

APPLICATION GUIDELINES

Permit to Fill or Refill a Body of Water

In accordance with A.R.S. § 41-1008 and 1079, the Arizona Department of Water Resources (Department) provides the following information regarding the application review process to assist applicants for Permit to Use Water to Fill or Refill a Body of Water within an Active Management Area, pursuant to A.R.S. § 45-132 through § 45-133.

Steps for Processing Your Application and Obtaining Approval

Before filing your application, the Department encourages you to contact one of the 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. § 45-132.C and A.R.S. § 45-133 is attached. 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 which are submitted for review. **The initial fee for a Permit to Use Groundwater to Fill or Refill a Body of Water is \$1,000.** Total fees for this application are based upon an hourly billable rate, which can be found on the ADWR web site @ www.azwater.gov. If the costs of reviewing your application exceed \$1,000, you will be invoiced for the difference, up to a maximum total fee of \$10,000. Payment may be made by cash, check, or credit card (if you wish to pay by credit card, please contact the Active Management Area Program at 602-771-8585). Checks should be made payable to the Arizona Department of Water Resources. In addition to the hourly 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 initial application fee will cause the application to be returned. Fees for a Permit to Use Groundwater to Fill or Refill a Body of Water are authorized by A.R.S. § 45-133 and A.A.C. R12-15-103.**

Time Frames for Review of Your Application.

Within ninety (90) 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.

1) Administrative Completeness Review Time Frame

Within thirty (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 letter that your application is incomplete, 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 sixty (60) days, your application may be denied.

2) Substantive Review Time Frame

Within sixty (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 22 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 Active Management Area at 602-771-8585.

**ARIZONA DEPARTMENT OF WATER RESOURCES
ACTIVE MANAGEMENT AREA
MAIL TO: 1802 W JACKSON ST BOX 79, PHOENIX, AZ 85007
PHONE: (602) 771-8585 · www.azwater.gov**

**APPLICATION FOR DEVELOPMENT PLAN APPROVAL TO RETIRE AN IRRIGATION
GRANDFATHERED RIGHT FOR A NON-IRRIGATION (TYPE 1) USE**

The fee for an Application for Development Plan Approval to Retire an Irrigation Grandfathered Right is \$500.00. Payment may be made by cash, check, or credit card (if you wish to pay by credit card, please contact the Active Management Area Program at 602-771-8585). Checks should be made payable to the Arizona Department of Water Resources. In addition to the application/permit 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 an Application for Development Plan Approval to Retire an Irrigation Grandfathered Right are authorized by A.R.S. § 45-113 and A.A.C. R12-15-104.**

Certificate No. 58-_____ Certified Acres _____

1. _____
 Last Name First Middle Initial

 Last Name First Middle Initial

 Mailing Address City State Zip

2. Active Management Area _____

3. Attach a copy of the proposed development plan.

4. Legal description of land covered by certificate of irrigation grandfathered right:

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

6. Total number of acres to be retired _____

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-_____

8. When was the land last irrigated? _____

9. Has the land been held under the same ownership since it was last irrigated? ___Yes ___No
 If no, did the applicant purchase the land from the last irrigator? ___Yes ___No

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

10. Has the land been sold or taken out of production primarily because it would have been uneconomical to continue to withdraw for irrigation? ___Yes ___No If "No", explain why the land was retired.

11. The intended use of the water is: ___Expanded animal industry ___Domestic
 ___Industrial ___Electrical Energy Generation ___Mining ___Other

12. Is the land to be retired within the exterior boundaries of a service area of a city, town or private water company?
 ___Yes ___No If "Yes", indicate name of city, town or private water company_____

SIGNATURE_____ DATE_____