

The Department has adopted permanent fee rules to replace the temporary fee rules that have been in effect since June 15, 2010. The temporary fee rules increased the fees for many applications and other filings submitted to the Department, as well as the fees for dam safety inspections. The Department adopted the temporary fee rules through a rulemaking exempt from the formal rulemaking requirements in Title 41, Chapter 6, Arizona Revised Statutes, as authorized by HB 2007, Seventh Special Session, 2010. The permanent fee rules were approved by the Governor's Regulatory Review Council on April 5, 2011 and will become effective on June 4, 2011. The temporary fee rules will be repealed on that date.

Most of the fees in permanent fee rules are the same as the fees in the temporary fee rules. However, the following fees have been reduced or eliminated:

Initial fees and maximum fees for applications subject to an hourly fee

- The initial fee for most applications has been reduced from \$2,000 to \$1,000. The only applications still requiring an initial fee of \$2,000 are the following: (a) an application for the issuance or modification of a designation of assured or adequate water supply; (b) an application for a permit to transport water from this state; (c) an application for the issuance, renewal or modification of an underground storage facility permit; and (d) an application for the severance and transfer of a surface water right to land that is not within the same parcel or farm unit as the current use, or that includes a change in water source, use or ownership.
- The maximum fee for many applications has been reduced. Under the permanent fee rules, the maximum fee for all applications is \$10,000, except for the following: (a) an application for the issuance or modification of a designation of assured water supply has a maximum fee of \$35,000.00; (b) an application for the issuance or modification of a designation of adequate water supply has a maximum fee of \$25,000.00; (c) an application for a permit to transport water from this state has a maximum fee of \$25,000.00; (d) an application for the issuance, renewal or modification of an underground storage facility permit has a maximum fee of \$25,000.00; (e) an application to sever and transfer a surface water right to land that is not within the same parcel or farm unit as the current use, or that includes a change in the water source, use or ownership has a maximum fee of \$25,000.00; (f) an application to sever and transfer a surface water right to land that is within the same parcel or farm unit as the current use, and that does not include a change in the water source, use or ownership, has a maximum fee of \$2,500.00; and (g) an application for the assignment of a Type A or Type B certificate of assured water supply has a maximum fee of \$5,000.00.

Fixed fees for grandfathered rights, wells and surface water rights

- The fee for a revised certificate of Type 2 non-irrigation grandfathered right to include a well drilled after June 12, 1980 has been changed from an hourly fee to a fixed fee of \$250.

- The fee for re-issuance of a certificate of grandfathered right to reflect a change in family circumstance or a transfer of the right to or from a trust in which the rightholder is a beneficiary has been reduced from \$500 to \$120.
- The fee for a well assignment has been reduced from \$120 to \$30.
- The fee for late registration of a well has been reduced from \$120 to \$60.
- The fee for assignment of a surface water application, permit, certificate or statement of claim has been reduced from \$500 to \$75.

Dam safety inspection fees

- The fee for the Department's inspection of a low or very low hazard potential dam has been reduced from a fee of between \$2,000 and \$4,000, depending on the length of the dam, to a fixed fee of \$1,000.

Request for extension of time to submit additional information on an application

- The fee for requesting an extension of time to submit information in response to the Department's request for additional information on an application has been eliminated.

The permanent fee rules establish the following new fees not included in the temporary fee rules:

- A fixed fee of \$120 for the issuance of a revised certificate of grandfathered right following the extinguishment of a portion of the right for assured water supply extinguishment credits.
- An hourly fee of \$118 per hour for an application to transport groundwater away from the Yuma groundwater basin pursuant to A.R.S. § 45-547.
- An hourly fee of \$118 per hour for an application for a drought emergency groundwater transfer away from a groundwater basin outside of an active management area.

Click **here** to view the permanent fee rules that will become effective June 4, 2011.
Click **here** to view the temporary fees that are effective until June 4, 2011.