

State of Arizona

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004

March 18, 1985

Karl F. Kohloff
Water Resources Management Coordinator
City of Mesa
P.O. Box 1466
Mesa, Arizona 85201

Dear Karl:

At our recent meeting I indicated that I would provide you with additional clarification on the Department's policy concerning development plans. Arizona Revised Statutes §45-469 states that a person may apply to the Director for approval of a development plan prior to the retirement of the land. It also states that the development plan must exist and be approved by the Director within a reasonable time before or after the land is retired.

The Department's interpretation and policy regarding this section of the Code is as follows:

1. An applicant can file their development plan based upon anticipated future non-irrigation uses. Until such time as the land is actually retired the grandfathered right remains as an Irrigation Grandfathered Right and the land can continue to be irrigated. However, for the development plan to remain in effect the conversion must take place within a reasonable time. Based upon other time frame references in the Code, the Department believes that a reasonable time is within 5 years from the date the Director approves the development plan.
2. If the land is not retired and the grandfathered right is not converted within that time, the Department will no longer consider the development plan as active. The landowner must then reapply to the Director for consideration of the development plan. At that time the Department will consider the application as a new application. The consideration of whether or not the property was within the exterior boundaries of the service area of a city, town, or private water company would be reevaluated based upon any changes which may have occurred during the 5-year period.

Think Conservation!

Office of Director 255-1554

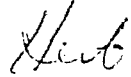
Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,

Flood Warning Office 255-1510, Water Conservation 255-1511

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I hope this letter clarifies the Department's position for you. If you have any additional questions, please feel free to contact me.

Sincerely,



Herb Dishlip
Assistant Deputy Director
Water Management

cc: Frank Barrios
Bob Mason
Lester Snow
Dick Wells

lh