

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING DEPARTMENT OF WATER RESOURCES

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Laws 2010, Ch. 287, § 18. (See the text of § 18 on page 2066.) The Governor's Office authorized the notice to proceed through the rulemaking process on September 16, 2010.

[R10-154]

1. **Title and its heading:** 12, Natural Resources
Chapter and its heading: 15, Department of Water Resources
Article and its heading: 7, Assured and Adequate Water Supply
Section numbers: R12-15-723 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**

Pursuant to the authority in A.R.S. § 45-576, the Department intends to amend its Assured and Adequate Water Supply rules to authorize the Director of the Department to restore an irrigation grandfathered right that was extinguished for assured water supply extinguishment credits during calendar year 2006 or 2007 if the owner of the land to which the right was appurtenant requests the restoration and certain criteria are met. The criteria include: (1) the extinguishment credits must not have not been pledged to an assured water determination or conveyed to another person; and (2) the land to which the irrigation grandfathered right was appurtenant must be capable of being irrigated. Upon restoration of the irrigation grandfathered right, the extinguishment credits would be forfeited.

Many agricultural landowners extinguished their irrigation grandfathered rights during calendar years 2006 and 2007 in anticipation that their lands would be developed within a short time thereafter. However, due to the dramatic downturn in the real estate market that became wide-spread by 2008 and the subsequent tightening of credit by banks, much of that land is still undeveloped. Members of the agricultural and development communities have requested this rule amendment to allow farming on these lands to resume so that the lands can be put to a productive use and also to eliminate the dust and weed problems that exist with idle undeveloped lands. The Department has received authorization from the Governor's office for this rulemaking.
3. **A citation to all published notices relating to the proceeding:**

None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Ken Slowinski, ADWR Chief Counsel
Address: Department of Water Resources
3550 N. Central Ave.
Phoenix, AZ 85012
Telephone: (602) 771-8472
Fax: (602) 771-8683
E-mail: kcslowinski@azwater.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Not yet determined. Notice of the time for submitting written comments and the time and place where oral comments may be made will be included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**

The Department intends to file a Notice of Proposed Rulemaking with the Secretary of State in October or November 2010.

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION
OVERDIMENSIONAL PERMITS

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Laws 2010, Ch. 287, § 18. (See the text of § 18 on page 2066.) The Governor's Office authorized the notice to proceed through the rulemaking process on August 11, 2010.

[R10-153]

1. **Title and its heading:** 17, Transportation
Chapter and its heading: 6, Department of Transportation – Overdimensional Permits
Article and its heading: 3, Safety Requirements
Section numbers: R17-3-305 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**
The Arizona Department of Transportation, in cooperation with the Arizona Department of Public Safety, engages in this rulemaking to prescribe the minimum level of commercial liability insurance under A.R.S. § 28-1110 for escort vehicle operators performing traffic control.
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Candace Olson, Management Analyst II
Address: Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 517M
Phoenix, AZ 85007
Telephone: (602) 712-8068
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Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/MVD/MVDrules/index.asp>.
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments may be submitted at any time. Oral comments may be made during regular business hours. All comments should be directed to the person listed under item 4. The date, time, and location of an oral proceeding on the rulemaking will be included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be determined