Board puts final touches on pooling rules

By Russ Pankonin

The Imperial Republican

Irrigators will get their chance to comment on proposed changes to the Upper Republican Natural Resources rules and regulations at a public hearing set for Monday, Feb. 13.

The meeting will be held at the district office in Imperial beginning at 1 p.m. MT. The regular monthly meeting will follow the hearing.

After spending nearly four hours discussing the proposed changes last Monday, Jan. 9, the board spent another 45 minutes on the wording during their regular meeting held Thursday, Jan. 12.

The biggest changes made Thursday addressed tracts with negative allocations and how they relate to pooling.

Wording was revised requiring that any tract being added to a pooling contract must have positive allocation remaining. Otherwise it cannot be added.

Secondly, the board proposed that an existing pool must have a positive allocation in order for new tracts to be included into the pooling contract.

During last Monday's discussions, the board seemed to reach consensus that a pool could still contain tracts that have a negative allocation. As long as the overall pool average showed a positive allocation, then tracts could be added.

Board member Kerry Bernhardt re-emphasized those discussions when the draft presented Thursday did not include that allowance.

As a result, wording was changed to allow positive tracts to be added to an existing pool, as long as the overall pool average was positive.

Bernhardt noted in Monday's discussion that this gives the irrigator more ways to manage how they use the water within a pool.

Other proposed pooling changes forwarded to the hearing include:

• Parties pooling water together must have a common interest or ownership in the tracts being pooled. A lease for the ground would be considered a common interest.

• No pooling contracts can extend more than one township or floating township, which encompasses a six-square mile area.

• In the event the tracts of two pooling contracts are being combined into one pooling contract, the contract with the most acres shall be considered the existing contract.

Carryforward with pooling

The board did not address any changes to how carryforward is treated when arranging pooling contracts.

A lengthy discussion occurred during the Monday meeting with no consensus reached on how to move. A 39-inch limit was proposed but later dropped from the pooling rules.

As a result, the proposed rules do not address any changes in carryforward in regards to pooling.

However, the new rules on transfers do limit the amount of carryforward that can be transferred to three years of annual allocation. Under the present allocation of 13 inches, that equals 39 inches.

Other transfer proposals

Other changes in the transfer rules forwarded to the hearing include:

• Board approval of a transfer must be received prior to changing the point of withdrawal or use

of water.

• No limitations of carryforward would be imposed on the transfer of certified acres within a tract of ground where the point of withdrawal does not change.

• The board shall require offsets and shall limit transfers to historical consumptive use.

• Transfers shall be offset, by decertifying sufficient irrigated acres, so that any transfer does not increase stream flow depletions or results in an increase in pumping above the historical use.