

**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 Convey an
Irrigation Grandfathered Right
for a Non-Irrigation Use and
Receive a Type 1 Non-Irrigation
Grandfathered Right Pursuant to
A.R.S § 45-472**

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

The initial fee for an Application to Convey an Irrigation Grandfathered Right for a Non-Irrigation Use **and Receive a Type 1 Non-Irrigation Grandfathered Right Pursuant to A.R.S. § 45-472** 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 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 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 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 any 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. These fees are authorized by A.R.S. § 45-113 and A.A.C. R12-15-103.

1. Irrigation Grandfathered Right 58- _____

2. Active Management Area: _____

3. Legal description of land conveyed or to be conveyed for non-irrigation use (**attach map**).

4. 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- _____

5. Is the land to be conveyed within the exterior boundaries of the service area of a city, town or private water company? ___ Yes ___ No

NOTE: Please call the Active Management Area section at (602) 771-8585 for assistance with determining the location of the land.

If “**Yes**”, will the non-irrigation use be for one of the following:

___ Expanded Animal Industry (see definition of “expanded animal industry” in instructions)

___ Electrical Energy Generation (see note * below)

___ Other (see note ** below)

* If the non-irrigation use will be for electrical energy generation by an industry not subject to title 40, article 6.2, Arizona Revised Statutes, the conveyance must be approved by:

(a) The appropriate city or town, if the irrigation grandfathered right to be conveyed is appurtenant to land within the exterior boundaries of the service area of a city or town. If this applies, **please enclose a notice of approval from the city or town with this application.**

(b) The Director of Water Resources, if the irrigation grandfathered right to be conveyed is appurtenant to land within the corporate limits of a city or town and within the exterior boundaries of the service area of a private water company.

** The irrigation grandfathered right may be conveyed for a non-irrigation use other than expanded animal industry use only if the land to which the irrigation grandfathered right is appurtenant was included within the exterior boundaries of the service area of a city, town or private water company after June 12, 1980. and only upon showing that adequate water service is unavailable at rates comparable to rates charged similar classes of water users within that service area. If this applies, **please enclose documentation from the city, town or private water company demonstrating that adequate water service is not available at rates comparable to rates charged by the city, town or private water company for similar classes of water users.**

6. If the answer to Question 5 is “No”, the intended use of the water is: ___ Domestic ___ Golf Course ___ Industrial ___ Electrical Energy Generation ___ Mining ___ Park ___ Common Area ___ Other

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

7. Is the land to be conveyed for a non-irrigation use designated as protected farmland (see definition of “protected farmland” in instructions)? ___ Yes ___ No

If “Yes”, the irrigation grandfathered right cannot be retired to a Type 1 Use.

8. When was the land last irrigated? _____

9. Was the irrigation grandfathered right retired in anticipation of a future non-irrigation use before the conveyance of the right for a non-irrigation use? ___ Yes ___ No

10. **Enclose a copy of the deed.**

SELLER/GRANTOR

BUYER/GRANTEE

NAME _____

NAME _____

ADDRESS _____

ADDRESS _____

TELEPHONE (____) _____

TELEPHONE (____) _____

BUYER’S 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.