



CASE STUDY

Untransferred Private Well

Your buyer is purchasing a rural property, and during due diligence, you discover that the private well on the property is still registered under the name of the previous owner. The well registration was never transferred, and the title records show no clear documentation of how well ownership was handled in prior transfers.

You should now determine the correct owner, gather supporting documents, and complete a formal transfer of ownership to the new buyer.



What are the water issues behind the scenario?

Background

In Arizona, private wells with Irrigation Grandfathered Rights or Type 1 non-irrigation grandfathered rights transfer with the land, but ADWR needs the new owner to formally update the well registration. When multiple past owners did not complete this step, ADWR's registry continues to list the earlier owner as the well owner, even though that person no longer owns the property.

ADWR needs documentation to update ownership records. The "chain of title" for the property is not the same as the well registration history.

- Chain of Title tracks the ownership history of the land itself, involving deeds, mortgages, liens, and other property-specific legal documents recorded in county land records.
- Well Registration History tracks the permitting, drilling, and historical data related to the well's construction and usage, governed by state or local water resource agencies.

The documentation process is further complicated if the seller holds type 2 non-irrigation grandfathered rights. Because type 2 rights do not transfer with the land automatically, a property with a well does not automatically assume water rights, and will require extra steps to either sell or transfer the type 2 rights separately, or the buyer will need to establish new water rights independently under the new ownership.

Challenges faced in the scenario:

- There is no proof in the ADWR registry that ownership ever changed
- The agent needs to reconcile the land's chain of title with the well's outdated registration
- ADWR requires documentation to confirm that the well was located on the property in every transaction

Agency/Resource	Source Link	When can you use it
ADWR Well Registry Map	https:// azwatermaps.azwater.gov/ wellreg/	Verify existing well registration and identify outdated ownership
ADWR: Well Registry Search	https://app.azwater.gov/ WellRegistry/ SearchWellReg.aspx	Verify existing well registration and identify outdated ownership
ADWR Request to Change Well Information	https://www.azwater.gov/ sites/default/files/ permitting_forms/55-71A_ Request_Change_Well_Inf o_REV202305.pdf	Submit the ownership transfer after confirming the chain of title
ADWR Landowner Authorization to Register a Well of Record in a Third Party's Name	https://www.azwater.gov/ sites/default/files/ permitting_forms/55-73_Th ird_Party_Change_of_Regi stered_Owner_Authorizatio n-REV202204.pdf	ADWR requires written permission from a landowner to register a well on the landowner's parcel to a third party. Landowners, or their designated representative, must authorize the change on a Request to Change Well Information (form 55-81A) or this form.
ADWR NOI Site Plan	https://www.azwater.gov/ sites/default/files/ permitting_forms/ Page%203%20of%20NOI %20Site%20Plan.pdf	
County-specific GIS Maps OR visit the Groundwater Site Inventory	https:// www.pima.gov/1894/ Geographic-Information- Systems https:// azwatermaps.azwater.gov/ gwsiweb/	Verify the physical location of the well relative to the parcel boundaries



Step by step actions that the agent should take:

1. Confirm the well registration in ADWR's well registry

- Locate the well via registration number or map search
- Identify the name of the outdated well registrant (previous owner)
- Identify if the listed owner is living/deceased
 - a. If listed owner is deceased:
 - i. Identify heirs or successors by locating a death certificate for the prior well owner
 - ii. Confirm if probate or succession documents exist

2. Request well records from ADWR

- Get the original well registration and any historic filings to confirm any transfers
- Check ADWR's requirements for updating long-outdated records

3. Review County-specific property records & Chain of Title

- Pull deeds for all transactions since the well's installation
- Look for language referencing water rights or wells
- Confirm if the property and the well are transferred legally through each sale

4. Identify and contact the registered well owner (if needed)

- Depending on ADWR response, the agent may need to:
- Confirm the person is indeed the same individual still listed in the registry
- Obtain any required affidavit or signature if ADWR requests consent from the outdated registrant

5. Verify the physical location of the well

- Use satellite imagery, site maps, or surveys to confirm the well is located on the subject property
- Document the GPS/parcel alignment with ADWR's registry data

6. Compile documentation for ADWR's Transfer form. Requirements:

- Current deed showing the buyer's acquisition
- Prior deeds showing the chain of ownership
- Satellite imagery or site plan confirming well location
- Any ADWR-requested affidavits or supplemental proof of ownership
- \$30 Filing fee

7. Submit the ADWR well ownership transfer form

- Provide all supporting documentation

8. Share the findings with the client

- Explain the scenario
- Confirm the buyer will receive updated legal well registration matching their new ownership
- Recommend that they keep copies of all submitted documents for future transactions

How should you talk to your client about this?

Use of plain, professional language to convey the scenario:

- *“The well on this property was never transferred through past sales, so the registry still lists a previous owner from decades ago.”*
- *“This doesn’t mean the well doesn’t belong with the property; it just means the paperwork was never updated.”*
- *“We’ll gather the deeds showing how the property had different owners, confirm the well sits entirely on this land, and work with ADWR to officially transfer the well registration to you.”*
- *“Once updated, you’ll have clear, documented, well ownership that matches your new property records.”*



Potential questions to consider depending on nuances:

- If the previously registered well owner is still living, does ADWR require their signature for the transfer, or is chain-of-title documentation enough?
- Does ADWR treat a longer gap in ownership transfer differently from a recent gap?
- What is the proper process if the outdated registrant cannot be located, even though they are still alive (e.g., out-of-state, unreachable)?
- Should we, as agents recommend a current well log update when completing a long-overdue transfer?
- Does a title company have any obligation to identify untransferred well ownership during escrow?

Disclaimer: *This case study is provided for educational purposes only and reflects information available at the time it was developed. Arizona water laws, regulations, policies, and agency guidance may change over time. Always verify the most current information through official sources, such as the Arizona Department of Water Resources (ADWR), Arizona Department of Real Estate (ADRE), and other applicable state agencies. The Real Water Arizona project and its contributors are not responsible for decisions made based solely on this educational material.*