

MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT

1460 East Commercial Street
Mohave Valley, Arizona 86440
Phone: (928) 768-3325 • Fax: (928) 768-5239
Email: office@mvidd.net • Website: www.mvidd.net

PROCESS TO TRANSFER A PRELIMINARY ALLOCATION

A. INITIAL REQUEST.

1. If a Developer holds a preliminary allocation for domestic water and has paid non-refundable fees for that allocation, and the allocation has not yet lapsed due to non-use according to District policies, the Developer may apply for a transfer of the preliminary allocation to a new development within the District, whether a part of the original project or a new, distinct project. Complete and submit the Mohave Valley Irrigation & Drainage District Application with an 11 x 14 copy of the Preliminary Plat or Site Plan with Tract Number.
2. Applicant shall provide the same information for the transferee development as required by the District for a preliminary allocation of water, and shall provide a land use plan for the transferor land base from which the preliminary allocation is being removed, even if such plan is simply to leave the land in a natural, undeveloped state.
3. Submit a completed ADWR Generic Demand Calculator for the Phoenix Active Management Area. (available on the ADWR website).
<https://new.azwater.gov/aaws> Be sure to include all residential lots, common areas, commercial, landscape and other water uses within the subdivision. The demand calculator shall be used as a guide for the District's allocation, subject to review and adjustment as provided here:
 - a. For single family residential lots of 1 acre or less (up to five lots of unsubdivided land), the standard allocation shall be 0.34-acre feet per year per acre, unless the proposed use is such that the lots are subject to further subdivision. If the intended use is such that further subdivision may be allowed, or for applications that involve land exceeding 1 acre, the applicant shall provide the ADWR demand calculator projected use for the maximum number of lots that may be allowed under current zoning.
 - b. Any multi-family use, either an individual use or as part of a larger planned community, shall base the allocation request on the ADWR demand calculator for the multi-family portion.
 - c. The transfer, if approved, shall be subject to administrative transfer fees as set and modified by the District in its annual Comprehensive Fee Schedule.
 - d. The transfer may be in phases and may be supplemented by an application for an additional allocation of water to the new development if the transferred water is insufficient. A request to transfer a portion of the original allocation shall not toll the period of non-use for the remaining portion of that original allocation, and that remaining portion (and non-

refundable fees) shall remain subject to forfeiture for non-use.

- e. The transfer, if granted, shall be available for one year from the date of approval by the Board. The owner may apply for an extension of transferred preliminary allocation before the end of the one-year period, which request will be reviewed by the Board under the same standards for extending other preliminary allocations within the District.

4. Submit a check for the payment of fees. Fee amounts are determined by the Comprehensive Fee Schedule and Payment Rules. **ALL APPLICATIONS ARE SUBJECT TO BOARD APPROVAL. ANY AND ALL FEES ARE NON-REFUNDABLE.**

B. EXTENSION REQUEST(S).

1. A request for an extension must be submitted in writing not less than 30 days prior to the expiration of the Preliminary Allocation.
2. The request must be accompanied by proof of forward progress, e.g.:
 - a. ADEQ approvals;
 - b. Comments from Mohave County Planning & Zoning;
 - c. Comments from Mohave County Department of Public Works; or
 - d. Other documents demonstrating “good faith” forward progress.
3. Submit a check for the payment of fees for the extension request. Applicable fees are set forth in the Comprehensive Fee Schedule and Payment Rules. **ALL REQUESTS ARE SUBJECT TO BOARD APPROVAL. ANY AND ALL FEES ARE NON-REFUNDABLE.**
4. An extension will not exceed 24 months from the date the Preliminary Allocation was to expire.

C. FINAL ALLOCATION:

1. **REQUEST FOR A FINAL ALLOCATION.**
 - a. A Final Allocation may be requested when the development is submitted for final plat approval or a Certificate of Occupancy requested for non-subdivision development of a section. [Most developers submit one (1) final plat to Mohave County to obtain all outstanding comments.]
 - b. Submit a check for the payment of fees. Applicable fees are set forth in the Comprehensive Fee Schedule and Payment Rules. **ALL REQUESTS ARE SUBJECT TO BOARD APPROVAL. ANY AND ALL FEES ARE NON-REFUNDABLE.**
 - c. Upon approval of the Final Allocation Request by the District Board of Directors, a “Conditional Final Allocation” letter shall issue. **This letter should be submitted to ADWR to obtain the Water Adequacy Report.**
 - d. The Conditional Final Allocation shall expire six (6) months from the date of approval.
 - e. Two conditions must be met in order to obtain a Final Allocation:

- i. Proof of final plat approval by the Mohave County Board of Supervisors or a Certificate of Occupancy (and)
 - ii. Submission to the District of a signed 11 x 14 copy of the Recorded Final Plat or Site Plan.
- f. When the above conditions have been met, the District shall issue a Final Allocation Letter.

D. EXTENSION REQUESTS FOR CONDITIONAL FINAL ALLOCATIONS.

1. Requests for extension must be submitted in writing not less than 30 days prior to the expiration of the Conditional Final Allocation.
2. The request must be accompanied by proof of forward progress, *e.g.*:
 - a. ADEQ approvals;
 - b. Comments from Mohave County Planning & Zoning;
 - c. Comments from Mohave County Department of Public Works; or
 - d. Other documents demonstrating "Good Faith" forward progress.
3. The extension will be for a period of time to be determined by the District Board of Supervisors and will not exceed six (6) months.

SHOULD THE PRELIMINARY ALLOCATION, PRELIMINARY ALLOCATION EXTENSION, CONDITIONAL FINAL ALLOCATION OR CONDITIONAL FINAL ALLOCATION EXTENSION EXPIRE, ALL FEES PAID SHALL BE FORFEITED AND YOU WILL BE REQUIRED TO BEGIN THE PROCESS AGAIN.

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APPLICATION TO TRANSFER A PRELIMINARY WATER ALLOCATION

This is an application for a:

Residential Subdivision or Multi-family
RV Park
Industrial

Commercial/Industrial Subdivision
Commercial Development
Individual Lots

Part I. Contact Information:

Property Owner Contact Information:

Name: _____

Address: _____

Phone: _____ Fax: _____

Cell: _____ Email: _____

Engineer/Architect Contact Information:

Name: _____

Address: _____

Phone: _____ Fax: _____

Cell: _____ Email: _____

Correspondence To Be Sent To (Please Check Only One):

Owner Only

Engineer/Architect Only

Both

Part II. Description Of Transferee Property To Be Developed:

Name of Subdivision (if this is a subdivision, please include Mohave County Planning & Zoning Tract Number):

Township _____ Range _____ Section _____

APN No(s). _____

Has any portion of the parcel(s) previously been subdivided or platted?

Yes

No

If you answered yes, please indicate the name of the subdivision, including the tract number, in which the parcel(s) are located.

Has any portion of the property recently been used for agricultural purposes?

Yes

No

If you answered yes, please give the legal description of the property which had been used for agricultural purposes.

Part III. Proposed Development Of The Property:

What type and density of Residential, Multi-Family, Manufactured Homes, or RV Park use is being proposed? (Check all that apply. If none apply then write N/A.)

- | | |
|---------------------------------|-------------|
| Lakes | Size: _____ |
| Parks | Size: _____ |
| Green belts | Size: _____ |
| Pool | Size: _____ |
| Golf Course | Size: _____ |
| Clubhouse | Size: _____ |
| Commercial/Industrial Buildings | Size: _____ |

Part IV. Determination of Water Requirement:

Single Family Residential _____
(Number of Lots)

RV Park _____
(Number of spaces)

Commercial/Industrial _____
(Square footage of Buildings)

Multi-Family _____
(Number of Units)

Manufactured or Prefab Homes _____
(Number of Lots)

Part V. Description Of Transferor Development Property:

Name of Subdivision (if this is a subdivision, please include Mohave County Planning & Zoning Tract Number):

Township _____ Range _____ Section _____

APN No(s). _____

Has any portion of the parcel(s) previously been subdivided or platted?

Yes

No

If you answered yes, please indicate the name of the subdivision, including the tract number, in which the parcel(s) are located.

Part VI. Other: List any other information with relevance to this project.

Part VII. Signatures:

Please sign and date. Both owner and person submitting the Application must sign.

Owner (Please Print)

Signature

Date

Submitted By (Please Print)

Signature

Date

All required paperwork must be submitted for this application to be considered complete. If any paperwork is missing, the District will not process this application. When completed, please mail or deliver to:

Mohave Valley Irrigation & Drainage District (MVIDD)
1460 E. Commercial Street
Mohave Valley, AZ 86440

If you have any questions, please contact the District Office at (928) 768-3325.

THIS SECTION FOR MOHAVE VALLEY IRRIGATION & DRAINAGE USE ONLY

Received: _____ Reviewed: _____

Meeting Agenda: _____ Approved/Denied _____

Comments: _____

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Memorandum of Proposed Transfer

Preliminary Water Holder:

Assignee(s):

Name:

Name:

Legal Entity Status:

Name:

Legal Entity Status

Preliminary Water Holder and Assignee do hereby agree that Preliminary Water Holder has agreed to transfer to Assignee _____ acre feet per annum to Assignee for beneficial use by Assignee within the exterior boundaries of the Mohave Valley Irrigation & Drainage District (“District”).

Preliminary Water Holder and Assignee agree that the proposed transfer shall be subject to review and approval of District, and shall require an amendment to reduce the Preliminary Water Allocation volume thereof by the amount of the proposed transfer.

Preliminary Water Holder and Assignee agree that the volume of water actually transferred to Assignee shall be 8% less than the gross transfer amount, and shall therefore be _____ acre feet per annum to Assignee. Assignee agrees, if determined by District to be applicable, to enter into a subcontract with District for the net transferred volume of water.

Preliminary Water Holder agrees that the 8% volume of water, being _____ acre feet per annum, shall upon final approval of the transfer, revert to the District. Preliminary Water Holder and Assignee waive and relinquish any claim to this volume of water upon final approval of the transfer.

In Witness Whereof, the parties have executed this Memorandum of Transfer:

Preliminary Water Holder:

Assignee #1:

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Date: _____

Acknowledgements on Following Page:

Assignee #2:

By: _____

Its: _____

Date: _____

STATE OF _____)

) ss.

County of _____)

The foregoing Memorandum of Transfer instrument was acknowledged before me this ___ day of _____ 20___, by _____, the Preliminary Water Holder.

Notary Public

My Commission Expires:

STATE OF _____)

) ss.

County of _____)

The foregoing Memorandum of Transfer instrument was acknowledged before me this ___ day of _____ 20___, by _____, the Assignee.

Notary Public

My Commission Expires:

STATE OF _____)

) ss.

County of _____)

The foregoing Memorandum of Transfer instrument was acknowledged before me this ___ day of _____ 20___, by _____, the Preliminary Water Holder.

Notary Public

My Commission Expires:

STATE OF _____)

) ss.

County of _____)

The foregoing Memorandum of Transfer instrument was acknowledged before me this ___ day of _____ 20___, by _____, the Assignee.

Notary Public

My Commission Expires: