

REFERENCE TITLE: local groundwater stewardship areas.

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1306

Introduced by
Senator Borrelli: Representative Biasiucci

AN ACT

AMENDING SECTIONS 5-572, 9-461.05, 11-804 AND 11-823, ARIZONA REVISED STATUTES; AMENDING TITLE 45, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 45-119; AMENDING SECTIONS 45-401, 45-432, 45-433, 45-435 AND 45-437, ARIZONA REVISED STATUTES; AMENDING TITLE 45, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 45-437.04; AMENDING SECTIONS 45-453, 45-512, 45-598, 45-604 AND 45-632, ARIZONA REVISED STATUTES; AMENDING TITLE 45, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13; RELATING TO WATER.

(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 pursuant to subsection B of this section until the deposits to the
 6 state general fund equal ~~eighty-four million one hundred fifty thousand~~
 7 ~~dollars~~ \$84,150,000 in a fiscal year.

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

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

32 G. OF THE MONIES REMAINING IN THE STATE LOTTERY FUND EACH FISCAL
 33 YEAR AFTER APPROPRIATIONS AND DEPOSITS AUTHORIZED IN SUBSECTIONS A THROUGH
 34 F OF THIS SECTION, \$50,000,000 SHALL BE DEPOSITED IN THE DEPARTMENT OF
 35 WATER RESOURCES LOCAL GROUNDWATER STEWARDSHIP FUND ESTABLISHED BY SECTION
 36 45-119.

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. Section 9-461.05, Arizona Revised Statutes, is amended to
2 read:

3 9-461.05. General plans; authority; scope

4 A. Each planning agency shall prepare and the governing body of
5 each municipality shall adopt a comprehensive, long-range general plan for
6 the development of the municipality. The planning agency shall coordinate
7 the production of its general plan with the creation of the state land
8 department conceptual land use plans under title 37, chapter 2, article
9 5.1 and shall cooperate with the state land department regarding
10 integrating the conceptual state land use plans into the municipality's
11 general land use plan. The general plan shall include provisions that
12 identify changes or modifications to the plan that constitute amendments
13 and major amendments. The plan shall be adopted and readopted in the
14 manner prescribed by section 9-461.06.

15 B. The general plan shall be so prepared that all or individual
16 elements of the plan may be adopted by the governing body and that the
17 plan may be made applicable to all or part of the territory of the
18 municipality.

19 C. The general plan shall consist of a statement of community goals
20 and development policies. The plan shall include maps, any necessary
21 diagrams and text setting forth objectives, principles, standards and plan
22 proposals. The plan shall include the following elements:

23 1. A land use element that:

24 (a) Designates the proposed general distribution and location and
25 extent of such uses of the land for housing, business, industry,
26 agriculture, recreation, education, public buildings and grounds, open
27 space and other categories of public and private uses of land as may be
28 appropriate to the municipality.

29 (b) Includes a statement of the standards of population density and
30 building intensity recommended for the various land use categories covered
31 by the plan.

32 (c) Identifies specific programs and policies that the municipality
33 may use to promote infill or compact form development activity and
34 locations where those development patterns should be encouraged.

35 (d) Includes consideration of air quality and access to incident
36 solar energy for all general categories of land use.

37 (e) Includes policies that address maintaining a broad variety of
38 land uses, including the range of uses existing in the municipality when
39 the plan is adopted, readopted or amended.

40 (f) For cities and towns with territory in the vicinity of a
41 military airport or ancillary military facility as defined in section
42 28-8461, includes consideration of military airport or ancillary military
43 facility operations. If a city or town includes land in a high noise or
44 accident potential zone as defined in section 28-8461, the city or town
45 shall identify the boundaries of the high noise or accident potential zone

1 in its general plan for purposes of planning land uses in the high noise
2 or accident potential zone that are compatible with the operation of the
3 military airport or ancillary military facility pursuant to section
4 28-8481, subsection J.

5 (g) Includes sources of aggregates from maps that are available
6 from state agencies, information from the Arizona geological survey on how
7 to locate existing mines, consideration of existing mining operations and
8 suitable geologic resources, policies to preserve currently identified
9 aggregates sufficient for future development and policies to avoid
10 incompatible land uses, except that this subdivision ~~shall~~ DOES not ~~be~~
11 ~~construed to~~ affect any permitted underground storage facility or limit
12 any person's right to obtain a permit for an underground storage facility
13 pursuant to title 45, chapter 3.1.

14 2. A circulation element consisting of the general location and
15 extent of existing and proposed freeways, arterial and collector streets,
16 bicycle routes and any other modes of transportation as may be
17 appropriate, all correlated with the land use element of the plan.

18 D. For cities and towns with a population of more than two thousand
19 five hundred persons but less than ten thousand persons and whose
20 population growth rate exceeded an average of two percent per year for the
21 ten-year period before the most recent United States decennial census and
22 for cities and towns with a population of ten thousand or more persons
23 according to the most recent United States decennial census, the general
24 plan shall include, and for other cities and towns the general plan may
25 include:

26 1. An open space element that includes:

27 (a) A comprehensive inventory of open space areas, recreational
28 resources and designations of access points to open space areas and
29 resources.

30 (b) An analysis of forecasted needs, policies for managing and
31 protecting open space areas and resources and implementation strategies to
32 acquire additional open space areas and further establish recreational
33 resources.

34 (c) Policies and implementation strategies designed to promote a
35 regional system of integrated open space and recreational resources and a
36 consideration of any existing regional open space plans.

37 2. A growth area element, specifically identifying those areas, if
38 any, that are particularly suitable for planned multimodal transportation
39 and infrastructure expansion and improvements designed to support a
40 planned concentration of a variety of uses, such as residential, office,
41 commercial, tourism and industrial uses. This element shall include
42 policies and implementation strategies that are designed to:

43 (a) Make automobile, transit and other multimodal circulation more
44 efficient, make infrastructure expansion more economical and provide for a
45 rational pattern of land development.

1 (b) Conserve significant natural resources and open space areas in
2 the growth area and coordinate their location to similar areas outside the
3 growth area's boundaries.

4 (c) Promote the public and private construction of timely and
5 financially sound infrastructure expansion through the use of
6 infrastructure funding and financing planning that is coordinated with
7 development activity.

8 3. An environmental planning element that contains analyses,
9 policies and strategies to address anticipated effects, if any, of plan
10 elements on air quality, water quality and natural resources associated
11 with proposed development under the general plan. The policies and
12 strategies to be developed under this element shall be designed to have
13 community-wide applicability and shall not require the production of an
14 additional environmental impact statement or similar analysis beyond the
15 requirements of state and federal law.

16 4. A cost of development element that identifies policies and
17 strategies that the municipality will use to require development to pay
18 its fair share toward the cost of additional public service needs
19 generated by new development, with appropriate exceptions when in the
20 public interest. This element shall include:

21 (a) A component that identifies various mechanisms that are allowed
22 by law and that can be used to fund and finance additional public services
23 necessary to serve the development, including bonding, special taxing
24 districts, development fees, in lieu fees, facility construction,
25 dedications and service privatization.

26 (b) A component that identifies policies to ensure that any
27 mechanisms that are adopted by the municipality under this element result
28 in a beneficial use to the development, bear a reasonable relationship to
29 the burden imposed on the municipality to provide additional necessary
30 public services to the development and otherwise are imposed according to
31 law.

32 5. A water resources element that addresses:

33 (a) The known legally and physically available surface water,
34 groundwater and effluent supplies.

35 (b) THE MANAGEMENT GOALS OF A LOCAL GROUNDWATER STEWARDSHIP AREA
36 ADOPTED IN A MANAGEMENT PLAN PURSUANT TO SECTIONS 45-655 AND 45-656 THAT
37 ARE APPLICABLE TO ALL OR PART OF THE TERRITORY OF THE MUNICIPALITY.

38 ~~(b)~~ (c) The demand for water that will result from future growth
39 projected in the general plan, added to existing uses.

40 ~~(c)~~ (d) An analysis of how the demand for water that will result
41 from future growth projected in the general plan will be served by the
42 water supplies identified in subdivision (a) of this paragraph or a plan
43 to obtain additional necessary water supplies IN A MANNER THAT IS
44 CONSISTENT WITH ACHIEVING ANY APPLICABLE LOCAL GROUNDWATER STEWARDSHIP
45 AREA MANAGEMENT GOALS.

1 E. The general plan shall include for cities with a population of
2 fifty thousand persons or more and may include for cities with a
3 population of less than fifty thousand persons the following elements or
4 any part or phase of the following elements:

5 1. A conservation element for the conservation, development and
6 utilization of natural resources, including forests, soils, rivers and
7 other waters, harbors, fisheries, wildlife, minerals and other natural
8 resources. The conservation element may also cover:

9 (a) The reclamation of land.

10 (b) Flood control.

11 (c) Prevention and control of the pollution of streams and other
12 waters.

13 (d) Regulation of the use of land in stream channels and other
14 areas required for the accomplishment of the conservation plan.

15 (e) Prevention, control and correction of the erosion of soils,
16 beaches and shores.

17 (f) Protection of watersheds.

18 2. A recreation element showing a comprehensive system of areas and
19 public sites for recreation, including the following and, if practicable,
20 their locations and proposed development:

21 (a) Natural reservations.

22 (b) Parks.

23 (c) Parkways and scenic drives.

24 (d) Beaches.

25 (e) Playgrounds and playfields.

26 (f) Open space.

27 (g) Bicycle routes.

28 (h) Other recreation areas.

29 3. The circulation element provided for in subsection C, paragraph
30 2 of this section shall also include for cities with a population of fifty
31 thousand persons or more and may include for cities with a population of
32 less than fifty thousand persons recommendations concerning parking
33 facilities, building setback requirements and the delineations of such
34 systems on the land, a system of street naming and house and building
35 numbering and other matters as may be related to the improvement of
36 circulation of traffic. The circulation element may also include:

37 (a) A transportation element showing a comprehensive transportation
38 system, including locations of rights-of-way, terminals, viaducts and
39 grade separations. This element of the plan may also include port,
40 harbor, aviation and related facilities.

41 (b) A transit element showing a proposed system of rail or transit
42 lines or other mode of transportation as may be appropriate.

43 4. A public services and facilities element showing general plans
44 for police, fire, emergency services, sewage, refuse disposal, drainage,
45 local utilities, rights-of-way, easements and facilities for them.

1 5. A public buildings element showing locations of civic and
2 community centers, public schools, libraries, police and fire stations and
3 other public buildings.

4 6. A housing element consisting of standards and programs for the
5 elimination of substandard dwelling conditions, for the improvement of
6 housing quality, variety and affordability and for provision of adequate
7 sites for housing. This element shall contain an identification and
8 analysis of existing and forecasted housing needs. This element shall be
9 designed to make equal provision for the housing needs of all segments of
10 the community regardless of race, color, creed or economic level.

11 7. A conservation, rehabilitation and redevelopment element
12 consisting of plans and programs for:

13 (a) The elimination of slums and blighted areas.

14 (b) Community redevelopment, including housing sites, business and
15 industrial sites and public building sites.

16 (c) Other purposes authorized by law.

17 8. A safety element for the protection of the community from
18 natural and artificial hazards, including features necessary for such
19 protection as evacuation routes, peak load water supply requirements,
20 minimum road widths according to function, clearances around structures
21 and geologic hazard mapping in areas of known geologic hazards.

22 9. A bicycling element consisting of proposed bicycle facilities
23 such as bicycle routes, bicycle parking areas and designated bicycle
24 street crossing areas.

25 10. An energy element that includes:

26 (a) A component that identifies policies that encourage and provide
27 incentives for efficient use of energy.

28 (b) An assessment that identifies policies and practices that
29 provide for greater uses of renewable energy sources.

30 11. A neighborhood preservation and revitalization element,
31 including:

32 (a) A component that identifies city programs that promote home
33 ownership, that provide assistance for improving the appearance of
34 neighborhoods and that promote maintenance of both commercial and
35 residential buildings in neighborhoods.

36 (b) A component that identifies city programs that provide for the
37 safety and security of neighborhoods.

38 F. The water resources element of the general plan does not
39 require:

40 1. New independent hydrogeologic studies.

41 2. The city or town to be a water service provider.

42 G. The land use element of a general plan of a city with a
43 population of more than one million persons shall include protections from
44 encroaching development for any shooting range that is owned by this state
45 and that is located within or adjacent to the exterior municipal

1 boundaries on or before January 1, 2004. The general plan shall establish
2 land use categories within at least one-half mile from the exterior
3 boundaries of the shooting range that are consistent with the continued
4 existence of the shooting range and that exclude incompatible uses such as
5 residences, schools, hotels, motels, hospitals or churches except that
6 land zoned to permit these incompatible uses on August 25, 2004 are exempt
7 from this exclusion. For the purposes of this subsection, "shooting
8 range" means a permanently located and improved area that is designed and
9 operated for the use of rifles, shotguns, pistols, silhouettes, skeet,
10 trap, black powder or any other similar sport shooting in an outdoor
11 environment. Shooting range does not include:

12 1. Any area for the exclusive use of archery or air guns.

13 2. An enclosed indoor facility that is designed to offer a totally
14 controlled shooting environment and that includes impenetrable walls,
15 floor and ceiling, adequate ventilation, lighting systems and acoustical
16 treatment for sound attenuation suitable for the range's approved use.

17 3. A national guard facility located in a city or town with a
18 population of more than one million persons.

19 4. A facility that was not owned by this state before January 1,
20 2002.

21 H. The policies and strategies to be developed under these elements
22 shall be designed to have community-wide applicability and this section
23 does not authorize the imposition of dedications, exactions, fees or other
24 requirements that are not otherwise authorized by law.

25 Sec. 3. Section 11-804, Arizona Revised Statutes, is amended to
26 read:

27 11-804. Comprehensive plan: contents

28 A. The commission shall formulate and the board of supervisors
29 shall adopt or readopt a long-term comprehensive plan for the development
30 of the area of jurisdiction in the manner prescribed by this article. The
31 comprehensive plan, with the accompanying maps, plats, charts and
32 descriptive matter, shall show the commission's recommendations for the
33 development of the area of jurisdiction. The comprehensive plan shall be
34 made with the general purpose of guiding and accomplishing a coordinated,
35 adjusted and harmonious development of the area of jurisdiction pursuant
36 to the present and future needs of the county. The comprehensive plan
37 shall be developed so as to conserve the natural resources of the county,
38 to ensure efficient expenditure of public monies and to promote the
39 health, safety, convenience and general welfare of the public. The
40 comprehensive plan may include studies and recommendations relative to the
41 location, character and extent of highways, railroads, bus and other
42 transportation routes, bicycle facilities, bridges, public buildings,
43 public services, schools, parks, open space, housing quality, variety and
44 affordability, parkways, hiking and riding trails, airports, forests,
45 wildlife areas, dams, projects affecting conservation of natural

1 resources, air quality, water quality and floodplain zoning. In the
2 preparation of the comprehensive plan, the commission shall make surveys
3 and studies of the present conditions and prospective future growth of the
4 area of the jurisdiction. The comprehensive plan shall be a public
5 record, but its purpose and effect shall be primarily as an aid to the
6 county planning and zoning commission and to the board of supervisors in
7 the performance of their duties. The comprehensive plan shall include
8 provisions that identify changes or modifications that constitute
9 amendments and major amendments to the plan.

10 B. In addition to the other matters that are required or authorized
11 under this section and this article, for counties with a population of
12 more than one hundred twenty-five thousand persons, the comprehensive plan
13 shall include, and for other counties the comprehensive plan may include:

14 1. Planning for land use that designates the proposed general
15 distribution and location and extent of uses of the land for housing,
16 business, industry, agriculture, recreation, education, public buildings
17 and grounds, open space and other categories of public and private uses of
18 land appropriate to the county. The land use plan shall include:

19 (a) A statement of the standards of population density and building
20 intensity recommended for the various land use categories covered by the
21 plan.

22 (b) Specific programs and policies that the county may use to
23 promote compact form development activity and locations where those
24 development patterns should be encouraged.

25 (c) Consideration of air quality and access to incident solar
26 energy for all general categories of land use.

27 (d) Policies that address maintaining a broad variety of land uses,
28 including the range of uses existing in the county at the time the plan is
29 adopted, readopted or amended.

30 (e) Currently identified sources of aggregates from maps that are
31 available from state agencies, information from the Arizona geological
32 survey on how to locate existing mines, consideration of existing mining
33 operations and suitable geologic resources, policies to preserve currently
34 identified aggregates sufficient for future development and policies to
35 avoid incompatible land uses, except that this subdivision ~~shall~~ DOES not
36 ~~be construed to~~ affect any permitted underground storage facility or limit
37 any person's right to obtain a permit for an underground storage facility
38 pursuant to title 45, chapter 3.1.

39 2. Planning for circulation consisting of the general location and
40 extent of existing and proposed freeways, arterial and collector streets,
41 bicycle routes and any other modes of transportation as may be
42 appropriate, all correlated with the land use plan under paragraph 1 of
43 this subsection.

1 3. Planning for water resources that addresses:

2 (a) The known legally and physically available surface water,
3 groundwater and effluent supplies.

4 (b) **THE MANAGEMENT GOALS OF A LOCAL GROUNDWATER STEWARDSHIP AREA**
5 **ADOPTED IN A MANAGEMENT PLAN PURSUANT TO SECTIONS 45-655 AND 45-656 THAT**
6 **ARE APPLICABLE TO ALL OR PART OF THE AREA OF JURISDICTION.**

7 ~~(b)~~ (c) The demand for water that will result from future growth
8 projected in the comprehensive plan, added to existing uses.

9 ~~(c)~~ (d) An analysis of how the demand for water that will result
10 from future growth projected in the comprehensive plan will be served by
11 the water supplies identified in subdivision (a) of this paragraph or a
12 plan to obtain additional necessary water supplies **IN A MANNER THAT IS**
13 **CONSISTENT WITH ACHIEVING ANY APPLICABLE LOCAL GROUNDWATER STEWARDSHIP**
14 **AREA MANAGEMENT GOALS.**

15 4. Planning for energy use that:

16 (a) Encourages and provides incentives for efficient use of energy.

17 (b) Identifies policies and practices for greater use of renewable
18 energy.

19 C. In addition to the other matters that are required or authorized
20 under this section and this article, for counties with a population of
21 more than two hundred thousand persons, the comprehensive plan shall
22 include, and for other counties the comprehensive plan may include:

23 1. Planning for open space acquisition and preservation. The open
24 space plan shall include:

25 (a) A comprehensive inventory of open space areas, recreational
26 resources and designations of access points to open space areas and
27 resources.

28 (b) An analysis of forecasted needs, policies for managing and
29 protecting open space areas and resources and implementation strategies to
30 acquire additional open space areas and further establish recreational
31 resources.

32 (c) Policies and implementation strategies designed to promote a
33 regional system of integrated open space and recreational resources and a
34 consideration of any existing regional open space plan.

35 2. Planning for growth areas, specifically identifying those areas,
36 if any, that are particularly suitable for planned multimodal
37 transportation and infrastructure expansion and improvements designed to
38 support a planned concentration of a variety of uses, such as residential,
39 office, commercial, tourism and industrial uses. The mixed use planning
40 shall include policies and implementation strategies that are designed to:

41 (a) Make automobile, transit and other multimodal circulation more
42 efficient, make infrastructure expansion more economical and provide for a
43 rational pattern of land development.

1 (b) Conserve significant natural resources and open areas in the
2 growth area and coordinate their location to similar areas outside the
3 growth area's boundaries.

4 (c) Promote the public and private construction of timely and
5 financially sound infrastructure expansion through the use of
6 infrastructure funding and financing planning that is coordinated with
7 development activity.

8 3. An environmental planning element that contains analyses,
9 policies and strategies to address anticipated effects, if any, of plan
10 elements on air quality, water quality and natural resources associated
11 with proposed development under the comprehensive plan. The policies and
12 strategies to be developed under this element shall be designed to have
13 countywide applicability and shall not require the production of an
14 additional environmental impact statement or similar analysis beyond the
15 requirements of state and federal law.

16 4. A cost of development element that identifies policies and
17 strategies that the county will use to require development to pay its fair
18 share toward the cost of additional public facility needs generated by new
19 development, with appropriate exceptions when in the public interest.
20 This element shall include:

21 (a) A component that identifies various mechanisms that are allowed
22 by law and that can be used to fund and finance additional public services
23 necessary to serve the development, including bonding, special taxing
24 districts, development fees, in lieu fees and facility construction,
25 dedications and privatization.

26 (b) A component that identifies policies to ensure that any
27 mechanisms that are adopted by the county under this element result in a
28 beneficial use to the development, bear a reasonable relationship to the
29 burden imposed on the county to provide additional necessary public
30 facilities to the development and otherwise are imposed pursuant to law.

31 D. The water resources element of the comprehensive plan does not
32 require:

33 1. New independent hydrogeologic studies.

34 2. The county to be a water service provider.

35 E. In applying an open space element or a growth element of a
36 comprehensive plan, a county shall not designate private or state land as
37 open space, recreation, conservation or agriculture unless the county
38 receives the written consent of the landowner or provides an alternative,
39 economically viable designation in the comprehensive plan or zoning
40 ordinance, allowing at least one residential dwelling per acre. If the
41 landowner is the prevailing party in any action brought to enforce this
42 subsection, a court shall award fees and other expenses to the landowner.
43 Each county shall incorporate this subsection into its comprehensive plan
44 and provide a process for a landowner to resolve discrepancies relating to
45 this subsection.

1 F. The policies and strategies to be developed under these elements
2 shall be designed to have regional applicability.

3 G. For counties with territory in the vicinity of a military
4 airport or ancillary military facility as defined in section 28-8461, the
5 commission shall also consider military airport or ancillary military
6 facility operations and shall identify the boundaries of any high noise or
7 accident potential zone as defined in section 28-8461 in its comprehensive
8 plan for purposes of planning land uses in the high noise or accident
9 potential zone that are compatible with the operation of the military
10 airport or ancillary military facility pursuant to section 28-8481,
11 subsection J.

12 Sec. 4. Section 11-823, Arizona Revised Statutes, is amended to
13 read:

14 11-823. Water supply; adequacy; exemptions

15 A. To protect the public health and safety, the general regulations
16 adopted by the board pursuant to section 11-821, subsection B, if approved
17 by unanimous vote of the board of supervisors, may provide that, except as
18 provided in subsection ~~C~~ D and subsection ~~D~~ E, paragraph 1 of this
19 section, the board shall not approve a final plat for a subdivision
20 composed of subdivided lands, as defined in section 32-2101, located
21 outside of an active management area, as defined in section 45-402, unless
22 one of the following applies:

23 1. The director of water resources has determined that there is an
24 adequate water supply for the subdivision pursuant to section 45-108 and
25 the subdivider has included the report with the plat.

26 2. The subdivider has obtained a written commitment of water
27 service for the subdivision from a city, town or private water company
28 designated as having an adequate water supply by the director of water
29 resources pursuant to section 45-108.

30 B. IF RECOMMENDED BY A LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL
31 PURSUANT TO SECTION 45-655, SUBSECTION D, PARAGRAPH 1, SUBDIVISION (a),
32 ITEM (ii) AND APPROVED BY MAJORITY VOTE OF THE BOARD OF SUPERVISORS, THE
33 GENERAL REGULATIONS ADOPTED BY THE BOARD PURSUANT TO SECTION 11-821,
34 SUBSECTION B MAY PROVIDE THAT, EXCEPT AS PROVIDED IN SUBSECTION D AND
35 SUBSECTION E, PARAGRAPH 1 OF THIS SECTION, THE BOARD SHALL NOT APPROVE A
36 FINAL PLAT FOR A SUBDIVISION COMPOSED OF SUBDIVIDED LANDS, AS DEFINED IN
37 SECTION 32-2101, THAT IS LOCATED WITHIN THE LOCAL GROUNDWATER STEWARDSHIP
38 AREA UNLESS ONE OF THE FOLLOWING APPLIES:

39 1. THE DIRECTOR OF WATER RESOURCES HAS DETERMINED THAT THERE IS AN
40 ADEQUATE WATER SUPPLY FOR THE SUBDIVISION PURSUANT TO SECTION 45-108 AND
41 THE SUBDIVIDER HAS INCLUDED THE REPORT WITH THE PLAT.

42 2. THE SUBDIVIDER HAS OBTAINED A WRITTEN COMMITMENT OF WATER
43 SERVICE FOR THE SUBDIVISION FROM A CITY, TOWN OR PRIVATE WATER COMPANY
44 THAT IS DESIGNATED AS HAVING AN ADEQUATE WATER SUPPLY BY THE DIRECTOR OF
45 WATER RESOURCES PURSUANT TO SECTION 45-108.

1 ~~B.~~ C. If the board ~~unanimously~~ adopts the provision authorized by
2 subsection A OR B of this section:

3 1. The board may include in the general regulations an exemption
4 from the provision for a subdivision that the director of water resources
5 has determined will have an inadequate water supply because the water
6 supply will be transported to the subdivision by motor vehicle or train if
7 all of the following apply:

8 (a) The board determines that there is no feasible alternative
9 water supply for the subdivision and that the transportation of water to
10 the subdivision will not constitute a significant risk to the health and
11 safety of the residents of the subdivision.

12 (b) If the water to be transported to the subdivision will be
13 withdrawn or diverted in the service area of a municipal provider as
14 defined in section 45-561, the municipal provider has consented to the
15 withdrawal or diversion.

16 (c) If the water to be transported is groundwater, the
17 transportation complies with the provisions governing the transportation
18 of groundwater in title 45, chapter 2, article 8.

19 (d) The transportation of water to the subdivision meets any
20 additional conditions imposed by the county.

21 2. The board shall promptly give written notice of the adoption of
22 the provision to the director of water resources, the director of
23 environmental quality and the state real estate commissioner. The notice
24 shall include a certified copy of the provision and any exemptions adopted
25 pursuant to paragraph 1 of this subsection. Water providers may be
26 eligible to receive monies in a water supply development fund, as
27 otherwise provided by law.

28 3. The board shall not rescind the provision or amend it in a
29 manner that is inconsistent with subsection A OR B of this section. If
30 the board amends the provision, it shall give written notice of the
31 amendment to the director of water resources, the director of
32 environmental quality and the state real estate commissioner. The board
33 may rescind an exemption adopted pursuant to paragraph 1 of this
34 subsection. If the board rescinds the exemption, it shall give written
35 notice of the rescission to the director of water resources, the director
36 of environmental quality and the state real estate commissioner, and the
37 board shall not readopt the exemption for at least five years after the
38 rescission becomes effective.

39 4. If the board approves a subdivision plat pursuant to subsection
40 ~~A, paragraph 1 or 2~~ OR B of this section, the board shall note on the face
41 of the plat that the director of water resources has reported that the
42 subdivision has an adequate water supply or that the subdivider has
43 obtained a commitment of water service for the proposed subdivision from a
44 city, town or private water company designated as having an adequate water
45 supply pursuant to section 45-108.

1 5. If the board approves a subdivision plat pursuant to an
2 exemption authorized by paragraph 1 of this subsection or granted by the
3 director of water resources pursuant to section 45-108.02 or 45-108.03:

4 (a) The board shall give written notice of the approval to the
5 director of water resources and the director of environmental quality.

6 (b) The board shall include on the face of the plat a statement
7 that the director of water resources has determined that the water supply
8 for the subdivision is inadequate and a statement describing the exemption
9 under which the plat was approved, including a statement that the board or
10 the director of water resources, whichever applies, has determined that
11 the specific conditions of the exemption were met. If the director of
12 water resources subsequently informs the board that the subdivision is
13 being served by a water provider that has been designated by the director
14 as having an adequate water supply pursuant to section 45-108, the board
15 shall record in the county recorder's office a statement disclosing that
16 fact.

17 ~~C.~~ D. Subsection A OR B of this section does not apply to:

18 1. A proposed subdivision that the director of water resources has
19 determined will have an inadequate water supply pursuant to section 45-108
20 if the director grants an exemption for the subdivision pursuant to
21 section 45-108.02 and the exemption has not expired or the director grants
22 an exemption pursuant to section 45-108.03.

23 2. A proposed subdivision that received final plat approval from
24 the county before the requirement for an adequate water supply became
25 effective in the county if the plat has not been materially changed since
26 it received the final plat approval. If changes were made to the plat
27 after the plat received the final plat approval, the director of water
28 resources shall determine whether the changes are material pursuant to the
29 rules adopted by the director to implement section 45-108. If the county
30 approves a plat pursuant to this paragraph and the director of water
31 resources has determined that there is an inadequate water supply for the
32 subdivision pursuant to section 45-108, the county shall note this on the
33 face of the plat.

34 ~~D.~~ E. If the subdivision is composed of subdivided lands as
35 defined in section 32-2101 outside of an active management area and the
36 board has not adopted a provision pursuant to subsection A OR B of this
37 section:

38 1. If the director of water resources has determined that there is
39 an adequate water supply for the subdivision pursuant to section 45-108 or
40 if the subdivider has obtained a written commitment of water service for
41 the subdivision from a city, town or private water company designated as
42 having an adequate water supply by the director of water resources
43 pursuant to section 45-108, the board shall note this on the face of the
44 plat if the plat is approved.

1 2. If the director of water resources has determined that there is
2 an inadequate water supply for the subdivision pursuant to section 45-108,
3 the board shall note this on the face of the plat if the plat is approved.

4 Sec. 5. Title 45, chapter 1, article 1, Arizona Revised Statutes,
5 is amended by adding section 45-119, to read:

6 45-119. Department of water resources local groundwater
7 stewardship fund; limitation; annual report

8 A. THE DEPARTMENT OF WATER RESOURCES LOCAL GROUNDWATER STEWARDSHIP
9 FUND IS ESTABLISHED CONSISTING OF MONIES DEPOSITED FROM THE STATE LOTTERY
10 FUND PURSUANT TO SECTION 5-572 AND INTEREST AND OTHER INCOME RECEIVED FROM
11 INVESTING MONIES IN THE FUND.

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

18 C. THE DEPARTMENT SHALL SPEND ALL MONIES IN THE FUND TO IMPLEMENT
19 AND SUPPORT LOCAL GROUNDWATER STEWARDSHIP AREAS THAT ARE ESTABLISHED
20 PURSUANT TO CHAPTER 2, ARTICLE 13 OF THIS TITLE.

21 D. THE DEPARTMENT MAY USE MONIES IN THE FUND TO SUPPORT DEPARTMENT
22 ACTIVITIES RELATED TO LOCAL GROUNDWATER STEWARDSHIP AREAS PURSUANT TO
23 SECTIONS 45-651, 45-653, 45-654 AND 45-656. THE DEPARTMENT MAY ALSO GRANT
24 MONIES TO ANY AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION, INDIAN
25 TRIBE OR NONPROFIT ORGANIZATION EXEMPT FROM FEDERAL INCOME TAXATION UNDER
26 SECTION 501(c) OF THE INTERNAL REVENUE CODE FOR THE PURPOSE OF
27 IMPLEMENTING PROGRAMS TO APPROVE AND FUND VOLUNTARY, COMPENSATED LAND AND
28 WATER CONSERVATION PLANS TO CONSERVE AND AUGMENT GROUNDWATER SUPPLIES
29 APPROVED BY THE DIRECTOR PURSUANT TO SECTION 45-656, SUBSECTION G.

30 E. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION
31 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

32 F. THE DEPARTMENT SHALL NOT EXERCISE ANY POWER OF EMINENT DOMAIN TO
33 ACQUIRE PROPERTY USING MONIES FROM THE FUND.

34 G. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DIRECTOR SHALL SUBMIT
35 AN ANNUAL REPORT TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE
36 OF REPRESENTATIVE AND THE CHAIRPERSONS OF THE SENATE AND HOUSE OF
37 REPRESENTATIVES COMMITTEES ON NATURAL RESOURCES AND AGRICULTURE, OR THEIR
38 SUCCESSOR COMMITTEES, AND SHALL PROVIDE A COPY OF THIS REPORT TO THE
39 SECRETARY OF STATE. THE ANNUAL REPORT SHALL INCLUDE INFORMATION ON THE
40 AMOUNT OF MONIES SPENT OR ENCUMBERED IN THE FUND DURING THE PRECEDING
41 FISCAL YEAR AND A SUMMARY OF THE PROJECTS, ACTIVITIES AND EXPENDITURES
42 RELATING TO IMPLEMENTING AND SUPPORTING LOCAL GROUNDWATER STEWARDSHIP
43 AREAS AND VOLUNTARY, COMPENSATED LAND AND WATER CONSERVATION PLANS.

1 Sec. 6. Section 45-401, Arizona Revised Statutes, is amended to
2 read:

3 45-401. Declaration of policy

4 A. The legislature finds that the people of Arizona are dependent
5 in whole or in part ~~upon~~ ON groundwater basins for their water supply and
6 that in many basins and ~~sub-basins~~ SUBBASINS withdrawal of groundwater is
7 greatly in excess of the safe annual yield and that this is threatening to
8 destroy the economy of certain areas of this state and is threatening to
9 do substantial injury to the general economy and welfare of this state and
10 its citizens. The legislature further finds that it is in the best
11 interest of the general economy and welfare of this state and its citizens
12 that the legislature evoke its police power to prescribe which uses of
13 groundwater are most beneficial and economically effective.

14 B. It is therefore declared to be the public policy of this state
15 that in the interest of protecting and stabilizing the general economy and
16 welfare of this state and its citizens it is necessary to conserve,
17 protect and allocate the use of groundwater resources of the state and to
18 provide a framework for the comprehensive management and regulation of the
19 withdrawal, transportation, use, conservation and conveyance of rights to
20 use the groundwater in this state.

21 C. IT IS FURTHER DECLARED TO BE THE PUBLIC POLICY OF THIS STATE
22 THAT, GIVEN THE UNIQUE GEOGRAPHICAL AND HYDROLOGICAL REQUIREMENTS AND
23 VARIED INTERESTS OF WATER USERS IN THE BASINS AND SUBBASINS WITHIN THIS
24 STATE THAT ARE NOT PRESENTLY DESIGNATED AS ACTIVE MANAGEMENT AREAS, IT IS
25 IN THE BEST INTEREST OF THE GENERAL ECONOMY AND WELFARE OF THIS STATE AND
26 ITS CITIZENS THAT COUNTIES, LOCAL INTERESTS AND LOCAL RESIDENTS HAVE THE
27 ABILITY TO COORDINATE WITH THE DEPARTMENT AND ADOPT A LOCAL MANAGEMENT
28 PLAN TO DEFINE MANAGEMENT GOALS AND LOCALLY TAILORED ACTIONS FOR THE
29 MANAGEMENT AND REGULATION OF THE WITHDRAWAL, USE AND CONSERVATION OF
30 GROUNDWATER THROUGH DESIGNATION OF LOCAL GROUNDWATER STEWARDSHIP AREAS.

31 Sec. 7. Section 45-432, Arizona Revised Statutes, is amended to
32 read:

33 45-432. Subsequent irrigation non-expansion areas;
34 designation; review

35 A. The director may designate an area ~~which~~ THAT is not included
36 within an active management area as a subsequent irrigation non-expansion
37 area if the director determines that both of the following apply:

38 1. EITHER:

39 (a) There is insufficient groundwater to provide a reasonably safe
40 supply for irrigation of the cultivated lands in the area at the current
41 rates of withdrawal.

42 (b) IF THE DESIGNATION OF THE SUBSEQUENT IRRIGATION NON-EXPANSION
43 AREA IS BEING CONSIDERED IN RESPONSE TO A PETITION BY A LOCAL GROUNDWATER
44 STEWARDSHIP AREA COUNCIL PURSUANT TO SECTION 45-435, SUBSECTION A, THE

1 DESIGNATION OF A SUBSEQUENT IRRIGATION NON-EXPANSION AREA IS CONSISTENT
2 WITH ACHIEVING THE LOCAL GROUNDWATER STEWARDSHIP AREA MANAGEMENT GOALS.

3 2. The establishment of an active management area pursuant to
4 section 45-412 is not necessary.

5 B. An irrigation non-expansion area established pursuant to this
6 section may include more than one groundwater ~~sub-basin~~ SUBBASIN but shall
7 not be smaller than a groundwater ~~sub-basin~~ SUBBASIN or include only a
8 portion of a groundwater ~~sub-basin~~ SUBBASIN, EXCEPT THAT A SUBSEQUENT
9 IRRIGATION NON-EXPANSION AREA DESIGNATED PURSUANT TO SUBSECTION A,
10 PARAGRAPH 1, SUBDIVISION (b) OF THIS SECTION MAY BE COTERMINOUS WITH THE
11 BOUNDARIES OF THE LOCAL GROUNDWATER STEWARDSHIP AREA OR A PORTION OF THE
12 LOCAL GROUNDWATER STEWARDSHIP AREA AS IDENTIFIED IN THE PETITION TO THE
13 DIRECTOR PURSUANT TO SECTIONS 45-655 AND 45-656.

14 Sec. 8. Section 45-433, Arizona Revised Statutes, is amended to
15 read:

16 45-433. Local initiation for designation; procedures

17 A. The designation of a subsequent irrigation non-expansion area
18 may be initiated by the director or by petition to the director signed by
19 ~~either~~ ANY OF THE FOLLOWING:

20 1. Not less than twenty-five irrigation users of groundwater, or
21 one-fourth of the irrigation users of groundwater within the boundaries of
22 the groundwater basin or ~~sub-basin~~ SUBBASIN specified in the petition.

23 2. Ten ~~per-cent~~ PERCENT of the registered voters residing within
24 the boundaries of the groundwater basin or ~~sub-basin~~ SUBBASIN specified in
25 the petition as of the most recent report compiled by the county recorder
26 in compliance with section 16-168, subsection ~~G~~ H. The form of the
27 petition shall be the same as for an initiative petition and the applicant
28 for such petition shall comply with the provisions of section 19-111. If
29 a groundwater basin or ~~sub-basin~~ SUBBASIN is located in two or more
30 counties, the number of registered voters required to sign the petition
31 shall be ten ~~per-cent~~ PERCENT of the registered voters residing within the
32 boundaries of the groundwater basin or ~~sub-basin~~ SUBBASIN, as of the most
33 recent report compiled by the county recorder in compliance with section
34 16-168, subsection ~~G~~ H, within the county in which the plurality of the
35 registered voters in the groundwater basin or ~~sub-basin~~ SUBBASIN resides.

36 3. A LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL PURSUANT TO SECTION
37 45-656, SUBSECTION B.

38 B. ~~upon~~ ON receipt of a petition pursuant to subsection A,
39 paragraph 2 of this section, the director shall transmit the petition to
40 the county recorder of each county in which the groundwater basin or
41 ~~sub-basin~~ SUBBASIN is located for verification of signatures. In
42 addition, the director shall transmit a map of the groundwater basin or
43 ~~sub-basin~~ SUBBASIN to the county recorder of each such county included.
44 The map shall be on a scale adequate to show with substantial accuracy
45 where the boundaries of the groundwater basin or ~~sub-basin~~ SUBBASIN cross

1 the boundaries of county voting precincts. The director shall also
2 transmit to the county recorder all other factual data concerning the
3 boundaries of the groundwater basin or ~~sub-basin~~ SUBBASIN that may aid the
4 county recorder in ~~the determination of~~ DETERMINING which registered
5 voters of the county are residents of the groundwater basin or ~~sub-basin~~
6 SUBBASIN.

7 Sec. 9. Section 45-435, Arizona Revised Statutes, is amended to
8 read:

9 45-435. Hearing on designation of subsequent irrigation
10 non-expansion areas and boundaries: notice:
11 procedures

12 A. IF A PETITION IS FILED PURSUANT TO SECTION 45-433, SUBSECTION A,
13 PARAGRAPH 3, THE DIRECTOR SHALL FOLLOW THE PROCEDURES FOR PUBLIC HEARING
14 PRESCRIBED BY SECTION 45-656 AND SHALL CONSIDER WHETHER TO ISSUE AN ORDER
15 DECLARING AN IRRIGATION NON-EXPANSION AREA, THE BOUNDARIES OF WHICH SHALL
16 BE COTERMINOUS WITH THE BOUNDARIES OF THE LOCAL GROUNDWATER STEWARDSHIP
17 AREA OR A PORTION OF THE LOCAL GROUNDWATER STEWARDSHIP AREA AS IDENTIFIED
18 IN THE PETITION TO THE DIRECTOR PURSUANT TO SECTIONS 45-655 AND 45-656.

19 ~~A.~~ B. If the director finds that an area ~~which~~ THAT is not
20 included within an active management area meets the criteria specified in
21 section 45-432, or a petition is filed pursuant to section 45-433, the
22 director shall hold a public hearing to consider:

23 1. Whether to issue an order declaring the area an irrigation
24 non-expansion area.

25 2. The boundaries of the proposed irrigation non-expansion area.

26 ~~B.~~ C. The director shall give reasonable notice of the hearing
27 under the circumstances which shall include the publication once each week
28 for two consecutive weeks in a newspaper of general circulation in each
29 county in which the proposed irrigation non-expansion area is located.
30 Any notice shall contain the time and place of the hearing, the legal
31 description and a map clearly identifying and describing all lands to be
32 included in the proposed irrigation non-expansion area and any other
33 information the director deems necessary.

34 ~~C.~~ D. The hearing shall be held at a location in the county in
35 which the major portion of the proposed irrigation non-expansion area is
36 located ~~no~~ NOT less than thirty days but ~~no~~ NOT more than sixty days after
37 the first publication of the notice of the hearing. At the hearing, the
38 director shall present the factual data in his possession in support of or
39 in opposition to the proposed action. Any person may appear at the
40 hearing, either in person or by representative, and submit oral or
41 documentary evidence for or against the proposed action. In making ~~his~~
42 THE determination, the director shall give full consideration to public
43 comment and to recommendations made by local political subdivisions.

1 Sec. 10. Section 45-437, Arizona Revised Statutes, is amended to
2 read:

3 45-437. Irrigated acreage; water measuring device; annual
4 report of groundwater pumping; penalty;
5 transportation; exemption

6 A. In an initial irrigation non-expansion area established pursuant
7 to section 45-431, except as provided in subsection E of this section,
8 only acres of land ~~which~~ THAT were legally irrigated at any time between
9 January 1, 1975 and January 1, 1980 may be irrigated with groundwater,
10 effluent, diffused water on the surface or surface water, except as
11 provided in sections 45-172, 45-437.01, 45-437.02, ~~and~~ 45-437.03 **AND**
12 **45-437.04**, and except that this does not prohibit irrigation with surface
13 water used pursuant to decreed or appropriative rights established before
14 June 12, 1980. Land ~~which~~ THAT was not irrigated at any time from January
15 1, 1975 through January 1, 1980 is deemed to have been in irrigation if
16 the director finds that substantial capital investment has been made in
17 the twelve months before June 12, 1980 for the improvement of the land and
18 on-site irrigation distribution facilities, including the drilling of
19 wells, for an irrigation use. This subsection does not allow irrigation
20 of land ~~which~~ THAT could not have been legally irrigated under prior
21 statutory law.

22 B. In a subsequent irrigation non-expansion area established
23 pursuant to section 45-432, except as provided in subsection E of this
24 section, only acres of land ~~which~~ THAT were irrigated at any time during
25 the five years preceding the date of the notice of the initiation of
26 designation procedures may be irrigated with groundwater, effluent,
27 diffused water on the surface or surface water, except as provided in
28 sections 45-172, 45-437.01, 45-437.02 and 45-437.03, and except that this
29 does not prohibit irrigation with surface water used pursuant to decreed
30 or appropriative rights established before the date of the notice. Land
31 ~~which~~ THAT was not irrigated at any time during this five year period is
32 deemed to have been in irrigation if the director finds that substantial
33 capital investment has been made for the subjugation of such land for an
34 irrigation use including on-site irrigation distribution facilities and a
35 well or wells the drilling and construction of which were substantially
36 commenced before the date of the notice of the initiation of designation
37 procedures.

38 C. Except as provided in subsection F of this section, in an
39 irrigation non-expansion area:

40 1. Each person withdrawing groundwater from a non-exempt well for
41 an irrigation use and each person withdrawing more than ten acre-feet of
42 groundwater per year from a non-exempt well for a non-irrigation use shall
43 use a water measuring device approved by the director. Each person
44 withdrawing groundwater from a non-exempt well shall file a report on a
45 calendar year basis with the director on a form provided by the director

1 ~~no~~ NOT later than March 31 of the following year. In filing a report,
2 each person withdrawing ten or fewer acre-feet of groundwater per year
3 from a non-exempt well for a non-irrigation use shall estimate the
4 quantity of groundwater withdrawn.

5 2. Transportations of groundwater are subject to the provisions of
6 articles 8 and 8.1 of this chapter.

7 D. If a person, who is required under subsection C, paragraph 1 of
8 this section to file an annual report for calendar year 1986 or any
9 subsequent calendar year, fails to file a report for the calendar year in
10 question on or before March 31 of the following year, the director may
11 assess and collect a penalty of ~~twenty-five dollars~~ \$25 for each month or
12 portion of a month that the annual report is delinquent. The total
13 penalty assessed under this subsection shall not exceed ~~one hundred fifty~~
14 ~~dollars~~ \$150. The director shall deposit, pursuant to sections 35-146 and
15 35-147, all penalties collected under this subsection in the state general
16 fund.

17 E. In an irrigation non-expansion area, a correctional facility
18 under the jurisdiction of the state department of corrections may irrigate
19 with groundwater, effluent, diffused water on the surface or surface water
20 up to a total of ten acres of land that otherwise may not be irrigated
21 pursuant to subsection A or B of this section if the irrigation is for the
22 purpose of producing plants or parts of plants for consumption by inmates
23 at the correctional facility as part of a prisoner work program and if the
24 correctional facility notifies the director of water resources in writing
25 of the location of the acres of land to be irrigated ~~prior to~~ BEFORE their
26 irrigation. The actual number of acres of land that a correctional
27 facility may irrigate pursuant to this subsection shall be calculated by
28 subtracting the number of acres of land the correctional facility may
29 already irrigate under subsection A or B of this section from ten.

30 F. A person who withdraws groundwater from a non-exempt well for an
31 irrigation use is exempt from subsection C, paragraph 1 of this section
32 for those withdrawals if both of the following apply:

33 1. Groundwater withdrawn from the well for an irrigation use is
34 used only on land that is owned by a person who has the right under
35 subsection A or B of this section to irrigate ten or fewer contiguous
36 acres of land at the place of the use.

37 2. Groundwater withdrawn from the well is not used on land that is
38 part of an integrated farming operation.

39 Sec. 11. Title 45, chapter 2, article 3, Arizona Revised Statutes,
40 is amended by adding section 45-437.04, to read:

41 45-437.04. Change of place or type of irrigation use:
42 substitution of acres

43 IN A SUBSEQUENT IRRIGATION NON-EXPANSION AREA DESIGNATED PURSUANT TO
44 SECTION 45-432, SUBSECTION A, PARAGRAPH 1, SUBDIVISION (b), A PERSON WHO
45 OWNS ACRES OF LAND THAT MAY NOT BE IRRIGATED PURSUANT TO SECTION 45-437

1 MAY APPLY TO THE DIRECTOR TO SUBSTITUTE THOSE ACRES FOR IRRIGATION ON
2 DEMONSTRATING THAT THE SAME NUMBER OF ACRES WILL BE PERMANENTLY RETIRED
3 FROM IRRIGATION. THE DIRECTOR MAY APPROVE THE SUBSTITUTION OF ACRES IF
4 THE OWNER DEMONSTRATES TO THE DIRECTOR'S SATISFACTION THAT ALL OF THE
5 FOLLOWING APPLY:

6 1. THE SUBSTITUTION OF ACRES WILL NOT RESULT IN AN INCREASE IN THE
7 RATE OF WITHDRAWAL OF GROUNDWATER IN THE IRRIGATION NON-EXPANSION AREA.

8 2. THE SUBSTITUTION OF ACRES WILL NOT RESULT IN GROUNDWATER TO BE
9 WITHDRAWN AT A RATE THAT WHEN ADDED TO THE EXISTING RATE OF WITHDRAWALS IN
10 THE AREA WILL CAUSE AN UNREASONABLE DECLINE IN THE GROUNDWATER TABLE AT
11 THE SITE OR SITES OF THE WITHDRAWALS.

12 3. THE SUBSTITUTION OF ACRES IS CONSISTENT WITH ACHIEVING THE LOCAL
13 GROUNDWATER STEWARDSHIP AREA MANAGEMENT GOALS.

14 Sec. 12. Section 45-453, Arizona Revised Statutes, is amended to
15 read:

16 45-453. Groundwater rights and uses in areas outside active
17 management areas; amounts; transportation;
18 irrigation non-expansion areas

19 In areas outside of active management areas, a person may:

20 1. Withdraw and use groundwater for reasonable and beneficial use,
21 except as provided in ~~article~~ ARTICLES 8.1 AND 13 of this chapter.

22 2. Transport groundwater pursuant to articles 8 and 8.1 of this
23 chapter.

24 3. Use groundwater for irrigation purposes within the exterior
25 boundaries of an irrigation non-expansion area only pursuant to article 3
26 of this chapter.

27 Sec. 13. Section 45-512, Arizona Revised Statutes, is amended to
28 read:

29 45-512. Categories of groundwater withdrawal permits

30 A. Except as provided in section 45-452, subsection H, section
31 45-513, subsection B and articles 5 and 6 of this chapter, a person may
32 not withdraw groundwater from a nonexempt well in an active management
33 area unless the person obtains a groundwater withdrawal permit from the
34 director pursuant to this article. The categories of groundwater
35 withdrawal permits are as follows:

36 1. Dewatering permits issued pursuant to section 45-513.

37 2. Mineral extraction and metallurgical processing permits issued
38 pursuant to section 45-514.

39 3. General industrial use permits issued pursuant to section
40 45-515.

41 4. Poor quality groundwater permits issued pursuant to section
42 45-516.

43 5. Temporary permits issued pursuant to sections 45-517 and 45-518.

44 6. Drainage water permits issued pursuant to section 45-519.

45 7. Hydrologic testing permits issued pursuant to section 45-519.01.

1 B. ON PETITION BY A LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL
2 PURSUANT TO SECTION 45-655 AND FOLLOWING AN ORDER OF THE DIRECTOR PURSUANT
3 TO SECTION 45-656, A PERSON MAY NOT WITHDRAW GROUNDWATER FROM A NEW
4 NONEXEMPT WELL IN A LOCAL GROUNDWATER STEWARDSHIP AREA FOR DEWATERING,
5 MINERAL EXTRACTION AND METALLURGICAL PROCESSING OR GENERAL INDUSTRIAL USE
6 UNLESS THE PERSON OBTAINS A GROUNDWATER WITHDRAWAL PERMIT FROM THE
7 DIRECTOR. THE DIRECTOR SHALL ADOPT REQUIREMENTS AND STANDARDS FOR THE
8 GROUNDWATER WITHDRAWAL PERMIT PRESCRIBED BY THIS SUBSECTION THAT FOLLOW AS
9 CLOSELY AS PRACTICABLE THOSE PRESCRIBED IN THIS ARTICLE FOR GROUNDWATER
10 WITHDRAWAL PERMITS WITHIN ACTIVE MANAGEMENT AREAS.

11 Sec. 14. Section 45-598, Arizona Revised Statutes, is amended to
12 read:

13 45-598. New wells and replacement wells in new locations in
14 active management areas and local groundwater
15 stewardship areas; rules; permit required

16 A. The director shall adopt rules governing the location of new
17 wells and replacement wells in new locations in active management areas
18 AND LOCAL GROUNDWATER STEWARDSHIP AREAS to prevent unreasonably increasing
19 damage to surrounding land or other water users from the concentration of
20 wells. RULES ADOPTED BY THE DIRECTOR RELATED TO LOCAL GROUNDWATER
21 STEWARDSHIP AREAS APPLY ONLY TO A LOCAL GROUNDWATER STEWARDSHIP AREA ON
22 PETITION BY THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL PURSUANT TO
23 SECTION 45-655 AND FOLLOWING AN ORDER OF THE DIRECTOR PURSUANT TO SECTION
24 45-656. ON PETITION BY THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL
25 PURSUANT TO SECTION 45-655 AND FOLLOWING AN ORDER OF THE DIRECTOR PURSUANT
26 TO SECTION 45-656, UNTIL AND UNLESS THE DIRECTOR ADOPTS RULES THAT APPLY
27 ONLY TO LOCAL GROUNDWATER STEWARDSHIP AREAS, ANY RULES PREVIOUSLY ADOPTED
28 BY THE DIRECTOR PURSUANT TO THIS SECTION THAT APPLY TO THE LOCATION OF NEW
29 WELLS AND REPLACEMENT WELLS IN NEW LOCATIONS IN ACTIVE MANAGEMENT AREAS
30 ALSO APPLY TO THE LOCATION OF NEW WELLS AND REPLACEMENT WELLS IN NEW
31 LOCATIONS IN LOCAL GROUNDWATER STEWARDSHIP AREAS.

32 B. A person WHO IS entitled to withdraw groundwater in an active
33 management area pursuant to article 5 or 6 of this chapter may construct a
34 new well or a replacement well in a new location if the location of the
35 new well or the replacement well complies with the rules adopted by the
36 director pursuant to subsection A of this section and if the person has
37 applied for and received a permit from the director pursuant to section
38 45-599.

39 C. IN A LOCAL GROUNDWATER STEWARDSHIP AREA THAT HAS ADOPTED RULES
40 PURSUANT TO SECTION 45-655, SUBSECTION D, PARAGRAPH 2, SUBDIVISION (d) AND
41 THAT HAVE BEEN APPROVED BY THE DIRECTOR PURSUANT TO SECTION 45-656, A
42 PERSON WHO IS ENTITLED TO WITHDRAW GROUNDWATER MAY CONSTRUCT A NEW WELL OR
43 A REPLACEMENT WELL IN A NEW LOCATION IF THE LOCATION OF THE NEW WELL OR
44 THE REPLACEMENT WELL COMPLIES WITH THE RULES ADOPTED BY THE DIRECTOR
45 PURSUANT TO SUBSECTION A OF THIS SECTION, IS CONSISTENT WITH ACHIEVING THE

1 LOCAL GROUNDWATER STEWARDSHIP AREA MANAGEMENT GOALS AND IF THE PERSON HAS
2 APPLIED FOR AND RECEIVED A PERMIT FROM THE DIRECTOR PURSUANT TO SECTION
3 45-599.

4 ~~D.~~ D. An applicant for a general industrial use permit pursuant to
5 sections 45-515 and 45-521 who proposes to construct a new well or a
6 replacement well in a new location shall also apply for a permit pursuant
7 to section 45-599.

8 ~~E.~~ E. A person who is entitled to withdraw groundwater in an
9 active management area under article 5 or 6 of this chapter may withdraw
10 groundwater under article 5 or 6 of this chapter from a well drilled to
11 withdraw groundwater pursuant to a groundwater withdrawal permit issued
12 under article 7 of this chapter if the location of the well complies with
13 the rules adopted by the director under subsection A of this section and
14 if the person has applied for and received a permit from the director
15 pursuant to section 45-599. A person WHO IS entitled to withdraw
16 groundwater in an active management area under a general industrial use
17 permit issued under section 45-515 may withdraw groundwater under section
18 45-515 from a well used to withdraw groundwater pursuant to another
19 category of groundwater withdrawal permit issued under article 7 of this
20 chapter if the location of the well complies with the rules adopted by the
21 director under subsection A of this section and if the person has applied
22 for and received a permit from the director pursuant to section 45-599.

23 Sec. 15. Section 45-604, Arizona Revised Statutes, is amended to
24 read:

25 45-604. Water measuring devices

26 A. Except as provided in subsections B, C and D of this section, a
27 person who withdraws groundwater from a nonexempt well in an active
28 management area or an irrigation non-expansion area, a person who
29 withdraws water from a ~~non-exempt~~ NONEXEMPT well in the Santa Cruz active
30 management area or a person who withdraws groundwater for transportation
31 to an initial active management area pursuant to article 8.1 of this
32 chapter shall use a water measuring device approved by the director.

33 B. A person who holds a type 2 non-irrigation grandfathered right
34 or a groundwater withdrawal permit in the amount of ten or fewer acre-feet
35 per year is not required to use a water measuring device to measure
36 withdrawals pursuant to that grandfathered right or groundwater withdrawal
37 permit unless the person holds more than one such right or permit in the
38 aggregate amount of more than ten acre-feet per year and withdraws more
39 than ten acre-feet of groundwater per year pursuant to those rights or
40 permits from one well.

41 C. In an irrigation non-expansion area:

42 1. A person who withdraws ten or fewer acre-feet of groundwater per
43 year from a ~~non-exempt~~ NONEXEMPT well for a non-irrigation use is not
44 required to use a water measuring device to measure withdrawals from that
45 well.

1 2. A person who withdraws groundwater from a ~~non-exempt~~ NONEXEMPT
2 well for an irrigation use is not required to use a water measuring device
3 to measure withdrawals from that well if both of the following apply:

4 (a) Groundwater withdrawn from the well for an irrigation use is
5 used only on land that is owned by a person who has the right under
6 section 45-437 to irrigate ten or fewer contiguous acres at the place of
7 the use.

8 (b) Groundwater withdrawn from the well is not used on land that is
9 part of an integrated farming operation.

10 D. In an active management area, a person, other than an irrigation
11 district, who withdraws groundwater from a ~~non-exempt~~ NONEXEMPT well for
12 use pursuant to an irrigation grandfathered right that is appurtenant to
13 ten or fewer irrigation acres is not required to use a water measuring
14 device to measure withdrawals from that well unless groundwater withdrawn
15 from the well is also used pursuant to either a service area right
16 pursuant to article 6 of this chapter or a grandfathered groundwater right
17 other than an irrigation grandfathered right that is appurtenant to
18 irrigation acres that are exempt from irrigation water duties pursuant to
19 section 45-563.02.

20 E. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, ON PETITION
21 BY A LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL PURSUANT TO SECTION 45-655
22 AND FOLLOWING AN ORDER OF THE DIRECTOR PURSUANT TO SECTION 45-656, A
23 PERSON WHO WITHDRAWS GROUNDWATER FROM A NONEXEMPT WELL IN A LOCAL
24 GROUNDWATER STEWARDSHIP AREA SHALL USE A WATER MEASURING DEVICE APPROVED
25 BY THE DIRECTOR.

26 F. IN A LOCAL GROUNDWATER STEWARDSHIP AREA, ON PETITION BY A LOCAL
27 GROUNDWATER STEWARDSHIP AREA COUNCIL PURSUANT TO SECTION 45-655 AND
28 FOLLOWING AN ORDER OF THE DIRECTOR PURSUANT TO SECTION 45-656, THE LOCAL
29 GROUNDWATER STEWARDSHIP AREA COUNCIL MAY PRESCRIBE CERTAIN GROUNDWATER
30 WITHDRAWALS FROM NONEXEMPT WELLS THAT ARE NOT REQUIRED TO USE A WATER
31 MEASURING DEVICE TO MEASURE WITHDRAWALS FROM THAT WELL.

32 ~~F.~~ G. The director shall adopt rules setting forth the
33 requirements and specifications for water measuring devices.

34 Sec. 16. Section 45-632, Arizona Revised Statutes, is amended to
35 read:

36 45-632. Records and annual report of groundwater pumping,
37 transportation and use; penalty

38 A. Each person who is required to file an annual report under this
39 section or who files an annual report under subsection E of this section
40 shall maintain current accurate records of the person's withdrawals,
41 transportation, deliveries and use of groundwater and, in the Santa Cruz
42 active management area AND IN A LOCAL GROUNDWATER STEWARDSHIP AREA AS
43 PRESCRIBED BY SUBSECTION B, PARAGRAPH 6 OF THIS SECTION, current accurate
44 records of the person's withdrawals, deliveries and use of all water

1 withdrawn from a well, as prescribed by the director under subsection ~~P~~ Q
2 of this section.

3 B. Except as provided in subsections C and D of this section, an
4 annual report shall be filed with the director by each person who:

5 1. Owns or leases a right under this chapter to withdraw, receive
6 or use groundwater in an active management area, unless a report is filed
7 for that person by an irrigation district under subsection E of this
8 section or by another person in a form acceptable to the director.

9 2. Uses groundwater ~~which~~ THAT is transported from an active
10 management area.

11 3. Is an individual user subject to a municipal conservation
12 requirement for appropriate conservation measures included in a management
13 plan adopted by the director pursuant to article 9 of this chapter.

14 4. Withdraws groundwater for transportation to an initial active
15 management area pursuant to article 8.1 of this chapter.

16 5. Withdraws water from a well in the Santa Cruz active management
17 area or who uses water, other than stored water, withdrawn from a
18 ~~non-exempt~~ NONEXEMPT well in the Santa Cruz active management area.

19 6. WITHDRAWS WATER FROM A WELL IN A LOCAL GROUNDWATER STEWARDSHIP
20 AREA THAT IS SUBJECT TO A REPORTING REQUIREMENT PURSUANT TO SECTIONS
21 45-655 AND 45-656.

22 C. Persons who withdraw groundwater from exempt wells and
23 non-irrigation customers of cities, towns, private water companies and
24 irrigation districts, except customers receiving water pursuant to a
25 permit, are exempt from the record keeping and reporting requirements of
26 this section for such water.

27 D. A person who owns or leases an irrigation grandfathered right
28 that is appurtenant to ten or fewer irrigation acres is exempt from the
29 record keeping and reporting requirements of this section for the
30 irrigation grandfathered right unless one of the following applies:

31 1. The land to which the irrigation grandfathered right is
32 appurtenant is part of an integrated farming operation.

33 2. Groundwater is withdrawn from the land to which the irrigation
34 grandfathered right is appurtenant and delivered for use pursuant to
35 either a service area right pursuant to article 6 of this chapter or a
36 grandfathered groundwater right other than an irrigation grandfathered
37 right that is appurtenant to irrigation acres that are exempt from
38 irrigation water duties pursuant to section 45-563.02.

39 3. Groundwater is withdrawn from land that is both owned by the
40 owner of the irrigation grandfathered right and contiguous to the land to
41 which the irrigation grandfathered right is appurtenant and delivered for
42 use pursuant to either a service area right pursuant to article 6 of this
43 chapter or a grandfathered groundwater right other than an irrigation
44 grandfathered right that is appurtenant to irrigation acres that are
45 exempt from irrigation water duties pursuant to section 45-563.02.

1 E. An irrigation district ~~which~~ THAT delivers and distributes
2 groundwater in an active management area may file an annual report with
3 the director for each person who holds an irrigation grandfathered right
4 appurtenant to irrigation acres within the service area of the irrigation
5 district, if the irrigation district delivers all the water used on the
6 person's irrigation acres. If an irrigation district files an annual
7 report for such a person, the irrigation district shall report the
8 following information for each such person:

9 1. The name of the person and the certificate number of the
10 person's irrigation grandfathered right.

11 2. The quantity of groundwater, if any, delivered during the
12 calendar year.

13 F. Persons who are required to report under subsection B, paragraph
14 1 of this section and who withdraw groundwater during the calendar year in
15 an active management area shall report the following information for each
16 well:

17 1. The registration number and location of the well.

18 2. The quantity of groundwater withdrawn from the well during the
19 calendar year. A person who, under section 45-604, subsection B, is not
20 required to use and does not use a water measuring device to measure
21 withdrawals made pursuant to a type 2 non-irrigation grandfathered right
22 or a groundwater withdrawal permit shall estimate the quantity of
23 groundwater withdrawn pursuant to the grandfathered right or withdrawal
24 permit.

25 3. The quantity of fuel or electricity consumed by the pump during
26 the calendar year.

27 4. The uses to which the groundwater was applied or the persons to
28 whom the groundwater was delivered during the calendar year.

29 G. Persons who are required to report under subsection B, paragraph
30 1 of this section and who use groundwater during the calendar year in an
31 active management area and persons who are required to report under
32 subsection B, paragraph 2 of this section shall report the following
33 information:

34 1. The source of the groundwater, including:

35 (a) The name of the person from whom the groundwater was obtained.

36 (b) The registration number and location of the well, if known.

37 2. The quantity of groundwater used during the calendar year.

38 3. The specific uses to which the groundwater was applied during
39 the calendar year.

40 H. Persons who are required to report under subsection B, paragraph
41 4 of this section and who transport groundwater during the calendar year
42 to an initial active management area under article 8.1 of this chapter
43 shall report the following information:

44 1. The registration number and location of each well.

- 1 2. The quantity of groundwater withdrawn from each well during the
2 calendar year.
- 3 3. The quantity of groundwater transported during the calendar year
4 to an initial active management area.
- 5 4. The quantity of groundwater that was withdrawn during the
6 calendar year and that was not transported to an initial active management
7 area and the uses to which the groundwater was applied.
- 8 5. The quantity of fuel or electricity consumed by each pump during
9 the calendar year.
- 10 6. The uses to which the groundwater was applied or the persons to
11 whom the groundwater was delivered during the calendar year.
- 12 I. Persons who are required to report under subsection B, paragraph
13 1 of this section and who neither withdraw nor use groundwater during the
14 calendar year shall report the following information:
- 15 1. The fact that no groundwater was withdrawn or used during the
16 calendar year.
- 17 2. The registration number and location of each well, if any.
- 18 J. Persons who are required to report under subsection B, paragraph
19 5 of this section and who withdraw water from a ~~non-exempt~~ NONEXEMPT well
20 in the Santa Cruz active management area during the calendar year shall
21 report the following information:
- 22 1. The registration number and location of the well.
- 23 2. The quantity of water, by type, withdrawn from the well during
24 the calendar year.
- 25 3. The quantity of fuel or electricity consumed by the pump during
26 the calendar year.
- 27 4. The uses to which the water was applied or the persons to whom
28 the water was delivered during the calendar year.
- 29 K. Persons who are required to report under subsection B, paragraph
30 5 of this section and who use water withdrawn from a ~~non-exempt~~ NONEXEMPT
31 well in the Santa Cruz active management area during the calendar year
32 shall report the following information:
- 33 1. The source of the water, including:
- 34 (a) The name of the person from whom the water was obtained.
- 35 (b) The registration number and location of the well, if known.
- 36 2. The quantity of the water, by type, used during the calendar
37 year.
- 38 3. The specific uses to which the water was applied during the
39 calendar year.
- 40 L. PERSONS WHO ARE REQUIRED TO REPORT UNDER SUBSECTION B, PARAGRAPH
41 6 OF THIS SECTION AND WHO WITHDRAW WATER FROM A NONEXEMPT WELL IN A LOCAL
42 GROUNDWATER STEWARDSHIP AREA DURING THE CALENDAR YEAR SHALL REPORT THE
43 FOLLOWING INFORMATION:

- 1 1. THE REGISTRATION NUMBER AND LOCATION OF THE WELL.
- 2 2. THE QUANTITY OF WATER, BY TYPE, WITHDRAWN FROM THE WELL DURING
- 3 THE CALENDAR YEAR.
- 4 3. THE QUANTITY OF FUEL OR ELECTRICITY CONSUMED BY THE PUMP DURING
- 5 THE CALENDAR YEAR.
- 6 4. THE SPECIFIC USES TO WHICH THE WATER WAS APPLIED DURING THE
- 7 CALENDAR YEAR.
- 8 ~~F.~~ M. If a person both withdraws groundwater in an active
- 9 management area and uses such water, the person may combine the
- 10 information required by subsections F and G of this section into one
- 11 report. If a person both withdraws water, other than stored water, from a
- 12 non-exempt well in the Santa Cruz active management area and uses such
- 13 water, the person may combine the information required by subsections J
- 14 and K of this section into one report.
- 15 ~~M.~~ N. The director may require such other information in the
- 16 report as may be necessary to accomplish the management goals of the
- 17 applicable active management area.
- 18 ~~N.~~ O. Each report shall contain either a sworn statement or a
- 19 certification, under penalty of perjury, that the information contained in
- 20 the report is true and correct according to the best belief and knowledge
- 21 of the person filing the report.
- 22 ~~O.~~ P. The annual report shall be maintained on a calendar year
- 23 basis and shall be filed with the director no later than March 31 of each
- 24 year for the preceding calendar year. If a person who is required under
- 25 this section to file an annual report for calendar year 1985 or any
- 26 subsequent calendar year fails to file a report for the calendar year in
- 27 question on or before March 31 of the following year, the director may
- 28 assess and collect a penalty of twenty-five dollars for each month or
- 29 portion of a month that the annual report is delinquent. The total
- 30 penalty assessed under this subsection shall not exceed one hundred fifty
- 31 dollars. The director shall deposit, pursuant to sections 35-146 and
- 32 35-147, all penalties collected under this subsection in the state general
- 33 fund.
- 34 ~~P.~~ Q. The records and reports required to be kept and filed under
- 35 this section shall be in such form as the director prescribes. The
- 36 director shall prepare blank forms and distribute them on a timely
- 37 schedule throughout each active management area and furnish them upon
- 38 request. Failure to receive or obtain the forms does not relieve any
- 39 person from keeping the required records or making any required report.
- 40 The director shall cooperate with cities and towns, private water
- 41 companies and irrigation districts in establishing the form of the records
- 42 and reports to be kept and filed by them.

1 Sec. 17. Title 45, chapter 2, Arizona Revised Statutes, is amended
2 by adding article 13, to read:

3 ARTICLE 13. LOCAL GROUNDWATER STEWARDSHIP AREAS

4 45-651. County designation of local groundwater stewardship
5 area; conditions; hearing; rescission

6 A. A COUNTY BOARD OF SUPERVISORS THAT IS IN A COUNTY WITH LANDS
7 THAT ARE OUTSIDE OF AN ACTIVE MANAGEMENT AREA MAY DESIGNATE BY RESOLUTION
8 ONE OR MORE GROUNDWATER BASINS, SUBBASINS OR PORTIONS OF THOSE BASINS THAT
9 ARE LOCATED OUTSIDE OF AN ACTIVE MANAGEMENT AREA IN THE COUNTY AS A LOCAL
10 GROUNDWATER STEWARDSHIP AREA. BEFORE MAKING A DESIGNATION, THE BOARD OF
11 SUPERVISORS SHALL CONSIDER FROM ANY COUNTY, CITY OR TOWN WITHIN THE
12 PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA ANY VOTER-APPROVED MANAGEMENT
13 GOALS IN THE RELEVANT COUNTY COMPREHENSIVE PLAN ADOPTED PURSUANT TO
14 SECTION 11-805, THE RELEVANT MUNICIPAL GENERAL PLAN ADOPTED PURSUANT TO
15 SECTION 9-461.06 AND ANY GOALS INCLUDED IN A COMPREHENSIVE ECONOMIC
16 DEVELOPMENT STRATEGY. THE COUNTY BOARD OF SUPERVISORS MAY DESIGNATE A
17 LOCAL GROUNDWATER STEWARDSHIP AREA ONLY IF ON REVIEW OF AVAILABLE
18 INFORMATION FROM THE DEPARTMENT, THE UNITED STATES GEOGRAPHICAL SURVEY AND
19 OTHER SCIENTIFIC AND TECHNICAL SOURCES, THE BOARD FINDS THAT ONE OR MORE
20 OF THE FOLLOWING CONDITIONS EXIST IN THE PROPOSED LOCAL GROUNDWATER
21 STEWARDSHIP AREA:

22 1. THE USE OF GROUNDWATER EXCEEDS THE ESTIMATED RECHARGE RATE.

23 2. THERE ARE PHYSICAL INDICATIONS OF OVERPUMPING OF WATER THAT ARE
24 DOCUMENTED OR RELIABLY OBSERVED OVER TIME. PHYSICAL INDICATIONS MAY
25 INCLUDE DECLINING WATER LEVELS IN EXISTING WELLS, DECREASING WATER LEVELS
26 OR FLOW IN HYDROLOGICALLY CONNECTED SURFACE WATER OR LAND SUBSIDENCE.

27 3. ADDITIONAL ACTION IS NEEDED TO PROTECT RIGHTS TO SURFACE WATER
28 UNDER STATE OR FEDERAL LAW AND THAT WATER IS HYDROLOGICALLY CONNECTED TO
29 GROUNDWATER.

30 4. GROUNDWATER IS THE ONLY OR PRIMARY DRINKING WATER SUPPLY IN THE
31 AREA, AND ADDITIONAL ACTION AND COOPERATION ARE NEEDED TO ASSIST IN
32 MEETING THE WATER SUPPLY NEEDS FOR THE COMMUNITIES WITHIN OR WITHDRAWING
33 WATER FROM THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA.

34 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF A GROUNDWATER
35 BASIN IS BEING CONSIDERED FOR DESIGNATION AS A SUBSEQUENT ACTIVE
36 MANAGEMENT AREA AND A HEARING HAS BEEN NOTICED PURSUANT TO SECTION 45-414,
37 THE BASIN MAY NOT BE INCLUDED IN A PROPOSED LOCAL GROUNDWATER STEWARDSHIP
38 AREA UNTIL AND UNLESS THE DIRECTOR HAS MADE A FINAL FINDING AND ORDER NOT
39 DESIGNATING THE GROUNDWATER BASIN AS AN ACTIVE MANAGEMENT AREA. IF A
40 GROUNDWATER BASIN IS BEING CONSIDERED FOR DESIGNATION AS A SUBSEQUENT
41 ACTIVE MANAGEMENT AREA AND A PETITION HAS BEEN SUBMITTED TO A COUNTY BOARD
42 OF SUPERVISORS THAT MEETS THE REQUIREMENTS OF SECTION 45-415, SUBSECTION
43 A, THE BASIN MAY NOT BE INCLUDED IN A PROPOSED LOCAL GROUNDWATER
44 STEWARDSHIP AREA UNTIL AND UNLESS AN ELECTION IS HELD PURSUANT TO SECTION

1 45-415 AND THE ELECTION DOES NOT RESULT IN DESIGNATION OF AN ACTIVE
2 MANAGEMENT AREA.

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

5 1. PROVIDING NOTICE OF THE PROPOSED RESOLUTION AND A DATE AND TIME
6 FOR TWO OR MORE HEARINGS ON THE PROPOSED RESOLUTION TO THE PUBLIC AND TO
7 THE DEPARTMENT OF WATER RESOURCES, THE DEPARTMENT OF ENVIRONMENTAL
8 QUALITY, COUNTIES, CITIES, TOWNS AND SPECIAL TAXING DISTRICTS AND TO ANY
9 PUBLIC OR PRIVATE WATER PROVIDERS IN THE PROPOSED LOCAL GROUNDWATER
10 STEWARDSHIP AREA. THE NOTICE SHALL REQUEST PUBLIC COMMENT AT THE HEARINGS
11 ON THE PROPOSED RESOLUTION AND SHALL INCLUDE AT LEAST THE FOLLOWING:

12 (a) THE NAME OF THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA.

13 (b) THE BOUNDARIES OF THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP
14 AREA THAT WILL BE COTERMINOUS WITH THE BOUNDARIES OF A GROUNDWATER BASIN
15 OR SUBBASIN THAT IS PARTIALLY OR COMPLETELY WITHIN THE COUNTY AND MAY
16 INCLUDE INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY, EXCEPT THAT
17 IN THE REGIONAL AQUIFER SYSTEMS OF NORTHERN ARIZONA THE BOUNDARIES MAY BE
18 SMALLER THAN A SUBBASIN IF BASED ON REASONABLE HYDROLOGIC OR WATER
19 MANAGEMENT CONSIDERATIONS. A LOCAL GROUNDWATER STEWARDSHIP AREA MAY
20 INCLUDE AREAS IN MORE THAN ONE COUNTY IF THE BOARD OF SUPERVISORS IN EACH
21 AFFECTED COUNTY ADOPTS A RESOLUTION THAT SUPPORTS THE BOUNDARIES OF THE
22 PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA WITHIN THAT COUNTY.

23 (c) THE REASONS FOR THE DESIGNATION OF THE LOCAL GROUNDWATER
24 STEWARDSHIP AREA, INCLUDING A PRELIMINARY FINDING THAT ONE OR MORE OF THE
25 CONDITIONS PRESCRIBED IN SUBSECTION A OF THIS SECTION EXIST WITHIN THE
26 BOUNDARIES OF THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA.

27 2. PUBLISHING NOTICE OF EACH HEARING FOR THREE WEEKS IN A NEWSPAPER
28 OF GENERAL CIRCULATION IN THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA
29 AND POSTING THE NOTICE ON THE COUNTY'S WEBSITE.

30 3. ALLOWING AT LEAST FORTY-FIVE DAYS FOR PUBLIC COMMENT ON THE
31 PROPOSED RESOLUTION.

32 4. HOLDING AT LEAST TWO PUBLIC HEARINGS IN AT LEAST ONE OF THE
33 COMMUNITIES AFFECTED BY THE PROPOSED RESOLUTION, INCLUDING TRIBAL
34 COMMUNITIES, WHERE APPLICABLE.

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

1 WHERE IT IS PROPOSED TO APPLY, THE LOCAL GROUNDWATER STEWARDSHIP AREA
2 SHALL BE ESTABLISHED ONLY IN THOSE COUNTIES THAT HAVE APPROVED THE
3 ESTABLISHMENT OF THE LOCAL GROUNDWATER STEWARDSHIP AREA.

4 E. NOT LESS FREQUENTLY THAN EVERY TEN YEARS, A COUNTY BOARD OF
5 SUPERVISORS SHALL REVIEW WHETHER THE CONDITIONS SPECIFIED IN THE
6 RESOLUTION STILL EXIST IN THE LOCAL GROUNDWATER STEWARDSHIP AREA AND SHALL
7 EITHER:

8 1. BY RESOLUTION, CONTINUE THE LOCAL GROUNDWATER STEWARDSHIP AREA
9 DESIGNATION FOR AN ADDITIONAL EIGHT YEARS.

10 2. FOLLOWING THE SAME PROCEDURES FOR DESIGNATING A LOCAL
11 GROUNDWATER STEWARDSHIP AREA PURSUANT TO SUBSECTIONS B AND C OF THIS
12 SECTION, RESCIND THE DESIGNATION ON A FINDING THAT THE CONDITIONS
13 SPECIFIED IN THE RESOLUTION NO LONGER APPLY IN THE LOCAL GROUNDWATER
14 STEWARDSHIP AREA.

15 F. NOTWITHSTANDING SECTION 45-415, ANY BASIN, SUBBASIN OR PORTION
16 OF THE BASIN OR SUBBASIN THAT IS SUBJECT TO A LOCAL GROUNDWATER
17 STEWARDSHIP AREA DESIGNATION AND THAT HAS A LOCAL GROUNDWATER STEWARDSHIP
18 AREA PLAN THAT HAS BEEN ADOPTED PURSUANT TO SECTION 45-656, SUBSECTION A
19 MAY NOT DESIGNATE AN ACTIVE MANAGEMENT AREA PURSUANT TO SECTION 45-415 FOR
20 TEN YEARS AFTER THE DATE OF FINAL ADOPTION OF THE INITIAL LOCAL
21 GROUNDWATER STEWARDSHIP AREA PLAN.

22 G. IT IS THE EXPRESS INTENT OF THE LEGISLATURE THAT THE DESIGNATION
23 OF A LOCAL GROUNDWATER STEWARDSHIP AREA NOT ALTER THE LEGAL CHARACTER OF
24 ANY SURFACE WATERS OR GROUNDWATER WITHIN THIS STATE, AFFECT THE VESTED
25 WATER RIGHTS ASSOCIATED WITH ANY SURFACE WATERS OR GROUNDWATER OR
26 ESTABLISH ANY PRECEDENT THAT COULD BE USED IN A COURT OF LAW TO DEFINE,
27 LIMIT OR EXTEND THE RIGHTS OF THIS STATE OR THE UNITED STATES OVER THE
28 SURFACE WATERS AND GROUNDWATER FOUND WITHIN THIS STATE. THIS SECTION DOES
29 NOT AUTHORIZE A COUNTY BOARD OF SUPERVISORS OR A LOCAL GROUNDWATER
30 STEWARDSHIP AREA COUNCIL TO ESTABLISH A MANAGEMENT PRACTICE THAT WOULD
31 PREVENT A WATER USER FROM USING A WELL TO DIVERT APPROPRIABLE SURFACE
32 WATER TO WHICH THE WATER USER HAS A RIGHT UNDER STATE OR FEDERAL LAW.

33 H. A COUNTY BOARD OF SUPERVISORS THAT IS IN A COUNTY WITH LANDS
34 OUTSIDE OF AN ACTIVE MANAGEMENT AREA AND THAT IS CONSIDERING DESIGNATING A
35 LOCAL GROUNDWATER STEWARDSHIP AREA MAY ASK THE DEPARTMENT TO PROVIDE AN
36 ASSESSMENT OF LOCAL GROUNDWATER CONDITIONS THAT IS BASED ON AVAILABLE
37 INFORMATION AND THAT INCLUDES VARIABLES OUTLINED IN SUBSECTION B OF THIS
38 SECTION. THE DEPARTMENT SHALL USE MONIES PROVIDED IN SECTION 5-572,
39 SUBSECTION G TO PERFORM THE ANALYSIS AND SHALL COMPLETE THE ANALYSIS
40 WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE REQUEST FROM THE BOARD.

41 45-651.01. Director and local initiation of local groundwater
42 stewardship area; conditions; hearing

43 A. THE DIRECTOR MAY DESIGNATE AN AREA THAT IS NOT INCLUDED WITHIN
44 AN ACTIVE MANAGEMENT AREA AS A LOCAL GROUNDWATER STEWARDSHIP AREA IF THE
45 DIRECTOR DETERMINES THAT BOTH OF THE FOLLOWING APPLY:

1 1. ONE OR MORE OF THE CONDITIONS IDENTIFIED IN SECTION 45-651,
2 SUBSECTION A EXIST IN ONE OR MORE GROUNDWATER BASINS, SUBBASINS OR
3 PORTIONS OF THOSE BASINS.

4 2. THE ESTABLISHMENT OF AN ACTIVE MANAGEMENT AREA PURSUANT TO
5 SECTION 45-412 IS NOT NECESSARY.

6 B. THE DESIGNATION OF A LOCAL GROUNDWATER STEWARDSHIP AREA MAY BE
7 INITIATED BY PETITION TO THE DIRECTOR SIGNED BY EITHER:

8 1. NOT LESS THAN ONE-FOURTH OF THE USERS OF GROUNDWATER WITHIN THE
9 BOUNDARIES OF THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA SPECIFIED IN
10 THE PETITION.

11 2. TEN PERCENT OF THE REGISTERED VOTERS WITHIN THE BOUNDARIES OF
12 THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA SPECIFIED IN THE PETITION
13 AS OF THE MOST RECENT REPORT COMPILED BY THE COUNTY RECORDER IN COMPLIANCE
14 WITH SECTION 16-168, SUBSECTION G. THE FORM OF THE PETITION SHALL BE
15 SUBSTANTIALLY SIMILAR TO AN INITIATIVE PETITION AND THE APPLICANT FOR THE
16 PETITION SHALL COMPLY WITH SECTION 19-111. IF THE PROPOSED LOCAL
17 GROUNDWATER STEWARDSHIP AREA IS LOCATED IN TWO OR MORE COUNTIES, THE
18 NUMBER OF REGISTERED VOTERS REQUIRED TO SIGN THE PETITION SHALL BE TEN
19 PERCENT OF THE REGISTERED VOTERS RESIDING WITHIN THE BOUNDARIES OF THE
20 PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA, AS OF THE MOST RECENT REPORT
21 COMPILED BY THE COUNTY RECORDER IN COMPLIANCE WITH SECTION 16-168,
22 SUBSECTION G WITHIN THE COUNTY IN WHICH THE PLURALITY OF THE REGISTERED
23 VOTERS IN THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA RESIDE.

24 C. ON RECEIPT OF A PETITION PURSUANT TO SUBSECTION B, PARAGRAPH 2
25 OF THIS SECTION, THE DIRECTOR SHALL TRANSMIT THE PETITION TO THE COUNTY
26 RECORDER OF EACH COUNTY IN WHICH THE PROPOSED LOCAL GROUNDWATER
27 STEWARDSHIP AREA IS LOCATED FOR VERIFICATION OF SIGNATURES. IN ADDITION,
28 THE DIRECTOR SHALL TRANSMIT A MAP OF THE PROPOSED LOCAL GROUNDWATER
29 STEWARDSHIP AREA TO THE COUNTY RECORDER OF EACH INCLUDED COUNTY. THE MAP
30 SHALL BE ON A SCALE ADEQUATE TO SHOW WITH SUBSTANTIAL ACCURACY WHERE THE
31 BOUNDARIES OF THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA CROSS THE
32 BOUNDARIES OF COUNTY VOTING PRECINCTS. THE DIRECTOR SHALL ALSO TRANSMIT TO
33 THE COUNTY RECORDER ALL OTHER FACTUAL DATA CONCERNING THE BOUNDARIES OF
34 THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA THAT MAY AID THE COUNTY
35 RECORDER IN THE DETERMINATION OF WHICH REGISTERED VOTERS OF THE COUNTY ARE
36 RESIDENTS OF THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA.

37 D. IF THE DIRECTOR FINDS THAT THE PROPOSED LOCAL GROUNDWATER
38 STEWARDSHIP AREA MEETS THE CRITERIA SPECIFIED IN SUBSECTION A OF THIS
39 SECTION OR A PETITION IS FILED PURSUANT TO SUBSECTION B OF THIS SECTION,
40 THE DIRECTOR SHALL HOLD A PUBLIC HEARING TO CONSIDER:

41 1. WHETHER TO ISSUE AN ORDER DECLARING THE AREA A LOCAL GROUNDWATER
42 STEWARDSHIP AREA.

43 2. THE BOUNDARIES OF THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP
44 AREA, WHICH SHALL BE COTERMINOUS WITH THE BOUNDARIES OF A GROUNDWATER
45 BASIN OR SUBBASIN, EXCEPT THAT IN THE REGIONAL AQUIFER SYSTEMS OF NORTHERN

1 ARIZONA THE BOUNDARIES MAY BE SMALLER THAN A SUBBASIN IF BASED ON
2 REASONABLE HYDROLOGIC OR WATER MANAGEMENT CONSIDERATIONS.

3 E. THE DIRECTOR SHALL GIVE REASONABLE NOTICE OF THE HEARING UNDER
4 THE CIRCUMSTANCES, INCLUDING PUBLISHING ONCE EACH WEEK FOR TWO CONSECUTIVE
5 WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY IN WHICH THE
6 PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA IS LOCATED. ANY NOTICE SHALL
7 CONTAIN THE TIME AND PLACE OF THE HEARING, THE LEGAL DESCRIPTION AND A MAP
8 CLEARLY IDENTIFYING AND DESCRIBING ALL LANDS TO BE INCLUDED IN THE
9 PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA AND ANY OTHER INFORMATION THE
10 DIRECTOR DEEMS NECESSARY.

11 F. THE HEARING SHALL BE HELD AT A LOCATION IN THE COUNTY IN WHICH
12 THE MAJOR PORTION OF THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP AREA IS
13 LOCATED NOT LESS THAN THIRTY DAYS BUT NOT MORE THAN SIXTY DAYS AFTER THE
14 FIRST PUBLICATION OF THE NOTICE OF THE HEARING. AT THE HEARING, THE
15 DIRECTOR SHALL PRESENT THE FACTUAL DATA IN THE DEPARTMENT'S POSSESSION IN
16 SUPPORT OF OR IN OPPOSITION TO THE PROPOSED ACTION. ANY PERSON MAY APPEAR
17 AT THE HEARING, EITHER IN PERSON OR BY REPRESENTATIVE, AND SUBMIT ORAL OR
18 DOCUMENTARY EVIDENCE FOR OR AGAINST THE PROPOSED ACTION. IN MAKING THE
19 DETERMINATION, THE DIRECTOR SHALL GIVE FULL CONSIDERATION TO PUBLIC
20 COMMENT AND TO RECOMMENDATIONS MADE BY LOCAL POLITICAL SUBDIVISIONS.

21 G. WITHIN THIRTY DAYS AFTER THE HEARING, THE DIRECTOR SHALL MAKE
22 AND FILE IN THE DIRECTOR'S OFFICE WRITTEN FINDINGS WITH RESPECT TO MATTERS
23 CONSIDERED DURING THE HEARING. IF THE DIRECTOR DECIDES TO DECLARE AN AREA
24 A LOCAL GROUNDWATER STEWARDSHIP AREA, THE DIRECTOR SHALL MAKE AND FILE AN
25 ORDER DESIGNATING THE LOCAL GROUNDWATER STEWARDSHIP AREA.

26 H. THE FINDINGS AND ORDER SHALL BE PUBLISHED IN THE MANNER AND FOR
27 THE LENGTH OF TIME PRESCRIBED FOR THE PUBLICATION OF NOTICE OF THE PUBLIC
28 HEARING, AND THE ORDER IS EFFECTIVE WHEN PUBLISHED FOR THE FINAL TIME.
29 ALL FACTUAL DATA COMPILED BY THE DIRECTOR, A TRANSCRIPT OF THE HEARING, A
30 COPY OF THE FINDINGS AND A MAP IDENTIFYING THE LANDS INCLUDED IN THE LOCAL
31 GROUNDWATER STEWARDSHIP AREA ARE PUBLIC RECORDS OF THE DEPARTMENT AND
32 SHALL BE AVAILABLE FOR EXAMINATION BY THE PUBLIC DURING REGULAR BUSINESS
33 HOURS. THE FINDINGS AND ORDER OF THE DIRECTOR ARE SUBJECT TO REHEARING OR
34 REVIEW AND TO JUDICIAL REVIEW AS PROVIDED IN SECTION 45-114, SUBSECTION C.

35 I. THE DIRECTOR SHALL FILE A TRUE COPY OF THE MAP IN THE OFFICE OF
36 THE COUNTY RECORDER OF THE COUNTY OR COUNTIES IN WHICH THE LOCAL
37 GROUNDWATER STEWARDSHIP AREA IS LOCATED.

38 45-652. Local groundwater stewardship area council;
39 membership

40 A. A LOCAL GROUNDWATER STEWARDSHIP AREA THAT IS FORMED PURSUANT TO
41 THIS ARTICLE SHALL BE ADMINISTERED BY A COUNCIL CONSISTING OF NINE
42 MEMBERS. THE COUNTY BOARD OF SUPERVISORS SHALL NOMINATE AND THE GOVERNOR
43 SHALL APPOINT THE MEMBERS OF THE COUNCIL TO REPRESENT THE WATER USERS AND
44 RESIDENTS IN THE LOCAL GROUNDWATER STEWARDSHIP AREA AND ON THE BASIS OF
45 THEIR KNOWLEDGE OF, INTEREST IN AND EXPERIENCE WITH PROBLEMS RELATING TO

1 THE DEVELOPMENT, USE AND CONSERVATION OF WATER. MEMBERS OF THE COUNCIL
2 SHALL INCLUDE THE FOLLOWING:

3 1. EXCEPT AS PROVIDED IN PARAGRAPH 2 OF THIS SUBSECTION, IF THE
4 BOUNDARIES OF A LOCAL GROUNDWATER STEWARDSHIP AREA ARE CONTAINED WITHIN
5 ONE COUNTY:

6 (a) ONE COUNTY SUPERVISOR, OR THE SUPERVISOR'S DESIGNEE, FROM THE
7 COUNTY THAT ESTABLISHED THE LOCAL GROUNDWATER STEWARDSHIP AREA.

8 (b) ONE MAYOR OR COUNCIL MEMBER, OR THE MAYOR'S OR COUNCIL MEMBER'S
9 DESIGNEE, FROM A CITY OR TOWN WITHIN OR WITHDRAWING GROUNDWATER FROM
10 WITHIN THE BOUNDARIES OF THE LOCAL GROUNDWATER STEWARDSHIP AREA, AS
11 APPLICABLE.

12 2. IF THE BOUNDARIES OF A LOCAL GROUNDWATER STEWARDSHIP AREA ARE
13 CONTAINED WITHIN TWO OR MORE COUNTIES, THE COUNCIL SHALL CONSIST OF
14 THIRTEEN MEMBERS AND EACH ADDITIONAL COUNTY SHALL BE REPRESENTED BY THE
15 FOLLOWING AND THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL SHALL BE
16 EXPANDED TO INCLUDE THESE MEMBERS IN ADDITION TO THE MEMBERS OTHERWISE
17 PRESCRIBED BY THIS SECTION:

18 (a) ONE COUNTY SUPERVISOR, OR THE SUPERVISOR'S DESIGNEE, FROM EACH
19 OF THE COUNTIES WITHIN THE BOUNDARIES OF THE LOCAL GROUNDWATER STEWARDSHIP
20 AREA.

21 (b) ONE MAYOR, OR THE MAYOR'S DESIGNEE, OF A CITY OR TOWN WITHIN OR
22 WITHDRAWING GROUNDWATER FROM WITHIN THE BOUNDARIES OF THE LOCAL
23 GROUNDWATER STEWARDSHIP AREA FROM A COUNTY WITH ALL OR A PORTION OF ITS
24 JURISDICTION WITHIN THE BOUNDARIES OF THE LOCAL GROUNDWATER STEWARDSHIP
25 AREA, AS APPLICABLE.

26 3. AT LEAST ONE PERSON WHO REPRESENTS AGRICULTURAL WATER USERS OR
27 AGRICULTURAL INTERESTS WITHIN THE LOCAL GROUNDWATER STEWARDSHIP AREA, SUCH
28 AS A PERSON WHO IS ACTIVELY ENGAGED IN ANIMAL PRODUCTION AS THAT PERSON'S
29 MAIN SOURCE OF INCOME, A PERSON WHO IS ACTIVELY ENGAGED IN PLANT
30 PRODUCTION AS THAT PERSON'S MAIN SOURCE OF INCOME OR A REPRESENTATIVE OF A
31 NATURAL RESOURCES CONSERVATION DISTRICT, AN IRRIGATION DISTRICT OR AN
32 AGRICULTURAL WATER USERS ORGANIZATION, LOCATED IN THE COUNTY IN WHICH THE
33 LOCAL GROUNDWATER STEWARDSHIP AREA IS LOCATED.

34 4. AT LEAST ONE PERSON WHO REPRESENTS MINING OR INDUSTRIAL WATER
35 USERS IN THE LOCAL GROUNDWATER STEWARDSHIP AREA.

36 5. AT LEAST ONE PERSON WHO REPRESENTS MUNICIPAL OR RESIDENTIAL
37 WATER USERS OR INTERESTS WITHIN THE LOCAL GROUNDWATER STEWARDSHIP AREA,
38 SUCH AS A PERSON REPRESENTING A COMMUNITY WATER SYSTEM WITH ALL OR A
39 PORTION OF ITS WELLS OR SERVICE AREA WITHIN THE LOCAL GROUNDWATER
40 STEWARDSHIP AREA, AN INDIVIDUAL WITH A WELL USED FOR DOMESTIC PURPOSES OR
41 A PERSON REPRESENTING THE RESIDENTIAL REAL ESTATE OR HOMEBUILDING
42 INDUSTRIES IN THE COUNTY IN WHICH THE LOCAL GROUNDWATER STEWARDSHIP AREA
43 IS LOCATED.

44 6. AT LEAST ONE PERSON WHO REPRESENTS THE GOVERNING BODY OF AN
45 INDIAN TRIBE, IF THE BOUNDARIES OF THE LOCAL GROUNDWATER STEWARDSHIP AREA

1 INCLUDE ANY PORTION OF AN INDIAN RESERVATION OR IF ANY FEDERALLY
2 RECOGNIZED INDIAN TRIBE OWNS LAND OR WATER RESOURCES WITHIN THE LOCAL
3 GROUNDWATER STEWARDSHIP AREA.

4 7. AT LEAST ONE BUT NO MORE THAN TWO AT-LARGE MEMBERS WITH
5 KNOWLEDGE AND EXPERTISE RELATED TO WATER AND LAND RESOURCES WITHIN THE
6 LOCAL GROUNDWATER STEWARDSHIP AREA. THE NUMBER OF AT-LARGE MEMBERS SHALL
7 BE DETERMINED BASED ON MAINTAINING AN ODD NUMBER OF TOTAL COUNCIL MEMBERS.

8 B. THE TERM OF OFFICE OF EACH MEMBER IS SIX YEARS EXCEPT THAT THE
9 TERMS OF THE INITIAL MEMBERS SHALL BE STAGGERED SO THAT FOLLOWING
10 COMPLETION OF THEIR INITIAL TERM, THE TERMS OF APPROXIMATELY ONE-THIRD OF
11 THE MEMBERS EXPIRE ON THE THIRD MONDAY OF JANUARY IN EACH EVEN-NUMBERED
12 YEAR.

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

17 45-653. Local groundwater stewardship area council; powers
18 and duties; local groundwater stewardship area plan

19 A. THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL SHALL:

20 1. IDENTIFY AND ANALYZE WATER MANAGEMENT PRACTICES AND OTHER
21 POSSIBLE ACTIONS FOR USE IN MITIGATING THE WATER CONDITIONS IDENTIFIED IN
22 THE RESOLUTION DESIGNATING THE LOCAL GROUNDWATER STEWARDSHIP AREA AND IN
23 BRINGING THE AMOUNT OF WATER PUMPED INTO BALANCE WITH THE AMOUNT OF WATER
24 RECHARGED IN THE LOCAL GROUNDWATER STEWARDSHIP AREA.

25 2. AFTER CONSULTATION WITH THE DEPARTMENT AND INTERESTED PARTIES
26 AND AFTER HOLDING HEARINGS AS PRESCRIBED BY SECTION 45-656, ADOPT AND SEND
27 TO THE DIRECTOR THE LOCAL GROUNDWATER STEWARDSHIP AREA PLAN FOR THE LOCAL
28 GROUNDWATER STEWARDSHIP AREA.

29 B. THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL MAY:

30 1. REQUEST HYDROLOGIC MODELING AND OTHER TECHNICAL ASSISTANCE FROM
31 THE DEPARTMENT, INCLUDING CREATION OR REFINEMENT OF A GROUNDWATER MODEL OR
32 OTHER MODELING OF FUTURE WATER RESOURCE CONDITIONS AND OUTCOMES AND OF THE
33 POTENTIAL EFFECTIVENESS OF DIFFERENT TOOLS FOR MEETING THE LOCAL
34 GROUNDWATER STEWARDSHIP AREA GOALS.

35 2. REQUEST ASSISTANCE FROM THE DEPARTMENT IN CREATING AN AREA PLAN
36 FOR THE LOCAL GROUNDWATER STEWARDSHIP AREA.

37 3. GATHER INFORMATION AND DATA.

38 4. COMMISSION OR CREATE REPORTS.

39 5. RECOMMEND BEST MANAGEMENT PRACTICES AND OTHER MEASURES FOR
40 IMPLEMENTATION IN THE LOCAL GROUNDWATER STEWARDSHIP AREA TO ACHIEVE THE
41 GOALS OF THE LOCAL GROUNDWATER STEWARDSHIP AREA.

42 6. COOPERATE WITH FEDERALLY RECOGNIZED INDIAN TRIBES, CITIES, TOWNS
43 AND COUNTIES AND OTHER PUBLIC OR PRIVATE AGENCIES OR ORGANIZATIONS TO
44 ENGAGE IN COORDINATED REGIONAL PLANNING RELATED TO WATER RESOURCES.

1 7. ESTABLISH A STEERING COMMITTEE, ADVISORY COMMITTEE OR OTHER
2 SIMILAR ORGANIZATIONAL STRUCTURE TO SOLICIT AND RECEIVE PARTICIPATION,
3 COMMENT AND ADVICE FROM RESIDENTS OF THE LOCAL GROUNDWATER STEWARDSHIP
4 AREA AND OTHER INTERESTED PARTIES REGARDING THE DEVELOPMENT AND OPERATION
5 OF THE LOCAL GROUNDWATER STEWARDSHIP AREA AND THE AREA PLAN.

6 8. RECOMMEND THAT ANY PERSON WHO FILES A NOTICE OF INTENTION TO
7 DRILL A NONEXEMPT WELL INSIDE A DESIGNATED LOCAL GROUNDWATER STEWARDSHIP
8 AREA BE REQUIRED BY THE APPROVED LOCAL GROUNDWATER STEWARDSHIP AREA PLAN
9 TO RECORD A COPY OF THE NOTICE IN THE OFFICE OF THE COUNTY RECORDER IN
10 WHICH THE WELL IS TO BE LOCATED AND, ON COMPLETION OF THE WELL, RECORD A
11 COPY OF THE WELL COMPLETION REPORT PRESCRIBED BY SECTION 45-600. FOR THE
12 PURPOSES OF THIS PARAGRAPH, "NONEXEMPT WELL" MEANS A WELL WITH A MAXIMUM
13 PUMPING CAPACITY OF MORE THAN THIRTY-FIVE GALLONS PER MINUTE.

14 9. SEEK AND RECEIVE PUBLIC AND PRIVATE MONIES TO ASSIST WITH ITS
15 PLANNING, MANAGEMENT AND PURPOSE, INCLUDING GRANTS TO PROVIDE TECHNICAL
16 AND FINANCIAL ASSISTANCE TO GROUNDWATER USERS WITHIN THE LOCAL GROUNDWATER
17 STEWARDSHIP AREA, INCLUDING MUNICIPAL CORPORATIONS, SPECIAL DISTRICTS,
18 OTHER POLITICAL SUBDIVISIONS OR AUTHORITIES IN THIS STATE, INDIAN TRIBES
19 AND PRIVATE ENTITIES RELATING TO THE MANAGEMENT OF GROUNDWATER RESOURCES
20 WITHIN THE LOCAL GROUNDWATER STEWARDSHIP AREA OR FOR ANY OTHER PURPOSES TO
21 CARRY OUT OR ACCOMPLISH THE PURPOSES OF THIS ARTICLE.

22 10. NEGOTIATE, MAKE, EXECUTE, ACKNOWLEDGE AND PERFORM ANY CONTRACT,
23 AGREEMENT OR OBLIGATION IT DEEMS ADVISABLE FOR THE INTEREST OF THE COUNCIL
24 OR TO CARRY OUT OR ACCOMPLISH THE PURPOSES OF THIS ARTICLE. ALL CONTRACTS
25 SHALL BE SIGNED BY THE CHAIRPERSON, OR IN THE CHAIRPERSON'S ABSENCE THE
26 VICE CHAIRPERSON, AND ATTESTED BY THE SECRETARY.

27 45-654. Local groundwater stewardship area council:
28 administrative duties

29 THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL SHALL:

30 1. KEEP THE MINUTES OF ITS MEETINGS AND ALL RECORDS, REPORTS AND
31 OTHER INFORMATION RELATIVE TO ITS WORK AND PROGRAMS IN PERMANENT FORM
32 INDEXED AND SYSTEMATICALLY FILED.

33 2. ELECT FROM ITS MEMBERS A CHAIRPERSON AND VICE CHAIRPERSON FOR
34 TERMS OF TWO YEARS EXPIRING ON THE THIRD MONDAY OF JANUARY OF EACH EVEN
35 NUMBERED YEAR.

36 3. DESIGNATE THE PERSON OR PERSONS WHO SHALL EXECUTE ALL DOCUMENTS
37 AND INSTRUMENTS ON BEHALF OF THE COUNCIL.

38 4. MANIFEST AND RECORD ITS ACTIONS BY MOTION, RESOLUTION OR OTHER
39 APPROPRIATE MEANS.

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

42 6. FORM A TECHNICAL COMMITTEE TO PROVIDE TECHNICAL SUPPORT TO THE
43 COUNCIL, WHICH SHALL INCLUDE AT LEAST ONE REPRESENTATIVE FROM THE
44 DEPARTMENT AND MAY CONSIST OF MEMBERS OF THE COUNCIL AND MEMBERS OF THE
45 PUBLIC SELECTED BY THE COUNCIL.

1 45-655. Local groundwater stewardship area plan; contents;
2 notice

3 A. THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL SHALL ADOPT A
4 LOCAL GROUNDWATER STEWARDSHIP AREA PLAN FOR GROUNDWATER PROGRAMS AND
5 POLICIES FOR THE LOCAL GROUNDWATER STEWARDSHIP AREA. THE AREA PLAN SHALL
6 INCLUDE:

7 1. ONE OR MORE GOALS FOR THE LOCAL GROUNDWATER STEWARDSHIP AREA.

8 2. A DESCRIPTION OF THE HYDROLOGIC, GEOLOGIC, ECOLOGICAL AND
9 DEMOGRAPHIC CONDITIONS IN THE LOCAL GROUNDWATER STEWARDSHIP AREA AND HOW
10 THE GOALS RELATE TO THOSE CONDITIONS AND TO THE CONDITIONS IDENTIFIED IN
11 THE RESOLUTION ESTABLISHING THE LOCAL GROUNDWATER STEWARDSHIP AREA.

12 3. PROPOSED ACTIONS CONSISTENT WITH ACHIEVING THE LOCAL GROUNDWATER
13 STEWARDSHIP AREA GOALS AND IDENTIFYING THE RELEVANT PUBLIC OR PRIVATE
14 CORPORATION, MUNICIPALITY, COUNTY OR STATE AGENCY, INDIAN TRIBE OR FEDERAL
15 AGENCY WITH AUTHORITY TO IMPLEMENT AND ENFORCE EACH PROPOSED ACTION.

16 4. METHODS TO MONITOR AND REPORT ON PROGRESS TOWARD THE LOCAL
17 GROUNDWATER STEWARDSHIP AREA'S GOALS.

18 B. THE GOALS SPECIFIED IN THE AREA PLAN MUST ADDRESS THE CONDITIONS
19 IDENTIFIED IN THE RESOLUTION ESTABLISHING THE LOCAL GROUNDWATER
20 STEWARDSHIP AREA. BEFORE ADOPTING AN AREA PLAN, THE COUNCIL SHALL
21 CONSIDER THE VOTER APPROVED MANAGEMENT GOALS IN THE RELEVANT MUNICIPAL
22 GENERAL PLANS ADOPTED PURSUANT TO SECTION 9-461.06, THE RELEVANT COUNTY
23 COMPREHENSIVE PLANS ADOPTED PURSUANT TO SECTION 11-805 AND ANY GOALS
24 INCLUDED IN ANY COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY ADOPTED FOR A
25 COUNTY, CITY OR TOWN WITHIN THE LOCAL GROUNDWATER STEWARDSHIP AREA. THE
26 MANAGEMENT GOALS MAY INCLUDE, AS APPROPRIATE:

27 1. ACHIEVING SAFE YIELD.

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

29 3. CONTROLLING AND PREVENTING SUBSIDENCE.

30 4. CONTROLLING AND PREVENTING WATER QUALITY DEGRADATION.

31 5. ADDRESSING OTHER ENVIRONMENTAL OR NATURAL RESOURCE ISSUES
32 RELEVANT TO THE GROUNDWATER RESOURCES WITHIN THE LOCAL GROUNDWATER
33 STEWARDSHIP AREA.

34 C. THE AREA PLAN MUST INCLUDE MONITORING OF RELEVANT HYDROLOGIC,
35 BIOLOGIC AND ECOLOGICAL CONDITIONS TO TRACK PROGRESS TOWARDS THE AREA
36 GOALS. THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL MAY COORDINATE WITH
37 THE DIRECTOR OF WATER RESOURCES AND OTHER STATE AGENCIES, MUNICIPAL
38 CORPORATIONS, SPECIAL DISTRICTS, PUBLIC AUTHORITIES, POLITICAL
39 SUBDIVISIONS OF THIS STATE, PRIVATE ENTITIES, INDIAN TRIBES AND ANY
40 AGENCIES OF THE UNITED STATES GOVERNMENT RELATED TO MONITORING OF RELEVANT
41 RESOURCES.

42 D. THE LOCAL GROUNDWATER STEWARDSHIP AREA PLAN MAY INCLUDE:

43 1. ACTIONS THAT MAY BE RECOMMENDED BY THE LOCAL GROUNDWATER
44 STEWARDSHIP AREA COUNCIL FOR IMPLEMENTATION BY RELEVANT CITIES AND TOWNS,
45 COUNTY GOVERNMENTS OR OTHER PUBLIC AGENCIES WITHIN THE LOCAL GROUNDWATER

1 STEWARDSHIP AREA, WHETHER INDIVIDUALLY OR THROUGH AN INTERGOVERNMENTAL
2 AGREEMENT OR CONTRACT THAT MAY INCLUDE:

3 (a) A RECOMMENDATION TO COUNTY AND MUNICIPAL GOVERNMENTS IN THE
4 LOCAL GROUNDWATER STEWARDSHIP AREA TO INCENTIVIZE OR REQUIRE WATER
5 CONSERVATION AND PROTECTION OF WATER RESOURCES CONSISTENT WITH ACHIEVING
6 THE LOCAL GROUNDWATER STEWARDSHIP AREA GOALS THAT MAY INCLUDE:

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

10 (ii) ADOPTING THE PROVISION AUTHORIZED BY SECTION 11-823,
11 SUBSECTION B.

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

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

16 (v) REGULATING SUBDIVISIONS AS AUTHORIZED BY SECTIONS 9-463.01 AND
17 11-821.

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

21 (b) A RECOMMENDATION TO WATER UTILITIES WITHIN THE LOCAL
22 GROUNDWATER STEWARDSHIP AREA TO ESTABLISH INCENTIVES AND RULES TO
23 ENCOURAGE WATER CONSERVATION PURSUANT TO AND CONSISTENT WITH SECTIONS
24 9-511.01 AND 40-202 AND ARTICLE XV, SECTION 3, CONSTITUTION OF ARIZONA.

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

29 2. PROPOSED ACTIONS FOR IMPLEMENTATION BY THE DEPARTMENT ON
30 PETITION BY THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL IN ITS AREA
31 PLAN THAT MAY INCLUDE:

32 (a) WATER MEASURING DEVICES FOR CERTAIN GROUNDWATER WITHDRAWALS
33 FROM NONEXEMPT WELLS WITHIN THE LOCAL GROUNDWATER STEWARDSHIP AREA
34 PURSUANT TO SECTION 45-604.

35 (b) RECORDS AND ANNUAL REPORT OF GROUNDWATER PUMPING FOR NONEXEMPT
36 WELLS PURSUANT TO SECTION 45-632.

37 (c) DESIGNATION OF A SUBSEQUENT IRRIGATION NON-EXPANSION AREA
38 WITHIN ALL OR A PORTION OF THE LOCAL GROUNDWATER STEWARDSHIP AREA PURSUANT
39 TO SECTION 45-433.

40 (d) RULES GOVERNING THE LOCATION OF NEW WELLS AND REPLACEMENT WELLS
41 IN THE LOCAL GROUNDWATER STEWARDSHIP AREA TO PREVENT UNREASONABLY
42 INCREASING DAMAGE TO SURROUNDING LAND OR OTHER WATER USERS OR OTHERWISE
43 PREVENT ACHIEVEMENT OF THE MANAGEMENT GOALS OF THE LOCAL GROUNDWATER
44 STEWARDSHIP AREA FROM THE CONCENTRATION OF WELLS PURSUANT TO SECTION
45 45-598.

1 (e) VOLUNTARY OR MANDATORY CONSERVATION PROGRAMS THAT APPLY TO
2 CERTAIN PERSONS WITHDRAWING, DISTRIBUTING OR RECEIVING GROUNDWATER WITHIN
3 THE LOCAL GROUNDWATER STEWARDSHIP AREA PURSUANT TO SECTION 45-657.

4 (f) PROGRAMS TO APPROVE AND FUND VOLUNTARY, COMPENSATED LAND AND
5 WATER CONSERVATION PLANS WITH ACTIONS TO BE IMPLEMENTED BY LANDOWNERS AND
6 WATER USERS WITHIN THE LOCAL GROUNDWATER STEWARDSHIP AREA TO CONSERVE AND
7 AUGMENT GROUNDWATER SUPPLIES WITHIN THE LOCAL GROUNDWATER STEWARDSHIP
8 AREA. THESE PROGRAMS MAY INCLUDE:

9 (i) SHORT-TERM OR LONG-TERM VOLUNTARY LAND USE OR WATER USE
10 AGREEMENTS WITH LANDOWNERS OR WATER USERS.

11 (ii) STORMWATER RETENTION AND RECHARGE INCENTIVES.

12 (iii) LOW-WATER-USE DEVELOPMENT INCENTIVES.

13 (iv) GROUNDWATER MITIGATION OR OFFSET PROGRAMS.

14 (v) INCENTIVES FOR LOW-WATER-USE PRACTICES, FIXTURES OR LANDSCAPING
15 TO REDUCE RESIDENTIAL AND COMMERCIAL WATER USE.

16 (vi) IRRIGATION EFFICIENCY AND CONSERVATION INCENTIVES.

17 (g) GROUNDWATER WITHDRAWAL PERMIT REQUIREMENTS FOR WITHDRAWAL OF
18 GROUNDWATER FROM NEW NONEXEMPT WELLS FOR CERTAIN PURPOSES PURSUANT TO
19 SECTION 45-512.

20 3. ANY OTHER ACTIONS DEEMED APPROPRIATE BY THE LOCAL GROUNDWATER
21 STEWARDSHIP AREA COUNCIL FOR ACHIEVING THE LOCAL GROUNDWATER STEWARDSHIP
22 AREA MANAGEMENT GOALS, WITH APPROVAL BY OR COORDINATION WITH OTHER
23 ENTITIES AS NECESSARY TO IMPLEMENT THE ACTION.

24 45-656. Adoption of local groundwater stewardship area plan;
25 council hearings; department hearings; notice

26 A. THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL SHALL HOLD AT
27 LEAST TWO PUBLIC HEARINGS TO RECEIVE PUBLIC COMMENT ON ANY PROPOSED LOCAL
28 GROUNDWATER STEWARDSHIP AREA PLAN OR ANY AMENDMENT TO A MANAGEMENT AREA
29 PLAN AFTER PROVIDING NOTICE OF THE HEARINGS AS PRESCRIBED IN SECTION
30 45-651 TO THE PERSONS AND ENTITIES PRESCRIBED BY SECTION 45-651. THE
31 LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL SHALL HEAR ALL PERSONS WHO WISH
32 TO APPEAR BEFORE THE COUNCIL REGARDING THE PROPOSED LOCAL GROUNDWATER
33 STEWARDSHIP AREA PLAN OR AMENDMENT. ON COMPLETION OF THE HEARINGS AND
34 AFTER MAKING ANY CHANGES TO THE PROPOSED LOCAL GROUNDWATER STEWARDSHIP
35 AREA PLAN OR AMENDMENT, THE COUNCIL SHALL ADOPT THE LOCAL GROUNDWATER
36 STEWARDSHIP AREA PLAN. THE COUNCIL SHALL RECORD A CERTIFIED COPY OF THE
37 PROCEEDINGS IN THE OFFICE OF THE COUNTY RECORDER FOR ANY COUNTY WITH LAND
38 WITHIN THE LOCAL GROUNDWATER STEWARDSHIP AREA AND SHALL SUBMIT A COPY TO
39 THE DIRECTOR. ON OR BEFORE THE TENTH ANNIVERSARY OF THE MANAGEMENT AREA
40 PLAN'S MOST RECENT ADOPTION, THE COUNCIL SHALL REVIEW AND READOPT THE
41 MANAGEMENT AREA PLAN FOR AN ADDITIONAL TERM OF UP TO TEN YEARS OR SHALL
42 ADOPT A NEW MANAGEMENT PLAN AS PROVIDED BY THIS SECTION.

43 B. ON ADOPTION OF THE PLAN, THE LOCAL GROUNDWATER STEWARDSHIP AREA
44 COUNCIL SHALL PETITION THE DEPARTMENT FOR APPROVAL BY THE DEPARTMENT OF
45 ANY PROPOSED ACTIONS IN THE PLAN THAT WOULD BE IMPLEMENTED BY THE

1 DEPARTMENT. THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL SHALL SUBMIT
2 TO THE APPROPRIATE CITIES, TOWNS AND COUNTIES AND OTHER PUBLIC AGENCIES
3 ANY PROPOSED ACTIONS IN THE AREA PLAN THAT WOULD BE IMPLEMENTED BY THOSE
4 CITIES, TOWNS AND COUNTIES OR OTHER PUBLIC AGENCIES IN THE LOCAL
5 GROUNDWATER STEWARDSHIP AREA.

6 C. ON RECEIPT OF A PETITION BY A LOCAL GROUNDWATER STEWARDSHIP AREA
7 COUNCIL PURSUANT TO SUBSECTION B OF THIS SECTION AND BEFORE IMPLEMENTING
8 ANY RECOMMENDED ACTIONS CONTAINED IN THE AREA PLAN, THE DIRECTOR SHALL
9 HOLD A PUBLIC HEARING ON THE ACTIONS PROPOSED FOR IMPLEMENTATION BY THE
10 DEPARTMENT.

11 D. THE DIRECTOR SHALL GIVE NOTICE OF THE DEPARTMENT HEARING WITHIN
12 THIRTY DAYS AFTER THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL PETITIONS
13 THE DEPARTMENT. THE NOTICE SHALL INCLUDE A SUMMARY OF THE PETITION AND
14 PROPOSED ACTIVITIES FOR IMPLEMENTATION BY THE DEPARTMENT, THE AREA PLAN, A
15 MAP OR A DESCRIPTION OF THE BOUNDARIES OF THE LOCAL GROUNDWATER
16 STEWARDSHIP AREA AND THE TIME AND PLACE OF THE HEARING. THE NOTICE SHALL
17 BE PUBLISHED ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS IN A NEWSPAPER OF
18 GENERAL CIRCULATION IN EACH COUNTY IN WHICH THE LOCAL GROUNDWATER
19 STEWARDSHIP AREA IS LOCATED.

20 E. THE HEARING SHALL BE HELD AT A LOCATION WITHIN THE LOCAL
21 GROUNDWATER STEWARDSHIP AREA AS SOON AS PRACTICABLE BUT AT LEAST THIRTY
22 DAYS AND NOT MORE THAN SIXTY DAYS AFTER THE FIRST PUBLICATION OF THE
23 NOTICE OF HEARING.

24 F. AT THE HEARING, THE LOCAL GROUNDWATER STEWARDSHIP AREA COUNCIL
25 SHALL PRESENT DATA IN SUPPORT OF THE PETITION AND A SUMMARY OF THE PUBLIC
26 COMMENTS RECEIVED. ANY PERSON MAY APPEAR AT THE HEARING EITHER IN PERSON
27 OR BY REPRESENTATIVE AND SUBMIT ORAL OR DOCUMENTARY EVIDENCE FOR OR
28 AGAINST THE PETITION FOR DEPARTMENT IMPLEMENTATION OF THE PROPOSED
29 ACTIONS.

30 G. WITHIN THIRTY DAYS AFTER THE HEARING, THE DIRECTOR SHALL ISSUE A
31 PRELIMINARY DECISION DETERMINING WHETHER THE PROPOSED ACTIONS INCLUDED
32 WITHIN THE PETITION, SINGLY OR IN COMBINATION, ARE CONSISTENT WITH
33 ACHIEVING THE LOCAL GROUNDWATER STEWARDSHIP AREA GOALS. WITHIN NINETY
34 DAYS AFTER THE HEARING, THE DIRECTOR SHALL ISSUE A FINAL DECISION
35 DETERMINING WHETHER THE PROPOSED ACTIONS INCLUDED WITHIN THE PETITION,
36 SINGLY OR IN COMBINATION, ARE CONSISTENT WITH ACHIEVING THE LOCAL
37 GROUNDWATER STEWARDSHIP AREA GOALS AND SUCH ORDERS AND DESIGNATIONS AS MAY
38 BE REQUIRED TO IMPLEMENT THE ACTIONS APPROVED BY THE DECISION. THE
39 DIRECTOR SHALL INCLUDE A SUMMARY OF FINDINGS WITH RESPECT TO MATTERS
40 CONSIDERED DURING THE HEARING WITH THE DECISION AND A SUMMARY OF ALL
41 PUBLIC COMMENTS RECEIVED IN WRITING AND PUBLIC COMMENTS MADE AT THE PUBLIC
42 HEARING.

43 H. INFORMATION COMPILED BY THE DIRECTOR IN CONNECTION WITH THE
44 PLAN, A TRANSCRIPT OF THE HEARING, A COPY OF THE FINDINGS AND A COPY OF

1 THE AREA PLAN ARE PUBLIC RECORDS OF THE DEPARTMENT AND SHALL BE AVAILABLE
2 FOR EXAMINATION BY THE PUBLIC DURING REGULAR BUSINESS HOURS.

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

6 45-657. Conservation programs for local groundwater
7 stewardship area; rules

8 THE DIRECTOR SHALL ADOPT RULES FOR THE CONSERVATION PROGRAMS TO BE
9 IMPLEMENTED BY THE DEPARTMENT AND THAT MAY BE INCLUDED IN A LOCAL
10 GROUNDWATER STEWARDSHIP AREA PLAN PURSUANT TO SECTION 45-655, SUBSECTION
11 D, PARAGRAPH 2. THE DIRECTOR SHALL ESTABLISH POLICIES AND METHODOLOGIES
12 FOR CONSERVATION PROGRAMS FOR IRRIGATION AND NONIRRIGATION USES OF
13 GROUNDWATER THAT MAY BE USED IN LOCAL GROUNDWATER STEWARDSHIP AREAS IF
14 ADOPTED IN A LOCAL GROUNDWATER STEWARDSHIP AREA MANAGEMENT PLAN PURSUANT
15 TO SECTION 45-655 AND APPROVED BY THE DIRECTOR PURSUANT TO SECTION 45-656.