

**ARIZONA DEPARTMENT OF WATER RESOURCES
ACTIVE MANAGEMENT AREA**
Mail to: 1802 W Jackson St. Box 79, Phoenix, Arizona 85007
Phone: (602) 771-8585

**Application to Retire an
Irrigation Grandfathered Right
for a Type 1 Non-Irrigation
Grandfathered Right Pursuant to
A.R.S § 45-469**

-FOR DEPARTMENT USE ONLY-
New Certificate No. 58- _____
Issue on Date: _____

The initial fee for an *Application to Retire an Irrigation Grandfathered Right for a Type 1 Non-Irrigation Grandfathered Right Pursuant to A.R.S. § 45-469* is \$1,000. Total fees for this application are based upon an hourly billable rate, which can be found on the ADWR web site at www.new.azwater.gov. If the total costs of reviewing your application exceed \$1,000, you will be invoiced for the difference, up to a maximum total fee of \$10,000. If the total costs of reviewing your application are less than \$1,000, you will be refunded the difference. Payment of the initial fee may be made by cash, check, or credit card (if you wish to pay by credit card, please contact the Active Management Area at 602-771-8585). Checks should be made payable to the Arizona Department of Water Resources. Failure to enclose the initial application fee of \$1,000 will cause the application to be returned. In addition to the hourly application fee, the applicant must pay the actual cost of mailing or publishing any legal notice of the application or any notice of a pre-decision administrative hearing on the application and the mileage expenses for any site visit conducted before issuing a decision on the application. These fees are authorized by A.R.S. § 45-113 and A.A.C. R12-15-103.

1. Irrigation grandfathered right certificate number (58-): _____

2. Active Management Area: _____

3. _____

Last Name	First	Middle Initial
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Last Name	First	Middle Initial
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Mailing Address	City	State	Zip
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Email Address

4. Is the applicant the current owner of the irrigation grandfathered right? Yes No

If “No”, the irrigation grandfathered right cannot be retired at this time. Only the current owner of the irrigation grandfathered right may apply to retire the land for a Type 1 Right.

5. Has a development plan for the land already been approved by the Department? Yes No

If “Yes”, please attach a copy of the approved development plan.
 If “No”, you must file an *Application for Development Plan Approval to Retire an Irrigation Grandfathered Right for a Type 1 Non-Irrigation Grandfathered Right* (Form 469 T1 Dev Plan) and receive approval of the development plan before filing this application.

6. Legal description of land to be retired from irrigation use (**attach map**).

7. Describe the location of each well which was used to irrigate the land.

_____, Section _____ Township _____ Range _____ Reg No. 55- _____

_____, Section _____ Township _____ Range _____ Reg No. 55- _____

_____, Section _____ Township _____ Range _____ Reg No. 55- _____

8. Has the land covered by the certificate of irrigation grandfathered right been irrigated since the current owner of the land acquired the land? ___ Yes ___ No

If “No”, does the current owner of the land hold the land under the same ownership* as the last person/entity that irrigated the land? ___ Yes ___ No

* (Pursuant to A.R.S. § 45-461 "Same ownership" means ownership by the same person or entity or by successor persons or entities as a result of succession to heirs and personal representatives, corporate and partnership reorganizations, mergers, dissolutions, divestitures, partnerships, partitions, joint ventures, foreclosures, receivership or bankruptcy, purchase of capital stock, sale pursuant to United States Code, title 11, or similar succession, but not by outright sale to a bona fide purchaser for value where no portion of or beneficial interest in the successor in interest is retained by the original owner, its shareholders, partners, limited partners or beneficiaries.)

Note: if both answers to question 8 are “No”, the landowner is not eligible to receive a Type 1 Right under A.R.S. § 45-469. However, the landowner may be eligible to receive a Type 1 Right under A.R.S. § 45-472. Please call (602) 771-8585, for further information on how to receive a Type 1 Right under A.R.S § 45-472.

Enclose a copy of deed or other evidence to show date of purchase.

9. When was the land last irrigated? _____

10. The intended use of the water is: ___ Expanded animal industry ___ Domestic ___ Golf Course ___ Industrial ___ Electrical Energy Generation ___ Mining ___ Park ___ Common Area ___ Other

If “Other”, please describe the intended use of water: _____

SIGNATURE: _____

DATE: _____

NOTICE

A.R.S. § 41-1030(B), (D), (E) and (F) provide as follows:

- B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.
- D. This section may be enforced in a private civil action and relief may be awarded against the state. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against the state for a violation of this section.
- E. A state employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the agency's adopted personnel policy.
- F. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.