

**RULES AND REGULATIONS FOR CONSERVING, PRESERVING, AND
PROTECTING THE GROUND WATER RESOURCES OF THE CENTRAL YUMA
GROUNDWATER MANAGEMENT DISTRICT
(Last updated 3-21-2013)**

[Note that Rules 1 – 16 were adopted in 1970, became effective September 14, 1970, and have not been amended. They are re-produced here verbatim as they were adopted]

1. A log signed by the driller shall be given, by the driller, to the Central Yuma County Ground Water Management District on all wells and test holes drilled within the district. Log shall give the following information: Date drilled, legal description to nearest forty acres, depth to water and bedrock if drilled to bedrock and an accurate report of all formations drilled into. Log to be submitted within thirty days of date of drilling.

2. When an application for use of ground water is submitted to the Colorado Ground Water Commission, the same shall be preliminarily evaluated. If it appears that the Commission could grant such applications, a test hole shall be drilled prior to the granting of an application for use of ground water for irrigation, industrial, municipal or commercial use.

3. In order to alleviate waste no application will be approved for an annual appropriation in excess of 2 ½ acre feet per acre to be irrigated.

4. No permits shall be issued for supplemental wells.

5. In order to alleviate well to well interference, no application for irrigation well permit or other high use well will be approved within ½ mile of a previously approved or registered permit unless specifically recommended by the District following geological and hydrological investigation; provided, however, that a tolerance of 300 feet where reasonable shall be allowable.

6. A permit for a replacement well shall be granted provided that it is not more than 150 feet from the original well. This 150 feet limitation may be extended for good cause. Replaced well must be abandoned for irrigation purposes but could be used for domestic, stock, or similar purposes.

7. When an appropriator desires to use water outside the boundaries of the district he shall make application to the district board. If, after a hearing, the board determines that the rights of others within the district would be materially injured it shall not approve said application.

8. If an appreciable area of a three mile radius circle using the application site as a center has fifty feet or less of saturated thickness, the district board may prohibit irrigation development if such development would materially affect the rights of other water users within the area.

9. District shall investigate means of replacing water for domestic and stock use in areas of the district where depletion has been caused by irrigation development and existing

sources cannot be further developed. If methods of replacing water for depleted areas are found, said methods shall be presented to the people by public hearing.

10 All existing wells which produce more than 50 gallons per minute shall be metered by March 1, 1972. New wells completed after May 1, 1970 shall be metered before placing water to beneficial use. Meters shall meet the specifications adopted by the district. Meters shall be inspected and read by agents of the district.

11. The permit should be considered valid to irrigate only the land specified thereon. For the purposes of administration, if the applicant desires to irrigate land other than that specified in the permit, he should apply to the commission and district board for approval of the same. Approval may be given provided that there is no increase in the amount of water appropriated or in the number of acres irrigated.

12. After the presentation of facts in a hearing the district board shall have the authority to establish a reasonable ground water pumping level in any area in the district.

13. In order to cause compliance of the above regulations, the district board or representative thereof shall have the right:

- a) To go upon all lands, both public and private for the purpose of inspecting wells, pumps, and measuring devices, including wells used or claimed to be used for domestic or stock purposes.
- b) To order cessation of the use of a well pending the correction of any violation of district regulations.
- c) To commence actions to enjoin the illegal opening or excavation of wells or withdrawal or use of water therefrom, and to appear and become a party to any action or proceeding pending in any court or administrative agency when it appears that the determination of such action or proceeding might result in depletion of the water resources of the district contrary to the policy expressed in these regulations.
- d) To take such action as may be required to enforce compliance with any of these regulations.

14. Any person aggrieved by an act of the district board shall have the right to be heard by the board. If said person is dissatisfied with the decision of the board, he may appeal the same to a court of competent jurisdiction.

15. The district board shall review these controls, regulations, and conservation measures and may recommend revisions, deletions, or additions as the need arises.

16. Effective date of these regulations shall be September 14, 1970.

[Note that Rules 17 – 18 were initially adopted in 2003. Rules 17, 18.1, 18.3, & 18.4 have not been amended and are re-produced here verbatim as they were adopted]

17. Beginning with the 2003 irrigation season, the quantity of groundwater pumped from all irrigation wells permitted for less than 2 ½ acre-feet of water per acre shall be actively monitored and administered by the District in order to ensure that they are not pumping more water than is authorized. All such wells shall be equipped with a District approved water measurement device o procedure, which will be regularly monitored by the District at the well owner's expense. The District shall bill each well owner for the reasonable costs of this administration. All such billings shall be paid within 30 days. The failure to pay any such administrative expenses shall be viewed as a violation of the District's rules and regulations, and shall be enforceable by the District as would any other violation of the District's rules.

[Note that Rules 18.1 & 18.2 were initially adopted in 2003. These Rules were amended in 2013 with an effective date of March 21, 2013, and are re-produced here verbatim as they were amended]

18.1. In the case of any well owner who pumps more water in a given year than is allowed by any well permit, the District will require a future payback of 2 acre-feet of water for every acre-foot of over-pumping, unless modified pursuant to Rule 18.2. Such payback will be implemented by curtailment of future pumping from such well(s) beginning in the year following the year of violation and continuing until all of the required payback has been accounted for, even if it takes multiple years of curtailment to accomplish the payback.

18.2. Beginning January 1, 2004, if the District becomes aware that any well has reached or exceeded its permitted pumping limit, the District shall issue a cease and desist order which prohibits any additional pumping from the well(s) for that irrigation season. As part of the cease and desist order, the well owner will be ordered to cease further pumping and advised that any excess pumping that has already occurred is subject to the 2 for 1 payback provision of this rule. However, beginning with 2012, in any year within which Yuma county has been designated a drought disaster county by the USDA ("Drought Year"), the Board of Directors may, by majority action at any Board meeting, vote to modify the 2 for 1 payback requirement to temporarily be a 1 for 1 payback requirement, but only for any over-pumping that occurred during that Drought Year. Such Board action, if taken, would be effective for only one Drought Year at a time, and each different Drought Year would require separate Board action to modify the 2 for 1 payback requirement.

18.3. If the well owner voluntarily agrees to comply (and subsequently does comply) with the terms and conditions of the cease and desist order, including any payback that is required, then the District will not seek additional penalties or take other action against the well owner as a result of that particular violation. However, if voluntary compliance is not achieved through this mechanism and further violation occurs, the District will actively pursue other legal procedures, including actions in the District Court, to enforce the well permit limits. These additional actions may include requests for injunctive relief, economic penalties, damages, and any other penalty available by law or equity.

18.4. The adoption of this rule is not intended and shall not be construed to modify or amend in any way the provisions of any well permit or other Findings and Orders issued by the Colorado Ground Water Commission, or of any other rules previously adopted by the District. This rule is also not intended and shall not be construed to authorize or excuse in any way the violation of any condition or limitations contained in a well permit or other Findings and Orders issued by the Colorado Ground Water Commission. Additionally, this rule is not intended and shall not be construed to limit in any way the administration and enforcement authority granted to the State Engineer by C.R.S. Section 37-90-110.