

Arizona Navigable Stream Adjudication Commission

JLBC: Blake Riley
 OSPB: Thomas Soteros-McNamara

DESCRIPTION	FY 2007 ACTUAL	FY 2008 ESTIMATE	FY 2009 JLBC
OPERATING BUDGET			
<i>Full Time Equivalent Positions</i>	2.0	2.0	2.0
Personal Services	50,700	50,700	50,700
Employee Related Expenditures	24,100	25,900	25,900
Professional and Outside Services	116,700	83,100	83,100
Other Operating Expenditures	4,100	8,700	8,700
Equipment	11,600	11,600	11,600
AGENCY TOTAL	207,200	180,000	180,000
FUND SOURCES			
General Fund	207,200	180,000	180,000
SUBTOTAL - Appropriated Funds	207,200	180,000	180,000
TOTAL - ALL SOURCES	207,200	180,000	180,000

CHANGE IN FUNDING SUMMARY

	FY 2008 to FY 2009 JLBC	
	\$ Change	% Change
General Fund	0	0.0%
Total Appropriated Funds	0	0.0%
Total - All Sources	0	0.0%

AGENCY DESCRIPTION — The Arizona Navigable Stream Adjudication Commission is a 5-member body charged with determining the ownership of watercourses in the state by establishing whether the watercourses were navigable at the time of statehood. If navigable, title to the watercourse belongs to the state based on a series of court rulings. If non-navigable, the title to the watercourse belongs to the current title holder.

PERFORMANCE MEASURES	FY 2005	FY 2006	FY 2007	FY 2009
	Actual	Actual	Actual	JLBC
• % of Arizona rivers and streams adjudicated Comments: As of May 24, 2006, the commission has ruled on all rivers and streams in the state (but has not yet released all of its written reports).	74.1	100	100	--
• Customer satisfaction rating for hearing attendees (Scale 1-8) Comments: All public hearings for the commission have been completed.	7.5	7.0	7.0	--

Operating Budget

The JLBC includes \$180,000 and 2 FTE Positions from the General Fund for the operating budget in FY 2009. This amount is unchanged from FY 2008.

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FORMAT — Lump Sum by Agency

OTHER ISSUES FOR LEGISLATIVE CONSIDERATION

Commission Status

To date, the commission has conducted public hearings for all waterways in the state of Arizona and has ruled each as non-navigable at the time of statehood. Of the 32 total reports, the commission has completed 17, 11 of which are final and have been recorded with the appropriate county. Three rulings have been appealed, and 3 are waiting for their appeal time to expire so they can be recorded.

The commission determination of the Lower Salt River as non-navigable was upheld by the Maricopa County Superior Court, but the case is currently being considered

by the Arizona Court of Appeals. The Santa Cruz River and San Pedro River appeals will be heard in Pima County Superior Court; however, a motion to stay has been filed for these 2 cases. If granted, action will be suspended until the Court of Appeals rules on the Lower Salt River.

The Governor's Office has requested that the commission complete and ratify the remaining 16 hearing reports by May 31, 2008. However, the commission reports that this goal cannot be accomplished without additional resources.

FY 2008 Supplemental

The JLBC includes \$200,000 from the General Fund for the commission in FY 2008. This represents a one-time fund transfer from the State Land Department to the commission. These monies were appropriated by the Legislature to provide technical assistance to the commission. As the commission has ruled on all waterways in the state, the State Land Department is no longer providing assistance to the commission.

The amount includes \$40,000 from the base originally appropriated in FY 2001, as well as the additional \$160,000 appropriated beginning in FY 2006. The \$200,000 currently budgeted to the State Land Department will be used to complete the commission's 15 remaining reports and to defend appeals of the reports on the Santa Cruz and the San Pedro River. As the timeframe for these appeals is uncertain, the JLBC would make this appropriation non-lapsing. These amounts are not reflected in the table above.