

**Arizona Department of Water Resources**

Groundwater Permitting and Wells Section  
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**Certification to the Notice of Intention to Drill  
 an Exempt Well within an Active Management  
 Area Pursuant to A.R.S. § 45-454(C) & (D)**

FILE NUMBER

 WELL REGISTRATION NUMBER  
**55 -**
**Exempt Well Certification of Compliance with A.R.S. § 45-454(C)  
 or Request for Exemption Pursuant to A.R.S. § 45-454(D)**

Effective January 1, 2006, Arizona Revised Statute (A.R.S.) § 45-454(C) prohibits the drilling of an exempt well (a well that has a maximum pump capacity of not more than thirty-five gallons per minute and that is used only for non-irrigation purposes) on land if any part of the land is within 100 feet of the operating water distribution system of a municipal water provider that has an assured water supply designation (designated water provider) within the boundaries of an Active Management Area (AMA) as shown on a digitized service area map provided to the Director by the municipal provider and updated by the municipal provider as specified by the Director. A.R.S. § 45-454(D) provides that the Director shall provide an exemption from this prohibition if one of the following applies:

1. The landowner submitted a written request for service to the municipal provider that operates the distribution system and the municipal provider did not provide written verification to the landowner within thirty calendar days after receipt of the request that water service is available to the landowner after payment of any applicable fee to the municipal provider.
2. The total capital cost and fees for connecting to the operating water distribution system exceed the total capital cost and fees for drilling and fully equipping the exempt well.
3. If the applicant must obtain an easement across other land to connect to the water distribution system of the municipal provider, the applicant sent the owner of the land a request for the easement by certified mail, return receipt requested, and either the applicant did not receive a response to the request within thirty calendar days of mailing the request or the request was denied.
4. The landowner does not qualify for an exemption pursuant to 1, 2 or 3 above and the landowner provides written verification from the municipal provider that the landowner shall not receive or request water service from the municipal provider while the exempt well is operational. The exemption for the well is revoked if the landowner or any subsequent landowner receives water service from the municipal provider. **In determining whether to approve or reject an application to drill a non-exempt well under A.R.S. § 45-599, the director shall not consider any impacts the proposed non-exempt well may have on the exempt well drilled pursuant to this paragraph.**

**In order to obtain authority to drill an exempt well within an AMA, you must fill out the appropriate box below certifying compliance with A.R.S. § 45-454(C) or requesting an exemption pursuant to A.R.S. § 45-454(D).**

**CERTIFICATION OF COMPLIANCE WITH A.R.S. § 45-454(C)**

I certify that no portion of the land on which the proposed exempt well is to be drilled is within one hundred feet of the operating water distribution system of a municipal water provider with an assured water supply designation as shown on the provider's most recent digitized service area map on file with the Arizona Department of Water Resources. I understand that this condition may change prior to the commencement of well drilling and that if, at the time drilling is to commence, the land is within one hundred feet of the operating water distribution system of a municipal water provider with an assured water supply designation as shown on the provider's most recent digitized service area map on file with the Department, the well may not be drilled unless I apply for and am granted an exemption pursuant to A.R.S. § 45-454(D). *(If your exempt well falls into this category, skip to and complete "Signature" on the reverse side)*

## REQUEST FOR EXEMPTION PURSUANT TO A.R.S. § 45-454(D)

The land on which the proposed exempt well is to be drilled is within one hundred feet of the operating water distribution system of a municipal water provider with an assured water supply designation as shown on the most recent service area map provided by the municipal provider to the Director of the Arizona Department of Water Resources. Name of municipal provider: \_\_\_\_\_.

In accordance with A.R.S. § 45-454(D), I am:

- Requesting exemption pursuant to A.R.S. § 45-454(D)(1), (2) or (3) as applicable. I certify that I meet the requirements for the exemption. **(Check One)**

**NOTE:** If you check the box requesting exemption #1, 2, or 3, you must attach to this form evidence of the applicability of the exemption as follows:

- Exemption #1:** A copy of the letter you sent to the designated water provider requesting water service and a copy of any written response from the provider.
- Exemption #2:** A cost comparison of the capital cost and fees associated with drilling and equipping the exempt well versus the capital cost and fees associated with connecting to the designated water provider's operating water distribution system. Please list the name of drilling firm that provided the cost estimate for drilling and equipping the well.
- Exemption #3:** A copy of the letter sent to the landowner from whom an easement must be obtained, a copy of the receipt showing that the letter was received by the landowner and a copy of any written response received from the landowner.
- Requesting exemption #4 pursuant to A.R.S. § 45-454(D)(4), with the **understanding that in determining whether to approve or reject an application to drill a non-exempt well under A.R.S. § 45-599 (applicable to wells designed to pump greater than 35 GPM and located within an AMA) the director shall not consider any impacts the proposed non-exempt well may have on the exempt well for which this exemption is granted.**

**NOTE:** If you checked this box requesting exemption #4, please demonstrate the applicability of the exemption by attaching to this form written verification from the municipal provider that you shall not receive or request water service from the municipal provider while the exempt well is operational.

### SIGNATURE

TYPE OR PRINT NAME OF LANDOWNER

SIGNATURE OF LANDOWNER

DATE SIGNED

**NOTE:** A current listing of designated water providers downloaded [HERE](http://www.azwater.gov/azdwr/WaterManagement/AAWS/documents/documents/List_of_Designated_Providers_11.16.2015.pdf): [http://www.azwater.gov/azdwr/WaterManagement/AAWS/documents/documents/List\\_of\\_Designated\\_Providers\\_11.16.2015.pdf](http://www.azwater.gov/azdwr/WaterManagement/AAWS/documents/documents/List_of_Designated_Providers_11.16.2015.pdf)