

## APPLICATION GUIDELINES

### APPLICATION FOR LICENSE FOR WEATHER CONTROL OR CLOUD MODIFICATION EQUIPMENT

In accordance with Arizona Revised Statutes (A.R.S.) §§ 41-1008 and 41-1079, the Arizona Department of Water Resources (Department), Surface Water Section, provides the following information regarding the application review process to assist applicants with applying for a license for weather control or cloud modification.

#### I. FEES

**The application fee for a LICENSE FOR WEATHER CONTROL OR CLOUD MODIFICATION EQUIPMENT is \$10.00.** Payment may be made by cash, check, or credit card (if you wish to pay by credit card, please contact the Surface Water Section at 602-771-8621). Checks should be made payable to the Arizona Department of Water Resources. **Failure to enclose the application fee will cause the application to be returned. Fees for a LICENSE FOR WEATHER CONTROL OR CLOUD MODIFICATION EQUIPMENT are authorized by A.R.S. § 45-1603 and Arizona Administrative Code (A.A.C.) R12-15-104(A)(9)(b).**

#### 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. § 45-1603 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 75 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 15 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 frame will be suspended. When the Department receives the missing information, the administrative completeness review and overall time frame 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.

## **B. Substantive Review Time Frame**

Within 60 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 18 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 frame will be suspended. When the additional information is received, the substantive review and overall time frame 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 Surface Water Section at (602) 771-8621.

## ARIZONA REVISED STATUTE § 45-1605

### **A.R.S. § 45-1605. Equipment license; fee; application; reports required; revocation of license**

A. Any individual or corporation engaging in manufacturing, selling or offering for sale, leasing or offering to lease, licensing or offering to license equipment and supplies designed for weather control or cloud modification shall, before engaging in such manufacture, sale or offering for sale, procure a license from the director. The license shall be issued upon payment of a license fee of ten dollars and the filing of an application which shall show:

1. The name and address of the applicant.
2. The full description of the type and design of the equipment and supplies manufactured and sold by the applicant.
3. The operating technique of the equipment or supplies.

B. Within sixty days after issuance of an equipment license and semiannually thereafter, the licensee shall file with the director a copy of all advertising material used in selling or offering for sale, leasing or offering for lease, licensing or offering for license the equipment and supplies manufactured or sold by it.

C. The holder of a license shall within ten days after each sale of equipment or supplies report to the director, in writing, the exact character and quantity of equipment or supplies sold, the date of the sale and the persons to whom the sale was made.

D. Failure to file a copy of advertising material or reports required in this section constitutes grounds for immediate revocation of the equipment license.

E. The director shall deposit, pursuant to sections 35-146 and 35-147, all fees received under this section in the water resources fund established by section 45-117.

## \*\*\*NOTICE\*\*\*

Arizona Revised Statute (A.R.S.) § 41-1080 requires that individuals who apply for a license necessary to operate a business in the state or perform a service for others must demonstrate that their presence in the United States is authorized under federal law to the agency that issues the license.

Acceptable forms of identification include the following:

- An Arizona driver license issued after 1996 or an Arizona nonoperating identification license.
- A driver license issued by a state that verifies lawful presence in the United States.
- A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
- A United States certificate of birth abroad.
- A United States passport.
- A foreign passport with a United States visa.
- An I-94 form with a photograph.
- A United States citizenship and immigration services employment authorization document or refugee travel document.
- A United States certificate of naturalization.
- A United States certificate of citizenship.
- A tribal certificate of Indian blood.
- A tribal or bureau of Indian affairs affidavit of birth.
- Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

Do not send copies of your identification with your weather modification application. **Instead, the Arizona Department of Water Resources (ADWR) will contact you when it is ready to take this information.**

Under A.R.S. § 41-1080(B), the requirement to demonstrate legal presence in the United States does not apply to an individual if: (a) the individual is a resident of another state; (b) the individual holds an equivalent license in that other state and the equivalent license is of the same type being sought in this state; and (c) the individual seeks the Arizona license to comply with the state's licensing laws and not to establish residency in this state.

**ARIZONA DEPARTMENT OF WATER  
RESOURCES**

**SURFACE WATER SECTION**

**MAIL TO: 1110 W. Washington St., Suite 310  
Phoenix, Arizona 85007  
Telephone (602) 771-8621  
Fax (602) 771-8689**

**FOR DEPARTMENT USE ONLY**

Filing Date: \_\_\_\_\_

License No: \_\_\_\_\_

**APPLICATION FOR LICENSE FOR WEATHER CONTROL OR CLOUD MODIFICATION  
EQUIPMENT**

**(A.R.S. §45-1601 to §45-1607)**

This Application for Weather Control or Cloud Modification Equipment License must be used to apply for a license to manufacture, sell or offer for sell, lease or offer to lease, license or offer to license equipment and supplies designed for weather control or cloud modification before engaging in any such operation. ***Please refer to the enclosed instructions for completing this form and a description of the filing fee and documentation that must be provided. The Department will not accept applications that are not on the correct form or do not include the required fee.***

**NOTE:** Pursuant to A.R.S. §45-1607, any person or corporation engaging in manufacturing, selling or offering for sale, leasing or offering to lease, licensing or offering to license equipment and supplies designed for weather control or cloud modification without first having procured a license, or who knowingly makes a false statement in the application for license, or who knowingly fails to file any report or evaluation required by this article, or who engages in manufacturing, selling or offering for sale, leasing or offering to lease, licensing or offering to license equipment and supplies designed for weather control or cloud modification after revocation of their license, or who violates any other provision of this article, is guilty of a class 3 misdemeanor.

**1. REQUIRED FILING FEE AND DOCUMENTATION.**

**A. A FILING FEE of \$10.00 for each weather control or cloud modification equipment license.** Payment may be made by cash, check, or credit card. If you wish to pay by credit card, please contact the Surface Water Section at 602-771-8621. Checks should be made payable to the Arizona Department of Water Resources. Payments in cash can only be accepted in person at the Department's offices located at 1110 W. Washington St., Suite 310, Phoenix, AZ 85007.

**B. A LIST OF EQUIPMENT AND SUPPLIES** to be manufactured and sold. The list must include a full description of the type and design of the equipment and supplies.

**C. A DESCRIPTION OF THE OPERATING TECHNIQUE** of the equipment and supplies to be manufactured and sold.

**2. APPLICANT INFORMATION: (Current mailing address and telephone numbers must be included)**

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**Please check the box indicating whether the applicant is an individual or other legal entity.**

- Individual.** Please see attached instructions regarding providing proof of citizenship pursuant to A.R.S. § 45-1080.
- Other Legal Entity.** Please identify a person of contact.

Name \_\_\_\_\_ Telephone \_\_\_\_\_

**3. REPORTING REQUIREMENTS:**

- A. Pursuant to A.R.S. § 45-1605(B), within sixty days after a weather control or cloud modification equipment license is issued, and every six months thereafter, a copy of all advertising used in selling or offering for sale, leasing or offering for lease, licensing or offering for license the equipment and supplies manufactured by the licensee must be submitted to the director.
- B. Pursuant to A.R.S. § 45-1605(C), within ten days after each sale of equipment or supplies, the licensee must report to the director, in writing, the exact character and quantity of equipment or supplies sold, the date of the sale and the persons to whom the sale was made.

**Failure to file such reports constitutes grounds for immediate revocation of the license.**

**4. NOTICE:**

**Arizona Revised Statute § 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 agencies adopted personnel policy.

F. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

**Submit the completed application with the initial application fee, required attachments and supporting documents to:**

**Arizona Department of Water Resources, Surface Water Section, 1110 W. Washington St., Suite 310, Phoenix, AZ 85007.**

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The undersigned hereby represents and affirms that the information contained herein (including any attachments) is true and accurate to the best of my knowledge and belief at the time of filing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date