

7.4 Change of Description of Irrigated Acres (No Increase in Acreage).

~~7.4.1 An application to change the description of acres may be approved if a right to irrigate the claimed number of acres is established pursuant to Sections 37-90-107 and 108, C.R.S., and the requested change will not result in any material injury to the vested rights of other appropriators. A change of description of irrigated acres may not result in an increase over the historical depletion of the aquifer by the well. The future average annual withdrawal from a well under this Rule shall not exceed the average annual legal historical withdrawal by the well and may be less than this amount to ensure no increased depletion of the aquifer, i.e. to compensate for any reduction in return flows back to the aquifer.~~

~~7.4.2 Applications filed for a change of description of irrigated acres shall be deemed as an application for rotational acres to be evaluated under Rule 7.5 if the permit has already been granted a change of description of acres by the Commission twice within the last four years. It shall be the burden of the applicant to demonstrate the historical withdrawal of water and the resulting depletion to the aquifer. The provisions of Rule 7.10 shall apply to determine the historical withdrawal and depletion by a well.~~

~~7.4.3 The well must have a totalizing flow meter installed, or have an alternate method of measurement of withdrawals as approved by the Commission.~~

~~7.4.4 The allowed maximum annual amount of withdrawal from a well shall be administered by the three-year modified banking provisions of Rule 7.11.~~

~~7.4.5 The well owner must have a contract with the local Ground Water Management District, Commission, or other person or entity acceptable to the Commission, to provide assistance with administration of the changed water right as may be required by the approval of the change.~~

~~7.4.6 A change of description of irrigated acres that corrects the description and number of irrigated acres to those irrigated acres under which the irrigation right was established by placement to beneficial use and which have been continued to be irrigated since the irrigation right was established may be approved under the following requirements rather than under the requirements of Rules 7.4.1 through 7.4.5.~~

~~7.4.6.1 It shall be the burden of the applicant to demonstrate that the description and number of the changed irrigated acres are those irrigated acres under which the irrigation right was established by placement to beneficial use and which have been continued to be irrigated since the irrigation right was established.~~

~~7.4.6.2 The number of acres allowed to be irrigated by the changed description may not be more than the number of acres allowed to be irrigated under the original permit prior to the change of description.~~

~~7.4.6.3 The annual amount of water allowed to be withdrawn for use after the change may not be more than (the number of acres allowed to be irrigated by the change of description) times (the acre-foot per acre rates required for appropriations for new wells by Rule 5.5).~~