



ARIZONA DEPARTMENT of WATER RESOURCES
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**ARIZONA DEPARTMENT OF WATER RESOURCES
NOTIFICATION OF PURCHASE OR SALE OF FLEXIBILITY ACCOUNT CREDIT**

The Filing fee for Notification of Purchase or Sale of Flexibility Account Credit is \$250.00. Payment may be made by cash, check, or credit card (if you wish to pay by credit card, please contact the AMA staff at 602-771- 8585). Checks should be made payable to the Arizona Department of Water Resources. **Failure to enclose Filing fee will cause the Notification to be returned. Fees for Notification of Purchase or Sale of Flexibility Account Credit are authorized by A.R.S. § 45-467(Q) and A.A.C. R12-15-104.**

- The Seller's signature on this form must be **NOTARIZED** or signed in the presence of an authorized ADWR agent. The Buyer must also sign and date this form.
- The effective date of sale is the date of the Seller's signature as notarized on this form, or signed in the presence of an authorized ADWR agent. Otherwise, a separate bill of sale, signed and dated by BOTH Buyer and Seller, must be attached.
- The effective date of sale must be on or before December 31, 2018 per A.R.S. § 45-467(O). Only credits accumulated in 2016 can be conveyed.
- Pursuant to A.R.S. § 45-467(O), Irrigation Grandfathered Right (IGFR) holders within irrigation districts may transfer flexibility account credits between IGFRs located within the same irrigation district.
- Flexibility account credits may also be transferred between IGFRs located outside of an irrigation district, if both IGFRs are located within the same groundwater sub-basin and the same AMA.
- The transfer of credits between two IGFRs where one of the IGFRs is located within an irrigation district and the other IGFR is located outside of that irrigation district is also allowed only if both IGFRs are located within the same groundwater sub-basin and the same AMA, and if the owner or lessee of one of the IGFRs is also the owner or lessee of the other IGFR.
- This form must be filed with ADWR within 30 days of the effective date of sale or the conveyance will not be honored.

In accordance with A.R.S. § 45-467 (P), the undersigned parties hereby notify the Arizona Department of Water Resources of conveyance of flexibility account credit.

1. Seller's Certificate of Irrigation Grandfathered Right Number 58- _____
Sub-basin or Irrigation District of Seller's right: _____
Lessee (if applicable): _____
2. Buyer's Certificate of Irrigation Grandfathered Right Number 58- _____
Sub-basin or Irrigation District of Buyer's right: _____
Lessee (if applicable): _____
3. Amount of credit sold: _____ acre-feet
4. Price per acre-foot of credit sold: \$ _____

(The information requested in number 4 above is voluntary and is not required in order to complete the flexibility account credit conveyance.)

5. Specify date of sale: _____ (if different than notary date)

Seller's Name (Print)			Buyer's Name (Print)		
Address			Address		
City	State	Zip	City	State	Zip
Phone			Phone		
Seller's Signature			Buyer's Signature		

Seller's Signature

State of _____ County of _____

This sale was acknowledged before me this _____ day of 2018, by _____
Seller Name

Notary Public **OR** _____
Authorized Agent of ADWR

My Commission Expires: _____

CAUTION--ADWR DOES NOT GUARANTEE THE VALIDITY OF THIS SALE. IF THERE IS A DEFICIENCY IN THE AMOUNT OF CREDIT AVAILABLE FOR SALE OR A PROBLEM WITH THE SELLER'S TITLE TO THE CREDITS, THIS SALE WILL BE VOIDED BY ADWR AND THE ATTEMPTED TRANSFER CANCELED. IF YOU HAVE QUESTIONS, CALL AMA STAFF AT (602) 771-8585.

Please note: A.R.S. § 41-1030(B), (D), (E) and (F) provide as follows:

- B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.
- D. This section may be enforced in a private civil action and relief may be awarded against the state. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against the state for a violation of this section.
- E. A state employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the agency's adopted personnel policy.
- F. This section does not abrogate the immunity provided by Section 12-820.01 or 12-820.02.