

HCM 2004 -- Redline

HOUSE - Natural Resources, Energy & Water to Engrossed -- reserved water rights; exclusion

Deletions ~~struck~~ · Insertions underlined

HCM2004 - 541R - ~~H-Natural~~H Resources, Ver Energy_ &_ Water-Adopted_ House Engrossed _____ State of
Arizona House of Representatives Fifty-fourth Legislature
Legislature First Regular Session _____ Session
~~COMMITTEE ON NATURAL~~HOUSE RESOURCES, CONCURRENT ENERGYMEMORIAL & 2004 WATER HOUSE OF REPRESENTATIVES
~~AMENDMENTS CONCURRENT TO MEMORIAL H.C.M.,~~ urging the united states congress to exclude federal reserved
water rights from any future designation of federal lands in arizona.
~~2004 (Reference to printed memorial) - (TEXT -OF Page BILL 1, BEGINS line ON 32, NEXT strike PAGE) "include~~
~~a" To Strike line 33, insert "not include any water right that prevents the State Congress of Arizona the~~
~~from United comprehensively States managing" of Amend America: title to conform And, as so amended, it do~~
~~pass - GAIL GRIFFIN CHAIRMAN - HCM2004 NATURAL RESOURCES ENERGY WATER 02/10/2010 09:38 PM H:~~
~~fa~~Your memorialist respectfully represents:
Whereas, states are the primary authority for allocating, administering, protecting and developing water
resources, and are primarily responsible for water supply planning within their boundaries;
and Whereas, states have the ultimate say in managing their water resources and are best suited to speak
to the unique nature of water law and hydrology, particularly in western states such as Arizona;
and Whereas, states have primary authority to issue and manage water rights and are responsible for
controlling and managing surface water and groundwater located within their boundaries, subject to
international treaties, interstate agreements and judicial decrees;
and Whereas, Congress recognized states as the sole authority over non-navigable waters, including
groundwater, and the United States Supreme Court has upheld this authority;
and Whereas, federal reserved water rights apply to waters within various types of federal land
designations, including national parks, national forests and wildlife refuges;
and Whereas, federal reserved water rights differ from state appropriated water rights and may take
priority over the water rights of individuals whose application dates are established later than the
date of the federal withdrawal, even if the individuals are using the water at the time of withdrawal;
and Whereas, the exclusion of federal reserved water rights on any new federal designations in this
state would allow Arizona to integrate the federal reserved water rights with the state administratively
adjudicated water rights so that water sources can be managed with greater certainty.
Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring,
prays:
1. That the United States Congress take steps to require that any new federal areas designated within
the State of Arizona not include any water right that prevents the State of Arizona from comprehensively
managing its water resources.
2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the
President of the United States Senate, the Speaker of the United States House of Representatives and
each Member of Congress from the State of Arizona.