

DEPARTMENT OF WATER RESOURCES
LEGAL DIVISION

M E M O R A N D U M

TO: Richard Gessner, Operations Chief; Kathy Jacobs, Tucson AMA Director; Frank Barrios, Phoenix AMA Director; Phil Foster, Prescott AMA Director; Tom Carr, Pinal AMA Director.

FROM: Herb Dishlip, Deputy Director, Water Management *Herb*

DATE: December 14, 1988

RE: Policy Directive--Joinder of Signatures Required for Type I Conversions, Type I and IGFR Extinguishments, and Conveyances.

Irrigation grandfathered rights and Type I nonirrigation grandfathered rights add a great deal of value to the acres to which they are appurtenant. In recognition of this fact, it is necessary to set a clear policy for the Department's handling of transactions regarding such rights. Please immediately put the following policies into effect.

1. TYPE 1 Conversions

If we receive an application to convert irrigation grandfathered right acres to Type 1 non-irrigation uses, the general rule is that every person listed on the IGFR certificate (e.g., spouses) must sign the application to retire the acres and acquire Type 1 rights. Apply this rule to all multiple-ownership IGFR certificates and if there is a question concerning the need for each and every person listed on the certificate to sign the application, call the Legal Division for an answer.

Also, in the case of a certificate showing the name of a trust, be sure to get the signatures of all the beneficiaries to the trust and the trustee. They are not normally listed on the certificate.

2. TYPE 1 or IGFR Extinguishment

At times, holders of IGFR and Type 1 certificates may wish to cancel or extinguish their right in order to remove the burden of the annual reporting requirements. In this case, make sure that the extinguishment is accomplished by all the persons or entities listed on the certificate. Also, check with Legal Division to make sure that the extinguishment form that you are using is up to date.

3. Notices of Conveyance

When you are presented with a notice of conveyance of an IGFR or Type 1 right, be certain that the names of the persons and entities on the deeds correspond with the names of the persons and entities on the notice of conveyance and the current and proposed certificates. It is not necessary that every entity on the deed also sign the notice of conveyance.

HD:dmj