

# NEWS RELEASE

Arizona Supreme Court  
Administrative Office of the Courts



Contact: Alberto Rodriguez  
Phone: 602-452-3656  
Email: [arodriguez@courts.az.gov](mailto:arodriguez@courts.az.gov)

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## **Court Says One-Year Limitations Statute Does Not Apply to Claims Brought by Public Entities**

**PHOENIX** – The Arizona Supreme Court today issued its opinion in *City of Chandler v. Roosevelt Water Conservation District*, addressing whether the one-year statute of limitations in A.R.S. § 12-821 applies to claims brought by one public entity against another.

The Court held that the law does not abrogate the common law doctrine of *nullum tempus occurrit regi*, which provides that statutes of limitation do not run against the state unless the legislature expressly provides otherwise. The Court concluded that it does not contain an express statement overriding that doctrine and therefore does not apply to claims brought by a public entity acting as a plaintiff.

The case arose from a dispute between the City of Chandler and the Roosevelt Water Conservation District concerning a 2002 water service agreement. In 2018, the District said the agreement had terminated. Chandler later filed suit alleging breach of contract and seeking declaratory relief.

The District argued that the claims were limited under § 12-821. Chandler asserted that the *nullum tempus* doctrine exempted its claims from the statute’s one-year limitations period. The superior court granted summary judgment in favor of Chandler, and the court of appeals reversed, concluding that the law applied to all actions, including those brought by public entities.

The Supreme Court disagreed, explaining that Arizona law requires an express legislative directive to abrogate a common law doctrine such as *nullum tempus*. The Court determined that § 12-821, which applies to “all actions against any public entity or public employee,” does not address the state’s status as a plaintiff and therefore does not clearly and definitively override the doctrine.

The Court vacated the Court of Appeals’ opinion and reinstated the superior court’s judgment in favor of Chandler. It directed the superior court to enter judgment declaring that the 2002 agreement is valid and enforceable and to grant summary judgment in favor of Chandler.

Justice James P. Beene wrote the opinion, and was joined by Chief Justice Ann A. Scott Timmer, Vice Chief Justice John R. Lopez, Justices William G. Montgomery and Kathryn H. King, and Judge Christopher O’Neill. Justice Clint Bolick disagreed and wrote a dissent.

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*This summary is intended solely to notify the public about an Arizona Supreme Court Opinion. It is not to be considered an official commentary by the Court or any member of the Court, nor may it be cited as legal authority for any reason or purpose. The full Opinion is available [here](#) for those seeking details about the Court’s reasoning.*

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