INSTRUCTIONS FOR

OTHER USES
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 their water supplier files the water rights claim. You should contact your water provider to make sure that they will file.

Who should file an "Other Uses" form?

This form is intended for all water right claimants **except** those claiming only individual domestic, stockpond, or irrigation 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 there is more than one type of use form 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 type of use 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 Other Uses 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 attached page which gives the data.

1. Claimant Name and Address

Use the name of the property owner as it appears on the deed. Use 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 6.

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 surface 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. Claimed Priority Date

This is the date that the water was first used from any source by you or the previous owners.

If your claimed right was established prior to June 12, 1919, the priority date is:

(1) the date of filing of intended use with the county recorder, or

(2) the date the water was first put to beneficial use.

If your claimed right was established after June 12, 1919, according to the provisions of the Public Water Code, the priority date is the date of application for a permit to appropriate water.

If you have a decreed water right, your priority date is the date specified in the decree.

4. Use

Only one use should be identified on each form. If more than one use is supplied from a single diversion, you should fill out one form for each type of use and submit the forms together. Only one filing fee is required for all uses supplied from a common point of diversion or common distribution system which combines water from several sources.

A. Municipal use is meant to represent cities, and water franchises and others who serve similar developments. Water uses in this category include all those commonly associated with urban development and may include commercial, golf courses, parks, domestic, and light industrial.

B. Commercial or industrial use is meant to represent self-supplied developments including lumber mills, motels, and stores. Small municipal type uses which are incidental to the industrial development may be included in this category.

C. Mining use applies to the water required to mine or process coal, copper, sand and gravel, uranium or other minerals extracted from the earth. Small municipal type uses which are incidental to the mining use may be included. Also, water used to revegetate mined areas is to be included.

D. Stockwatering use other than from a stockpond applies to instream watering, or uses where water is diverted to tanks, troughs, etc.

E. Recreation, fish and wildlife use applies to lakes, ponds, hatcheries, or other uses to support recreation or enhance fish and wildlife habitat.

5. 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.

6. Legal Description of the Point of Diversion

Provide the legal description of the location 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 commingled 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.

7. Other Uses

Describe any other uses supplied from each of the points of diversion listed in question 6 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.

8. Means of Diversion

Indicate the method used to divert the water. Item C refers to the Well Registration Number which should be on file with the State. You may contact the Department of Water Resources for this information. (Phone 602-771-8627 in the Phoenix area or 1-866-246-1414 toll-free within Arizona.)

9. 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.

10. Place of Use

Provide the County name and under the heading Legal Subdivision provide one of the following: quarter, quarter, quarter of this section; county assessor book, map and parcel number(s); or subdivision name, block and lot number(s). Also provide the rest of the information requested for section, township and range numbers.

If the place of use is in detached parcels but served by a common distribution system, then these separate parcels must be listed on different lines.

11. 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 of supply in the Comments section or on a separate sheet.

B. Indicate the total annual volume of claimed right attached to the places of use described in question 10.

C. Indicate the volume of claimed storage right used to supply the places of use described in question 10. List the amounts of claimed storage for each additional reservoir named in question 5 in the Comments section.

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
Adjudication Unit
P0 Box 33589
Phoenix, AZ 85067-3589