

STATE OF ARIZONA
★
EXECUTIVE ORDER

EXECUTIVE ORDER 2020-55
CONTINUATION OF THE AGRICULTURAL WATER CONSERVATION BEST
MANAGEMENT PRACTICES ADVISORY COMMITTEE

(Superseding and Amending Executive Order 2002-9)

WHEREAS, the 1980 Groundwater Code requires the Director of the Department of Water Resources to adopt a series of five groundwater management plans for areas of the state known as active management areas, and to include in each plan a Base Agricultural Conservation Program that requires persons using groundwater for irrigation purposes to comply with irrigation water duties and maximum annual groundwater allotments; and

WHEREAS, the 1980 Groundwater Code was amended in 2002 to provide that the Director of the Department of Water Resources shall include in the third groundwater management plans, and may include in the fourth and fifth groundwater managements plans, a Best Management Practices Program that requires persons using groundwater for irrigation purposes to implement specific agricultural conservation practices for water use in lieu of complying with an irrigation water duty and maximum annual groundwater allotment, and that the Agricultural Best Management Practices Program shall be designed to achieve conservation that is at least equivalent to that required under the Base Agricultural Conservation Program; and

WHEREAS, Executive Order 2002-9 established an Agricultural Water Conservation Best Management Practices Advisory Committee for the purpose of advising the Director of the Department of Water Resources on the development of an Agricultural Best Management Practices Program for inclusion in the third groundwater management plan and the development of an Agricultural Best Management Practices Program for consideration by the Director for inclusion in the fourth and fifth groundwater management plans; and

WHEREAS, Executive Order 2002-9 prescribed the membership of the Agricultural Water Conservation Best Management Practices Advisory Committee and the role of the Committee, and provided that the “Committee shall terminate when the Director of the Department of Water Resources adopts the fourth groundwater management plans pursuant to Title 45, Chapter 2, Article 9, Arizona Revised Statutes”; and

WHEREAS, the 1980 Groundwater Code was amended in 2007 to require the Director of the Department of Water Resources to include the Agricultural Best Management Practices Program in the fourth and fifth groundwater managements plans; and

WHEREAS, it is desirable to continue the Agricultural Water Conservation Best Management Practices Advisory Committee as an advisory committee to the Director of the Department of Water Resources through the adoption of the final groundwater management plans; and

WHEREAS, it is desirable to expand the membership of the Agricultural Water Conservation Best Management Practices Advisory Committee by adding an additional representative of an irrigation district and to update the role of the Advisory Committee.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me as Governor by the Arizona Constitution and laws of the State, do hereby order as follows:

1. The Agricultural Water Conservation Best Management Practices Advisory Committee (Advisory Committee) shall continue to serve in an advisory capacity to the Director of the Department of Water Resources until the Director adopts the final groundwater management plans pursuant to Title 45, Chapter 2, Article 9, Arizona Revised Statutes.
2. The Advisory Committee shall consist of:
 - a. The Director of the Department of Water Resources or the Director's designee.
 - b. The Director of the Department of Agriculture or the Director's designee.
 - c. The Director of the United States Arid Land Agricultural Research Center, or the Director's designee.
 - d. Four members actively engaged in agricultural production in an active management area, of which two have expressed an interest in participating in or are currently participants in a best management practices program.
 - e. Three members representing irrigation districts established pursuant to Title 48, Chapter 19, Arizona Revised Statutes, in an active management area.
 - f. One member representing an agricultural improvement district established pursuant to Title 48, Chapter 17, Arizona Revised Statutes.
 - g. One member representing a municipality in an active management area.
3. The Governor shall appoint the members designated pursuant to paragraph 2, subparagraphs d through g above, who shall serve at the pleasure of the Governor. A person currently serving as a member of the Advisory Committee as of the issuance of this Order shall continue to serve as a member of the Advisory Committee until replaced by the Governor.
4. Members appointed by the Governor pursuant to paragraph 2, subparagraphs d and g shall serve an initial two-year term. Members appointed by the Governor pursuant to paragraph 2, subparagraphs e and f shall serve an initial four-year term. Members are eligible for reappointment, and all subsequent terms shall be for four years. A member may continue to serve beyond the expiration of the member's term until a successor is appointed. The Governor shall fill a vacancy for a remaining unexpired term following the same criteria as the initial committee membership.

5. The Advisory Committee shall elect a Chairperson from the appointed members. The member of the Advisory Committee currently serving as Chairperson shall continue to serve as Chairperson until the Advisory Committee elects a new Chairperson or the person is replaced as a member of the Advisory Committee by the Governor.
6. The Advisory Committee may establish procedures to guide its operations. These procedures may include participation requirements and criteria for removing inactive members.
7. The Advisory Committee shall meet at the call of the Director of the Department of Water Resources or the Chairperson, or at the request of a majority of the members.
8. The role of the Advisory Committee is to advise the Director of the Department of Water Resources on the development of an Agricultural Best Management Practices Program to be included in the groundwater management plans pursuant to Title 45, Chapter 2, Article 9, Arizona Revised Statutes. In fulfilling this responsibility, the Advisory Committee shall:
 - a. Recommend, in consultation with the agricultural community and the Department of Water Resources, a Best Management Practices Program that can be applied to the majority of farm units within the active management areas and that will achieve conservation savings that are at least equivalent to that required in the Base Agricultural Conservation Program required by Title 45, Chapter 2, Article 9, Arizona Revised Statutes.
 - b. Recommend detailed criteria for evaluating agricultural water management practices including any best management practices as they pertain to the development of an Agricultural Best Management Practices Program. These criteria shall include:
 - i. Level of utilization of the practices and participation in the Best Management Practices Program and the factors affecting participation.
 - ii. Agricultural water use and its impact on the achievement of the management goal of the active management area.
 - iii. Administrative burden associated with implementing the Best Management Practices Program.
 - iv. Quality of best management practices education and research programs.
 - v. Identification of appropriate methods of analysis and facilitation of appropriate collection and utilization of data.
 - c. Review and evaluate research projects, both in Arizona and elsewhere if appropriate, undertaken to evaluate current management practices and any comprehensive best management practices programs.
 - d. Evaluate the relationship between the Best Management Practices Program and the Base Agricultural Conservation Program required by Title 45, Chapter 2, Article 9, Arizona Revised Statutes.

- e. Review and evaluate proposed best management practices, recommend any changes in any Best Management Practices Program included in a management plan, consider what research or educational resources are necessary to develop new best management practices, and make recommendations on any new best management practices to be developed or implemented.
 - f. Make recommendations to develop an educational program concerning adoption of best management practices and participation in a best management practices program.
9. This Order and the Advisory Committee shall terminate when the Director of the Department of Water Resources adopts the final groundwater management plans pursuant to Title 45, Chapter 2, Article 9, Arizona Revised Statutes.
 10. The Advisory Committee may recommend to the Director of the Department of Water Resources that the Best Management Practices Program should be terminated. Accompanying any such recommendation shall be evidence as to why such a recommendation is being made.
 11. Executive Order 2002-9 is hereby superseded by this Order, and Executive Order 2002-9 is rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.



GOVERNOR

DONE at the Capitol in Phoenix on this sixth day of November in the year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fifth.

ATTEST:



Secretary of State

