



## Form 55-40 Instructions

# Notice of Intent to Drill, Deepen, Replace or Modify a Well (Except a Non-exempt Well in an Active Management Area)

### Introduction

These instructions are a guide to filling out Form DWR 55-40 (Rev 04/2022), entitled “Notice of Intent to Drill, Deepen, Replace or Modify a Well (except a Non-exempt Well in an Active Management Area).” Please review the instructions prior to completing the form in black or blue ink. Forms may be obtained at the Arizona Department of Water Resources (ADWR) office and at ADWR’s web site, <http://www.azwater.gov>. For information about the form or these instructions, contact Groundwater Permitting & Wells at (602) 771-8527. **You are advised to fill out this form with the assistance of the licensed well driller that will perform the work.**

### When Form DWR 55-40 Must be Filed

Form DWR 55-40 must be filed prior to drilling, deepening, replacing or modifying any well located outside of an Active Management Area (AMA) that will pump water, and prior to drilling, deepening, replacing or modifying an exempt well inside of an AMA. In an AMA, an exempt well is a well equipped with a pump with a maximum capacity of 35 gallons per minute (gpm) or less and from which water is withdrawn for a use other than irrigation of two or more acres. Domestic and stockwater uses are among the more common uses associated with exempt wells. After the form is filed, the proposed action may not begin until ADWR issues a drill card to the well driller.

Note that a different form must be filed before drilling, deepening, replacing or modifying a non-exempt well (one equipped with a pump with a maximum capacity greater than 35 gpm) inside of an AMA. Also note that Form DWR 55-40 is for wells that pump water. Different forms are required for wells that are not intended to pump water as their primary purpose (e.g., monitor, mineral exploration, geotechnical and cathodic protection wells). Most of the non-pumping wells are for sampling water quality or studying geologic and hydrologic conditions.

### Proposed Action

Ideally, the Notice of Intent (NOI) process should be started at least six weeks in advance. The licensed drilling contractor must have a drill card in his or her possession before drilling begins. The county environmental health department or local health

authority must review the NOI, if it is to drill a well for domestic use on a parcel of land 5 acres or less in size. Normally, ADWR will process the NOI within two weeks after its receipt from the county or the applicant.

### Filing Fee

Each **Notice of Intention to Drill, Deepen, Replace, or Modify a Well** form must be accompanied by a filing fee as required by Arizona Revised Statutes (A.R.S.) § 45-596 and A.A.C. R12-15-104. If the well is located within an AMA or an Irrigation Non-Expansion Area (INA), the amount of the fee is one hundred fifty dollars (\$150.00). If the well is not located within an AMA or an INA, the amount of the fee is one hundred dollars (\$100.00) if the well will be used solely for domestic purposes (see definition below) and will have a pump with a maximum capacity of not more than 35 gallons per minute. Otherwise, the fee is one hundred fifty dollars (\$150.00). Checks should be made payable to the Arizona Department of Water Resources. In addition to the filing 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 any 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 filing fee will cause the notice to be returned.**

For the purpose of determining the appropriate fee outside of AMAs and INAs, “domestic purposes” is defined as “uses related to the supply, service and activities of households and private residences and includes the application of water to less than two acres of land to produce plants or parts of plants for sale or human consumption, or for use as feed for livestock, range livestock or poultry, as such terms are defined in A.R.S. § 3-1201.”

## Instructions for Filling out the Form

### Section 1 – County or Local Health Authority Approval

Section 1 applies only if the well is located on a parcel of land 5 acres or less in size and if any of the water from the well will be used for domestic use (a use related to the supply, service, and activities of households and private residences). Section 1 is to be filled in by the county environmental health authority that controls the installation of septic tanks or sewer systems, or by the local health authority in areas where the county health authority has delegated authority to approve septic tanks and sewer systems to a local authority.

If Section 1 applies, complete Sections 2 through 10 of the NOI form, fill in the well site plan on page 3 of the form, sign and submit the form, including the well site plan, to the appropriate health authority for their review prior to filing the NOI with ADWR. The well site plan must illustrate, to scale, the proposed well location, the locations of all septic tank and sewer systems on the property or within 100 feet of the well location, the property boundary lines, and the locations of all structures. Unless a variance is requested, the site plan must demonstrate that the well will not be drilled within 100 feet of any septic tank or system. If the parcel is vacant land, or if there is no septic tank or system on the property, indicate this on the site plan. Indicate if the NOI will be filed manually or electronically (via the ADWR website) by checking the appropriate box. If the NOI is being filed electronically on the website, please include the well driller's e-mail address in the designated space on page 3 of the NOI.

The health authority will review the site plan, and may perform a field inspection of the proposed well location, which should be staked and flagged by the applicant prior to the arrival of the county inspector. The health authority will evaluate the proposed location of the well to ascertain if it is 100 feet or more away from any septic tank or sewer system. Other state, county or local requirements may also apply. If the health authority finds that the proposed well location complies with state, county, and local requirements, it must check the box in Section 1 indicating that it approves the location of the well pursuant to A.R.S. § 45-596(G). If the health authority is unable to make this determination, it must check the box indicating that there is insufficient information to make the determination. If the NOI is being filed electronically on the website, the health authority will issue a County Approval Code and indicate this code in the designated box on page 3 of the NOI.

The health authority must sign Section 1 and the well site plan. In areas where there is no local or county authority that controls installation of septic

tanks or sewer systems, or if the health authority is unable to determine whether the proposed well location complies with state, county, and local requirements, the applicant must apply for approval directly to ADWR.

### Section 2 – Registry Information

#### Well Type

Check the box indicating whether the well is an exempt or non-exempt well and fill in the design pump capacity in gallons per minute of the pump to be installed. Note that this is the wrong form to use if the well is a non-exempt well inside of an AMA (Form DWR 55-41 is required for non-exempt wells inside of AMAs).

#### Proposed Action

Check the appropriate box indicating whether the applicant intends to drill a new well, or deepen, replace or modify an existing well. Modifying a well means changing some part of the well, such as the casing or the screened or perforated interval. If an existing well will be deepened, replaced or modified, the original well registration number of the well must be filled in.

If the proposed well will replace an existing well, fill in the maximum pumping capacity of the original well, and indicate how far and in what direction the proposed well is from the original well. ADWR strongly recommends that the original well be abandoned at the same time the replacement well is drilled. A Notice of Intent to Abandon a Well (Form DWR 55-38) must be filed with ADWR and an abandonment authority must be obtained before the original well may be abandoned.

#### Location of Well

Fill in all of the following information relating to the location of the well:

- The street address of the property where the well will be drilled, if the property has a street address.
- The name of the county where the well is located.
- The legal description for the proposed well location. The legal description is the township, range, section, and in decreasing order, the quarters of that section so that the well location falls in a 10-acre block within that section. This is not the same as the parcel identification number used by the county (to be filled in below). The county tax assessor's office or the well driller can help identify the specific section where the well will be located.

**Information on Boundaries of Groundwater Basins and Sub-basins is Now Available on the ADWR Website!** To assist NOI applicants in locating groundwater basin and sub-basin boundaries, we are adding the Department's Basin and Sub-Basin Designations—June 1984 document to the ADWR website, <http://www.azwater.gov>. This document, describing in narrative and map form the official boundaries of each of the 46 groundwater basins and 27 sub-basins of the state not included in the five initial Active Management Area basins (AMAs), was published pursuant to A.R.S § 45-404 on June 21, 1984. It may be helpful to first download a statewide map showing all of the basins and sub-basins of the state to better estimate which groundwater basin and sub-basin the proposed well may be located, before searching the official 1984 boundaries. You can also download maps of each AMA. These maps are available on the ADWR website, <http://www.azwater.gov>.

- Check the appropriate box to indicate whether the well and water use location are within the same groundwater basin.
- Fill in the legal description for the where the water to be produced from the well will be used. The legal description is the township, range, section, and in decreasing order, the quarters of that section so that the well location falls in a 10-acre block within that section.

### Section 3 – Owner Information

#### Well Owner

Fill in the well owner's name, mailing address and telephone and fax numbers. If the well owner is a corporation, governmental unit or other entity, provide the name of a contact person.

#### Landowner

If the land is not owned by the well owner, fill in the landowner's name, mailing address, telephone and fax numbers and, if the landowner is a company or organization, the name of a contact person. If the landowner does not sign the signature block of the NOI form, then attach a copy of an access agreement or permission letter from the landowner indicating the landowner's approval of the proposed action.

### Section 4 – Questions

Check the appropriate boxes and fill in information indicating the following:

1. Whether the well site is within 100 feet of a septic tank system, sewer disposal area, landfill or hazardous materials or petroleum storage area or tank. If yes, the applicant must request and obtain a variance from ADWR's well construction standards.

2. Whether there is any other well name or identification number for the well. Ranches often name wells and mining or other commercial operations often have their own numbers. There may be a Public Water Supply (PWS) number or a number provided by the Arizona Department of Environmental Quality.
3. Whether the proposed well is a new well in an AMA. If so, unless the proposed well is replacing a lawful exempt well and the total number of operable exempt wells on your land is not increasing, you must file supplemental form A.R.S. § 45-454(C) & (D), certifying whether any part of the land on which the well is to be drilled is within 100 feet of the operating water distribution system of a municipal water provider with an Assured Water Supply designation (designated provider) as shown on the provider's most recent digitized water service area map on file with ADWR. To make this determination, you must review the most recent digitized water service area maps of designated providers on file with ADWR. A current listing of designated water providers may be found at: <http://www.azwater.gov>.

Pursuant to A.R.S. § 45-454(C), if any part of the land on which the well is to be drilled is within 100 feet of a designated provider's operating water distribution system as shown on the provider's most recent digitized water service area map on file with ADWR, the well may not be drilled unless you apply for and are granted an exemption under A.R.S. § 45-454(D). To apply for an exemption under A.R.S. § 45-454(D), you must complete the second section of form A.R.S. § 45-454(C) & (D) and submit the documentation specified in that section. See supplemental form A.R.S. § 45-454(C) & (D) for further information.

4. If the proposed action is to drill a new exempt well in an AMA, whether this will be the second exempt well on the parcel for the same use. Only one exempt well is allowed per parcel per use within an AMA, except where the first well produces very small amounts of water and other statutory requirements are met. If a second exempt well for the same purpose is requested, fill out and submit supplemental form DWR 55-40A.

### **Section 5 – Drilling Authorization**

Section 5 requires information on the licensed well driller that will perform the work, including the Arizona Registrar of Contractors number. Only a well driller licensed in the State of Arizona, or a single well licensee (a person licensed to drill or modify one exempt well on his or her own property), may drill, deepen or modify a well in Arizona. Drilling may not begin until the well driller or licensee has possession of a drill card at the well site, issued by ADWR in the name of the well driller or licensee, and which authorizes the drilling of that specific well in that specific location. ADWR sends the drill card directly to the driller, not the well owner.

### **Section 6 – Water / Site Information**

Section 6 contains checkboxes to indicate the principal and other uses of the water that will be withdrawn from the well. Check only one box under “Principal Use of Water.”

Under “Other Uses of Water” check as many boxes as are applicable. Note that “irrigation” means irrigating two or more acres outside an AMA.

**NOTE:** If you are applying to construct a new well for the purpose of transporting groundwater to an AMA pursuant to A.R.S. § 45-552, 45-553, 45-554 or 45-555(A), the authorization to drill the well issued in association with the NOI form **shall not be considered the approval to transport groundwater to an AMA.** Groundwater may not be withdrawn from the well for transportation to an AMA without official prior approval from the Department. Please contact the AMA office to determine what additional forms are needed in order to request approval for transporting groundwater withdrawn from this well into an AMA.

### **Section 7 – Proposed Well Construction Design**

Section 7 requires information on the proposed well construction design. In the **Borehole** table, fill in the diameter of the borehole and indicate the depth interval for each change in diameter. In the **Casing** table, fill in the outer diameter of the casing, check the appropriate boxes indicating the type of casing material and type of perforations, and fill in the grouting material to be used. The interval from the ground surface to 20 feet below the surface must have steel casing and a cement grout surface seal to prevent contaminants from entering the well. Fill in the depth interval for each change in information (for example, 0- 20 feet below the surface and 20-200 feet below the surface). If the type of casing material or perforations is not listed, describe the type in the appropriate box. For non-perforated intervals, check the “Blank or None” box. Occasionally, boreholes are left uncased below the top 20 feet, and in that case, describe that condition in the

“Other” box.

### **Section 8 – Permission to Access**

The property owner and the well owner may grant ADWR permission to enter the property and obtain depth-to-water measurements from the well. The purpose of obtaining depth-to-water measurements is to collect groundwater level information that can be used to develop water level maps and databases that support scientific, planning and water management studies throughout the state. If permission is granted, ADWR will enter the property only during reasonable hours and no more than once per year.

### **Section 9 – Well Site Plan**

If the well will be a domestic well on 5 acres or less, please draw (1) the boundaries of your property; (2) the proposed well location; (3) the locations of all septic tank systems and sewer systems on the property or within 100 feet of the well location, even if on neighboring properties; and (4) any permanent structures on the property that may aid in locating the well. If the parcel is vacant land or lacks a septic tank or sewer system, please indicate this. Indicate the distance between the proposed well location and any septic system or sewer system.

### **Section 10 – Signature Block**

The NOI must be signed and dated by the well owner.

In addition, if the landowner is different from the well owner, then the landowner must also sign the signature block of the NOI form or attach a copy of an access agreement or permission letter indicating their approval of the proposed action. Please fill in email address below signature.

### **Where to File Form**

Completed forms may be mailed to ADWR at the following address:

**Arizona Department of Water Resources**  
Groundwater Permitting and Wells Section  
1802 W Jackson St. Box 79  
Phoenix, Arizona 85007

Completed forms may also be submitted to ADWR’s main office in Phoenix at 1110 W. Washington St., Suite 310, Phoenix, AZ 85007-2952.

The completed form must be legible and of good quality when received by ADWR so that it can be scanned into ADWR’s permanent records. Also, if a fee is required, ADWR will not accept the form without the proper fee.

### **Time Frame for Processing an NOI**

ADWR has 15 days after receipt of an NOI to perform an administrative completeness review to determine whether the NOI should be accepted or rejected and whether a drilling authority should be granted or denied. If ADWR determines an NOI to be incomplete or incorrect, ADWR will notify the applicant in writing and specify what information is necessary to make the NOI complete and correct. Until the requested information is received, the administrative completeness review time frame is suspended. If the information is not supplied within 60 days, ADWR may reject the NOI and deny the drilling authority.

Any NOI that includes a request for a variance from ADWR's well construction standards must undergo a substantive review after the administrative completeness review. The substantive review time frame is 35 days, making the overall time frame for approval or denial 50 days. ADWR may make one comprehensive written request for additional information during the substantive review time frame. If ADWR requests additional information, the substantive review time frame is suspended until ADWR receives all of the requested information. If the information is not submitted within 60 days, ADWR may reject the NOI and deny the drilling authority.

At the end of the review, ADWR will send written notice either granting or denying the drilling authority. If the drilling authority is granted, the drill card will be mailed directly to the drilling firm. This authority is valid for one year from the date ADWR received the NOI. If denied, ADWR's notice will state the reasons for the denial and provide an explanation of the applicant's right to appeal.

### **Forms to File after the Project is Completed**

Within 30 days of installation of pumping equipment in the well, the well owner must file a Pump Installation Report (Form DWR 55-56). The pump installer may help fill out this form. Within 30 days of completion of the well construction, the well driller must file a Well Driller Report and Well Log (Form DWR 55-55). These reports must include information on the well as it was actually constructed and equipped.