRIGATION NON-EXPANSION AREA ESTABLISHED
40 PURSUANT TO SUBSECTION E OF THIS SECTION AND EXCEPT AS PROVIDED IN
41 SUBSECTION D, PARAGRAPH 2, SUBDIVISION (e) OF THIS SECTION, ONLY ACRES OF
42 LAND THAT WERE IRRIGATED AT ANY TIME DURING THE FIVE YEARS PRECEDING THE
43 DATE OF THE NOTICE OF HEARING ON THE PROPOSED DESIGNATION, AND ANY
44 ADDITIONAL ACRES AS APPROVED BY THE DIRECTOR THAT ARE IRRIGATED WITH NO
45 MORE GROUNDWATER ANNUALLY THAN WAS USED WITHIN THE FIVE YEARS PRECEDING

1 THE DATE OF NOTICE OF HEARING ON THE PROPOSED DESIGNATION BY THAT
2 IRRIGATOR MAY BE IRRIGATED WITH GROUNDWATER, EFFLUENT, DIFFUSED WATER ON
3 THE SURFACE OR SURFACE WATER, EXCEPT AS PROVIDED IN SECTIONS 45-172,
4 45-437.01, 45-437.02 AND 45-437.03. THIS SUBSECTION DOES NOT PROHIBIT
5 IRRIGATION WITH SURFACE WATER USED PURSUANT TO DECREED OR APPROPRIATIVE
6 RIGHTS ESTABLISHED BEFORE THE DATE OF THE NOTICE. LAND THAT WAS NOT
7 IRRIGATED AT ANY TIME DURING THIS FIVE YEAR PERIOD IS DEEMED TO HAVE BEEN
8 IN IRRIGATION IF THE DIRECTOR FINDS THAT SUBSTANTIAL CAPITAL INVESTMENT
9 HAS BEEN MADE FOR THE SUBJUGATION OF SUCH LAND FOR AN IRRIGATION USE
10 INCLUDING ON-SITE IRRIGATION DISTRIBUTION FACILITIES AND A WELL OR WELLS
11 THE DRILLING AND CONSTRUCTION OF WHICH WERE SUBSTANTIALLY COMMENCED BEFORE
12 THE DATE OF THE NOTICE OF HEARING ON THE PROPOSED DESIGNATION.

13 45-656. Adoption of rural management area plan; council
14 hearings; department hearings; notice

15 A. THE RURAL MANAGEMENT AREA COUNCIL SHALL HOLD AT LEAST TWO PUBLIC
16 HEARINGS TO RECEIVE PUBLIC COMMENT ON ANY PROPOSED RURAL MANAGEMENT AREA
17 PLAN OR REVISED AREA PLAN, AFTER PROVIDING NOTICE OF THE HEARINGS AS
18 PRESCRIBED IN SECTION 45-651 TO THE PERSONS AND ENTITIES PRESCRIBED BY
19 SECTION 45-651. THE RURAL MANAGEMENT AREA COUNCIL SHALL HEAR ALL PERSONS
20 WHO WISH TO APPEAR BEFORE THE COUNCIL REGARDING THE RURAL MANAGEMENT AREA
21 PLAN. ON COMPLETION OF THE HEARINGS AND AFTER MAKING ANY CHANGES TO THE
22 PROPOSED RURAL MANAGEMENT AREA PLAN OR REVISED RURAL MANAGEMENT AREA PLAN,
23 THE COUNCIL SHALL ADOPT THE RURAL MANAGEMENT AREA PLAN. THE COUNCIL SHALL
24 RECORD A CERTIFIED COPY OF THE PROCEEDINGS IN THE OFFICE OF THE COUNTY
25 RECORDER FOR ANY COUNTY WITH LAND WITHIN THE RURAL MANAGEMENT AREA AND
26 SHALL SUBMIT A COPY TO THE DIRECTOR.

27 B. ON ADOPTION OF THE PLAN, THE RURAL MANAGEMENT AREA COUNCIL SHALL
28 PETITION THE DEPARTMENT FOR APPROVAL BY THE DEPARTMENT OF ANY PROPOSED
29 ACTIONS IN THE PLAN THAT WOULD BE IMPLEMENTED BY THE DEPARTMENT. THE
30 RURAL MANAGEMENT AREA COUNCIL SHALL SUBMIT TO THE APPROPRIATE CITIES,
31 TOWNS AND COUNTIES AND OTHER PUBLIC AGENCIES ANY PROPOSED ACTIONS IN THE
32 AREA PLAN THAT WOULD BE IMPLEMENTED BY THOSE CITIES, TOWNS AND COUNTIES OR
33 OTHER PUBLIC AGENCIES IN THE RURAL MANAGEMENT AREA.

34 C. ON RECEIPT OF A PETITION BY A RURAL MANAGEMENT AREA COUNCIL
35 PURSUANT TO SUBSECTION B OF THIS SECTION AND BEFORE IMPLEMENTING ANY
36 RECOMMENDED ACTIONS CONTAINED IN THE AREA PLAN, THE DIRECTOR SHALL HOLD A
37 PUBLIC HEARING ON THE ACTIONS PROPOSED FOR IMPLEMENTATION BY THE
38 DEPARTMENT.

39 D. THE DIRECTOR SHALL GIVE NOTICE OF THE DEPARTMENT HEARING WITHIN
40 THIRTY DAYS AFTER THE RURAL MANAGEMENT AREA COUNCIL PETITIONS THE
41 DEPARTMENT. THE NOTICE SHALL INCLUDE A SUMMARY OF THE PETITION AND
42 PROPOSED ACTIVITIES FOR IMPLEMENTATION BY THE DEPARTMENT, THE AREA PLAN, A
43 MAP OR A DESCRIPTION OF THE BOUNDARIES OF THE RURAL MANAGEMENT AREA, AND
44 THE TIME AND PLACE OF THE HEARING. THE NOTICE SHALL BE PUBLISHED ONCE

1 EACH WEEK FOR TWO CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION
2 IN EACH COUNTY IN WHICH THE RURAL MANAGEMENT AREA IS LOCATED.

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

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

11 G. WITHIN THIRTY DAYS AFTER THE HEARING, THE DIRECTOR SHALL ISSUE A
12 PRELIMINARY DECISION DETERMINING WHETHER THE PROPOSED ACTIONS INCLUDED
13 WITHIN THE PETITION, SINGLY OR IN COMBINATION, ARE CONSISTENT WITH
14 ACHIEVING THE RURAL MANAGEMENT AREA GOALS. WITHIN NINETY DAYS AFTER THE
15 HEARING, THE DIRECTOR SHALL ISSUE A FINAL DECISION DETERMINING WHETHER THE
16 PROPOSED ACTIONS INCLUDED WITHIN THE PETITION, SINGLY OR IN COMBINATION,
17 ARE CONSISTENT WITH ACHIEVING THE RURAL MANAGEMENT AREA GOALS AND SUCH
18 ORDERS AND DESIGNATIONS AS MAY BE REQUIRED TO IMPLEMENT THE ACTIONS
19 APPROVED BY THE DECISION. THE DIRECTOR SHALL INCLUDE A SUMMARY OF
20 FINDINGS WITH RESPECT TO MATTERS CONSIDERED DURING THE HEARING WITH THE
21 DECISION AND A SUMMARY OF ALL PUBLIC COMMENTS RECEIVED IN WRITING AND
22 PUBLIC COMMENTS MADE AT THE PUBLIC HEARING.

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

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