

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE CONCURRENT RESOLUTION 1015

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVII,
CONSTITUTION OF ARIZONA, BY ADDING SECTION 3; RELATING TO WATERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, the purpose of this proposition is to protect and secure this
2 state's jurisdiction over all waters of this state, including ephemeral and
3 intermittent waterways by:

4 (a) Declaring the primary responsibility and the right to regulate
5 such waters in this state.

6 (b) Protecting all existing rights to the use of any of the waters in
7 this state for all useful or beneficial purposes.

8 Therefore

9 Be it resolved by the Senate of the State of Arizona, the House of
10 Representatives concurring:

11 1. Article XVII, Constitution of Arizona, is proposed to be amended by
12 adding section 3 as follows if approved by the voters and on proclamation of
13 the Governor:

14 3. Jurisdiction over intrastate waters

15 SECTION 3. A. ALL INTRASTATE WATERS ARE REGULATED BY THE
16 LAWS OF THIS STATE. NO FOREIGN OR DOMESTIC GOVERNMENT, OTHER
17 THAN THE STATE OF ARIZONA, MAY CLAIM PRIMARY RESPONSIBILITY OR
18 EXCLUSIVE RIGHT TO PREVENT, REDUCE OR ELIMINATE POLLUTION, TO
19 PLAN THE DEVELOPMENT AND USE, INCLUDING RESTORATION,
20 PRESERVATION AND ENHANCEMENT OF THIS STATE'S WATER RESOURCES.

21 B. THIS SECTION DOES NOT APPLY TO A FEDERALLY RECOGNIZED
22 TRIBE, NATION, BAND OR COMMUNITY OF INDIANS IN THIS STATE, TO
23 ANY PORTION OF A RIVER OR WATER OF THIS STATE THAT IS UPSTREAM
24 OF TRIBAL LAND AND THAT FLOWS THROUGH TRIBAL LAND OR TO STANDING
25 AGREEMENTS IN WHICH TRIBAL GOVERNMENTS HAVE COMPACTS FOR THE USE
26 OF WATER FOR SACRED CEREMONIES IN LANDS THAT ARE NOT TRIBAL
27 LANDS.

28 2. The Secretary of State shall submit this proposition to the voters
29 at the next general election as provided by article XXI, Constitution of
30 Arizona.