

Tri-Basin Natural Resources District Groundwater and Irrigated Land Transfer Process

July 2005

Groundwater Transfers (TBNRD Rules Section 7)

Groundwater transfer permits are required any time a landowner wants to pump groundwater onto a parcel that is located more than one mile from the parcel on which the well that is the subject of the permit is located, or when a landowner wants to pump groundwater onto a parcel that is owned by another person or entity.

1. The owner of the land upon which a well is located that will be used to transfer water must submit a permit request form showing the number and location of certified irrigated acres that will be watered with the well on the other parcel or parcels (Rule 7.1).
 - A. Groundwater transfers that were ongoing before September 15, 2004 do not require NRD approval. Landowners may complete groundwater transfer permit forms and present them to the NRD to keep on file as a means of documenting existing transfers.
 - B. Groundwater transfers initiated after September 15, 2004 must be approved by the Tri-Basin NRD Board of Directors (“board”).
 - C. Groundwater cannot be transferred into or out of Tri-Basin NRD unless approval for said transfer is secured from all affected NRDs. (Rules 7.2, 7.3)
2. The board reviews groundwater transfer permits on the second Tuesday of every month during their regular monthly meetings. (TBNRD Board Motion #8, 2/8/05) The board will approve groundwater transfers unless they find that approval would be contrary to federal or state laws or NRD rules. (Rule 7.1)
The board reserves the right to cancel or place conditions on approved groundwater transfers if they find that it is necessary to do so to protect groundwater supplies, or to otherwise keep approved transfers in compliance with NRD rules federal or state laws. In the absence of any action taken by the NRD board of directors, approved groundwater transfers remain in effect until they are cancelled by the owner of the land on which the well is located.
3. After the board approves a transfer permit, the NRD office will send written notification to the landowner. A copy of the approved permit will be kept on file at the NRD office.
4. Before transferring any groundwater, the owner of the land upon which a well(s) that will be used to transfer water is/are located must install a permanent flowmeter on such well(s). (Rule 7.6) The landowner must also submit an annual water use report to the NRD.

Certified Irrigated Land Transfers (TBNRD Rules Section 10)

A landowner who wants to irrigate any portion of a parcel of land that has not been certified for irrigation by Tri-Basin NRD and which lies within the Tri-Basin NRD Integrated Management Area must first apply to Tri-Basin NRD for a Certified Irrigated Acre transfer permit.

1. The landowner must submit a completed NRD certified irrigated acre transfer permit request form showing the number and location of certified irrigated acres that will be transferred and the location of the parcel to which they will be relocated. Aerial photos delineating the original location of the certified acres and the destination for the transferred acres must accompany the permit request. (Rule 10.3)
2. The Tri-Basin NRD Board of Directors (“board”) review certified acre transfer permit requests on the second Tuesday of every month during their regular monthly meetings. The board will approve certified irrigated acre transfer permit requests unless they find that approval would be contrary to federal or state laws or NRD rules. (TBNRD Board Motion #8, 2/8/05).
3. The Tri-Basin NRD Board of Directors reserves the right to reject certified acre transfer permit applications or cancel previously-approved existing transfers under the following circumstances:
 - A. A proposed or previously-approved transfer would or does result in re-locating certified irrigated acres from a Phase I Quantity GMA area to a Phase II or Phase III Quantity GMA area or from an area not subject to integrated management rules to an area within the Integrated GMA. (Rule 10.3.1)
 - B. A proposed or previously-approved transfer would or does result in re-locating irrigated acres from a portion of the district that is not subject to Integrated Water Management Area rules to any section within the district that is subject to Integrated Water Management Area Rules. (Rule 10.3.2)
 - C. A proposed or previously-approved transfer would or does result in re-locating certified irrigated acres from one river basin to another river basin. (Rule 10.3.3)
 - D. A proposed or previously-approved transfer would or does add irrigated acres in an Integrated Management Area or Phase II or Phase III Groundwater Quantity Management Area without changing the original location to a non-irrigated land use. (Rule 10.3.4)
 - E. A landowner fails to notify the county assessor(s) about changes in land use on any parcels that are involved in re-location of irrigated acres to the County Assessor. (Rule 10.3.5)
 - F. The board receives information that leads them to determine that adding irrigated acres in a particular area is likely to cause excessive depletion of groundwater or surface water or is otherwise contrary to NRD rules or state or federal laws. (Rule 10.3.6)

4. After approval by the board, NRD staff will submit the certified acre transfer permit form to the county assessor. The landowner must inform the assessor how many acres will be irrigated on both the original parcel(s) and the destination parcel. The assessor will measure the parcels and report the corrected number of irrigated acres listed on the property tax rolls to the NRD. If the assessor determines that the number of certified irrigated acres is equal to or less than the number requested for transfer, both parcels will be adjusted, and the transfer will be considered complete. If the assessor determines that the number of certified acres available on the original parcel or parcels is insufficient to complete the requested transfer, the landowner must either withdraw or correct and resubmit a certified acre transfer permit request.
5. After a certified irrigated acre transfer request is approved by the board, the NRD office will send written notification to the landowner. A copy of the approved permit will be kept on file at the NRD office.