**ARIZONA DEPARTMENT OF WATER RESOURCES**

**BEFORE THE DIRECTOR**

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| **IN THE MATTER OF THE MODIFICATION OF CHAPTER 5 OF THE MANAGEMENT PLAN FOR THE PINAL ACTIVE MANAGEMENT AREA FOR THE THIRD MANAGEMENT PERIOD, 2000-2010 FOR THE PURPOSE OF ADDING A MODIFIED NON-PER CAPITA CONSERVATION PROGRAM** | **ORDER OF ADOPTION** |

## I. INTRODUCTION

On January 9, 2008, the director of water resources ("Director") issued an order promulgating proposed modifications to Chapter 5 of the management plan for the Pinal active management area for the third management period, 2000-2010 ("Third Management Plan"), for the purpose of adding a modified Non-Per Capita Conservation Program ("NPCCP") as required by A.R.S. § 45-566.01. A public hearing on the proposed modifications was held in Casa Grande, Arizona on March 4, 2008. The hearing record remained open for the submission of written comments until March 5, 2008 at 5:00 p.m.

As required by A.R.S. § 45-571(A), the Director has filed in the Department of Water Resources ("Department") a written summary of the public hearing and findings with respect to matters considered during the hearing ("Summary of Hearing and Findings"). The Director indicated in the Summary of Hearing and Findings that the following two changes would be made to the proposed modifications in response to public comments: (1) in section 5.7.1.2.7 of the Third Management Plan, add language stating the Department will establish an advisory committee consisting of stakeholders to assist the Director in evaluating the effectiveness of the modified NPCCP; and (2) in Appendix 5K, change the language describing the conservation measures entitled "Market Surveys to Identify Information Needs/Assess Success of Messages" and "Distribution Plan for Water Conservation Materials" to allow a provider implementing one of those measures to replace the measure with another measure in Categories 1 through 7,

provided that the replacement measure is appropriate for the provider's service area as reflected in the provider's approved provider profile. The proposed modifications with the changes referred to above are shown in the document attached hereto entitled "Modifications to Chapter 5, Municipal Conservation Program, Third Management Plan, Pinal Active Management Area, April 2008."

## II. ORDER OF ADOPTION

IT IS HEREBY ORDERED:

1. That the modifications to the Third Management Plan shown in the document attached hereto entitled "Modifications to Chapter 5, Municipal Conservation Program, Third Management Plan, Pinal Active Management Area, April 2008," are adopted by the Director.

2. That a summary of the modifications, findings and this Order shall be published once each week for two consecutive weeks in a newspaper of general circulation in each county in which the Pinal Active Management Area is located.

3. That pursuant to A.R.S. § 45-114(C), any person may file a motion for rehearing on or a review of the modifications no later than May 19, 2008 at 5:00 p.m. Any motion for rehearing or review must be filed with Kathy Donoghue, Docket Supervisor, Arizona Department of Water Resources, 3550 North Central Avenue, Phoenix, Arizona 85012.

4. That this Order shall become effective for the purpose of judicial review as follows:

a. If no person files a motion for rehearing or review within the time allowed under paragraph 3 of this section, this order shall become final for the purpose of judicial review on May 20, 2008.

b. If any person files a timely motion for rehearing or review, the Director will issue a decision either granting or denying the motion and may make changes to the modifications after rehearing or review. After the Director issues a decision on all motions for rehearing or review, the Director will issue a second order of adoption and publish notice of that order once each week

for two consecutive weeks in a newspaper of general circulation in each county in which the Pinal Active Management Area is located. The second order of adoption shall become final for the purpose of judicial review when the notice is published for the final time.

GIVEN under my hand and the Official Seal of the Arizona Department of Water Resources this 1st day of April, 2008.

Herbert R. Guenther
Director
Arizona Department of Water Resources

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