

POLICY RESOLUTION

REGARDING QUOTA ENFORCEMENT

ADOPTED BY:

THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT; AND

THE WELL AUGMENTATION SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT; AND

THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT

WHEREAS, the Central Colorado Water Conservancy District ("CCWCD") is a quasi-municipal corporation and political subdivision of the State of Colorado organized and existing as a water conservancy district pursuant to §37-45-101, et. seq. *C.R.S.* and is authorized and empowered thereby to furnish water to lands within its boundaries; and

WHEREAS, the Ground Water Management Subdistrict of the Central Colorado Water Conservancy District ("GMS") is a quasi-municipal corporation and political subdivision of the State of Colorado organized and existing as a water conservancy district pursuant to §37-45-101, et. seq. *C.R.S.* and is authorized and empowered thereby to furnish water to lands within its boundaries; and

WHEREAS, the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District ("WAS") is a quasi-municipal corporation and political subdivision of the State of Colorado organized and existing as a water conservancy district pursuant to §37-45-101, et. seq. *C.R.S.*, and is authorized and empowered thereby to furnish water to lands within its boundaries; and

WHEREAS, in order to comply with the terms and conditions of the Water Court decrees Case No. 02CW335 and Case No. 03CW99 it necessary to impose annual quotas on the amount of water pumped by each Member Well; and

WHEREAS, the Board of CCWCD, GMS and WAS (Districts) desire to set forth a policy providing guidelines for staff in the enforcement of declared quotas;

NOW, THEREFORE, it is declared to be the policy of the Districts that:

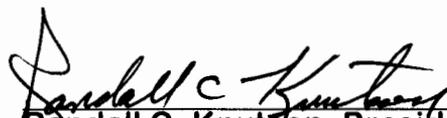
- 1) **Meters and Over Pumping.** No Member Well shall pump water without a properly installed and functioning well meter. The owner of a Member Well shall be responsible for monitoring the meter installed on the Member Well to ensure that said Member Well does not exceed its quota for that water year (April 1 through March 31). The Member Well owner shall be responsible for reading the meter and reporting said meter reading to the Districts on a monthly basis. Agents, Employees and/or representatives of the Districts shall have the right to read the meter at any time. Any Quota Trading shall be done before March 31 of the current water year. Any amount pumped in excess of the contract allocation as of March 31 shall be deemed “over pumping”.
- 2) **Meter Tampering.** Agents, employees and/or representatives of the Districts shall have authority to recalibrate or move meters for the purpose of proper measurement of well pumping. No well owner or other person shall re-calibrate or move a well meter. No well owner or other person shall alter or tamper with a well meter. A violation of this paragraph shall be deemed “meter tampering.”
- 3) **Compliance.** The well owner is responsible to insure compliance with ¶1 and ¶2 and the well owner will be held responsible for a violation of ¶1 and ¶2. Action by a tenant or other person shall not relieve the well owner of responsibility or the consequences of any violation.
- 4) **Termination.** The consequence for “over pumping” and/or “meter tampering” is termination of the Member Well Contract.
- 5) **Notice of Violation.** In the event the Districts discover a violation of the provisions of this policy has occurred, staff shall notify the Member Well owner by certified U.S. Mail of the alleged violation with a copy to the Division Engineer (Notice). The Notice shall clearly set forth the nature of the alleged violation and the consequences. No later than 30 days following the mailing of the Notice a Member Well owner may petition the Districts for a hearing to challenge the alleged violation set forth in the Notice. Upon receiving a petition for a hearing, the staff shall schedule a hearing before the Board, or a duly selected hearing officer, at which the petitioning Member Well owner shall have an opportunity to appear and dispute the allegations. At the conclusion of the hearing, the Board or hearing officer shall make a determination as to whether a violation of this policy has occurred, and, if a violation is found to have occurred the Member Well Contract shall be terminated as required by ¶4. In the event no request for hearing is received within 30 days from the mailing of the Notice the Member Well Contract shall be terminated and subject to immediate enforcement.

- 6) **Reinstatement of Contract-Over Pumping.** The owner of Member Well may petition the Districts for reinstatement of a Contract terminated because of over pumping as follows. The terms for reinstatement are based on whether the over pumping violation is a first, second or third occurrence.
- a) **First Occurrence.** The Petition for Reinstatement may be approved upon the payment by the well owner of a reinstatement assessment which is equal to the number of acre feet pumped in excess of the Member Well's quota multiplied by 3 times the price of the most expensive water leased by the Districts for that year. (For Example, if a Member Well pumps 10 acre feet over its quota for the year and the most expensive water leased by the Districts equals \$100 per acre foot, then the assessment equals 10 acre feet x (3 x \$100 per acre foot) = \$3,000).
 - b) **Second Occurrence.** The Petition for Reinstatement may be approved upon the payment by the well owner of a reinstatement assessment pursuant to the formula set forth in paragraph 6)a) above.
 - c) **Third Occurrence.** In the event of a third occurrence of over pumping the Member Well contract may not be reinstated.
- 7) In addition to the terms of reinstatement set out in ¶6)a) and b), the quota for the Member Well shall be reduced in each of the following years until the amount over pumped has been offset.
- 8) **Reinstatement of Contract-Meter Tampering.** The owner of Member Well may petition the Districts for reinstatement of a Contract terminated because of meter tampering as follows. The terms for reinstatement are based on whether the meter tampering violation is a first, second or third occurrence.
- a) **First Occurrence.** The Petition for Reinstatement may be approved upon the payment by the well owner of a reinstatement assessment calculated as follows. It shall be assumed that the Member Well pumped 100% of its normal pumping requirement. (The number upon which the quota is determined. i.e. if the quota is 50% and that allows a well to pump 10 acre feet, it will be assumed the well pumped a total of 20 acre feet). The Member Well must pay a reinstatement assessment which equals \$5,000 plus the amount of acre feet assumed to have been pumped multiplied by 3 x the price of the most expensive water leased by the Districts for that year (For example. assuming a quota of 50% allows the Member Well to pump 10 acre feet and the most expensive water leased

that year equaled \$100 per acre foot, the fine would equal \$5,000 + (20 acre feet x (3 x \$100 per acre foot))= \$11,000).

- b) **Second Occurrence.** The Petition for Reinstatement may be approved upon the payment by the well owner of a reinstatement assessment calculated as follows. It shall be assumed that the Member Well pumped 100% of its normal pumping requirement. The Member Well shall then be assessed a fine which equals \$10,000 plus the amount of acre feet assumed to have been pumped multiplied by 3 x the price of the most expensive water leased by the Districts for that year; and
 - c) **Third Occurrence.** In the event of a third occurrence of meter tampering the Member Well contract may not be reinstated
- 9) It shall be the responsibility of the Owner of the Member Well to notify his/her lessee of the quota allotment for a given year. Owners of Member Wells shall be responsible for acts of their tenants, lessees or other persons and shall be directly responsible for any consequences incurred as a result of tampering and or over pumping as described above.
- 10) This Policy Resolution hereby amends and replaces, in its entirety, Policy Resolution Regarding Quota Enforcement dated September 18, 2012.

DATED this 21st day of MARCH, 2017.


Randall C. Knutson, President of the
Board of Directors of the Central
Colorado Water Conservancy
District, Ground Water
Management Subdistrict of the
Central Colorado Water
Conservancy District and the Well
Augmentation Subdistrict of the
Central Colorado Water
Conservancy District.

I, Randy Ray, do hereby certify that the above is a true and correct copy of a Resolution adopted by the Board of Directors of the Central Colorado Water Conservancy District, Well Augmentation Subdistrict of the Central Colorado Water Conservancy District and the Groundwater Management Subdistrict of the Central Colorado Water Conservancy District on the 21st day of March, 2017.

(SEAL)





Randy Ray
Executive Director

