

# INSTRUCTIONS FOR

## IRRIGATION USE

### STATEMENT OF CLAIMANT FORM

#### INTRODUCTION

The filing of a completed Statement of Claimant form serves as an official claim of a water right. Receipt by the Department of Water Resources of the notarized form along with the appropriate filing fee officially enters the claim in the court adjudication proceeding.

After the final filing date has passed, the Arizona Department of Water Resources will assist the court by tabulating, investigating, and verifying the information submitted on the Statement of Claimant forms. The Department of Water Resources will identify claims and rights which may have been abandoned or forfeited and will conduct any other studies or investigations which are necessary for a proper determination of relative rights. Upon completing the investigations, a preliminary report will be made available for each claimant to examine. Claimants will have the opportunity to file comments to the Department of Water Resources before the report is made final and submitted to a court-appointed master. Before the report is admitted into evidence, claimants will have an opportunity to file written objection. After consideration of the final Department of Water Resources report and all testimony properly presented, the master will file a report with the court which will then make final judgment on the priority and extent of all water rights in the river system. The final decree will be referred to the Department of Water Resources for administration under the jurisdiction of the court.

#### **Who should file in this adjudication?**

Anyone who uses or has used water from a well or from springs, streams, lakes or other impoundments for any purpose, and these sources are within the boundary of the watershed should file a claim for water rights. Anyone who receives **all** their water from a municipal system, water company, association or irrigation company or other such entity need **not** file **provided that the water supplier** files the water right claim. You should contact your water provider to make sure that they will file.

#### **Who should file an "Irrigation Use" form?**

Anyone who is using water to raise commercial crops, pasture for livestock, orchards or gardens on land exceeding one-half acre must file their water right claims using an Irrigation Use Statement of Claimant form. Water rights for irrigation of less than one-half acre should be filed on Statement of Claimant forms for Domestic Use.

#### **Should a separate form be filed for each point of diversion?**

A separate form must be filed for each point of diversion **unless** the water obtained from the multiple points of diversion is combined in a conveyance system supplied by each of the points of diversion before reaching the place of use. Under this situation, only one form is required for all of the contributing points of diversion.

#### **Should a separate form be filed for each place of use?**

Although rights to public water are attached to the land, the number of forms required is tied to the number of independent points of diversion. Therefore, different places of use may be included on one form consistent with the need to file for each diversion or well.

**Should a separate form be filed for each type of use?**

Yes. Separate forms must be completed and filed for each type of use, even though they may be supplied from a single source. Only one filing fee is necessary when more than one type of use form is required and all these uses are supplied from a common source of supply. To insure proper credit of the fees, all forms should be submitted together.

**Cost of filing claims:**

The filing fee for an individual is twenty dollars (\$20.00) for each Statement of Claimant form filed **except** when more than one use is served from a common source of supply and two or more forms are required. The filing fee for a corporation, municipal corporation, the State or any political subdivision, or an association or partnership is two cents for every acre-foot of water claimed per annum, or twenty dollars (\$20.00), whichever is greater.

**Should claims be filed for groundwater?**

Yes. The law provides that the adjudication will determine the extent and priority of the rights to the use of all water which is appropriable and all water subject to claims based upon federal law. Not knowing precisely how the court may rule on "water subject to claims based upon federal law" all groundwater users are urged to file a claim.

**Should a claim be filed for some potential future use?**

No. Under the Arizona system of water law, water rights cannot be established or reserved for some potential future use. Water rights can only be established through proper legal appropriation and putting the water to actual beneficial use.

**INSTRUCTIONS**

The numbered instructions below correspond to the question numbers on the Irrigation Use Statement of Claimant form. Please fill out the form using a typewriter or by printing with a black pen. NOTE: Should the space provided on the form not be sufficient, you should write "See attached sheet" and provide an additional page which gives the data.

**1. Claimant Name and Address**

Use the name of the property owner as it appears on the deed. Include the full name if the claimant is an association, political subdivision, firm, partnership, corporation, agency or other such entity.

**2. Basis of Claim**

The Basis of Claim is the method by which the water right was established. If the right involves multiple sources of supply that are combined in a common distribution system and these sources of supply have a different basis of claim, check all appropriate boxes. In the Comment section relate each basis of claim to its respective point of diversion specified in question number 4.

A. If the claimed water right was established prior to the enactment of the June 12, 1919 Public Water Code, check box A. These rights were acquired by filing notices of intended use with the county recorder, or simply by diverting water and putting it to beneficial use prior to June 12, 1919. Persons claiming these water rights were required to register their claims with the State Land Department to be in compliance with the 1974 Water Rights Registration Act. List the registry number for the claim obtained when registered under this Act. Questions on this registry of claims may be referred to the Department of Water Resources. (Phone 602-771-8627 in the Phoenix area or 1-866-246-1414 toll-free within Arizona.)

B. If the claimed water right was established after June 12, 1919, according to the administrative provisions of the Public Water Code, check box B. These rights are acquired by making application with the State, obtaining a permit, putting the water to beneficial use, and obtaining a certificate of water right. Please list the application number for this right and, if issued, the permit and certificate numbers. (Phone 602-771-8627 in the Phoenix area or 1-866-246-1414 toll-free within Arizona.)

C. If the water right was established or confirmed by a court decree, check box C and list to the extent known the principal litigants, name of court, date, and case number. If the decree has a common name, it may be shown, e.g. Norviel, Kent, Gila, etc. The Department of Water Resources does not have this information.

D. If the water supply is from a well and believed to be groundwater in the legal sense, check box D. In Arizona, underground water flowing in definite channels with defined beds and banks, or the subflow of surface streams may be considered appropriable water rather than groundwater.

E. If the claimed water right was established by a process other than those listed in A through D above, check box E and describe the process.

### **3. Source of Water**

Check the correct box(es) that represent the source(s) of supply for the claimed right and list the name of the stream, spring, or reservoir(s) and what it is tributary to. If the distribution system or source of supply incorporates the use of a regulating, storage, or tailwater reservoir, check box C in addition to any others that are appropriate.

### **4. Legal Description of the Point of Diversion**

Provide the legal description of the location(s) where water is diverted from a stream, spring, or lake; the location of a dam that forms a reservoir; or the location of a well. If the right involves multiple sources of supply that are combined in a common distribution system, list the additional points of diversion in the Comments section or on a separate sheet. The Department of Water Resources will provide upon request a guide for determining legal land descriptions.

### **5. Other Uses**

Describe any other uses supplied from the point(s) of diversion listed in question 4 above. A separate Statement of Claimant form must be completed for each of the other uses; however, only a single filing fee is required for all of the uses supplied by a common point of diversion or for all uses supplied through a common distribution system in which the different sources of supply are combined before being put to use.

### **6. Means of Diversion**

Indicate the method used to divert the water. Item C refers to the well registration which should be on file with the Department of Water Resources. For information you may contact the Department of Water Resources. (Phone 602-771-8627 in the Phoenix area or 1-866-246-1414 toll-free within Arizona.)

### **7. Means of Conveyance**

Means of conveyance is how the water supply is transported from the point(s) of diversion to the place(s) of use.

### **8. Place of Use, Annual Water Use, and Claimed Priority Date**

Provide the County name and in the table under Legal Subdivision, provide one of the following: quarter, quarter, quarter of the section; assessor book, map and parcel number; or subdivision name, block and lot number. Complete the remainder of each line in the table with the information requested.

If all of the irrigated land is in one location and the claimed priority date is the same for all of the irrigated land, then only the first line of the table need be completed. If the land is in detached parcels but served by a common distribution system, then these separate parcels must be listed on different lines.

If the irrigated land was developed in stages, involved more than one application for a permit to appropriate

water, or has different decreed priority dates, then the lands to which the rights are attached and their priorities must be listed separately. If the source of water has changed, the claimed priority date should be when water was first used from any source.

The Department of Water Resources will provide upon request a guide for estimating the amount of annual water use.

## **9. Claimed Right**

Indicate the quantity, or extent, of the claimed right:

A. Indicate the maximum flow rate of water that is supplied to the distribution system from the point(s) of diversion. If there are multiple sources of supply combined in a common distribution system, list the maximum flow rate for each of these sources in the Comments section or on a separate sheet.

B. Indicate the total annual volume of claimed irrigation right attached to the acreage described in question 8.

C. Indicate the volume of claimed storage right for irrigation water used to supply the lands described in question 8. List the claimed storage amount for each additional reservoir named in question 3 in the Comments section.

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If you have a question about the adjudication, you may call 602-771-8627 in the Phoenix area or 1-866-246-1414 toll-free within Arizona. Mail form(s) and fee(s) to:

Arizona Department of Water Resources  
Adjudications Unit  
PO Box 33589  
Phoenix, AZ 85067-3589