

IN RE:)
W-Y GROUND WATER MANAGEMENT DISTRICT)

NOTICE OF ORDER ADOPTING AND
INSTITUTING CONTROL MEASURES
TO INSURE CONSERVATION OF
GROUND WATER

RECEIVED

MAR 01 2001

TO: ALL GROUND WATER USERS THROUGHOUT THE W-Y GROUND WATER MANAGEMENT DISTRICT

WHEREAS, the Board of Directors of the W-Y Ground Water Management District have determined that control measures are necessary in order to insure the proper conservation of ground water within the district, they have instituted and adopted rules and regulations governing the use, control, conservation, preservation, protection and recharge of ground water aquifers located in the W-Y Ground Water Management District in Washington and Yuma County, Colorado.

NOW THEREFORE, Notice is hereby given that the following Rules and Regulations have been promulgated, adopted and approved by the W-Y Ground Water Management District on the 22nd day of May, 1972, as the Rules and Regulations governing the W-Y Ground Water Management District, Yuma and Washington County, Colorado, and shall become effective on the 28th day of July, 1972.

RULES AND REGULATIONS

Governing

The W-Y Ground Water Management District
Washington and Yuma County, Colorado

RULE 1

Ground Water Users Shall Read and Comply
with Rules and Regulations

Every ground water user within the District shall read these Rules and Regulations as set forth herein and shall become familiar with the same, together with all of the sections of the Statutes of the State of Colorado referred to herein. These Rules and Regulations shall apply to all ground water users within the W-Y Ground Water Management District, Washington and Yuma County, Colorado, and all ground water users shall at all times comply with these Rules and Regulations and all applicable Statutes and Laws of the State of Colorado regarding the use and appropriation of ground water from aquifers located within the District.

RULE 2

Definitions

1. The term "District" refers to the W-Y Ground Water Management District, Washington and Yuma County, Colorado.

2. The term "ground water user" as used in these Rules and Regulations shall mean any individual, partnership, association, corporation, agency of the State of Colorado, or any political subdivision or public agency thereof, and any agency of the United States of America making a beneficial use, or taking steps or doing work preliminary to making a beneficial use of ground water from an aquifer located within the boundaries or extensions thereof of the District.

3. The terms "underground water" and "ground water" are interchangeable in this article and refer to any water under the surface of the ground and located within the District.

4. The term "aquifer" refers to a formation, group of formations or part of a formation containing sufficient saturated permeable material that could yield a sufficient quantity of water that may be extracted and applied to a beneficial use.

5. The term "subdivision" as used herein is an area within the District.

6. The term "surface water" shall refer to water within the District which is run-off water caused by weather action, storms, and/or useable water from wells which in the natural course of events cannot be deemed tributary to a natural stream or river flowing through the State of Colorado.

7. The term "well" as used in these Rules and Regulations shall refer to any structure or device used for the purpose or with the effect of obtaining ground water for beneficial use from an aquifer.

8. The term "useable water" shall refer to any ground water which has been brought to the surface of the ground by wells from aquifers located within the District.

9. The term "waste" shall refer to any act or omission causing suffering or permitting any well to discharge water unnecessarily and without beneficial use above or below the surface of the ground or failing to apply or reapply useable water to a beneficial use or causing the pollution of water in any aquifer thereby rendering the same unfit for domestic or agricultural use.

10. The term "historical water level" shall refer to the average elevation of the ground water level in the District before being lowered by the activities of man, as nearly as can be determined by scientific investigation and available facts.

11. The term "well driller" shall refer to any individual, corporation, partnership, association, political subdivision, or public agency which operate a well drilling rig and equipment and which shall dig, drill, redrill, case, recase, deepen or excavate a well or wells for hire or for its own use, or for other consideration.

12. The terms "replacement or substitute wells" shall refer to a new well replacing an existing well.

13. The term "supplemental well" shall refer to any wells drilled and used in addition to an original well or other diversions

for the purpose of obtaining the quantity of the original appropriation of the original well, which quantity can no longer be obtained from the original well.

14. The term "alternate point of diversion well" shall refer to any well drilled and used in addition to an original well as other diversion, for the purpose of obtaining the present appropriation of that original well from more than one point of diversion.

15. The term "domestic well or small capacity well" is a term which is interchangeable and shall refer to any well which is drilled and operated under a permit wherein the authorized appropriation of ground water shall not exceed fifty gallons per minute.

16. The term "high capacity well" shall refer to any well which is drilled and operated under a permit wherein the authorized appropriation of ground water shall exceed fifty gallons per minute.

17. The term "municipal well" shall refer to any well which is drilled and operated solely by and for the municipality within the boundaries of a municipal corporation.

18. The term "water" shall mean water originating from under ground aquifers located within the District.

RULE 3

Removal of Ground Water from the District

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 W-Y 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. To so remove or attempt to remove and use ground water without direct authorization and approval of the Board of Directors of the District shall be unlawful.

RULE 4

Well Spacing

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.

RULE 5

Water Measuring Devices

The Board of Directors of the District shall have the right upon resolution to require all high capacity wells and/or all small capacity wells located within the District to be measured and may be

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, at the end of the pumping season, the date upon which 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.

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 to read or interpret any meter, weir box, or other device or obtain information or any method that the District shall terminate to measure the pumping capacity of the said wells, the water level of the said wells and the amount of water being pumped during any given time by any well which is 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.

RULE 6

Replacement or Substitute Wells

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. 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 historical beneficial use of the original well. 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.

RULE 7

Supplemental Well

No supplemental well shall be drilled within the District.

RULE 8

Alternate Point of Diversion Well

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

RULE 9

Annual Appropriation

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.

RULE 10

Land to be Irrigated

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. The Board of Directors shall have the right by resolution to modify, amend, change or further limit and restrict the application of this Rule.

RULE 11

Rate of Aquifer Depletion

The 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.

RULE 12

Aquifer Withdrawal Information

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 the 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.

RULE 13

Waste of Water

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.

RULE 14

Well Permits - Well Driller

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.

A copy of the "Statement of Beneficiary Use of Ground Water" and "Well Completion and Pump Installation Report" shall be filed with the District within ten 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.

RULE 15

Open Wells to be Capped

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 four hundred(400) 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 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 the 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 materialmen's or mechanics' lien under the Statutes of the State of Colorado as made and provided.

RULE 16

Compliance

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 and Yuma 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 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 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 and Yuma and 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 and Yuma County, Colorado, within ten (10) days from the receipt of the order of said Board.

RULE 17

General Rules of Procedure for Hearing Before the Board of Directors of the District

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.

The testimony shall be confined to the subject matter contained in the application or contest. In the event that any party at a hearing shall pursue a line of testimony or interrogation of a witness that is clearly irrelevant, incompetent or immaterial, the hearing officer conducting the hearing may forthwith terminate such line of interrogation.

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.

RULE 19

Severability

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 ir-

respective of the fact that any other sentence, section, paragraph, clause or part thereof may be declared invalid or unconstitutional.

W-Y GROUND WATER MANAGEMENT DISTRICT
Washington and Yuma County, Colorado

BY: Frank Gorman President

BY: Ray K. McKechny Secretary

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AMENDMENT TO RULES AND REGULATIONS

Governing

The W-Y Ground Water Management District
Washington and Yuma County, Colorado

RECEIVED

MAR 01 2001

WATER RESOURCES
STATE ENGINEER
COLO

Pursuant to the motion which was passed at the August 25, 1999 meeting of the Board of Directors of the W-Y Ground Water Management District, the Rules and Regulations Governing the W-Y Ground Water Management District are hereby amended as follows:

RULE 2, Definitions, is hereby amended to read as follows:

RULE 2

Definitions

15. The term "domestic well or small capacity well" is a term which is interchangeable and shall refer to any well which is drilled and operated under a permit wherein the authorized appropriation of ground water shall not exceed fifty gallons per minute, or 80 acre feet per year.

RULE 9, Annual Appropriations, is hereby amended to read as follows:

RULE 9

Annual Appropriation

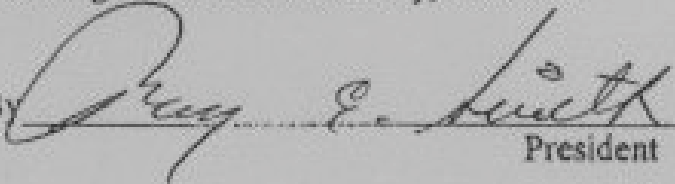
The annual appropriation of water from all wells, other than municipal wells and small capacity wells, may be set by resolution of the Board of Directors of the District, but at no time shall the annual appropriation of water exceed two and one-half (2½) acre feet per acre irrigated unless the ground 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. As to small capacity wells, the annual appropriation of water shall not exceed 80 acre feet.

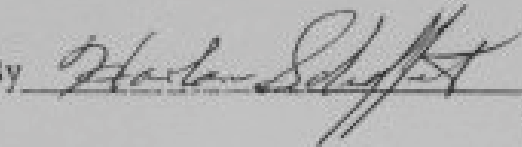
page 1

In all other respects the Rules and Regulations adopted by the Board on May 22, 1972, remain in effect as written.

Dated this 24 day of November 1999.

W-Y GROUND WATER MANAGEMENT DISTRICT
Washington and Yuma County, Colorado

By 
President

By 
Secretary