

6. GROUND WATER CONTROLS - These controls apply to ground water users, landowners, or operators in the South Platte NRD Districtwide Ground Water Management Area.

6.9 Pooling

6.9.1 Pooling arrangements for allocations and/or certified irrigated acres may only be approved if the following conditions are met: 1) all such pooling arrangements must be within county lines and within that portion of the allocation subarea; 2) no such pooling arrangements shall be allowed between allocation subareas; and 3) all such pooling arrangements must be approved by the Board and are subject to conditions imposed by the Board. Allocation subareas and county lines are shown on the attached map (Appendix C).

6.9.2 Pooling arrangements of certified irrigated acres are prohibited during the first three (3) complete irrigation seasons following installation of a flow meter on the affected well, and initiation of an allocation system pursuant to these rules and regulations, unless the Board approves a variance.

6.9.3 Before the Board may approve a pooling arrangement, at least sixty percent (60%) or more of the allocation shall have been used during the previous allocation period.

6.9.4 An application for a pooling arrangement shall be in writing and contain the signatures of every person having an interest in such arrangement.

6.9.5 An application for a pooling arrangement shall be submitted on or before January 30, and once approved will be effective for the remainder of the then current allocation period.

6.9.6 An application for a pooling arrangement shall include, but not be limited to the following:

6.9.6.1 Application form (available from the District);

6.9.6.2 Pooling arrangement in writing;

6.9.6.3 Proof of ownership from tax assessor for each certified irrigated tract to be involved in the pooling arrangement; and

6.9.6.4 Aerial photograph showing tracts to be involved in the pooling arrangement.

6.9.7 Pooling arrangements, which the Board has previously approved, may be renewed by filing an application with the District for subsequent allocation periods.

6.9.8 The unused portion of any allocation for certified irrigated tracts subject to a pooling arrangement shall remain with each tract whenever a pooling arrangement is terminated. Upon the written consent of all signatories to a pooling arrangement to terminate the pooling arrangement, the Board shall prorate any remaining allocation among the members.

6.9.9 In no event may a pooling arrangement result in more ground water being withdrawn than a ground water user's total allocation.

6.9.10 The Board may condition its approval or deny any pooling arrangement to the extent necessary to: 1) ensure the consistency of the arrangement with the purpose or purposes for which the management area or subarea was designated, 2) prevent adverse effects on other ground water users or on surface water appropriators, 3) prevent adverse effects on the state's ability to comply with an interstate compact or decree or to fulfill the provisions of any other formal state contract or agreement, and 4) otherwise protect the public interest and prevent detriment to the public welfare.

6.9.11 A pooling arrangement shall not be approved unless it has one or more certified irrigated tracts with unused allocations or carryforward.

6.9.12 A newly purchased certified irrigated tract may continue in an existing pooling arrangement provided all persons in such pooling arrangement agree in writing.

6.9.13 Nothing contained in this Rule 6.9 is intended or shall be construed as 1) permitting the development of any new well, or 2) prohibiting a person from pursuing a variance from these rules and regulations, pursuant to Rule 7 of these rules and regulations.