

APPLICATION GUIDELINES

CLAIM OF WATER RIGHT FOR A STOCKPOND AND APPLICATION FOR CERTIFICATION

In accordance with Arizona Revised Statutes (A.R.S.) §§ 41-1008 and 41-1079, the Arizona Department of Water Resources (Department), Water Rights Section, provides the following information regarding the application review process to assist applicants with a Claim of Water Right for a Stockpond and Application for Certification.

I. FEES

The application fee for a CLAIM OF WATER RIGHT FOR A STOCKPOND AND APPLICATION FOR CERTIFICATION is \$10.00. Payment may be made by cash, check, or credit card (if you wish to pay by credit card, please contact the Water Rights Section at 602-771-8621). Checks should be made payable to the Arizona Department of Water Resources. In addition to the application fee, the applicant must pay any review-related costs associated with the application and the actual cost of mailing or publishing any legal notice of the application or notice of a pre-decision administrative hearing on the application. Review-related costs are: (1) costs associated with a pre-decision hearing on the application, such as court reporter services and facility rentals for the hearing, and (2) mileage expenses for a site visit conducted before issuing a decision on the application. **Failure to enclose the application fee will cause the application to be returned.** Fees for a CLAIM OF WATER RIGHT FOR A STOCKPOND AND APPLICATION FOR CERTIFICATION are authorized by A.R.S. § 45-273 and Arizona Administrative Code (A.A.C.) R12-15-104.

Upon granting the application the Department will request the administrative fee for issuing a Certificate of Water Right for a Stockpond. **The administrative fee for a CERTIFICATE OF WATER RIGHT FOR A STOCKPOND is \$120.00 as authorized by A.A.C. R12-15-104.**

II. STEPS FOR PROCESSING YOUR APPLICATION AND OBTAINING APPROVAL

Before filing your application, the Department encourages you to contact Department personnel indicated at the end of these guidelines to discuss the application process and review criteria. If you wish, a meeting may be scheduled to facilitate this process. To assist you in understanding the substantive requirements for this application, a copy of A.R.S. § 45-273 is provided for your information.

It is imperative that you complete the application form in its entirety. An incomplete or incorrect application may result in a delay in processing your application. Please send the application to the address indicated on the form along with any required fees and supporting documentation. The Department suggests that you retain a copy of all documents that are submitted for review.

III. TIME FRAMES FOR REVIEW OF YOUR APPLICATION

Within 220 days after receipt of your application, the Department will determine whether your application should be granted or denied, unless this time is extended as described below. In processing your application, the Department will first determine whether the application is administratively complete (administrative completeness review) and then whether the application meets the substantive criteria established by statute or rule (substantive review). Each of these reviews will be completed within the times stated below. The time for the administrative

completeness review plus the time for the substantive review is referred to as the overall time frame.

A. Administrative Completeness Review Time Frame

Within 30 days after receipt of your application, the Department will determine whether your application is complete and will issue a written notice of administrative completeness or deficiencies. After your application is complete, the Department will proceed with substantive review.

If the Department sends you a Notice of Deficiency, the Department will include a comprehensive list of specific deficiencies. Until the missing information is received, both the administrative completeness review and the overall time frames will be suspended. When the Department receives the missing information, the administrative completeness review and overall time frames will resume. Your application will not be complete until all of the requested information is received. If you do not supply the missing information within 60 days, the Department may deem your application withdrawn and close the file.

B. Substantive Review Time Frame

Within 190 days after the application is complete, the Department will review your application to determine whether it meets the substantive criteria required by statute or rule. By mutual written agreement between you and the Department, the time for substantive review may be extended by up to 55 days. In cases where a hearing is necessary prior to a decision, the substantive review time frame will be increased by 120 days.

During the substantive review, the Department may make one written request for additional information. You may also agree in writing to allow the Department to submit supplemental requests for additional information. If additional information is requested by the Department, both the substantive review and overall time frames will be suspended. When the additional information is received, the substantive review and overall time frames will resume.

At the end of the Department's substantive review, the Department will send you a written notice either granting or denying your application. If your application is denied, the notice will include the justification for the denial and an explanation of your right to appeal the denial.

AGENCY CONTACT

Please direct any questions, comments, or requests for further assistance to the Water Rights Section at (602) 771-8621.

ARIZONA REVISED STATUTE § 45-273

§ 45-273 - Claim of Water Right; Penalty; Fee

- A. A claim of water right for a stockpond and application for certification of such right shall be typewritten or legibly written in ink and filed in duplicate with the director upon a printed form furnished by the director. Each blank in the form shall be completed with the required information pursuant to instructions furnished by the director.
- B. A claim which does not contain the required information or which is not accompanied by the required filing fee shall not be accepted, but shall be returned to the sender.
- C. A separate claim shall be filed for each stockpond.
- D. All claims shall be certified as true under penalty of perjury.
- E. Each claim shall be accompanied by a filing fee of ten dollars.

**ARIZONA DEPARTMENT OF WATER RESOURCES
WATER RIGHTS SECTION**

**MAIL TO: 3550 North Central Avenue
Phoenix, Arizona 85012-2105**

Telephone (602) 771-8621
Fax (602) 771-8688

(For office use only)

Registry No: _____

Date Filed: _____

CLAIM OF WATER RIGHT FOR A STOCKPOND AND APPLICATION FOR CERTIFICATION

1. Claimant _____ Telephone _____
Address _____ City _____ State _____ Zip _____
2. Type of water source and name _____
a tributary to _____ within the _____ watershed
(for office use only)
3. Stockpond construction date _____ (month/day/year)
4. Stockpond capacity at spillway level on August 27, 1977 _____ acre-feet
5. Stockpond capacity at spillway level on date of this claim _____ acre-feet
6. Stockpond name (if not named, state "Unnamed") _____
7. Description of stockpond:
 - a. Dam height _____ feet (measured vertically from downstream toe to spillway crest)
 - b. Any outlet structure other than spillway? Yes ___ No ___
 - c. Pond shape _____
 - d. Reservoir behind dam: Maximum length _____ feet Maximum width _____ feet
8. Was stockpond the subject of any litigation or protest prior to August 27, 1977? Yes ___ No ___
If yes, explain

9. Has any other filing, claim or registration of this stockpond or for the use of the water been made? Yes ___ No ___
If yes, attach explanation giving date and file number if any
10. Type of water use: Stockwatering _____ Wildlife _____
11. Was the sole purpose for the ponds construction watering of livestock and/or wildlife? Yes ___ No ___
If no, what was the purpose of construction?
12. Is the watering of livestock and/or wildlife the only beneficial use of water out of this pond? Yes ___ No ___
If no, what other beneficial uses are made of the water?
13. Is, or was, the pond ever used primarily for fishing or the culturing of fish? Yes ___ No ___
If yes, explain

14. Location of the impounding dam for the stockpond: County _____

Parcel I.D. Number _____, ____¼ ____¼, Section ____, Township ____N/S, Range ____E/W

15. Location of point of diversion (if different from the location listed above): County_____

Lot _____, ____¼ ____¼, Section _____, Township _____N/S, Range _____E/W
(if applicable)

16. Landowner at location of stockpond _____

17. REQUIRED ATTACHMENTS:

- Application Fee** of \$10.00 per stockpond as authorized by A.R.S. § 45-273 and A.A.C. R12-15-104. A separate claim must be filed for each stockpond.
- Copy of recorded deed** showing land ownership. If owned by other than applicant, provide copies of all pertinent leases, grazing permits, allotments, or letter from landowner authorizing the proposed appropriation.

By signing this document I acknowledge that in order to obtain and maintain any right in this pond I am required by A.R.S. § 45-276 to continue to use the stockpond water solely for watering livestock and/or wildlife, and am prohibited from using the pond primarily for fishing or the culturing of fish or increasing the capacity of the pond. I understand that if I fail to comply with these statutory obligations, the Director may reject my claim and cancel any certificate issued pursuant to this claim.

STATE OF ARIZONA)
)
COUNTY OF _____)

Signature

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20_____.

My commission expires: _____

Notary Public

INSTRUCTIONS

CLAIM OF WATER RIGHT FOR A STOCKPOND AND APPLICATION FOR CERTIFICATION

Arizona Revised Statutes § 45-271 defines stockpond as “a pond having a capacity of not more than fifteen acre feet that is used solely for watering livestock or wildlife. ‘Stockpond’ shall not include a pond of any capacity used primarily for fishing or for the culturing of fish.” Subsequent to August 27, 1977, a stockpond may not be constructed unless an application for permit to appropriate public water is filed and approved by the Department of Water Resources.

The following instructions are referenced by number to the questions on the claim form.

1. Complete name of applicant, current mailing address with zip code, and telephone number. If the applicant is a corporation or business, give the name of the authorizing agent.
2. Give the name of the direct source of surface water and the type of source. Give the name of the drainage, creek, etc., to which the source is a tributary.
3. Estimate the date the stockpond was constructed.
4. At spillway level on August 27, 1977, indicate the stockpond capacity in acre-feet.
5. At spillway level at the time of filing this claim, indicate the stockpond capacity in acre-feet.
6. Give the name of the stockpond. If the stockpond is not named, write in “Unnamed.”
7. Give the description of the stockpond and the reservoir behind the dam. Dam height is defined by Arizona Revised Statutes § 45-1201(2) as the vertical distance between the downstream toe of the dam and the spillway crest. Dam height is not defined as the total height of the dam (i.e., to the crest).
8. Mark the appropriate box and provide explanation as necessary.
9. If another type of filing for the use of the same water as this stockpond has been filed, give the date of the filing, file number, and attach an explanation.
10. Indicate if the use of the water is for stockwatering, wildlife, or both.
11. Mark the appropriate box and provide explanation as necessary.
12. Mark the appropriate box and provide a list of additional uses if necessary.
13. Mark the appropriate box and provide explanation as necessary.
14. Give the legal land description for the dam which impounds the stockpond.
15. Give the legal land description for the point of diversion if different from the legal location for the impounding dam. If it is the same, indicate by writing “same.”
16. Provide the type of land ownership at the impounding dam, i.e., state, federal, or private.
17. The applicant, or a representative of the applicant, must sign, date, and have the claim form notarized.