

**IRRIGATION ~~CONSUMPTION~~ IMPROVEMENT RULES
GENERAL PERMITS**

In accordance with Rule 11 of the Compact Rules Governing Improvement to Surface Water Irrigation Systems in the Arkansas River Basin in Colorado, the State Engineer has issued the general permits listed in Part A below, to approve ~~of categories~~ of improvements that the State Engineer has determined will not materially deplete the waters of the Arkansas River in violation of Article IV-D of the Arkansas River Compact. Conditions applicable to all general permits are listed in Part B below.

A. General Permits

1. Improvements to surface water irrigation systems that are used with senior water rights that are diverted from the Arkansas River or its tributaries upstream from Pueblo Reservoir. This general permit approves of improvements to surface water irrigation systems that are used with water rights that are diverted from the Arkansas River or its tributaries upstream from Pueblo Reservoir and that have a decreed date of appropriation senior to April 15, 1884. This general permit is not applicable if the water right is covered under General Permit A.2. If the improvement is used or will be used with water rights that are both senior and junior to April 15, 1884, the user must make an application in writing to the Division Engineer for approval of the improvement in accordance with the ~~Consumption~~Irrigation Improvement Rules.

2. Improvements to surface water irrigation systems that are used with water rights that are diverted from specified tributaries. This general permit approves of improvements to surface water irrigation systems that are used with water rights that are diverted from the following tributaries. The following tributaries include tributaries to the listed rivers and creeks,

provided that if the listed river or creek is limited to a point upstream from a designated location, only tributaries that flow into the listed river or creek upstream from the designated location are included.

- a. Cottonwood Creek
- b. Trout Creek
- c. South Arkansas
- d. Brown's Creek
- e. Hardscrabble Creek
- f. Texas Creek
- g. Grape Creek
- h. Fountain Creek at or upstream ~~from of~~ the Greenview Ditch headgatepoint of diversion
- i. Chico Creek
~~Bob Creek upstream from of Lake Meredith???~~
- ~~h.i.~~ Horse Creek at or above the inlet canal to upstream of the Horse Creek (Reservoir) Supply Ditch point of diversion
- ~~i.k.~~ Adobe Creek upstream from of the inlet canal to Adobe Creek (Reservoir) Supply Ditch point of diversion
- ~~j.l.~~ St. Charles River at or upstream of the Edson Ditch headgatepoint of diversion
- ~~k.m.~~ Huerfano River upstream from of the Welton Ditch headgatepoint of diversion
- ~~l.n.~~ Apishipa River at or upstream from of the Escondida Ditch point of diversion
- o. Two Buttes Creek upstream from of Two Buttes Reservoir
- p. Big Sandy Creek upstream of the Amity Canal point of diversion

3. Improvements to surface water irrigation systems that are within a designated ground water basin formed under §37-90-101, et seq., C.R.S. This general permit approves of improvements to surface water irrigation systems that are used with water rights that are diverted within a designated ground water basin.

B. General Permit Conditions

1. For an improvement to be covered by a general permit, the surface water user must give written notice of the type and location of the improvement to the Division Engineer's Office prior to using the improvement, on a form to be provided by the Division Engineer's Office. Said notice shall acknowledge the general permit conditions listed below.

2. The State Engineer may modify or revoke the permit under the conditions and with the notice required by Rule 11. The permittee understands and agrees that the permittee can be required to discontinue use of the improvement to a surface water irrigation system previously covered by a general permit, or otherwise to comply with the Irrigation Consumption Rules, if required to do so by an amendment of the rules or as necessary to comply with an order of the United States Supreme Court. No claim shall be made against the State of Colorado on account of such discontinuance or compliance.

3. The permittee understands and agrees that merely because an improvement to a surface water irrigation system is covered by a general permit, the improvement is not necessarily permitted by or consistent with the decree adjudicating the water right used in connection with the surface water irrigation system or the Water Right Determination and Administration Act of 1969, § 37-92-101 *et seq.*, C.R.S. In particular, an improvement to a

surface water irrigation system may not be used to irrigate land for which the water right was not decreed without filing an application for a change of water right.

4. In cases where the Division Engineer determines the improvement to a surface water irrigation system is not covered by a general permit, the Division Engineer may take such action as authorized by the Irrigation ~~Consumption~~Improvement Rules.

Dated: _____

By: _____

Dick Wolfe, State Engineer / Director of
Colorado Division of Water Resources