

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-24-0267-PR

CHANDLER v ROOSEVELT

Appellate Case Information

Case Filed: 13-Nov-2024
 Case Closed:

Dept/Composition
En Banc

Hon. Ann A. Scott Timmer
 Hon. John R Lopez
 Hon. Clint Bolick
 Hon. James P Beene
 Hon. William G Montgomery
 Hon. Kathryn H. King
 Hon. Christopher J O'Neil

Side 1. CITY OF CHANDLER, Plaintiff/Appellee

(Litigant Group) CITY OF CHANDLER

- City of Chandler

Attorneys for: Plaintiff/Appellee

Sean T Hood, Esq. (AZ Bar No. 22789)
 Taylor N Burgoon, Esq. (AZ Bar No. 33970)
 Timothy J Berg, Esq. (AZ Bar No. 4170)

Side 2. ROOSEVELT WATER CONSERVATION DISTRICT, Defendant/Appellant

(Litigant Group) ROOSEVELT WATER CONSERVATION DISTRICT

- Roosevelt Water Conservation District

Attorneys for: Defendant/Appellant

Amanda Z Weaver, Esq. (AZ Bar No. 34644)
 Andrew W. Gould, Esq. (AZ Bar No. 13234)

Side 3. STATE OF ARIZONA, Amicus Curiae

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Amicus Curiae

Alexander W Samuels, Esq. (AZ Bar No. 28926)
 Luci Danielle Davis, Esq. (AZ Bar No. 35347)

Side 4. BUCKEYE WATER CONSERVATION AND DRAINAGE DISTRICT AND ROOSEVELT IRRIGATION DISTRICT, Amicus Curiae

(Litigant Group) BUCKEYE WATER CONSERVATION AND DRAINAGE DISTRICT AND ROOSEVELT IRRIGATION DISTRICT

- Buckeye Water Conservation and Drainage District
- Roosevelt Irrigation District

Attorneys for: Amicus Curiae

Michael J Pearce, Esq. (AZ Bar No. 6467)

CASE STATUS

Apr 28, 2026....Decision Rendered

Apr 1, 2025.....Oral Argument Granted

Nov 13, 2024....Pending

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CV 23-0744				
↪ MAR	CV2022-011983	Declaratory Judgment	Joan M Sinclair, Authoring Judge of Order Comments: (none)		

CASE DECISION

28-Apr-2026 **OPINION**

* For the foregoing reasons, we vacate the court of appeals' opinion, reverse the superior court's judgment, and remand to that court with directions to enter an order denying RWCD's motion for summary judgment and granting Chandler's cross-motion for sum

Filed: **28-Apr-2026** Mandate:

Decision Disposition

CofA Vacated
Reversed
Remanded with Directions

James Beene.....Author
 Ann Timmer.....Concur
 John Lopez.....Concur
 William Montgomery.....Concur
 Kathryn King.....Concur
 Christopher O'Neil.....Concur
 Clint Bolick.....Dissent

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37 PROCEEDING ENTRIES

1. 13-Nov-2024 FILED: Petitioner's Unopposed Motion for Procedural Order Extending Time; Certificate of Service (Appellee City of Chandler)
2. 14-Nov-2024 An "Unopposed Motion for Procedural Order Extending Time" (Appellee City of Chandler) having been filed on November 13, 2024,

IT IS ORDERED granting a first extension of time to file the petition for review on or before January 2, 2025. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by January 2, 2025. (Tracie K. Lindeman, Clerk)
3. 2-Jan-2025 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellee City of Chandler)
4. 3-Jan-2025 FILED: Record from CofA: Electronic Record
5. 30-Jan-2025 FILED: Notice of Appearance; Certificate of Service (Appellant Roosevelt Water)
6. 31-Jan-2025 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Roosevelt Water)
7. 31-Jan-2025 FILED: Appendix; Certificate of Service (Appellant Roosevelt Water)
8. 6-Feb-2025 RECEIPT No.: 2025-00021 ; \$165.00, Authorization: 8389660417214496, Applied to: ROOSEVELT WATER CONSERVATION DISTRICT - Class B Filing Fee (\$165.00) Paid for: ROOSEVELT WATER CONSERVATION DISTRICT - By nCourt LLC
9. 1-Apr-2025 ORDERED: Petition for Review = GRANTED as to the following rephrased issue:

What effect, if any, does A.R.S. § 12-821 have on the doctrine of nullum tempus occurrit regi in the context of a contract action between two public entities?

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than April 21, 2025. Any amicus briefs are due on or before May 5, 2025 and any responses to amicus briefs are due on or before May 27, 2025. Any amicus briefs or responses may not exceed 20 pages in length.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee City of Chandler) = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Roosevelt Water) = CONTINUED.

Justice Cruz did not participate in the determination of this matter.
10. 3-Apr-2025 NOTICE OF ORAL ARGUMENT: Set for Tuesday, June 10, 2025, at 9:30 A.M. (twenty [20] minutes per side).
11. 7-Apr-2025 FILED: Notice of Acknowledgment of Oral Argument (Timothy J. Berg will argue) (Appellee City of Chandler)
12. 8-Apr-2025 FILED: Record From CofA: Entire Electronic Record
13. 8-Apr-2025 FILED: Notice of Acknowledgment of Oral Argument (Andrew Gould will argue) (Appellant Roosevelt Water)
14. 14-Apr-2025 Justice Cruz is recused and will not participate in the above captioned matter. Therefore, pursuant to Article 6, Section 3 of the Arizona Constitution,

IT IS ORDERED that the Honorable Christopher J. O'Neil, Judge of the Arizona Court of Appeals, Division Two, Tucson, is designated to sit on the case until it is finally determined. (Hon. Ann A. Scott Timmer)
15. 21-Apr-2025 FILED: Petitioner's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee City of Chandler)
16. 21-Apr-2025 FILED: Appendix; Certificate of Service (Appellee City of Chandler)
17. 21-Apr-2025 FILED: Respondent's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Roosevelt Water)
18. 5-May-2025 FILED: Amicus Curiae Brief of the State of Arizona in Support of Neither Party; Certificate of Service; Certificate of Compliance (Amicus State of Arizona)
19. 5-May-2025 FILED: State of Arizona's Statement of Allowance to File Amicus Brief in Support of Neither Party (Amicus State of Arizona)
20. 5-May-2025 FILED: Brief of Amici Curiae Buckeye Water Conservation and Drainage District and Roosevelt Irrigation District in Support of Respondent's Supplemental Brief; Certificate of Service; Certificate of Compliance (Amici Buckeye Water, et al.)
21. 5-May-2025 FILED: Consent of all Parties; Consent of all Parties; Consent of all Parties (Amici Buckeye Water, et al.)
22. 13-May-2025 FILED: State's Motion for Procedural Order Expanding Oral Argument Time and Granting the State Leave to Participate as Amicus Curiae; Certificate of Service (Amicus State of Arizona)

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23. 15-May-2025 On May 13, 2025, Amicus Curiae State of Arizona filed a "Motion for Procedural Order Expanding Oral Argument Time and Granting the State Leave to Participate as Amicus Curiae." After consideration,

IT IS ORDERED denying the motion. The State of Arizona's Amicus Brief ably explains its position without the need for oral argument outside the time limits given to the parties. (Hon. Ann A. Scott Timmer)
24. 15-May-2025 FILED: Response to the State of Arizona's Motion for Procedural Order Expanding Oral Argument Time and Granting the State Leave to Participate as Amicus Curiae; Certificate of Service (Appellant Roosevelt Water)
25. 27-May-2025 FILED: Petitioner's Response to Brief of Amici Curiae Buckeye Water Conservation and Drainage District and Roosevelt Irrigation District in Support of Respondent's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee City of Chandler)
26. 27-May-2025 FILED: Response to the State of Arizona's Amicus Curiae Brief; Certificate of Service; Certificate of Compliance (Appellant Roosevelt Water)
27. 27-May-2025 FILED: (Duplicate) Certificate of Compliance; (Duplicate) Certificate of Service (Appellant Roosevelt Water)
28. 4-Jun-2025 FILED: Notice of Withdrawal of Attorney Within Firm; Certificate of Service (Appellant Roosevelt Water)
29. 10-Jun-2025 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Timothy J. Berg, Andrew W. Gould)
30. 28-Apr-2026 OPINION - For the foregoing reasons, we vacate the court of appeals' opinion, reverse the superior court's judgment, and remand to that court with directions to enter an order denying RWCD's motion for summary judgment and granting Chandler's cross-motion for summary judgment and declare that the 2002 Agreement is valid and enforceable. (Hon James P. Beene - Author; Hon. Ann A. Scott Timmer - Concur; Hon. John R. Lopez IV - Concur; Hon William G. Montgomery - Concur; Hon. Kathryn H. King - Concur; Hon Christopher J. O'Neil Judge - Concur; Hon. Clint Bolick - Dissent)
31. 7-May-2026 FILED: Petitioner's Verified Statement of Attorney's Fees; Certificate of Service (Appellee City of Chandler)
32. 11-May-2026 FILED: Respondent's Motion for Reconsideration to Address Additional ARCAP 23(F)(2) Issues on Appeal; Certificate of Service; Certificate of Compliance (Appellant Roosevelt Water)
33. 11-May-2026 FILED: Appendix to Respondent's Motion for Reconsideration to Address Additional ARCAP 23(F)(2) Issues on Appeal; Certificate of Service (Appellant Roosevelt Water)
34. 12-May-2026 The Clerk of the Supreme Court having been authorized by the Supreme Court to order any party to file a response at the direction of a Supreme Court staff attorney.

IT IS ORDERED that Appellee City of Chandler file a response to the Motion for Reconsideration no later than May 27, 2026. (Aaron C. Nash, Clerk)
35. 21-May-2026 FILED: Respondent's Motion for Procedural Order; Certificate of Service (Appellant Roosevelt Water)
36. 22-May-2026 A "Respondent's Motion for Procedural Order" (Appellant Roosevelt Water) having been filed on May 21, 2026,

IT IS ORDERED granting an extension of time to file the response to Petitioner City of Chandler's attorneys' fee application to no later than 10 days after the Court's resolution of the pending motion for reconsideration, unless otherwise ordered by the Court. (Aaron C. Nash, Clerk)
37. 26-May-2026 FILED: Petitioner's Response to Respondent's Motion for Reconsideration to Address ARCAP 23(F)(2) Issues on Appeal; Certificate of Service; Certificate of Compliance (Appellee City of Chandler)