APPLICATION GUIDELINES

PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA - INSTREAM FLOW MAINTENANCE

In accordance with A.R.S. § 41-1008 and 41-1079, the Department of Water Resources, Surface Water Rights Unit, provides the following information regarding the application review process to assist applicants with a Permit to Appropriate Public Water of the State of Arizona - Instream Flow Maintenance.

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. § 45-152, 45-153, and 45-162 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. The first step in perfecting a water right is obtaining a Permit to Appropriate - Instream Flow Maintenance. The Licensing Time Frame associated with this process is 581 days. The application fee for this permit is $50.00 if the quantity of use is less than 50 acre-feet, $75.00 if the quantity of use is 50 acre-feet or more. If the application is approved and a permit is issued, the permit fee is $25.00 if the quantity of use is less than 50 acre-feet, $50.00 if the quantity of use if 50 acre-feet or more. The second step in perfecting a water right is obtaining a Certificate of Water Right. The Licensing Time Frame associated with this process is 207 days. The fee for a Certificate of Water Right is $50.00. The fees are authorized by Arizona Administrative Code Rule R12-15-151.

I. Time Frames for Review of Your Application

Within 581 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 51 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 530 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 145 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.

II. Time Frames for Issuance of a Certificate of Water Right

Within 207 days after receipt of your Proof of Appropriation, 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 20 days after receipt of your Proof of Appropriation, 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 187 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 51 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 Departments 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 the Surface Water Rights Unit at (602) 771-8500.

ARIZONA REVISED STATUTES §§ 45-152, 45-153, AND 45-162

§ 45-152 - Application for Permit to Appropriate Water

A. Any person, including the United States, the state or a municipality, intending to acquire the right to the beneficial use of water, shall make an application to the director of water resources for a permit to make an appropriation of the water. The application shall state:

1. The name and address of the applicant.
2. The water supply from which the appropriation is applied for.
3. The nature and amount of the proposed use.
4. The location, point of diversion and description of the proposed works by which the water is to be put to beneficial use.
5. The time within which it is proposed to begin construction of such works and the time required for completion of the construction and the application of the water to the proposed use.

B. The application also shall set forth:

1. If for agricultural purposes, the legal subdivisions of the land and the acreage to be irrigated.
2. If for power purposes, the nature of the works by which power is to be developed, the pressure head and amount of water to be utilized, the points of diversion and release of the water and the uses to which the power is to be applied.
3. If for the construction of a reservoir, the dimensions and description of the dam, the capacity of the reservoir for each foot in depth, the description of the land to be submerged and the uses to be made of the impounded waters.
4. If for municipal uses, the population to be served, and an estimate of the future population requirements.
5. If for mining purposes, the location and character of the mines to be served and the methods of supplying and utilizing the waters.
6. If for recreation or wildlife, including fish, the location and the character of the area to be used and the specific purposes for which such area shall be used.

C. The application shall be accompanied by maps, drawings and data prescribed by the director.

§ 45-153 - Criteria for Approval or Rejection of Applications; Restrictions on Approval

A. The director shall approve applications made in proper form for the appropriation of water for a beneficial use, but when the application or the proposed use conflicts with vested rights, is a menace to public safety, or is against the interests and welfare of the public, the application shall be rejected. An administrative hearing may be held before the director's decision on the application if the director deems a hearing necessary.

B. An application may be approved for less water than applied for if substantial reasons exist but shall not be approved for more water than may be put to a beneficial use. Applications for municipal uses may be approved to the exclusion of all subsequent appropriations if the estimated needs of the municipality so demand after consideration by and upon order of the director.

C. If the director approves an application for the appropriation of water for use on land owned by the state of Arizona, a permit or certificate shall be issued as prescribed by section 37-321.01. If the director approves an application for the appropriation of water for use on land owned by the United States, a permit or certificate shall be issued as prescribed by section 45-151, subsection E.

D. Section 45-114, subsections A and B govern administrative proceedings, rehearing or review and judicial review of final decisions of the director under this section.

§ 45-162 - Certificate of Water Right; Time Limitation on Use of Water for Power Purposes

A. When it appears to the satisfaction of the director that an appropriation has been perfected and a beneficial use completed in accordance with the provisions of this article, the director shall issue to the applicant a certificate signed by the director and attested by the seal of the department. The certificate shall set forth the name and address of the owner of the right, the priority of date and the extent and purpose of the right and, if the water is for irrigation purposes, a description of the legal subdivisions of land to which the water is appurtenant. On receiving the certificate, the owner may transmit the certificate and the recording fee to the county recorder of the county in which such right is located, who shall record the certificate in a book kept for that purpose and immediately transmit the certificate to the owner.

B. Certificates for rights to the use of water for power development shall limit the right or franchise to a period of forty years from the date of application, subject to a preferred right of renewal under the laws existing at the date of expiration of the franchise or right. The right acquired by the appropriation shall date from filing the application with the director, and delays in the processing or granting of an application to appropriate or an application for a permit to construct or enlarge a reservoir do not affect the validity of the appropriation or the date of priority assigned to the appropriative right.

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS
MAIL TO: P.O. BOX 33589
PHOENIX, ARIZONA 85067-3589
3550 North Central Avenue
Phoenix, Arizona 85012-2105
Telephone (602) 771-8500
Fax (602) 771-8688

(For office use only)

Registry No:_____

Date Filed:_____

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA INSTREAM FLOW MAINTENANCE

1. Applicant_____ Telephone_____

   Address_____ City _____State_____ Zip_____

2. Type of water source and name _____

   a tributary to _____ within the _____ watershed.
   (For office use only)

3. Describe the proposed use of the instream flow appropriation for wildlife (including fish) and/or recreation:

   _____

   _____

   _____

4. Amount of proposed instream flow appropriation (see item #9 for required attachments):

   a. Monthly instream flow requirement (cubic feet/second):

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC

   b. Total annual volume_____ acre feet/year

5. Location of proposed instream flow appropriation: County_____

   Describe entire reach to be covered by this application, utilizing legal land parameters. Also attach a U.S.G.S. topographic quadrangle map(s) clearly showing the location of the entire reach or segment of the proposed instream flow appropriation.

   _____¼ _____¼, Section _____, Township _____N/S, Range _____E/W

   _____¼ _____¼, Section _____, Township _____N/S, Range _____E/W

   _____¼ _____¼, Section _____, Township _____N/S, Range _____E/W

   _____¼ _____¼, Section _____, Township _____N/S, Range _____E/W

   _____¼ _____¼, Section _____, Township _____N/S, Range _____E/W

   _____¼ _____¼, Section _____, Township _____N/S, Range _____E/W

6. Owner of land on which the proposed instream flow appropriation is located_____

_____

Private_____ State_____ BLM_____ National Forest_____ Other_____

Does the applicant have legal access to the proposed stream segment? Yes_____ No_____

If "No", explain in item 8 below.

7. Is the water to be used supplementally with other water(s)? Yes_____ No_____ If "Yes," identify other waters or water rights, and explain_____

_____

8. Additional comments or explanations_____

_____

_____

_____

9. **REQUIRED ATTACHMENTS:**

Examination Fee: $50.00 if the amount of use is less than 50 acre-feet, $75.00 if the amount of use is 50 acre-feet or more as authorized by Arizona Administrative Code Rule R12-15-151.

U.S.G.S. Topographical Quadrangle map or equivalent, or copy thereof, clearly showing the proposed stream segment.

Copy of the deed showing land ownership, or if owned by other than applicant, provide copies of all leases, grazing permits, allotments, etc., or a letter from the landowner authorizing the proposed appropriation.

Streamflow Study: Applicant must develop a study that 1) substantiates that the streamflow amounts requested in item #4 are available at the rates specified, and 2) quantifies the relationship between a claimed beneficial use(s) and requested streamflow rates. The study should be submitted at the time of filing this application, but must be submitted no later than two years after the filing date.

Submit the completed application, with the examination fee and any supporting or required documents to: Arizona Department of Water Resources, Surface Water Rights, P.O. Box 33589, Phoenix, Arizona 85067-3589.

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Signature of Applicant/Representative (if representative, include authorization) Date