ADWR
ARIZONA DEPARTMENT OF WATER RESOURCES

SECURING ARIZONA'S WATER FUTURE

Underground Water Storage, Savings and Replenishment Program

Permit Conveyance Application Guide

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Underground Water Storage, Savings and Replenishment Program

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Application forms, links to referenced statutes and agencies, and additional information regarding the UWS Program may be found at www.water.az.gov.

PERMIT CONVEYANCE APPLICATION GUIDE
TABLE OF CONTENTS

A. INTRODUCTION 1
1. Whom to Contact to Schedule Meetings 1
B. APPLICATION SUBMITTAL 1
1. Filing an Application 1
2. Fee Schedule 1
C. LICENSING TIMEFRAMES 2
1. Overall Timeframe 2
2. Administrative Completeness Review Timeframe 2
a. Incomplete and Incorrect Determination 2
b. Complete and Correct Determination 2
3. Substantive Review Timeframe 3
a. Public Notice 3
b. Exceptions to Public Notice for Water Storage Permit Applications 3
c. Notice of Decision on Application 3
D. COMPLETING THE APPLICATION FORM 4
E. OTHER FORMS/PERMITS THAT MAY BE REQUIRED 4
1. Aquifer Protection Permit (APP) 4
2. Facility Consent to Water Storage 4
3. Long-term Storage Credit Transfer 4

APPENDIX A -- APPLICATION FORM 5

APPENDIX B -- FACILITY CONSENT TO WATER STORAGE 9

APPENDIX C -- UNDERGROUND WATER STORAGE, SAVINGS AND REPLENISHMENT PROGRAM CONTACTS 10

PERMIT CONVEYANCE APPLICATION GUIDE

A. INTRODUCTION

Underground Storage Facility (USF), Groundwater Savings Facility (GSF), and Water Storage (WS) permits are issued in accordance with the Underground Water Storage, Savings, and Replenishment (UWS) Program in Arizona Revised Statutes (A.R.S.) § 45-801.01 *et seq*. Pursuant to A.R.S. §§ 45-814.01(E) and 45-831.01(F), current USF, GSF and WS permit holders may apply to the Director to convey their permits to another person. The Director may grant a conveyance if the person to whom the permit is to be conveyed and the storage facility or the water storage, whichever is applicable, will continue to meet the appropriate statutory requirements for the activity governed by the permit. The following information is provided to assist applicants with the permit conveyance application process. Applicants may contact the Department for additional assistance or information regarding the application process.

1. Whom to Contact to Schedule Meetings

The Recharge Coordinator may be contacted to schedule a pre-application meeting. Applicants seeking to convey a GSF permit in particular are encouraged to schedule a pre-application meeting to establish specific application requirements. Applicants who have identified questions they want to discuss at the meeting should submit their questions to the Recharge Coordinator prior to the scheduled meeting to allow Department staff to prepare appropriately.

B. APPLICATION SUBMITTAL

1. Filing an Application

An Application to Convey form (see Appendix A of this Application Guide for a sample) must be completed and submitted when applying to convey a USF, GSF, or WS permit. All applicable supporting evidence requested on the application form and the fee shown below must be included in the submittal. The application fee and one original plus four copies of the application form and supporting evidence must be submitted to the Recharge Coordinator at the address noted at the top of the application form. The application form must be signed both by the current permittee and the new permittee and notarized. If the conveyance also includes a permit modification or permit renewal, an application for a USF, GSF, or WS permit must **also** be submitted with the corresponding application fees.

2. Fee Schedule

The following fees are assessed in accordance with A.R.S. § 45-871.01(A) and Arizona Administrative Code (A.A.C.) R12-15-151(B).

Conveyance of USF, GSF & WS permits…… (Includes application and permit fees)	$ 300.00
Public Notice…….	Assessed after Public Notice Based on Actual Costs.

C. LICENSING TIMEFRAMES

The licensing timeframes established for the permit application process are set forth in A.A.C. R12-15-401. The timeframes consist of a 100-day administrative completeness review timeframe and a 195-day substantive review timeframe, which combine to form the overall timeframe of 295 days.

1. Overall Timeframe

The overall timeframe, 295 days, is the number of days after receipt of an application during which the Department must determine whether to grant or deny the application. The overall timeframe consists of both the administrative completeness review timeframe and the substantive review timeframe. The overall timeframe will be extended if the applicant receives a letter from the Department during the administrative completeness review or substantive review timeframes requesting additional information or if a hearing is held. The timeframe will be shortened if public notice is not required. Therefore, the 295 days may not reflect the actual time it will take for the Department to grant or deny an application to convey a permit.

2. Administrative Completeness Review Timeframe

During the 100-day administrative completeness review timeframe, the Department must determine whether the submittal contains all the information required for a complete and correct application. The 100-day administrative completeness review timeframe begins upon receipt of an application that satisfies all of the preliminary submittal requirements. These requirements include the submittal of the appropriate fees and one original plus four copies of the correct application form that has been signed and notarized. All supplemental materials requested in the application must be included in the submittal. If an application that does not satisfy these requirements is submitted to the Department, the applicant will be notified by phone that they have 10 calendar days, or longer by mutual agreement between the applicant and the Department, to submit the missing information. If the information is not submitted within that time, the original submittal, including fees (if submitted), will be returned to the applicant unprocessed.

a. Incomplete and Incorrect Determination

Pursuant to A.R.S. § 45-871.01(B), if the Director determines the application is incomplete and incorrect, the applicant will be notified in writing and will be provided a comprehensive list of deficiencies found in the application. At this time, the administrative completeness review and overall timeframes are suspended. The applicant will have 60 days to address the deficiencies. Once the applicant submits the requested information, the timeframe resumes and 15 days are added to the timeframe. The Department may deny the application if the re-submittal is not received within 60 days or if the re-submittal does not address all deficiencies listed in the incomplete and incorrect letter. The applicant may contact the Recharge Coordinator to schedule a meeting or conference call to discuss with Department staff any questions or concerns regarding the incomplete and incorrect letter.

b. Complete and Correct Determination

An application is deemed complete and correct when all of the information requested in the application has been submitted. Once an application is determined to be complete and correct, the applicant is notified in writing of the determination. The date of the complete and correct letter begins the substantive review timeframe.

3. Substantive Review Timeframe

The 195-day substantive review timeframe begins once the application is determined to be complete and correct. The substantive review timeframe includes the public notice period, the objection period, and the Director's review of the application to determine whether the application should be granted or denied. In cases where a pre-determination hearing is necessary, an additional 120 days are added to the timeframe. **All remaining fees must be paid during the substantive review timeframe.**

During the substantive review timeframe, the Department may make one written request for additional information. If the Department makes such a request, the substantive review timeframe and the overall timeframe are suspended from the date the request is issued until the date the applicant submits the requested information. By mutual written agreement between the applicant and the Department, the substantive review timeframe may be extended up to an additional 74 days (25% of the overall timeframe).

a. Public Notice

Pursuant to A.R.S. § 45-871.01(D), within 15 days of the complete and correct determination, or longer if requested by the applicant, the Director must give notice of the application once per week for two consecutive weeks in a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the water storage. Any city, town, private water company, irrigation district, or electrical district that serves land within the area of impact of the stored water will be notified by first class mail. The applicant will be notified in writing of the name of the newspaper, publication dates, and the date when the objection period ends. Objectors will be given 15 days after the last publication date to object in writing to the proposed permit conveyance. Objections must be based on the assertion that the application does not meet the requirements specified in statute for the requested permit.

b. Exceptions to Public Notice for Water Storage Permit Applications

Pursuant to A.R.S. § 45-871.01(E), public notice is not required for applications proposing to store Colorado River water if **all** of the following conditions are met:

- Water storage will occur at a facility where the storage of Colorado River water has previously been permitted.
- The holder of the storage facility permit has consented to the water storage.
- The proposed storage will not require a modification of the existing storage facility permit.
- Colorado River water will be the only type of water stored under the WS permit.
- The new permittee has a right to use the Colorado River water.

If all of these conditions are met, the Director may issue the permit within 20 days of the complete and correct determination.

c. Notice of Decision on Application

The Director will send written notice, via certified mail, to the applicant either granting or denying the permit conveyance application. Written notice will also be sent to any person who filed a timely objection to the application. If the Director grants the application, the notice will include the Final Appealable Draft Permit. If timely objections were not filed, the

notice will also include a Notice of Appeal form and an Appealable Agency Action Waiver form. The applicant may appeal the permit within 30 days, or waive the right to appeal by signing the waiver form. If the applicant waives the right to appeal, the signed permit will be issued without delay. If a timely objection was filed, the Department will send a Notice of Appeal form to both the applicant and the objector. If an appeal is not filed within the 30-day appeal period, the Department will issue a signed permit after the appeal period expires. If a timely appeal is filed, the Department will schedule a hearing at the Office of Administrative Hearings. If the Director denies the permit application, the notice will include the justification for the denial and an explanation of the right to appeal the denial.

D. COMPLETING THE APPLICATION FORM

A sample copy of the permit conveyance application form may be found in Appendix A of this Application Guide. Application forms are available from the Recharge Coordinator and at AMA offices or they may be printed from http://www.water.az.gov/recharge/forms. Because the application requirements for conveying a permit vary depending on the type of permit to be conveyed, please refer to the corresponding Application Guide for that type of permit for more information on the contents of the application form.

E. OTHER FORMS/PERMITS THAT MAY BE REQUIRED

1. Aquifer Protection Permit (APP)

An APP must be obtained from the Arizona Department of Environmental Quality (ADEQ) for non-CAP water storage projects. The application must be filed with ADEQ before a USF permit conveyance application can be determined complete and correct. A.R.S. Titles 45 and 49 recognize different permitting procedures for USFs depending on whether the source water includes effluent. Provisions of A.R.S. § 49-250(12) and (13) exempt USFs using CAP and certain other non-effluent waters from the requirement to obtain an APP if an operating permit is secured under A.R.S. Title 45. Thus, depending on the facility's source water type, the discharge may or may not require an APP issued by ADEQ. If the source water subjects the facility to APP requirements, the APP must be obtained prior to any water storage at the USF. Please contact the Water Permit Section of the Water Quality Division at ADEQ for further information.

2. Facility Consent to Water Storage

If the permit conveyance application is for a WS permit that meets all requirements listed in Section C.3.b of this Application Guide for exception to public notice for water storage permits and the new permittee will not hold the storage facility permit, the applicant must submit, with the WS permit conveyance application, written consent from the facility permit holder for the water storage. See Appendix B of this Application Guide for a sample consent statement.

3. Long-term Storage Credit Transfer

This form must be submitted if long-term storage credits are being assigned pursuant to A.R.S. § 45-854.01.

APPENDIX A -- APPLICATION FORM

Application forms are available from the Recharge Coordinator and at AMA offices or they may be printed from http://www.water.az.gov/recharge/forms.

ARIZONA DEPARTMENT OF WATER RESOURCES
Water Management Division
500 North Third Street, Phoenix, Arizona 85004
Phone (602) 417-2465 Fax (602) 417-2467

APPLICATION TO CONVEY AN UNDERGROUND WATER STORAGE PROGRAM PERMIT:

CONVEYANCE FEE of $300.00 DUE UPON FILING

PUBLICATION FEES TO BE DETERMINED WILL BE DUE PRIOR TO ISSUANCE OF PERMIT

PLEASE SUBMIT ONE ORIGINAL AND FOUR COPIES OF THE COMPLETED APPLICATION AND ALL SUPPORTING MATERIALS

FOR OFFICE USE ONLY

Application No.: _____

Date Received: _____

TYPE OF PERMIT TO BE CONVEYED: (Check one)

☐ **Underground Storage Facility Permit** **[A.R.S. § 45-814.01 (E)]**

☐ **Groundwater Savings Facility Permit** **[A.R.S. § 45-814.01 (E)]**

☐ **Water Storage Permit** **[A.R.S. § 45-831.01 (F)]**

GENERAL INFORMATION

1. Name of Applicant (current permittee): _____

   _____
   Mailing Address **City** **State** **Zip**

   Contact Person: _____ Telephone: _____ Fax: _____

2. Application is being CONVEYED TO (new permittee): _____

   _____
   Mailing Address **City** **State** **Zip**

   Contact Person: _____ Telephone: _____ Fax: _____

SUPPORTING EVIDENCE

3. If **Underground Storage Facility (USF) permit conveyance**, please submit the following:

   A. Current Permit # 71-_____

   B. Technical Capability: If the person(s) principally responsible for overseeing the operations will change as a result of the conveyance, the applicant must demonstrate that the new permittee is technically capable of operating and reporting for the USF in accordance with all terms and conditions of the USF permit. The applicant must submit the information on technical capability described in Section III.D.1 of the Underground Storage Facility Application Guide as it applies to the new permittee.

C. Financial Capability: The applicant must demonstrate that the new permittee has the financial capability to construct, operate and report for the USF in accordance with all terms and conditions of the USF permit. The applicant must submit information on financial capability described in Section III.D.2 of the Underground Storage Facility Application Guide as it applies to the permittee. Except that if the facility is already operating, the applicant must submit information based on actual operational costs of the facility.

D. Aquifer Protection Permit (APP) issued by Arizona Department of Environmental Quality (ADEQ): For effluent storage, the applicant must demonstrate that the new permittee will operate the USF under a valid APP issued by ADEQ.

E. If the Underground Storage Facility (USF) permit conveyance is for a managed facility that is designated as adding value to a national park, national monument or state park, the applicant must submit a statement, signed by the new permittee, certifying that the new permittee will continue to maintain the quantified, minimum base flow and annual discharge to the stream as established in the USF permit.

4. If **Groundwater Savings Facility (GSF) permit conveyance**, submit the following:

A. Current Permit #72-_____

B. The applicant must submit a report that describes how the new permittee will continue to meet the requirements of A.R.S. § 45-812.01 as conditioned in the GSF permit.

C. The applicant must identify any proposed changes/updates to the Plan of Operation on file with the Department for this GSF. **Note:** Changes to the Plan of Operation constitute a permit modification. If you are changing the facility Plan of Operation, you must also submit an Application for Groundwater Savings Facility Permit form and fees.

5. If **Water Storage (WS) permit conveyance**, please submit the following:

A. Current Permit #73-_____

B. If the water to be stored is appurtenant to a place of use, the legal description of the location of that use:

_____

(quarter/quarter/quarter/section, township and range)

C. A description and documentation of the new permittee's right to use the proposed source of water. Cite the right number, law, court decree, contract or other legal basis for acquiring and using each source of water to be stored pursuant to this permit.

D. If the water storage permit application meets the requirements of A.R.S. § 45-871.01(E) and the new water storage permit holder will **not** also be the holder of the storage facility permit, please submit a consent agreement signed by the facility permit holder.

E. For water storage at a Groundwater Savings Facility, if the new water storage permit holder will **not** also be the holder of the storage facility permit, does the new permittee agree to comply with the Plan of Operation for the GSF permit listed in the water storage permit being conveyed with this application?
☐ Yes ☐ No

6. If **long-term storage credits** are being assigned pursuant to A.R.S. § 45-854.01, a Long-Term Storage Credit Transfer form must be submitted.

NOTE: If any information submitted with the original application is no longer valid as a result of the conveyance, that information must be identified and updated as it pertains to the new permittee.

NOTARIZED SIGNATURE – CURRENT PERMITTEE

I (We),_____, the **current permittee(s)** named in this application, do hereby certify under the penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.

_____
Signature of applicant or authorized agent for **current permittee(s)**

_____
Title

STATE OF ARIZONA)
) ss.
County of_____)

Subscribed and sworn to before me this_____ day of_____, 20_____.

_____
Notary Public

_____
My commission expires

NOTARIZED SIGNATURE – NEW PERMITTEE

I (We),_____, the **new permittee(s)** named in this application, do hereby certify under the penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete. I furthermore acknowledge that by my signature I agree on behalf of the new permittee that all aspects of this facility will continue to meet the requirements of A.R.S. § 45-811.01, 814.01 or 831.01, as applicable.

_____
Signature of applicant or authorized agent for **new permittee(s)**

_____
Title

STATE OF ARIZONA)
) ss.
County of_____)

Subscribed and sworn to before me this_____ day of_____, 20_____.

_____
Notary Public

_____
My commission expires

APPENDIX B -- FACILITY CONSENT TO WATER STORAGE

Pursuant to A.R.S. § 45-871.01(E)(1), this letter serves as consent from _____

_____ allowing
(Storage/Savings Facility Permittee)

_____ to store up to _____ acre-feet
(Water Storage Permit Applicant and application no.)

per year of _____ at _____
(Type of water to be stored) (Storage/Savings Facility Name)

in accordance with (check one) ☐ Underground Storage Facility or ☐ Groundwater Savings Facility permit number _____.
(Facility permit no.)

Signature: _____
(Holder of Storage Facility Permit or designated representative)

Printed Name: _____

Title: _____

Company: _____

Date: _____

APPENDIX C -- UNDERGROUND WATER STORAGE, SAVINGS AND REPLENISHMENT PROGRAM CONTACTS

Phoenix AMA ADWR 500 North Third Street Phoenix, AZ 85004 602-417-2465	**Pinal AMA** ADWR 1729 North Trekell Road Suite 105 Casa Grande, AZ 85222 520-836-4857	**Prescott AMA** ADWR 2200 East Hillsdale Road Prescott, AZ 86301 928-778-7202

Santa Cruz AMA ADWR 857 West Bell Road Suite 3 Nogales, AZ 85621 520-761-1814	**Tucson AMA** ADWR 400 West Congress Suite 518 Tucson, AZ 85701 520-770-3800

To obtain application forms, additional Application Guides, information on filing an application or to schedule a meeting contact:

Recharge Coordinator
Water Management Division
Arizona Department of Water Resources
500 North Third Street
Phoenix, AZ 85004
602-417-2465

For specific technical questions contact:

Hydrology Division
Arizona Department of Water Resources
500 North Third Street
Phoenix, AZ 85004
602-417-2448

For questions related to an Aquifer Protection Permit (if required) contact:

Wastewater, Recharge and Reuse Unit
Arizona Department of Environmental Quality
1110 West Washington Street, 5415B-3
Phoenix, AZ 85007
602-771-4687

ADWR

ARIZONA DEPARTMENT OF WATER RESOURCES

500 NORTH THIRD STREET
PHOENIX, ARIZONA
85004-3921

DIRECT PHONE: 602-417-2465
1-800-352-8488
FAX: 602-417-2467

www.water.az.gov

This brochure focuses on the methods and criteria for conveying an Underground Storage Facility, Groundwater Savings Facility or Water Storage Permit to a new owner.

Information on obtaining new, or modifying or renewing existing, Underground Storage Facility Permits or Water Storage Permits may be found in companion brochures.