

Senate Engrossed

water resources; assistant director

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

# SENATE BILL 1257

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, PROJECTS THAT WILL INCREASE THIS STATE'S IN-STATE WATER STORAGE  
21 CAPACITY, INCLUDING CONSTRUCTION AND IMPROVEMENT OF DAMS AND COORDINATING  
22 WITH FEDERAL, STATE AND LOCAL GOVERNMENT OFFICIALS FOR THESE  
23 PURPOSES. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, THE ASSISTANT  
24 DIRECTOR SHALL SERVE AT THE PLEASURE OF THE DIRECTOR AND IS ENTITLED TO  
25 RECEIVE COMPENSATION PURSUANT TO SECTION 38-611.

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

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

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

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

1 ~~G.~~ H. The director shall maintain the director's office in Phoenix  
2 and may establish a branch office of the department in each active  
3 management area established pursuant to chapter 2, article 2 of this  
4 title.

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

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

19 45-252. General adjudication; representation; superior court;  
20 assignment to judge; personnel funding; petition

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

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

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

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

44 E. The petition for a general adjudication shall be captioned: "In  
45 re the general adjudication of all rights to use water in the \_\_\_\_\_"

1 river system and source" and shall request that the court determine the  
2 nature, extent and relative priority of the water rights of all persons in  
3 the river system and source.

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

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

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

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

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

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

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