

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 15. DEPARTMENT OF WATER RESOURCES

Editor's Note: The following Notice of Exempt Rulemaking is exempt from Laws 2010, Ch. 287, § 18. (See the text of § 18 on page 1971.)

[R10-139]

PREAMBLE

1. Sections Affected

R12-15-101
R12-15-102
R12-15-103
R12-15-104
R12-15-105
R12-15-106
R12-15-107
R12-15-151
R12-15-702
R12-15-703
R12-15-704
R12-15-705
R12-15-706
R12-15-707
R12-15-708
R12-15-710
R12-15-712
R12-15-713
R12-15-714
R12-15-730
R12-15-806
R12-15-1208
R12-15-1210
R12-15-1211
R12-15-1213
R12-15-1219

Rulemaking Action

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2. The statutory authority for the rulemaking, including both the authorizing statutes (general) and the implementing statutes (specific):

Authorizing statutes: A.R.S. §§ 45-113(B), 45-133(C), 45-183(C), 45-273(E), 45-292(B), 45-467(Q), 45-476.01(B), 45-595(C), 45-596(L), 45-599(J), 45-871.01(A), 45-1021(A)(9), 45-1041(E) 45-1204(B), 45-1603 and 45-1605(A)

Statute or session law authorizing the exemption: Laws 2010, 7th Special Session, Ch. 7, § 5

3. The effective date of the rule:

September 10, 2010

4. A list of all previous notices appearing in the Register addressing the exempt rule:

Notice of Exempt Rulemaking: 16 A.A.R. 1205, July 9, 2010

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Ken Slowinski, Chief Counsel

Address: Department of Water Resources

Notices of Exempt Rulemaking

3550 N. Central Ave.
Phoenix, AZ 85012

Telephone: (602) 771-8472
Fax: (602) 771-8683
E-mail: kcslowinski@azwater.gov

or

Name: Sandra Fabritz-Whitney, Assistant Director for Water Management
Address: Department of Water Resources
3550 N. Central Ave.
Phoenix, AZ 85012

Telephone: (602) 771-8586
Fax: (602) 771-8689
E-mail: safabritz@azwater.gov

6. An explanation of the rule, including the agency's reasons for initiating the rule:

Laws 2010, 7th Special Session, Ch. 7, § 5, effective June 15, 2010 ("2010 Session Law"), authorizes the Arizona Department of Water Resources ("ADWR") to increase fees in fiscal year 2010-2011 for services in fiscal year 2010-2011, and provides that ADWR is exempt from the rulemaking requirements in A.R.S. Title 41, Chapter 6 for the purpose of establishing the fees until July 1, 2011. Pursuant to the 2010 Session Law, ADWR filed a Notice of Exempt Rulemaking with the Arizona Secretary of State on June 15, 2010. See 16 A.A.R. 1205, July 9, 2010. In the Notice of Exempt Rulemaking, ADWR adopted new fee rules (Sections R12-15-101 through R12-15-107, referred to herein as "FY 2010-2011 Fee Rules") and repealed its existing fee rules (Sections R12-15-151 and R12-15-730, referred to herein as "Existing Fee Rules"). ADWR also adopted conforming amendments to several Sections in 12 A.A.C. 15, Article 7 (Assured and Adequate Water Supply), Article 8 (Well Construction and Licensing of Well Drillers) and Article 12 (Dam Safety Procedures).

Since filing the Notice of Exempt Rulemaking, ADWR has determined that several amendments should be made to the Sections adopted, repealed and amended in the Notice to clarify: (1) that the FY2010-2011 Fee Rules are effective only from June 15, 2010 through June 30, 2011; and (2) that beginning July 1, 2011, the FY2010-2011 Fee Rules will be repealed automatically and the Existing Fee Rules will become effective again. ADWR believes this is consistent with the intent of the 2010 Session Law. The purpose of this Notice of Exempt Rulemaking is to make those amendments. No changes are being made to the fees listed in the FY2010-2011 Fee Rules or the Existing Fee Rules.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

Not applicable

10. A description of the changes between the proposed rules, including supplemental notices, and the final rules, (if applicable):

Not applicable

11. A summary of the comments made regarding the rule and the agency response to them:

Not applicable

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Was the rule previously made as an emergency rule? If so, please indicate the Register citation:

No

15. The full text of the rules follows:

Notices of Exempt Rulemaking

TITLE 12. NATURAL RESOURCES

CHAPTER 15. DEPARTMENT OF WATER RESOURCES

ARTICLE 1. FEES

Section

- R12-15-101. Definitions; Automatic Repeal
- R12-15-102. Application Filing Fees; Request for Expedited Review of Application Filed Before Effective Date of Section; Automatic Repeal
- R12-15-103. Applications Subject to Hourly Fee; Amount of Fee; Initial Fee; Billing and Payment; Request for Reconsideration of Fee; Past Due Fee; Automatic Repeal
- R12-15-104. Applications and Filings Subject to Fixed Fee; Fixed Fee Schedule; Review-Related Costs; Costs for Legal Notices; Automatic Repeal
- R12-15-105. Fee for Request for Extension of Time to Submit Information for an Application; Automatic Repeal
- R12-15-106. Fee for Dam Safety Inspection; Fee for Review of Dam Safety Inspection Report; Automatic Repeal
- R12-15-107. Fee for Well Capping; Automatic Repeal
- R12-15-151. Fee Schedule Effective July 1, 2011

ARTICLE 7. ASSURED AND ADEQUATE WATER SUPPLY

Section

- R12-15-702. Physical Availability Determination
- R12-15-703. Analysis of Assured Water Supply
- R12-15-704. Certificate of Assured Water Supply
- R12-15-705. Assignment of Type A Certificate of Assured Water Supply
- R12-15-706. Assignment of Type B Certificate of Assured Water Supply
- R12-15-707. Application for Classification of Type A Certificate
- R12-15-708. Material Plat Change; Application for Review
- R12-15-710. Designation of Assured Water Supply
- R12-15-712. Analysis of Adequate Water Supply
- R12-15-713. Water Report
- R12-15-714. Designation of Adequate Water Supply
- R12-15-730. Assured and Adequate Water Supply Fees Effective July 1, 2011

ARTICLE 8. WELL CONSTRUCTION AND LICENSING OF WELL DRILLERS

Section

- R12-15-806. License Fee; Issuance and Term of Licenses; Renewal; Display of License

ARTICLE 12. DAM SAFETY PROCEDURES

Section

- R12-15-1208. Application to Construct, Reconstruct, Repair, Enlarge, or Alter a High or Significant Hazard Potential Dam
- R12-15-1210. Application to Construct, Reconstruct, Repair, Enlarge, Alter, Breach, or Remove a Low Hazard Potential Dam
- R12-15-1211. Application to Construct, Reconstruct, Repair, Enlarge, Alter, Breach, or Remove a Very Low Hazard Potential Dam
- R12-15-1213. Completion Documents for a Significant or High Hazard Potential Dam
- R12-15-1219. Safety Inspections; Fees

ARTICLE 1. FEES

R12-15-101. Definitions; Automatic Repeal

- A.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change

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5. No change

B. This Section shall repeal automatically, effective July 1, 2011.

R12-15-102. Application Filing Fees; Request for Expedited Review of Application Filed Before Effective Date of Section; Automatic Repeal

A. A person filing an application with the Department after June 15, 2010 and before July 1, 2011 shall pay an hourly application fee as provided in R12-15-103 or a fixed application fee as provided in R12-15-104, whichever applies. Fees for applications shall be paid in U.S. dollars by cash, check, cashier's check, money order, or any other method acceptable to the Department. Beginning June 15, 2010 through June 30, 2011, the fees provided in R12-15-103 and R12-15-104 supersede any fee listed otherwise in R12-15-151 and R12-15-730. Beginning July 1, 2011, the fees provided in R12-15-151 and R12-15-730 shall apply.

B. No change

C. No change

1. No change

2. No change

3. No change

a. No change

b. No change

4. No change

D. This Section shall repeal automatically, effective July 1, 2011.

R12-15-103. Applications Subject to Hourly Fee; Amount of Fee; Initial Fee; Billing and Payment; Request for Reconsideration of Fee; Past Due Fee; Automatic Repeal

A. Beginning June 15, 2010 through June 30, 2011, the ~~The~~ Department shall calculate the fee for an application listed in subsection (B) of this Section by multiplying the number of review hours for the application by an hourly rate of \$118, adjusted annually as provided in this subsection, not to exceed the maximum fee for the application specified in subsection (B) of this Section, plus any applicable review-related costs and the actual cost of mailing or publishing any legal notice of the application or notice of a pre-decision administrative hearing on the application. The Department shall adjust the hourly rate every July 1, to the nearest 10 cents per hour by multiplying \$118 by the Consumer Price Index for the most recent year, and then dividing by the Consumer Price Index for the year 2009. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the U.S. Department of Labor for the 12-month period ending on December 31 of that year. The Department shall post the change to the hourly rate on its web site.

B. No change

1. No change

2. No change

a. No change

b. No change

c. No change

d. No change

e. No change

f. No change

g. No change

h. No change

i. No change

j. No change

k. No change

l. No change

m. No change

3. No change

a. No change

b. No change

4. No change

a. No change

b. No change

c. No change

5. No change

a. No change

b. No change

c. No change

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- 6. No change
 - a. No change
 - b. No change
- 7. No change
- 8. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 9. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
- 10. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- E. No change
 - 1. No change
 - 2. No change
- F. No change
 - 1. No change
 - 2. No change
- G. No change
- H. No change
- I. This Section shall repeal automatically, effective July 1, 2011.

R12-15-104. Applications and Filings Subject to Fixed Fee; Fixed Fee Schedule; Review-Related Costs; Costs for Legal Notices; Automatic Repeal

- A. Beginning June 15, 2010 through June 30, 2011, the ~~The~~ Department shall not accept or take action on the following applications and filings unless the fee shown for the application or filing is paid at the time the application or filing is submitted:
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change

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- j. No change
- 2. No change
 - a. No change
 - b. No change
 - c. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 4. No change
 - a. No change
 - b. No change
 - c. No change
- 5. No change
 - a. No change
 - b. No change
- 6. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 7. No change
- 8. No change
- 9. No change
 - a. No change
 - b. No change

B. No change

C. This Section shall repeal automatically, effective July 1, 2011.

R12-15-105. Fee for Request for Extension of Time to Submit Information for an Application; Automatic Repeal

A. No change

B. This Section shall repeal automatically, effective July 1, 2011.

R12-15-106. Fee for Dam Safety Inspection; Fee for Review of Dam Safety Inspection Report; Automatic Repeal

A. Beginning June 15, 2010 through June 30, 2011, the ~~The~~ owner of a dam shall pay a fee for the Department's dam safety inspection pursuant to R12-15-1219(A). The fee shall be based on the total crest length of the dam plus appurtenant embankments and saddle dikes, as follows:

Length (feet)	Fee
0 – 500	\$2,000.00
501 – 1,000	\$2,200.00
1,001 – 2,000	\$2,400.00
2,001 – 4,000	\$2,600.00
4,001 – 8,000	\$3,000.00
8,001 – 16,000	\$3,400.00
16,001 – 32,000	\$3,800.00
More than 32,001	\$4,200.00

B. No change

C. Beginning June 15, 2010 through June 30, 2011, the ~~The~~ owner of a dam who submits a dam safety inspection report pursuant to R12-15-1219(E) shall pay a fee of \$750.00. The Department shall not accept a dam safety inspection report unless the fee is submitted with the report.

D. This Section shall repeal automatically, effective July 1, 2011.

R12-15-107. Fee for Well Capping; Automatic Repeal

A. No change

B. This Section shall repeal automatically on July 1, 2011.

R12-15-151. Fee Schedule Effective July 1, 2011

A. Beginning July 1, 2011, the Department shall only accept or take action on an application or filing upon payment of the

Notices of Exempt Rulemaking

appropriate fee as listed below. Payment may be made by cash, check, or by entry in an existing Department fee-credit account established pursuant to R12-15-152.

B. The following fees shall be paid:

1. Surface Water:

Type of Application	Fee
a. <u>Application for permit to appropriate</u>	
i. <u>Less than 50 acre-feet</u>	<u>\$50.00</u>
ii. <u>50 acre-feet or more</u>	<u>\$75.00</u>
b. <u>Permit to appropriate</u>	
i. <u>Less than 50 acre-feet</u>	<u>\$25.00</u>
ii. <u>50 acre-feet or more</u>	<u>\$50.00</u>
c. <u>Claim of water right for a stockpond and application for certificate</u>	<u>\$10.00</u>
d. <u>Certificate of water right for stockpond</u>	<u>\$30.00</u>
e. <u>Issue certificate of water right (except stockpond)</u>	<u>\$50.00</u>
f. <u>Application for severance and transfer of water right</u>	<u>\$500.00</u>
g. <u>Application to transport water out of state</u>	<u>\$500.00</u>
h. <u>Assignment</u>	
i. <u>Assignment of application for permit to appropriate, statement of claim or claim of water right for a stockpond</u>	<u>\$10.00</u>
ii. <u>Assignment and reissuance of permit to appropriate</u>	<u>\$20.00</u>
iii. <u>Assignment and reissuance of certificate of water right (except stockpond)</u>	<u>\$35.00</u>
iv. <u>Assignment and reissuance of certificate of water right for a stockpond</u>	<u>\$20.00</u>

2. Groundwater:

Type of Application	Fee
a. <u>Application for groundwater withdrawal permit, modifications and renewals (except applications for hydrologic testing and temporary dewatering permits)</u>	<u>\$150.00</u>
b. <u>Application for permit for hydrologic testing and temporary dewatering, modifications and renewals</u>	<u>\$50.00</u>
c. <u>Groundwater withdrawal permit</u>	<u>\$50.00</u>
d. <u>Convey groundwater withdrawal permit (except for permits for temporary electrical energy generation, temporary dewatering, hydrologic testing, and groundwater replenishment district withdrawals)</u>	<u>\$35.00</u>
e. <u>Application for notice of authority to irrigate in an irrigation non-expansion area</u>	<u>\$50.00</u>
f. <u>Convey or reissue notice of authority to irrigate in an irrigation non-expansion area</u>	<u>\$35.00</u>

3. Water Exchanges:

Type of Application	Fee
a. <u>Statement of water exchange contract</u>	<u>\$100.00</u>
b. <u>Application for water exchange permit</u>	<u>\$150.00</u>
c. <u>Water exchange permit</u>	<u>\$100.00</u>
d. <u>Renew or modify water exchange permit</u>	<u>\$100.00</u>
e. <u>Notice of water exchange</u>	<u>\$150.00</u>

4. Wells:

Type of Application	Fee
a. <u>Reissue drilling card</u>	<u>\$10.00</u>
b. <u>Permit to drill new or replacement well</u>	<u>\$30.00</u>
c. <u>Registration of exempt well</u>	<u>No charge</u>
d. <u>Registration of non-exempt well</u>	<u>\$10.00</u>

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e. <u>Late registration of any well (post 7/16/82)</u>	\$10.00
f. <u>Well assignments (single or group of wells by same owner)</u>	\$10.00
g. <u>Well driller's licenses (except single well license)</u>	\$50.00
h. <u>Reissue or renew unexpired well driller's license</u>	\$10.00
i. <u>Reactivate expired well driller's license</u>	\$20.00
j. <u>Single well license</u>	No charge
k. <u>Well capping</u>	\$300.00 minimum plus actual expenses over \$300.00

5. Grandfathered Rights:

<u>Type of Application</u>	<u>Fee</u>
a. <u>Application for certificate of grandfathered right</u>	\$75.00
b. <u>Late application for certificate of grandfathered right</u>	\$100.00
c. <u>Convey or reissue certificate of grandfathered right</u>	\$35.00
d. <u>Application for Type 1 non-irrigation grandfathered right associated with retired irrigation land</u>	\$50.00
e. <u>Application to retire an irrigation grandfathered right from irrigation to non-irrigation</u>	\$100.00
f. <u>Application for restoration of retired irrigation grandfathered right</u>	\$50.00
g. <u>Purchase of flexibility account credit balance</u>	\$100.00

6. Substitution of Acres:

<u>Type of Application or Filing</u>	<u>Fee</u>
a. <u>Application to substitute irregularly shaped acres in an irrigation non-expansion area or an active management area</u>	\$50.00
b. <u>Application to substitute flood damaged acres in an irrigation non-expansion area or an active management area</u>	\$100.00
c. <u>Application to substitute CAP acres in an irrigation non-expansion area</u>	\$50.00
d. <u>Application to substitute, or to reverse substitution of, CAP acres in an active management area</u>	\$100.00

7. Assured and Adequate Water Supply:

<u>Type of Application</u>	<u>Fee</u>
<u>Applications, certificates, licenses, reports, and permits relating to assured and adequate water supply</u>	<u>The applicable fee prescribed in Article 7 of this Chapter</u>

8. Underground Water Storage, Savings and Replenishment Program:

<u>Type of Application</u>	<u>Fee</u>
a. <u>Application for underground storage facility permit</u>	\$750.00
b. <u>Underground storage facility permit</u>	\$500.00
c. <u>Convey underground storage facility permit</u>	\$300.00
d. <u>Application for groundwater savings facility permit</u>	\$500.00
e. <u>Groundwater savings facility permit</u>	\$350.00
f. <u>Convey groundwater savings facility permit</u>	\$300.00
g. <u>Application for water storage permit</u>	\$250.00
h. <u>Water storage permit</u>	\$100.00
i. <u>Convey water storage permit</u>	\$300.00
j. <u>Application for recovery well permit</u>	
i. <u>First 10 wells</u>	\$50.00 per well
ii. <u>Over 10 wells</u>	\$10.00 per well
k. <u>Recovery well permit</u>	
i. <u>First 10 wells</u>	\$50.00 per well
ii. <u>Over 10 wells</u>	\$10.00 per well

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9. Certificate of Groundwater Oversupply:

Type of Application	Fee
a. <u>Application for certificate of groundwater oversupply</u>	<u>\$150.00</u>
b. <u>Certificate of groundwater oversupply</u>	<u>\$50.00</u>

10. Lakes:

Type of Application	Fee
a. <u>Application for permit to fill or refill a body of water</u>	
i. <u>Poor quality groundwater</u>	<u>\$150.00</u>
ii. <u>Interim</u>	<u>\$50.00</u>
b. <u>Permit to fill or refill a body of water</u>	
i. <u>Poor quality groundwater</u>	<u>\$75.00</u>
ii. <u>Interim</u>	<u>\$30.00</u>
c. <u>Application for determination of substantial capital investment to fill or refill a body of water</u>	<u>\$50.00</u>
d. <u>Application and permit for temporary emergency use of water to fill a body of water</u>	<u>\$50.00</u>

11. Safety of Dams:

Type of Application	Fee
a. <u>Application for review</u>	<u>No charge</u>
b. <u>Application filing fee – review of plans and studies based upon dam cost</u>	
i. <u>First \$100,000.00</u>	<u>2.0%</u>
ii. <u>Next \$400,000.00</u>	<u>1.5%</u>
iii. <u>Next \$500,000.00</u>	<u>1.0%</u>
iv. <u>Remainder over \$1,000,000.00</u>	<u>0.5%</u>
c. <u>Safety inspections</u>	
i. <u>Per inspection</u>	<u>\$100.00</u>
ii. <u>Plus, per foot of height</u>	<u>\$2.00</u>

12. Weather Modification:

Type of Application	Fee
a. <u>Application for weather modification license</u>	<u>\$100.00</u>
b. <u>License to manufacture or sell weather modification equipment</u>	<u>\$10.00</u>

13. Copies:

Type of Copies	Fee
a. <u>Photocopies</u>	<u>\$0.25 per page</u>
b. <u>Microfiche copies</u>	<u>\$0.30 per page</u>
c. <u>Computer reports</u>	
i. <u>First page of report</u>	<u>\$15.00</u>
ii. <u>Additional pages</u>	<u>\$0.25 each</u>
d. <u>Certified copies</u>	<u>\$2.75 per page</u>

C. In addition to the fees listed in subsection (B) of this Section, the applicant shall pay the Department the actual cost of mailing and/or publishing any legal notice required by statute.

ARTICLE 7. ASSURED AND ADEQUATE WATER SUPPLY

R12-15-702. Physical Availability Determination

A. A person may apply for a physical availability determination by submitting an application on a form prescribed by the Director with the ~~initial~~ fee required by R12-15-103(C) or R12-15-730, whichever applies, and providing the following information with the application:

1. No change
2. No change
3. No change

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- B. No change
- C. No change
 - 1. No change
 - 2. No change
- D. No change
- E. No change
- F. No change

R12-15-703. Analysis of Assured Water Supply

- A. No change
- B. An applicant for an analysis shall submit an application on a form prescribed by the Director with the ~~initial~~ fee required by R12-15-103(C) or R12-15-730, whichever applies, and attach the following:
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 3. No change
- C. No change
- D. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- F. No change
 - 1. No change
 - 2. No change
- G. No change
- H. No change
 - 1. No change
 - 2. No change
 - 3. No change
- I. No change
- J. No change

R12-15-704. Certificate of Assured Water Supply

- A. No change
- B. An applicant for a certificate shall submit an application on a form prescribed by the Director with the ~~initial~~ fee required by R12-15-103(C) or R12-15-730, whichever applies, and provide the following:
 - 1. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - c. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- C. No change
- D. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change

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- F. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
- G. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- H. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - 2. No change
- I. No change
- J. No change
 - 1. No change
 - 2. No change
 - 3. No change
- K. No change
 - 1. No change
 - 2. No change
 - 3. No change
- L. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- M. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change

R12-15-705. Assignment of Type A Certificate of Assured Water Supply

- A. The certificate holder of a Type A certificate and the assignee may apply for approval of an assignment of the Type A certificate within the time allowed by A.R.S. § 45-579(A). The assignee may file the application if there is no certificate holder. The application shall be submitted on a form prescribed by the Director with the ~~initial~~ fee required by R12-15-103(C) or R12-15-730, whichever applies, and the applicant shall provide the following:
 - 1. No change
 - a. No change
 - b. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - a. No change
 - b. No change
- B. No change
- C. No change
- D. No change

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- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- E. No change
- F. No change

R12-15-706. Assignment of Type B Certificate of Assured Water Supply

A. The certificate holder of a Type B certificate or a certificate issued before the effective date of this Section that has not been classified pursuant to R12-15-707 and the assignee may apply for approval of an assignment of the certificate to another person within the time allowed by A.R.S. § 45-579(A). The assignee may file the application if there is no certificate holder. The application shall be submitted on a form prescribed by the Director with the ~~initial~~ fee required by R12-15-103(C) or R12-15-730, whichever applies, and the applicant shall provide the following:

- 1. No change
 - a. No change
 - b. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change
- B. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
- E. No change
- F. No change
- G. No change

R12-15-707. Application for Classification of a Type A Certificate

A. A holder of a Type B certificate or a certificate issued before the effective date of this Section may apply to the Director to classify the certificate as a Type A certificate by submitting an application on a form prescribed by the Director with the ~~initial~~ fee prescribed in R12-15-103(C) or R12-15-730, whichever applies, and attaching evidence that the certificate meets the requirements of R12-15-704(H)(1).

- B. No change
- C. No change

R-12-15-708. Material Plat Change; Application for Review

- A. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
- C. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. No change
 - a. No change

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- b. No change
- c. No change
 - i. No change
 - ii. No change
 - iii. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
- E. A person may apply for a review of a revised plat to determine whether any changes to the plat are material as follows:
 - 1. The applicant shall submit an application on a form prescribed by the Director with the ~~initial~~ fee required by R12-15-103(C) or R12-15-730, whichever applies, and shall attach the revised plat.
 - 2. No change
 - 3. No change

R12-15-710. Designation of Assured Water Supply

- A. A municipal provider applying for a designation of assured water supply shall submit an application on a form prescribed by the Director with the ~~initial~~ fee required by R12-15-103(C) or R12-15-730, whichever applies, and provide the following:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- B. No change
 - 1. No change
 - 2. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
- F. No change

R12-15-712. Analysis of Adequate Water Supply

- A. No change
- B. An applicant for an analysis shall submit an application on a form prescribed by the Director with the ~~initial~~ fee required by R12-15-103(C) or R12-15-730, whichever applies, and attach the following:
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change

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- 3. No change
- C. No change
- D. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- F. No change
 - 1. No change
 - 2. No change
- G. No change
- H. No change
 - 1. No change
 - 2. No change
 - 3. No change
- I. No change
- J. No change

R12-15-713. Water Report

- A. No change
- B. An applicant for a water report shall submit an application on a form prescribed by the Director with the ~~initial~~ fee required by R12-15-103(C) or R12-15-730, whichever applies, and provide the following:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- F. No change
- G. No change
- H. No change
 - 1. No change
 - 2. No change
- I. No change
- J. No change

R12-15-714. Designation of Adequate Water Supply

- A. A municipal provider applying for a designation of adequate water supply shall submit an application on a form prescribed by the Director with the ~~initial~~ fee required by R12-15-103(C) or R12-15-730, whichever applies, and the following:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- B. A city or town, other than a municipal provider, that is applying for a designation shall submit an application on a form prescribed by the Director with the ~~initial~~ fee required in R12-15-103(C) or R12-15-730, whichever applies, and provide the following:

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- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- C. No change
 - 1. No change
 - 2. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- F. No change
- G. No change

R12-15-730. Assured and Adequate Water Supply Fees Effective July 1, 2011

- A.** With respect to an application listed in subsection (B) of this Section, beginning July 1, 2011, the Director shall accept or take action on the application only upon payment of the applicable fee as listed in subsection (B).
- B.** An applicant shall pay the following fees, as applicable:

<u>APPLICATION</u>	<u>FEE</u>
<u>1. Certificate</u>	<u>\$3,000.00 for the first 20 lots;</u> <u>\$3.00 for each additional lot;</u> <u>maximum \$5,000.00</u>
<u>2. Assignment of certificate issued after September 12, 2006</u>	<u>None</u>
<u>3. Reissuance of certificate issued after September 12, 2006, pursuant to R12-15-704(G)</u>	<u>None</u>
<u>4. Assignment of certificate issued before September 12, 2006, with or without request for classification as Type A certificate</u>	<u>\$250.00 for the first 20 lots;</u> <u>\$0.50 for each additional lot;</u> <u>maximum \$1,000.00</u>
<u>5. Reissuance of certificate issued before September 12, 2006, pursuant to R12-15-704(G)</u>	<u>\$250.00 for the first 20 lots;</u> <u>\$0.50 for each additional lot;</u> <u>maximum \$1,000.00</u>
<u>6. Classification as Type A, for certificate issued before September 12, 2006 (not included in assignment application)</u>	<u>\$250.00 for the first 20 lots;</u> <u>\$0.50 for each additional lot;</u> <u>maximum \$1,000.00</u>
<u>7. Material plat change review</u>	<u>\$250.00</u>
<u>8. Designation or modification of designation that includes evaluation of physical, legal, and continuous availability or consistency with management goal</u>	<u>\$1,000.00 for the first 1,000 acre-feet;</u> <u>\$0.50 for each additional acre-foot;</u> <u>maximum \$10,000.00</u>
<u>9. Modification of designation that does not include evaluation of physical, legal, and continuous availability or consistency with management goal</u>	<u>\$500.00</u>
<u>10. Water report</u>	<u>\$900.00 for the first 20 lots;</u> <u>\$2.00 for each additional lot;</u> <u>maximum \$2,000.00</u>
<u>11. Analysis</u>	<u>\$7,500.00</u>
<u>12. Physical availability determination</u>	<u>\$5,000.00</u>

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ARTICLE 8. WELL CONSTRUCTION AND LICENSING OF WELL DRILLERS

R12-15-806. License Fee; Issuance and Term of Licenses; Renewal; Display of License

- A. Except as provided in subsection (B) of this subsection, the fee for a well driller's license shall be \$50.00.
- B. Upon submittal of the license fee and satisfactory completion of an examination, the Director shall issue the applicant a well drilling license. The license shall be numbered and shall state the specialized classifications of drilling activities for which the applicant is qualified and licensed. The applicant shall be licensed in only those classifications for which the qualifying party has passed the specialized sections of the examination. If the qualifying party subsequently passes other specialized sections, the applicant's license shall be amended upon submittal of a license fee of \$50.00. Beginning July 1, 2010 through June 30, 2011, the applicant shall pay a fee of \$50.00 for the amendment of a well driller's license. Beginning July 1, 2011, no fee shall be charged for an amendment to a well driller's license.
- C. No change
- D. No change
- E. A person may renew a well drilling license by submitting an application for renewal on forms prescribed and furnished by the Director. Beginning July 1, 2010 through June 30, 2011, the renewal fee shall be \$50.00. Beginning July 1, 2011, the renewal fee shall be \$10.00. If the application and renewal fee are postmarked on or before June 30, the well drilling contractor may operate as a licensee until actual issuance of the renewal license. A license which has expired may be reactivated and renewed within one year of its expiration by filing the required application and a reactivation fee of \$50.00. Beginning July 1, 2010 through June 30, 2011, the reactivation fee shall be \$50.00. Beginning July 1, 2011, the reactivation fee shall be \$20.00. If a license has been expired for one or more years for failure to renew, the well drilling contractor shall apply for a new license and repeat the examination.
- F. No change

ARTICLE 12. DAM SAFETY PROCEDURES

R12-15-1208. Application to Construct, Reconstruct, Repair, Enlarge, or Alter a High or Significant Hazard Potential Dam

- A. An application package to construct, reconstruct, repair, enlarge, or alter a high or significant hazard potential dam shall include the following prepared by or under the supervision of an engineer as defined in R12-15-1202(11):
 - 1. No change
 - 2. No change
 - 3. An initial application fee based on the total estimated project cost and computed in accordance with A.R.S. § 45-1204 and either R12-15-104(A)(7) or R12-15-151(B)(11), whichever applies.
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change

R12-15-1210. Application to Construct, Reconstruct, Repair, Enlarge, Alter, Breach, or Remove a Low Hazard Potential Dam

- A. An application package to construct, reconstruct, repair, enlarge, or alter a low hazard potential dam shall include the following prepared by or under the supervision of an engineer as defined in R12-15-1202(11):
 - 1. No change
 - 2. An initial application fee based on the total estimated project cost, computed in accordance with A.R.S. § 45-1204 and either R12-15-104(A)(7) or R12-15-151(B)(11), whichever applies.
 - 3. No change
 - 4. No change
 - 5. No change
 - a. No change
 - b. No change
 - c. No change
 - 6. No change
 - 7. No change
 - 8. No change

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9. No change
10. No change
11. No change
- B.** An application package for the breach or removal of a low hazard potential dam shall include the following:
 1. No change
 - a. No change
 - b. No change
 - c. No change
 2. An initial application fee based on the total estimated project cost and computed in accordance with A.R.S. § 45-1204 and either R12-15-104(A)(7) or R12-15-151(B)(11), whichever applies.
 3. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - c. No change
 4. No change
- C.** No change
- D.** No change
 1. No change
 2. No change
- E.** No change
- F.** No change
- G.** Within 90 days after completing construction, reconstruction, repair, enlargement, or alteration of a low hazard potential dam, the owner shall file the following:
 1. No change
 2. An additional fee or refund request computed in accordance with A.R.S. § 45-1209 and either R12-15-104(A)(7) or R12-15-151(B)(11), whichever applies, based on the actual cost of construction, reconstruction, repair, enlargement, or alteration.
 3. No change
 - a. No change
 - b. No change
 - c. No change
 4. No change
- H.** No change
 1. No change
 2. No change
 3. No change
 4. No change
- I.** Within 90 days after completing removal of a low hazard potential dam, the owner shall file the following. The Director shall remove the dam from jurisdiction upon approval of the submittal.
 1. No change
 2. An additional fee or refund request computed in accordance with A.R.S. § 45-1204 and either R12-15-104(A)(7) or R12-15-151(B)(11), whichever applies, based on the actual cost of removal.
 3. No change
 4. No change
- J.** No change

R12-15-1211. Application to Construct, Reconstruct, Repair, Enlarge, Alter, Breach, or Remove a Very Low Hazard Potential Dam

- A.** An application package to construct, reconstruct, repair, enlarge, or alter a very low hazard potential dam shall include the following prepared by an engineer or a person under the supervision of an engineer as defined in R12-15-1202(11):
 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 2. No change

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3. No change
4. An initial application fee based on the total estimated project cost and computed in accordance with A.R.S. § 45-1204 and either R12-15-104(A)(7) or R12-15-151(B)(11), whichever applies.
5. No change
6. No change
 - a. No change
 - b. No change
 - c. No change
7. No change
8. No change
9. No change
- B.** No change
- C.** No change
- D.** No change
 1. No change
 2. No change
- E.** No change
- F.** No change
- G.** Within 90 days after completion of the construction, reconstruction, repair, enlargement, or alteration of a very low hazard potential dam, the owner shall file the following:
 1. No change
 2. An additional fee or refund request computed in accordance with A.R.S. § 45-1209 and either R12-15-104(A)(7) or R12-15-151(B)(11), whichever applies, based on the actual cost of construction, reconstruction, repair, enlargement, or alteration.
 3. No change
 - a. No change
 - b. No change
 - c. No change
 4. No change
- H.** No change
 1. No change
 2. No change
 3. No change
- I.** No change
- J.** No change
- K.** No change

R12-15-1213. Completion Documents for a Significant or High Hazard Potential Dam

Within 90 days after completion of the construction or removal work for a significant or high hazard potential dam and final inspection by the Department, the owner shall file the following:

1. No change
2. An additional fee or refund request based on the actual cost of the construction, computed in accordance with A.R.S. § 45-1209 and either R12-15-104(A)(7) or R12-15-151(B)(11), whichever applies.
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change

R12-15-1219. Safety Inspections; Fees

- A.** Except as provided in subsection (E), the Director shall conduct a dam safety inspection annually or more frequently for each high hazard potential dam, triennially for each significant hazard potential dam, and once every five years for each low and very low hazard potential dam. An owner of a dam shall pay the inspection fee required by R12-15-106 or R12-15-151(B)(11)(c), whichever applies, for each inspection of the dam pursuant to this subsection.
- B.** No change

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1. No change
2. No change
3. No change
- C. No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
- D. No change
- E. Inspections by the Owner
 1. No change
 2. No change
 3. Beginning July 1, 2010 through June 30, 2011, a safety inspection report submitted pursuant to this subsection shall include the fee required by ~~Section~~ R12-15-106(C). Beginning July 1, 2011, a person submitting a safety inspection report pursuant to this subsection is not required to include a fee with the report.
- F. No change
 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 3. No change
 4. No change