

CALCULATING OVER USE PENALITIES

6-1.4. Penalties for over use of Ground Water are as follows:

6-1.4.1. If at the end of an Allocation Period, subject to the requirement of Rule 6-1.5, a Person has exceeded his or her Allocation, the Allocation for the next Allocation Period shall be reduced. For excess use less than or equal to three (3) acre-inches above the Allocation, the next Allocation shall be reduced by an amount of acre-inches equal to that of the excess use. For excess use greater than three (3) acre-inches above the Allocation, the next Allocation shall be reduced by three (3) acre-inches plus an amount of acre-inches equal to two (2) times that of the excess use beyond three (3) acre-inches.

Ex. 1: A Person pumping 47 acre-inches during a five-year Allocation Period would result in a deduction of 2 acre-inches from the Person's next Allocation. The Person's next Allocation would total 43 acre-inches.

Ex. 2: A Person pumping 50 acre-inches during a five-year Allocation would result in a deduction of 7 acre-inches from the Person's next Allocation ($3 + (2 \times 2) = 7$). The Person's next Allocation would total 38 acre-inches.

6-1.4.2. Any Person who uses more than the Maximum Allocation of Ground Water on any effective Certified Irrigated Acre shall have any remaining Allocation reduced by three (3) times any amount used over such Maximum Allocation. If the penalty exceeds the remaining Allocation, any remaining Allocation shall be reduced and the unsatisfied portion of the penalty shall be deducted from the Allocation in the next Allocation Period.

Ex. 1: A Person pumping 15 acre-inches in a Compact Call Year during the first year of an Allocation Period would result in a deduction of 6 acre-inches from the Person's remaining Allocation of 30 acre-inches. The Person's remaining Allocation for use during the final four years of the Allocation Period would total 24 acre-inches.

Ex. 2: A Person who used 27 acre-inches during the first three years of an Allocation Period has 18 acre-inches to use during years four and five of the Allocation Period. If that Person pumps 2 inches more than the Maximum Allocation (15 acre-inches), they would not be allowed to pump in year five of the Allocation Period (remaining 3 inches of Allocation reduced). Such Person would also incur a reduction of 3 acre-inches from their next Allocation. The Person's next Allocation would total 42 acre-inches.

Ex. 3: A Person has used 32 acre-inches during the first four years of an Allocation Period and has 13 acre-inches remaining for the Allocation Period. That Person pumping 2 inches more than the Maximum Allocation (15 acre-inches) would have his next Allocation reduced by 6 acre-inches. The Person would also be subject to the penalties in Rule 6-1.4.1 for pumping 47 acre-inches during a five-year Allocation Period, which would result in a reduction of 2 additional acre-inches from the Person's next Allocation. The Person's next Allocation would total 37 acre-inches.