

REGULATIONS FOR DEVELOPMENT AND CONTROL OF GROUND WATER RESOURCES
OF THE ARIKAREE GROUND WATER MANAGEMENT DISTRICT

1. No ground water shall be removed from aquifers within the boundaries of the District and put to a beneficial use outside of the boundaries of the District, unless authority is first obtained from the Board of Directors of the Arikaree Ground Water Management District, after a hearing upon the application for any such use in accordance with the Statutes of the State of Colorado as made and provided under Chapter 148, Article 18, Section 29, 2g as amended, as contained in the 1963 Colorado Revised Statutes Annotated.

2. No well other than a replacement well, small capacity well, or municipal well shall be drilled within a one-half mile radius of an existing high capacity well, unless upon hearing before the Directors, the applicant for such well can prove that the drilling of any such well will not cause unreasonable injury to prior appropriators and that such well will not cause the depletion of the aquifer from which water is to be pumped in excess of the prescribed rate of aquifer depletion.

3. The Board of Directors of the District shall have the right upon resolution to require any or all high capacity wells and/or all small capacity wells located within the District to be measured and may by resolution institute control measures to prescribe satisfactory and economical measuring methods for the measurement of water levels in and the amount of water withdrawn from high capacity and/or small capacity wells and require reports to be made at the end of each pumping season showing the water level was measured, the amount of water pumped during the pumping season and such other and further information as the Board of Directors may deem necessary and proper to secure appropriate information in order to protect and conserve the water resources within the District.

The operation of any well may be enjoined by the Board immediately upon the refusal to comply with the Rules and Regulations of the Board and resolutions requiring measuring devices or establishing a measuring method or refusing to permit the gathering of information as above provided from such wells.

4. No replacement or substitute wells shall be drilled within the District unless the replacement or substitute well shall be drilled within three hundred (300) feet of the original well, except as authorized by the Board of Directors of the Arikaree Ground Water Management District, and any or all replacement wells shall be equipped with flow meters or other measuring devices according to specifications as may from time to time be determined by the Board of Directors of the District by resolution and no replacement well shall be allowed to yield more than the original annual appropriation. The original well shall be abandoned and capped according to specifications as may from time to time by resolutions be determined by the Board of Directors of the District.

5. No supplemental well shall be drilled within the District.

6. No alternate point of diversion well shall be drilled within the District.

7. The annual appropriation of water from all wells, other than municipal wells and small capacity wells, may be set by resolution of the Board of Directors of the District, but at no time shall the annual appropriation of water exceed two and one-half (2½) acre feet per acre irrigated unless the ground water user has been given this right and authority by the State Engineer of the State of Colorado or the Ground Water Commission of the State of Colorado, or both under the provisions of the 1963 Colorado Revised Statutes Annotated, Chapter 148, Article 18, Section 7 and 8, as amended.

8. The ground water user shall use the water to the beneficial use stated on his permit. The said water shall be used on the land shown on the conditional or final permit and not to exceed that acreage. Upon request to the Board, the user may be allowed to irrigate on other land, provided that it does not cause him to exceed his annual appropriation or historical acreage irrigated.

9. The planned rate of aquifer depletion within the District shall be that established from time to time by the Colorado Ground Water Commission unless the Board of Directors of the District shall find that such rate is detrimental to the existing supply of water located within the aquifer of the District.

10. The Board of the District shall have the right by resolution to require all ground water users to submit reports on forms furnished by the ground water district regarding the use of the ground water by ground water users and any and all information pertinent to the amount of ground water withdrawn from any aquifer within a given period. The purpose of such information is to provide adequate information and data for the proper management and conservation of the ground water resources located within the District.

11. No ground water user shall waste water which is pumped from aquifers within the District.

All ground water users shall construct their wells, recovery pits, reservoirs, or water producing devices and use the same in such manner as to prevent waste and shall do everything necessary and proper to preserve the quality and quantity of the ground water resources within the District.

12. No well shall be drilled within the District unless drilled under a permit issued by the State Engineer of the State of Colorado under an application approved by the Colorado Ground Water Commission and unless such well is drilled by a licensed and bonded well driller, licensed and bonded under the Statutes of the State of Colorado as made and provided.

"Well Completion and Pump Installation Report" shall be filed with the District within ten (10) days after the completion of the said well and no water from this well shall be placed to a beneficial use or used by the ground water user in any manner until and unless the said statement and report have been filed with the District. A copy of the "Statement of Beneficiary Use of Ground Water" shall be filed with the District within thirty (30) days after first application of water to beneficial use.

13. Any owner or operator of any land within the District upon which is located any open or uncovered well or abandoned well is and shall be required to close or cap the same permanently with a covering capable of sustaining a weight of not less than six hundred (600) pounds except when such well is in actual use by the owner or operator therefore; no such owner or operator shall permit or allow any open or uncovered well to exist in violation of this requirement. Officers, agents and employees of the District are authorized to serve or cause to be served written notice upon any owner or operator of a well in violation of this rule which comes to their attention, thereby requesting such owner and/or operator to close or cap such wells permanently with a covering in compliance herewith. In the event that any owner or operator fails to comply with such request within ten (10) days after such written notice, any officer, agent or employee of the District may go upon the said land and close or cap said well in the manner complying with this rule and all expenditures thereby incurred shall constitute a lien upon the land where such well is located, provided however, no such lien shall exceed the sum of Three Hundred Dollars (\$300.00) for any single closing. Any officer, agent or employee of the District is authorized to perfect said lien by filing a materialsman's or mechanics' lien under the Statutes of the State of Colorado as made and provided.

14. The Board of Directors of the District shall have the authority to compel compliance with these rules and regulations by an action brought in the District Court of Washington, Yuma, Kit Carson or Lincoln County, Colorado, after a hearing on such violation has been held by the District. The District shall hold a hearing upon the violation and shall give the Respondent violator twenty (20) days notice of said hearing. Such hearing shall be conducted within the principal office of the District and shall be conducted in such a manner as to afford the violator an opportunity to be heard. Thereafter, and within thirty (30) days after the hearing, the Board shall render its final determination and serve a copy of the determination and order of the Board upon the violator. In the event that the violator shall fail, refuse or neglect to comply with the order of the said Board, as contained therein, then and in that event, the Board shall have the right and option of compelling compliance of such order by an action

brought in the District Court of the County of Washington, Yuma, Kit Carson or Lincoln, State of Colorado.

Further, in the event that the Respondent violator is dissatisfied with the decision or order of the said Board of Directors of the District, he may appeal the same to the District Court of Washington, Yuma, Kit Carson or Lincoln County, Colorado, within ten (10) days from the receipt of the order of said Board.

15. Any authorized officer, employee, agent or representative of the District shall have the right at all reasonable times to enter upon the land upon which any well or wells may be located within the boundaries of the District for the purpose of inspecting such well or wells and use of said well or wells.

16. 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.

17. Hearings may be conducted in such manner as the Board deems most suitable to the particular case at the principal office of the Board of the District and the technical rules of court and civil procedure need not apply. It is the purpose of the Board to obtain all relevant information and testimony pertaining to the issue before it as conveniently, inexpensively and expeditiously as possible without prejudicing the rights of either party.

Any party at interest in a proceeding may appear either in person or by an attorney or both in such proceeding. A party at interest is any party with a valid interest located within the boundaries of the District who is or may be affected by such proceedings. At the discretion of the Board, any one not a party at interest in a proceeding may appear.

Evidence and testimony will be admitted if it is of that quality upon which reasonable persons are accustomed to rely in the conduct of serious affairs. It is intended that needful and proper evidence shall be conveniently, inexpensively and speedily produced while preserving the substantial rights of the parties to the proceeding.

A hearing officer can be designated by the Board of Directors of the District to conduct the hearing.

Evidence may be stipulated by agreement of all parties in interest.

18. If any section, sentence, paragraph, clause, or part of these Rules and Regulations should be held or declared invalid or unconstitutional, for any reason by a final judgment of the courts of this State or of the United States, such decision or holding shall not affect the validity of the remaining portions of these Rules and Regulations and the Board does hereby declare that it would have adopted and promulgated such remaining portions of such rules irrespective of the fact that any other sentence, section, paragraph, clause or part thereof may be declared invalid or unconstitutional.

You may at such time and place appear to testify for or against, file written objections to or make known to the Board of Directors and the Ground Water Commission any objections you may have to the control measures, rules and regulations, and such time and place shall be the final date by which objections will be received.

ARIKAREE GROUND WATER MANAGEMENT DISTRICT
Washington, Yuma, Kit Carson and Lincoln
County, Colorado

BY: _____
President

BY: _____
Secretary

Amendment
Regulations for Development and Control of Ground Water Resources of the
Arikaree Ground Water Management District (GWMD)

On February 10, 1999 the Board of Director's of the Arikaree GWMD voted unanimously, by all members present, to **increase the annual appropriation allowed for small capacity commercial exempt wells from 5 acre-feet to 25 acre-feet.**

Sources: Minutes of the February 10, 1999 Arikaree GWMD Board of Director's Meeting
 Legal Notice published in the Wray Gazette on April 14 and 21, 1999
 Legal Notice published in the Limon Leader on April 15 and 22, 1999
 Legal Notice published in the Burlington Record on April 15 and 22, 1999
 Legal Notice published in the Akron News-Reporter on April 15 and 22, 1999
 Legal Notice published in the Flagler News on April 15 and 22, 1999