

House Engrossed

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HOUSE BILL 2475

AN ACT

AMENDING SECTION 45-112, ARIZONA REVISED STATUTES; RELATING TO WATERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-112, Arizona Revised Statutes, is amended to
3 read:

4 45-112. Violations; classification; enforcement

5 A. A person is guilty of a class 2 misdemeanor who:

6 1. Knowingly and without authority opens, closes, changes or
7 interferes with a lawfully established ~~head-gate~~ HEADGATE, measuring
8 device or water box.

9 2. Knowingly uses water or conducts into or through such person's
10 ditch water lawfully denied such person by the water superintendent or
11 other competent authority.

12 3. Without authority uses water to which another is entitled EXCEPT
13 FOR WATER TAKEN THROUGH A REGISTERED WELL, INCLUDING THE SUBFLOW OF A
14 RIVER OR STREAM.

15 4. Without authority diverts water from a stream.

16 5. Knowingly wastes water to the detriment of another.

17 6. Diverts a stream to the injury or threatened injury of the lands
18 of another.

19 7. Uses, stores or diverts water without or before the issuance of
20 a permit to appropriate such waters.

21 8. Places or maintains an obstruction interfering with the use of
22 works, or prevents convenient access thereto, when an appropriator of
23 water has the lawful right of way for the storage, diversion or carriage
24 of such water.

25 B. The possession or use of water when it has been lawfully denied
26 by the water superintendent or other competent authority is prima facie
27 evidence of the guilt of the person using it.

28 C. The water superintendent or ~~his~~ THE WATER SUPERINTENDENT'S
29 assistants ~~may~~, within ~~his~~ THE WATER SUPERINTENDENT'S district, MAY arrest
30 any person violating this section and deliver ~~him~~ THAT PERSON to the
31 sheriff or other police officer within the county, and ~~upon~~ ON delivery
32 shall immediately make a complaint against ~~such~~ THAT person before a
33 justice of the peace. If no water superintendent has been appointed for a
34 water district, any affected person within the district may make a
35 complaint to the sheriff or other police officer within the county against
36 a person who violates this section.