

**Effective as of March 21, 2014**

**RULE 7-6 POOLING ARRANGEMENTS OR AGREEMENTS AND ALLOCATION OF GROUND WATER**

**Introduction.**

**In an effort to conserve ground water within the District the Board adopts this rule on pooling which provides greater flexibility for ground water users.**

- 7-6.1 Pooling Arrangement** means the approval by the District on forms provided by the District of an arrangement by a single landowner to combine more than one tract of land under common ownership for the purpose of allocating ground water among the total combined Certified Irrigated Acres identified in the arrangement.
- 7-6.2. Pooling Agreement** means the approval by the District on forms provided by the District of an agreement between two or more owners of land under common management for the purpose of allocating ground water among the total combined Certified Irrigated Acres identified in such agreement.
- 7-6.3.** Any person who owns land within the District which has Certified Irrigated Acres may elect to enter into a Pooling Arrangement or Pooling Agreement. Any Pooling Arrangement or Pooling Agreement shall be submitted to the District on or before June 1 of any irrigation season. No Pooling Arrangement or Pooling Agreement shall be utilized until District approval has been obtained. Any amendments or revisions to a Pooling Arrangement or Pooling Agreement made after June 1 will not be considered by the District until the next irrigation season.
- 7-6.4.** Any Pooling Arrangement or Pooling Agreement submitted to the District for approval shall include the following information:
- (a) The name of all persons involved including any tenants;
  - (b) A map or maps from the Natural Resources Conservation Service or the District showing the location of all Certified Irrigated Acres and wells. Identification of all wells including the well registration number and the serial number of each flow meter;
  - (c) Proof of ownership from Farm Service Agency, title company, County Assessor or other recognized source.
  - (d) The legal description of each tract of land included in Pooling Arrangement or Pooling Agreement.
  - (e) All signatures on the Pooling Arrangement or Pooling Agreement, including tenants, if any, must be notarized.
- 7-6.5.** If any land containing Certified Irrigated Acres identified in the Pooling Arrangement or Pooling Agreement has been leased, the tenant of such leased land shall signify approval by signing the Pooling Arrangement or Pooling Agreement.
- 7-6.6.** No person owning land containing Certified Irrigated Acres within the District shall apply more than eleven (11.0) inches of ground water per effective Certified Irrigated Acre during the 2014 irrigation season; **provided however**, if a Pooling Arrangement or Pooling Agreement has been approved, then the such owner or owners shall apply no more than ten (10.0) inches multiplied by the total number of effective Certified Irrigated Acres identified in either the Pooling Arrangement or Pooling Agreement, which may be allocated among the number of effective Certified Irrigated Acres, at the discretion of such owner or owners.
- 7-6.7.** This rule 7-6 shall supersede the Allocations provided in Rule 7-2 for the remainder of the Allocation Period which expires on December 31, 2017.
- 7-6.8.** Any person who uses more than the annual Allocation of ground water on any effective Certified Irrigated Acre, or the total Allocation (number of inches x total Certified Irrigated Acres) on all effective Certified Irrigated Acres identified in any Pooling Arrangement or Pooling Agreement, for any one irrigation season

where there has been a maximum established for that year, shall have any remaining allocation for the Allocation Period reduced by three (3) times any amount used over such maximum.

- 7-6-9.** If the Board does not impose a maximum annual allocation, then Rule 7-2.4 will apply to any use which exceeds the permissible Allocation.
- 7-6.10.** The Board, in its sole discretion, may deny any application for approval of a Pooling Agreement or Pooling Arrangement based on the level of ground water decline within a certain geographic area within the District. In making such a determination the District may rely on ground water statistics of any state or federal governmental agency, including but not limited to, the Conservation and Survey Division of the University of Nebraska.
- 7-6.11.** This Rule 7.6.11 limits the distance between tracts of land which may be subject to pooling under this Rule 7-6. Tracts of land which may be pooled shall be located in one county; provided however, if a person or persons owning such land in one county desires to pool tracts in more than that one county, such tracts shall be located in an adjoining or contiguous county or counties. Pooling Arrangement or Pooling Agreements which do not comply with this Rule shall be denied.
- 7-6.12.** The Board reserves the right to set a one-year pumping maximum allocation in accordance with Section B 2 of its Integrated Management Plan and Section 6-7.3 of its Rules, which will be applicable to all Certified Irrigated Acres, including those identified in any Pooling Agreement or Pooling Arrangement. For the 2014 irrigation season, the maximum allocation is 11.0 inches per effective Certified Irrigated Acre or 10.0 inches per effective Certified Irrigated Acre if a Pooling Arrangement or Pooling Agreement has been approved by the District.
- 7-6.13.** Any person who has entered into a Pooling Arrangement may terminate it by notifying the District in writing prior to June 1 of any subsequent irrigation season. Any person who has entered into a Pooling Agreement may terminate it by notifying the other parties and the District in writing prior to June 1 of any subsequent irrigation season.