APPLICATION GUIDELINES

Application to Retire an Irrigation Grandfathered Right for a Non-Irrigation (Type 1) Use

In accordance with A.R.S.§ 41-1008 and 1079, the Department of Water Resources (Department) provides the following information regarding the application review process to assist applicants to Retire an Irrigation Grandfathered Right for a Non-Irrigation (Type 1) Use.

Steps for Processing Your Application and Obtaining Approval

Before filing your application, the Department encourages you to contact one of the Department personnel indicated at the end of these guidelines to discuss the application process and review criteria. If you wish, a meeting may be scheduled to facilitate this process. To assist you in understanding the substantive requirements for this application, please refer to Arizona Revised Statutes (A.R.S.) § 45-469. Also, please note the following:

- You must be the owner of land to which the irrigation right is appurtenant in order to retire the land for a non-irrigation use. If the Department's records do not show you as the current owner, please submit proof of ownership, such as a recorded deed, with your application.

- Attach a copy of the proposed development plan. The development plan must have sufficient detail in order for the Department to evaluate the application request and calculate water demand. The non-irrigation use must be stated in the development plan and the proposed use is subject to the applicable conservation requirements as outlined in the Second Management Plan. These requirements will be provided to you, upon approval of the application.

- The Irrigation Grandfathered Right's flexibility account must be in compliance with the Department in order for the right to be retired for a non-irrigation type 1 use.

It is imperative that you complete the application form in its entirety. An incomplete or incorrect application may result in a delay in processing your application. Please send the application to the address indicated on the form, along with any required fees and supporting documentation. The Department suggests that you retain a copy of all documents that are submitted for review. The application fee is $100.00, pursuant to A.R.S. § 45-113.

Time Frames for Review of Your Application.

Within one-hundred twenty (120) days after receipt of your application, the Department will determine whether your application should be granted or denied, unless this time is extended as described below. In processing your application, the Department will first determine whether the application is administratively complete (administrative completeness review), and then whether the application meets the substantive criteria established by statute or rule (substantive review). Each of these reviews will be completed within the times stated below. The time for the administrative completeness review plus the time for the substantive review is referred to as the overall time frame.

1) Administrative Completeness Review Time Frame

Within thirty (30) days after receipt of your application, the Department will determine whether your application is complete, and will issue a written notice of administrative completeness or deficiencies. After your application is complete, the Department will proceed with substantive review.

If the Department sends you a letter that your application is incomplete, the Department will include a comprehensive list of specific deficiencies. Until the missing information is received, both the administrative completeness review and the overall time frames will be suspended. When the Department receives the missing information, the administrative completeness review and overall time

frames will resume. Your application will not be complete until all of the requested information is received. If you do not supply the missing information within sixty (60) days, your application may be denied.

2) Substantive Review Time Frame

Within ninety (90) days after the application is complete, the Department will review your application to determine whether it meets the substantive criteria required by statute or rule. By mutual written agreement between you and the Department, the time for substantive review may be extended by up to 30 days.

During the substantive review, the Department may make one written request for additional information. You may also agree in writing to allow the Department to submit supplemental requests for additional information. If additional information is requested by the Department, both the substantive review and overall time frames will be suspended. When the additional information is received, the substantive review and overall time frames will resume.

At the end of the Department's substantive review, the Department will send you a written notice either granting or denying your application. If your application is denied, the notice will include the justification for the denial and an explanation of your right to appeal the denial.

Agency Contact

Please direct any questions, comments or requests for further assistance to one of the following Department personnel in the Active Management Area (AMA) in which the application is filed.

PHOENIX AMA	PINAL AMA	PRESCOTT AMA	SANTA CRUZ AMA	TUCSON AMA
Tana Zachreson Scott Miller	Cynthia Pogue	Jack McCormack	Edward Shaffer	Jeff Tannler
(602) 417-2465	(520) 836-4857	(928) 778-7202	(520) 761-1814	(520) 770-3800