

REFERENCE TITLE: water resources; assistant director

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

SB 1257

Introduced by
Senator Petersen

AN ACT

AMENDING SECTIONS 45-104, 45-252 AND 45-1207, ARIZONA REVISED STATUTES;
RELATING TO THE DEPARTMENT OF WATER RESOURCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 45-104, Arizona Revised Statutes, is amended to
3 read:

4 45-104. Department organization; deputy directors; assistant
5 director; employees; legal counsel; branch offices;
6 consultants

7 A. The director may establish and organize divisions within the
8 department and otherwise organize the department in the manner the
9 director deems necessary to make the operation of the department efficient
10 and effective.

11 B. The director may appoint a deputy director to each division or
12 organizational unit that the director may establish. Subject to title 41,
13 chapter 4, article 4, deputy directors shall serve at the pleasure of the
14 director and are entitled to receive compensation pursuant to section
15 38-611.

16 C. THE DIRECTOR SHALL APPOINT AN ASSISTANT DIRECTOR WHOSE EXCLUSIVE
17 DUTIES ARE COORDINATING WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF
18 ARIZONA AND WATER USERS REGARDING PROJECTS THAT WILL AUGMENT WATER
19 SUPPLIES THROUGH IMPORTATION OF WATER TO THIS STATE FROM OUTSIDE THIS
20 STATE AND PROJECTS THAT WILL INCREASE THIS STATE'S IN-STATE WATER STORAGE
21 CAPACITY. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, THE ASSISTANT
22 DIRECTOR SHALL SERVE AT THE PLEASURE OF THE DIRECTOR AND IS ENTITLED TO
23 RECEIVE COMPENSATION PURSUANT TO SECTION 38-611.

24 ~~E.~~ D. Subject to title 41, chapter 4, article 4 and, as
25 applicable, articles 5 and 6, the director may employ, define the duties
26 of and prescribe the terms and conditions of employment of ~~such~~ clerical,
27 technical, professional and administrative personnel as necessary to
28 efficiently perform the responsibilities of the department. Compensation
29 for all employees shall be pursuant to section 38-611.

30 ~~D.~~ E. The director may employ on a contract basis geologists,
31 hydrologists, consulting engineers, other expert consultants and
32 engineering and other assistants as the director deems advisable, who are
33 not subject to the classification provided for in title 41, chapter 4,
34 article 5.

35 ~~E.~~ F. The director may ~~utilize~~ USE the services of accounting,
36 legal or engineering personnel made available by any department or agency
37 of this state, who shall serve without additional compensation.

38 ~~F.~~ G. Subject to title 41, chapter 4, article 4, the director may
39 employ legal counsel to advise and represent the department in connection
40 with legal matters before other departments and agencies of this state,
41 and represent the department and this state in litigation concerning
42 affairs of the department. Legal counsel is not subject to the
43 classification provided for in title 41, chapter 4, article 5.

44 ~~G.~~ H. The director shall maintain the director's office in Phoenix
45 and may establish a branch office of the department in each active

1 management area established pursuant to chapter 2, article 2 of this
2 title.

3 ~~H~~ I. The director on behalf of the department may contract with
4 private consultants for the purposes of assisting the department in
5 reviewing applications for licenses, permits or other authorizations to
6 determine whether an applicant meets the criteria for issuance of the
7 license, permit or other authorization. If the department contracts with
8 a consultant under this subsection, an applicant may request that the
9 department expedite the application review by requesting that the
10 department use the services of the consultant and by agreeing to pay the
11 department the costs of the consultant's services. Notwithstanding any
12 other law, monies paid by applicants for expedited reviews pursuant to
13 this subsection are appropriated to the department for use in paying
14 consultants for services.

15 Sec. 2. Section 45-252, Arizona Revised Statutes, is amended to
16 read:

17 45-252. General adjudication; representation; superior court;
18 assignment to judge; personnel funding; petition

19 A. One or more water users on a river system and source, the water
20 rights of which have not been previously adjudicated under this article
21 and administered by the director of water resources, or this state on the
22 request of any state agency other than the department of water resources
23 may file a petition to have determined in a general adjudication the
24 nature, extent and relative priority of the water rights of all persons in
25 the river system and source.

26 B. The attorney general shall represent this state in connection
27 with all water claims asserted by this state. The director shall be
28 represented by legal counsel retained in accordance with section 45-104,
29 subsection ~~F~~ G.

30 C. The general adjudication shall be brought and maintained in the
31 superior court in the county in which the largest number of potential
32 claimants resides. The clerk of the court in which the petition is filed
33 shall notify the supreme court, and the supreme court shall assign the
34 general adjudication to a superior court judge and appoint a master and
35 shall consolidate the general adjudication with other pending general
36 adjudications, if appropriate.

37 D. The supreme court may appoint additional paralegals and law
38 clerks for the general adjudication. Notwithstanding section 12-128, the
39 superior court judge, master, paralegal and law clerk positions prescribed
40 in this subsection and subsection C of this section shall be fully funded
41 by this state.

42 E. The petition for a general adjudication shall be captioned: "In
43 re the general adjudication of all rights to use water in the _____
44 river system and source" and shall request that the court determine the

1 nature, extent and relative priority of the water rights of all persons in
2 the river system and source.

3 Sec. 3. Section 45-1207, Arizona Revised Statutes, is amended to
4 read:

5 45-1207. Approval or disapproval of applications; commencing
6 construction

7 A. ~~Upon~~ ON receipt of an application, the director shall approve,
8 disapprove or approve subject to conditions necessary to insure safety.

9 B. A defective application shall not be rejected, but notice of the
10 defects shall be sent to the applicant by registered mail. If the
11 applicant fails to file a perfected application within thirty days, the
12 original shall be canceled unless further time is allowed.

13 C. No application shall be approved in less than ten days from its
14 receipt, nor shall an application be retained more than sixty days after
15 it is filed unless the director finds that additional information is
16 necessary. An applicant may request that the director expedite the review
17 of the application through the employment of an expert consultant on a
18 contract basis pursuant to section 45-104, subsection ~~E~~ E to assist the
19 director in reviewing the application. If an applicant requests an
20 expedited review of the application pursuant to this subsection and the
21 director employs a consultant, the applicant shall pay to the department
22 the cost of the consultant's services in addition to any other fees that
23 the applicant is required to pay under this chapter.

24 D. If the director disapproves an application, one copy shall be
25 returned with a statement of ~~his~~ THE DIRECTOR'S objections. If an
26 application is approved, the approval shall be attached to the application
27 and a copy returned by registered mail. Approval shall be granted under
28 terms, conditions and limitations ~~which~~ THAT the director deems necessary
29 to safeguard life and property.

30 E. Construction shall be commenced within one year after the date
31 of approval of the application or ~~such~~ THE approval is void. The director
32 ~~upon~~ ON written application and good cause shown may extend the time for
33 commencing construction. Notice by registered mail shall be given to the
34 director at least ten days before construction is commenced.