

## **APPLICATION GUIDELINES**

### **Non-Exempt Well Permit**

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 for a Permit to Drill a Non-Exempt Well Within an Active Management Area.

#### **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 A.R.S. § 45-599 and A.A.C. R12-15-1301 through 1308. Also, please note the following items:

- Please provide the claim of entitlement (withdrawal authority) to withdraw groundwater (i.e. Grandfathered Certificate Number). If the Department's records do not show you as the current owner (or lessee), please submit proof of ownership, such as a recorded deed (or lease agreement) and the proper conveyance form with your application.
- To assist the Director in making a determination, the applicant may submit a hydrological study delineating those areas surrounding the proposed well or wells in which the projected impacts on water levels will exceed 10 feet of additional drawdown after the first five years of operation of the proposed well or wells. Effective 04/17/2009, the Arizona Department of Water Resources (Department) requires hydrologic, geologic and engineering reports, studies, drawings and maps, specifications, analyses or related data submitted to support the evaluation of applications for various types of Department permits or approvals provided under Arizona Revised Statutes (A.R.S.) Title 45 that qualify as the practice of geology or engineering to be signed and sealed by a professional geologist or qualified professional engineer who is registered in the State of Arizona under the authority of A.R.S. Title 32, Chapter 1. The Director may require the applicant to submit such a hydrological study if the Director determines that the study will assist the director in making a determination.
- If the application is approved, the construction permit will allow one year from the permit date for completion of the well. If construction will possibly take longer than one year, a longer construction period may be requested as part of this application. Please note that once a well construction permit is issued, it is not possible to request an extension. Rather, a new application must be filed before proceeding with construction beyond one year.
- If a driller has not yet been selected, the permit to operate the well may still be issued. However, authorization to drill the well will not be issued until the Department receives written notification that the applicant has selected a licensed well driller and a site visit

has been completed.

- Please include a completed Well Construction Supplement DWR Form 55-90, which is enclosed as part of your application. Completion of this form requires attachment of a detailed construction diagram. The diagram should verify consistency with minimum construction requirements specified in the Department's well construction rules found in Arizona Administrative Code (A.A.C.) R12-12-15-801, *et seq.* Specifically, the diagram should include an indication of perforated interval location(s) in relation to the expected water level, depth and thickness of the surface seal, proposed grouting materials, whether or not the surface or conductor casing will extend above grade and vault details, if specified.
- If the Department determines that the probable impact of withdrawals from the proposed well on another well of record will exceed 10 feet of additional drawdown after the first five years of operation of the proposed well, you will be notified of the location and recorded owner of the well of record. The Department will determine that the proposed well will have an unreasonable impact on the well of record unless, within 60 days after receiving the notice or such longer time period as approved by the Director, you submit one of the following to the Department: (1) a signed and notarized consent form from the owner of the well consenting to the withdrawals from the proposed well, or (2) evidence satisfactory to the Director that the address of the owner of the well of record as shown in the Department's well registry records is inaccurate and that you made a reasonable attempt to locate the current owner of the well of record but were unable to do so.
- At any time prior to final determination, you may amend this application regarding location or pumping requirements of the proposed well, in order to lessen the degree of impact on neighboring wells of record.
- When determining impacts of the proposed well under the Department's well spacing rules, if the proposed well is a replacement well in a new location, the Director will take into account the collective effects of reducing or terminating withdrawals from the well being replaced combined with the proposed withdrawals from the replacement well if you submit a hydrological study demonstrating those collective effects to the satisfaction of the Director.

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 for this permit is \$150.00 pursuant to A.R.S. § 45-599 and the permit fee is \$30.00 pursuant to A.A.C. R12-15-151(B)(4).

**The application fee for a Permit to Drill or Operate a Non-Exempt Well is \$150.00, and the Permit fee is \$30.00.** Payment may be made by cash, check, or credit card (if you wish to pay by credit card, please contact the Groundwater Permitting and Wells Section at 602-771-8527).

Checks should be made payable to the Arizona Department of Water Resources. In addition to the application/permit 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 application fee will cause the application to be returned. Fees for the application for a permit to Drill or Operate a Non-Exempt Well are authorized by A.R.S. § 45-599 and A.A.C. R12-15-104.**

### **Time Frames for Review of Your Application.**

Within ninety (90) 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 informing you that the 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 sixty (60) 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 frame for substantive review may be extended by up to twenty-two (22) days. In cases where a hearing is necessary prior to a decision, the substantive review time frame will be increased by 120 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 the Groundwater Permitting & Wells Section at 602-771-8527.