

CENTRAL ARIZONA WATER CONSERVATION DISTRICT
CENTRAL ARIZONA GROUNDWATER REPLENISHMENT DISTRICT
P.O. BOX 43020, PHOENIX, ARIZONA 85080-3020
23636 N. 7th STREET, PHOENIX, ARIZONA 85024

www.cagr.com

APPLICATION FOR
CONFIRMATION OF CAGR D FEE PAYMENT NOTICE
FOR SUBDIVISIONS WITHIN CAGR D
MEMBER LANDS AND MEMBER SERVICE AREAS
(EFFECTIVE JANUARY 1, 2015)

---TWO-PART PAYMENT OPTION---

Please Note: This "Two-Part Payment Option" application process may take up to 12 weeks to complete. An optional expedited application is also available.

PART I
DEFINITIONS

For purposes of this application, the following terms are defined as follows:

1. "Activation Fee" shall mean the fee established by CAWCD for the purpose of raising funds to pay a portion of the costs associated with acquisition and development of water supplies and infrastructure necessary for CAWCD to perform its obligations under Arizona Revised Statutes (ARS), Title 48, Chapter 22, Article 4. The Activation Fee is equal to the per-unit fee established by the CAWCD Board of Directors multiplied by the total number of housing units to be constructed on the Property.

The first half of the Activation Fee Payment must be paid to CAGR D prior to submitting a public report application to the Arizona Department of Real Estate. The second half payment must be paid to CAGR D by the date specified in the Agreement for Payment of Activation Fees.

2. "Agreement" shall mean the Agreement for Payment of Activation Fees.
3. "CAGR D" shall mean the Central Arizona Groundwater Replenishment District.
4. "CAWCD" shall mean the Central Arizona Water Conservation District.
5. "Certificate" shall mean a Certificate of Assured Water Supply obtained from the Director of the Arizona Department of Water Resources.

6. "Owner" shall mean the person(s) or entity(ies) identified in response to question 5, Part III, of this application.
7. "Property" shall mean the real property described in response to question 1, Part IV of this application.
8. "Replenishment Reserve Fee" shall mean the fee that must be paid to CAGR D in accordance with [ARS §§ 48-3772.E](#) and [48-3774.01.A](#). The Replenishment Reserve Fee must be paid to CAGR D prior to submitting an application with the Arizona Department of Real Estate for a Public Report for the Property.

Note: If you have any questions about this request form, please contact Nelle Carlsmith at 623-869-2380 or ncarlsmith@cap-az.com.

TO OBTAIN ANY OF THE FORMS REFERENCED IN THIS APPLICATION, OR FOR INFORMATION ABOUT THE CAGR D IN GENERAL, VISIT US ONLINE AT www.CAGR D.com

PART II INSTRUCTIONS

Step 1. Provide all information requested in **Part III** of this application, and complete and sign the Affidavit of Applicant. The Affidavit of Applicant must be signed by the Owner of the Property.

Step 2. Gather all documents required for initial processing, as listed in **Part IV**. To ensure that the application is complete and ready for submittal, please use the checklist provided.

A processing fee of \$250.00 is required to accompany this application. Please make check payable to: CAGRDR.

Step 3. Submit the completed application, all required documents and the processing fee to:

Central Arizona Groundwater Replenishment District
P.O. Box 43020, Phoenix, Arizona 85080-3020
23636 North 7th Street, Phoenix, Arizona 85024

Step 4. Once the application is received and determined to be complete and correct, CAGRDR will prepare the Agreement and forward it to the owner/applicant for execution.

Step 5. Return the executed, **original** Agreement, along with any additional required documents, to CAGRDR.

Step 6. CAGRDR will mail an invoice for the required fees.

Step 7. Submit the required first half payment (payable to CAGRDR).

Step 8. Upon receipt of payment, CAGRDR will execute the Notice. A copy of both the fully executed Agreement and Notice will be provided to the requestor.

Step 9. The owner will be invoiced for the remaining balance which must be paid by the date specified in the Agreement. If the balance is not paid according to the Agreement, the public report will be revoked by the Department of Real Estate and CAWCD will be entitled to interest, costs and penalties as provided by law.

**PART III
GENERAL INFORMATION**

1. Name of subdivision on Final Recorded Plat: _____

2. List of lots included in the subdivision for which this request is being submitted?

3. Name that will be used in marketing or promotional activity, if different from above (aka):

4. Water provider that will serve the subdivision? _____

5. Owner:
Owner(s) of the property must match the title report. *(Please attach a separate sheet with the following information for each additional owner)*

- a. Name: _____
- b. Organization: _____
- c. Address: _____
- d. City, State, Zip Code: _____
- e. Telephone: _____ Email: _____
- f. Type of legal entity: _____

6. Contact/Requestor Information:

- a. Name: _____
- b. Organization: _____
- c. Address: _____
- d. City, State, Zip Code: _____
- e. Telephone: _____ Email: _____

**PART IV
DOCUMENTS REQUIRED FOR INITIAL PROCESSING**

1. A legal description for which this request is being made.
2. A copy of the final recorded plat (11 x 17 or 8.5 x 11).
3. A Title Report (with the legal description) which is a true statement of the condition of title to the Property. The Title Report must be **dated no more than 30 days prior to receipt by CAGRD**. (The applicant shall pay all costs associated with obtaining the Preliminary Title Report).
4. A list of the assessor parcel numbers and their corresponding lot numbers (in numerical order by lot) for this application.
5. A current county assessor parcel map showing all parcels within the Property.
6. If the property is a CAGRD Member Land subdivision, provide a copy of the applicable Certificate of Assured Water Supply that was issued by ADWR to the current owner.

The following are documents required for the owner(s):

7. If the Owner is a *Corporation*, please submit the following documents:
 - a. A copy of the **filed** Articles of Incorporation along with any Amendments to the filed Articles;
 - b. A copy of the **most current** By-laws of the corporation;
 - c. A **new** Certificate of Good Standing from the Arizona Corporation Commission, or if the Certificate of Good Standing was purchased from the Arizona Corporation Commission's website, provide the Order Number. (<http://ecorp.azcc.gov/>)
If the corporation was formed in a state other than Arizona, provide a similar certificate from the state of incorporation;
 - d. An **original** **Corporate Resolution** authorizing (i) the corporation to execute and perform the Agreement, and (ii) an officer or agent authorized to sign on behalf of the corporation;
 - e. If applicable, a copy of the **filed** application and Certificate of Disclosure of Foreign Corporation.
8. If the Owner is a *Limited Liability Company*, please submit the following documents:
 - a. A copy of the **filed** Articles of Organization along with any Amendments to

- the filed Articles;
- b. A copy of the **current** Operating Agreement authorizing a member, manager, officer or agent authorized to sign on behalf of the company;
 - c. A **new** Certificate of Good Standing from the Arizona Corporation Commission or, if the Certificate of Good Standing was purchased from the Arizona Corporation Commission's website, provide the Order Number. (<http://ecorp.azcc.gov>)
If the corporation was formed in a state other than Arizona, provide a similar certificate from the state of incorporation;
 - d. An **original** [Consent to Action](#) by the members or managers of the company authorizing the company to execute and perform the Agreement;
 - e. If applicable, a copy of the **filed** Application for Registration as a foreign limited liability company and certificate of registration.
9. If the Owner is a *General Partnership or Joint Venture*, please submit the following documents:
- a. A copy of the **most current** Partnership Agreement authorizing a partner or agent to sign on behalf of the partnership or joint venture;
 - b. An **original** [Certificate of General Partners](#) authorizing the partnership or joint venture to execute and perform the Agreement;
 - c. If applicable, a copy of the **recorded** Certificate of Fictitious Name from the county recorder.
10. If the Owner is a *Limited Partnership*, please submit the following documents:
- a. A copy of the **most current** Limited Partnership Agreement authorizing a general partner or agent to sign on behalf of the limited partnership;
 - b. A copy of the **filed** Certificate of Limited Partnership;
 - c. An **original** Certificate of Existence from the Arizona Secretary of State and if the partnership was formed in a state other than Arizona, provide a similar certificate from that state;
 - d. An **original** [Certificate of Limited Partners](#) authorizing the limited partnership to execute and perform the Agreement;
 - e. If applicable, a copy of the filed application for registration as a foreign limited partnership and certificate of registration.
11. If the Owner is a *Limited Liability Partnership*, please submit the following documents:
- a. A copy of the **most current** Partnership Agreement authorizing a partner or agent to sign on behalf of the partnership;
 - b. A copy of the **filed** Application for Registration and **most recent filed**

Renewal of Registration;

- c. An **original** Certificate of Existence from the Arizona Secretary of State and similar certificate from the domicile state, if different;
 - d. An **original Certificate of Limited Liability Partnership** authorizing the partnership to execute and perform the Agreement; and
 - e. If applicable, a copy of the **filed** Application for Registration as a foreign limited liability partnership and Certificate of Registration.
12. If the Owner is a *Trust*, please submit the following document:
- A **copy** of the Trust Agreement authorizing a trustee or beneficiary to perform and sign the Agreement.

AFFIDAVIT OF APPLICANT

I hereby certify under penalty of perjury that the statements contained in this application, together with any documents submitted herewith are full, true, complete, and correct.

I am duly authorized to prepare and am the person responsible for the content of this application.

OWNER: _____
(Please print owner name)

By: _____

Its: _____

**PART V
FREQUENTLY ASKED
QUESTIONS**

Q. *Who needs to get a Confirmation of CAGR D Fee Payment Notice?*

A. Developers, builders, landowners or others seeking a Public Report for a subdivision that is (1) enrolled as a Member Land of the CAGR D or (2) located within a CAGR D Member Service Area.

Q. *Why do I need a Confirmation of CAGR D Fee Payment Notice?*

A. Because, in accordance with ARS § 45-576.C., ADRE will not approve a Public Report for your subdivision without this notice.

Q. *How do I know what fees are owed to CAGR D for my subdivision?*

A. For subdivisions that were enrolled as Member Lands of the CAGR D before January 1, 2004, only an Activation Fee must be paid to CAGR D. For subdivisions that were enrolled as Member Lands on or after January 1, 2004, both a Replenishment Reserve Fee and an Activation Fee are due. For subdivisions that are located within a CAGR D Member Service Area, only an Activation Fee must be paid to CAGR D. [Click here for the Final Rate Schedule.](#)

Q. *How do I know when my subdivision was enrolled as a Member Land of the CAGR D?*

A. A Declaration of Covenants, Conditions and Restrictions ("Declaration") was executed by the original owner of the land on which the subdivision will be built. Your subdivision's enrollment date is the date on which this Declaration was recorded into the records of the County Recorder.

Q. *What are the fees based on?*

A. The Activation Fees are on a per lot basis.

Replenishment Reserve fees are based on the size of the subdivision and the annual projected volume of replenishment that the CAGR D will be required to perform for the subdivision at build-out (as projected by ADWR).

Q. *What will CAGR D do with the fees?*

A. CAGR D will use the Replenishment Reserve Fees to purchase and store water to establish a reserve of long-term storage credits as required by Arizona Revised Statutes, Section 48-3772.E. and 48-3774.01.A. CAGR D will use the Activation Fees to purchase water rights and build infrastructure necessary to meet its replenishment obligations as required under Arizona Revised Statutes, Section 48-3772.A.

Q. How are the fees calculated?

A. The Replenishment Reserve fee is calculated by multiplying 2 (2 years up-front) by the Volume (V) by the Replenishment Reserve Charge (RRC) as follows:

Replenishment Reserve Fee = $2 \times V \times RRC$ where:

V = The annual volume of replenishment required by CAGR as projected by the AZ Department of Water Resources

RRC = The current [Replenishment Reserve Charge](#) as established by the CAWCD Board of Directors

The Activation Fee is calculated on a per lot basis.

Activation Fee = $HU \times PUAF$ where:

HU = The number of housing units in the subdivision

PUAF = The current per-unit [Activation Fee](#) as established by the CAWCD Board of Directors

Q. Will there be a processing fee?

A. Yes there is a processing fee for the two-part payment option.

APPLICATION CHECKLIST

For All Applicants

- _____ current Title Report with legal description **(no more than 30 days old)**
- _____ 8.5 X 11 or 11 X 17 Final Recorded Plat _____ list of assessor parcel numbers (in numerical order by lot)
- _____ CAWS (if the property is a CAGR Member Land)

For Corporations (page 5)

- _____ filed Articles of Incorporation **(copy)** _____ current By-laws of the corporation **(copy)**
- _____ Certificate of Good Standing **(new)** _____ Corporate Resolution **(original)**
- _____ If applicable, filed application & certificate of disclosure of foreign corporation **(copy)**

For Limited Liability Companies (page 5 & 6)

- _____ filed Articles of Organization **(copy)** _____ current Operating Agreement **(copy)**
- _____ Certificate of Good Standing **(new)** _____ Consent to Action **(original)**
- _____ If applicable, filed application for registration as a foreign limited liability company & certificate of Registration **(copy)**

For General Partnership or Joint Venture (page 6)

- _____ Certificate of General Partners **(original)** _____ current Partnership Agreement **(copy)**
- _____ If applicable, recorded certificate of fictitious name from the county recorder **(copy)**

For Limited Partnership (page 6)

- _____ Certificate of Limited Partners **(original)** _____ Certificate of Existence from the Secretary of State and similar certificate from the domicile state **(original)**
- _____ Filed Certificate of Limited Partnership **(copy)** _____ current Limited Partnership Agreement **(copy)**
- _____ If applicable, filed application for registration as foreign limited partnership and certificate of registration

For Limited Liability Partnership (page 6 & 7)

- _____ current Partnership Agreement **(copy)** _____ Certificate of Existence from the Secretary of State and similar certificate from the domicile state **(original)**
- _____ Certificate of limited liability Partnership **(original)** _____ filed application and most recent renewal of registration
- _____ If applicable, filed application for registration as foreign limited liability partnership and certificate of registration **(copy)**

For Each Trust (page 7)

- _____ Trust Agreement with beneficiaries