STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

RULES FOR SURFACE WATER

June 27, 2008

NEBRASKA ADMINISTRATIVE CODE

TITLE 457 – DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

ALPHABETICAL TABLE OF CONTENTS

SUBJECT OF TITLE	STATUTORY AUTHORITY	CODE SECTION
Applications for New Water Appropriations	§ 46-241 § 46-242 § 61-206	002
Authority to Levy Fees	§ 46-206 § 46-207 § 46-2,101 § 46-2,102	017
Change of Address	§ 46-230 § 61-206	005
Change of Ownership of Appropriation	§ 46-230 § 61-206 § 76-2,124	004
Changing Point of Diversion	§ 46-250 § 61-206	006
Claims	§ 46-202 § 61-206 § 84-909(1)	014
Definitions	§ 46-250 § 61-206	001

SUBJECT OF TITLE	STATUTORY AUTHORITY	CODE SECTION
Determination of Fully Appropriated Basins, Sub-Basins or Reaches	§ 46-713	024
Incidental and Intentional Underground Water Storage	§ 46-226.01 § 46-297 § 61-206	016
Induced Ground Water Recharge	§ 46-233 § 46-235 § 61-206 § 61-207	022
Instream Flows	§ 46-2,110 § 46-2,114 § 61-206 § 61-207	018
Moratorium Area Variances	§ 46-714 § 61-206	023
Permit to Conduct Water in Stream Channels	§ 46-252 § 61-206 § 61-207	021
Project Maps for Storage Permits	§ 46-237 § 46-241 § 61-206	011

SUBJECT OF TITLE	STATUTORY AUTHORITY	CODE SECTION
Project Maps for the Use of Water	§ 46-237 § 46-294 § 61-206	010
Relinquishments	§ 61-206	003
Repealed		008
Repealed		012
Repealed		013
Repealed		019
Temporary Use Permits	§ 46-233 § 61-206	020
Theoretical Horsepower	§ 33-105 § 61-206	007
Transfer the Location of Use	§§ 46-290 – 294 § 61-206	009

NEBRASKA ADMINISTRATIVE CODE

TITLE 456 – DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

NUMERICAL TABLE OF CONTENTS

SUBJECT OF TITLE	STATUTORY AUTHORITY	CODE SECTION
Definitions	§ 46-250 § 61-206	001
Applications for New Water Appropriations	§ 46-241 § 46-242 § 61-206	002
Relinquishments	§ 61-206	003
Change of Ownership of Appropriation	§ 46-230 § 61-206 § 76-2,124	004
Change of Address	§ 46-230 § 61-206	005
Changing Point of Diversion	§ 46-250 § 61-206	006
Theoretical Horsepower	§ 33-105 § 61-206	007
Repealed		008
Transfer the Location of Use	§§ 46-290 – 294 § 61-206	009

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Project Maps for the Use of Water	§ 46-237 § 46-294 § 61-206	010
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Repealed		012
Repealed		013
Claims	§ 46-202 § 61-206 § 84-909(1)	014
Incidental and Intentional Underground Water Storage	§ 46-226.01 § 46-297 § 61-206	016
Authority to Levy Fees	§ 46-206 § 46-207 § 46-2,101 § 46-2,102	017
Instream Flows	§ 46-2,110 § 46-2,114 § 61-206 § 61-207	018
Repealed		019
Temporary Use Permits	§ 46-233 § 61-206	020
Permit to Conduct Water in Stream Channels	§ 46-252 § 61-206 § 61-207	021

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NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 1 - DEFINITIONS

001 APPROPRIATION. A permit to use water that has been perfected in accordance with terms stipulated by the Department.

002 DEPARTMENT. The Department of Natural Resources.

003 PERSON. Bodies politic and corporate, societies, communities, districts, individuals, partnerships, joint stock companies, associations and the federal government.

004 POINT OF DIVERSION. The location where water is diverted from a stream, reservoir, or lake.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 2 - APPLICATIONS FOR NEW WATER APPROPRIATIONS

001 REQUIREMENTS. Separate applications for new water appropriations must be filed:

001.01 For impoundment of water (see Appendix A), use of impounded water (see Appendix B), use of natural flow from streams (see Appendix B), intentional underground water storage and recovery (see Appendix C), instream flow (see Appendix D), power (see Appendix E), and induced ground water recharge (see Appendix F).

001.02 For each type of use (i.e. natural flow for irrigation, natural flow for fish culture, storage use for irrigation, storage use for cooling). Storage is considered as a use and an impoundment with multiple purposes only requires one application.

001.03 When there are different sources of water.

001.04 For each landowner that has not formed any legal association that meets the definition of person in Chapter 1.

001.05 For each point of diversion, unless the diversion is made by a moveable pump and there are no intervening diversions owned by other parties or new sources of water.

001.06 For each storage facility except for fish rearing impoundments operated as one facility with one point of diversion.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 3 - RELINQUISHMENTS

001 REQUIREMENTS. Any appropriation, or part of any appropriation, may be voluntarily relinquished. The relinquishment shall be made on a form provided by the Department (see Appendix G).

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 4 - CHANGE OF OWNERSHIP OF APPROPRIATION

001 NOTIFICATION. The Department shall be notified of any change in the ownership of an appropriation. When the appropriator is the landowner, notification shall be made either by completing a form provided by the Department or by recording a deed with the Department. Use the form shown as Appendix H, except if the property is located within the corporate limits of a municipality or the change of ownership occurred prior to July 20, 2002, the form shown as Appendix I shall be used. When the appropriator is an irrigation district, a reclamation district, water company or other entity formed to appropriate water for landowners, notification shall be in the form of a petition or the filing of a document showing the assignment of the right.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 5 - CHANGE OF ADDRESS

001 NOTIFICATION. The Department shall be notified in writing of any change in the address of the owner of an appropriation.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 6 - CHANGING POINT OF DIVERSION

001 PETITION. A petition shall be filed to change the point of diversion on a stream when the new point of diversion will be located within a different 40-acre government subdivision on the same stream. The petition shall be made on a form provided by the Department (see Appendix J). A separate petition must be filed for each appropriation and for each proposed diversion. A petition that is incomplete or incorrect shall be returned to the petitioner for correction. Failure to return the corrected petition within 90 days shall cause the petition to be dismissed. If the change in the point of diversion is from one source to another source, an application for a permit to transfer the use of water shall be filed (see Chapter 9 of Title 457).

002 REQUIREMENTS. The requested change shall not adversely affect any other water appropriator. A map may be required. Failure to file a required map within the time limit specified will cause dismissal of the petition.

003 NOTICE. If the Director finds that the requested change may affect another water appropriation, the Director shall publish notice of such petition at least once a week for three consecutive weeks in a newspaper of general circulation in the area of the stream segment and also in a newspaper of statewide circulation. As a minimum standard, the notice shall include the name of the petitioner, a description of the water appropriation, a description of the location of the original point of diversion, and a description of the location of the proposed point of diversion. The notice shall state that any person may file a written request for hearing (or if the Director is holding a hearing on his own motion, may file a written request to be made a party to the hearing) within two weeks from the date of final publication of the notice.

004 HEARING. If a hearing is held, the hearing will be conducted according to the Department's Rules of Practice and Procedure, Title 454 and § 61-206, R.R.S., 1943, as amended.

005 DECISION. The Director shall issue a written order. A copy of the order shall be delivered or mailed to all parties of record.

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 6 - CHANGING POINT OF DIVERSION

006 APPEAL. If the decision was issued at the conclusion of a hearing, parties to the hearing may request a rehearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 11 or may appeal to the Nebraska Court of Appeals as described in § 61-207, R.R.S., 1943 as amended. Parties should not assume that filing a request for rehearing extends the deadline for appeal to the Court to Appeals. If the decision was based on the petition, without a hearing, the parties may request a hearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 9.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 7 - THEORETICAL HORSEPOWER

001 FEES. For fee purposes, theoretical horsepower shall be computed by multiplying the maximum amount of water sought in the application, expressed in cubic feet per second, by the total head expressed in feet, and dividing the product by eight and eight tenths (8.8).

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 8 - REPEALED

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 9 - TRANSFERS AND CHANGES

001 EXPEDITED TRANSFERS IN LOCATION OF USE

001.01 Expedited Transfer Process may only be used when:

001.01A All the land involved in the transfer is under the same ownership or is within the same irrigation district, reclamation district, public power and irrigation district, or mutual irrigation or canal company.

001.01B The appropriation is used and will continue to be used exclusively for irrigation purposes.

001.01C The only lands involved in the proposed transfer are:

001.01C1 Lands within the quarter section of land to which the appropriation is appurtenant, or

001.01C2 Lands within such quarter section of land and one or more quarter sections of land each of which is contiguous to the quarter section of land to which the appropriation is appurtenant (for purposes of this section, contiguous shall mean any quarter section adjacent to, including those quarter sections which share corners with, the original quarter section(s) to which the appropriation is appurtenant), or

001.01C3 Lands within the boundaries or service area of and capable of service by the same irrigation district, reclamation district, public power and irrigation district, or mutual irrigation or canal company

001.01D After the transfer, the total number of acres irrigated under the appropriation will be no greater than the number of acres that could legally be irrigated under the appropriation prior to the transfer. There may be less acres irrigated after the transfer, if:

001.01D1 All of the current water appropriation is going to be placed on fewer acres and all water appropriations that exist at the new place of use after the proposed transfer do not exceed one-seventieth (1/70) of a cubic foot per second per acre. In such situations the Department will also reduce the maximum annual amount allowed under the appropriations pertaining to the proposed tract such that they do not exceed three-acre feet per acre per annum or that amount allowed under the appropriation, whichever is less.

001.01D2 The applicant relinquishes any remaining rights.

001.01E The transfer will not result in a change in the point of diversion.

001.01F The transfer will not diminish the water supply available for or otherwise adversely affect any other water appropriator. Rule 001.03 herein describes the criteria that must be met in order for the Department to make this determination as it relates to the expedited process.

001.01G The associated incidental underground water storage is to be transferred and the transfer is within the boundaries of the incidental underground water storage appropriation, or the Department has sufficient documentation to conclude that incidental underground storage can and will occur at the new location of use.

If applications are not found to meet the above criteria, they will be processed under the non-expedited process described in 46-291 R.R.S. 1943, as amended, and Department Rule Title 457, Chapter 9, subsection 002.

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 9 - TRANSFERS AND CHANGES

001.02 Applications:

001.02A Separate application on a form provided by the Department (see Appendices K, K-1, K-2, K-3) must be completed and filed:

001.02A1 For each appropriation to be modified

001.02A2 For each appropriator

001.02B Applicant must be the appropriator of record as shown in the Department's records.

001.02C Temporary Applications. If a transfer is approved as a temporary transfer, the duration of the use will be no less than one year and no more than thirty years. Temporary transfers shall expire on September 30 of the last year of the proposed temporary transfer. If during the term of the temporary transfer the appropriator wishes to revert back to the original place of use, a new transfer application shall be filed and processed.

001.02D Applications shall include the information described in 46-290(1)(b) R.R.S. 1943, as amended, and the following:

001.02D1 The amount of water (both the instantaneous diversion rate and the total annual volume) requested to be transferred to the new location of use.

001.02D2 For individual water rights (those not held by irrigation districts, reclamation districts, public power and irrigation districts, or irrigation or canal companies), the names, addresses, telephone numbers and title of persons, other than applicant, who should receive water administration notices during times of shortage for the appropriation. Examples may be tenants, farm managers, sons or daughters who are responsible for the irrigation or persons having power of attorney. If the appropriator of record is someone other than the landowner, the landowner must also be listed and must sign the application.

001.02D3 Historical water use made of the appropriation for each of the last five years, including number of acres irrigated and the maximum diversion or pumping rate. If the appropriation has not been used during

the five years prior to the filing of the application because the land was enrolled in a government program, documentation of such enrollment shall accompany the application and information shall be provided as to the last five years of use of water under the appropriation.

001.02D4 For temporary transfers, copies of agreements or leases shall accompany the application forms. For individual water appropriations, the agreement shall be a statement by the individual appropriator as to the duration of the temporary use at the proposed location. For water appropriations held by an irrigation district, reclamation district, public power and irrigation district, or mutual canal or irrigation company, copies of leases or agreements shall be signed by all the landowners whose land is involved in the transfer and by the proper district or company official.

001.02D5 For applications filed by irrigation districts, reclamation districts, public power and irrigation districts, or mutual canal companies, the names, addresses, and signatures of the landowners agreeing to have the water appropriation transferred off of their land must be included.

001.02D6 For applications filed by an appropriator of record that is not the landowner (and is not an irrigation district, reclamation district, public power and irrigation district, or mutual canal company) the name(s), address(es), and signature(s) of the landowner(s) must be included.

001.02D7 If facilities are used that are not owned or operated by the applicant, documentation must be provided that the owner or operator of the facilities agrees to the transfer, or if the Applicant is an irrigation district, reclamation district, public power and irrigation district, mutual canal or irrigation company, the Applicant certifies that: (1) the proposed change is in compliance with any applicable contracts or agreements, or (2) that the owner of the facilities has approved the proposed change.

001.02D8 Whether the lands proposed to be irrigated have been cultivated or contain native grass.

001.02E Applications shall be accompanied by a current legible aerial photograph marked to indicate the location of lands proposed for irrigation by the transfer.

001.03 A transfer in location of use for irrigation water rights will not diminish the supply available for or otherwise adversely affect any other water appropriator, and may be processed as an expedited transfer if all of the following criteria are met:

001.03A Return flows from the irrigated fields at the proposed location of use (both surface flows and those that occur below the surface of the ground) will not be changed by the transfer such that they would adversely affect another appropriator.

001.03B If (1) There are no surface water users with a point of diversion within one mile downstream of the Applicant's point of diversion, or (2) There is a tributary source of water between the Applicant's point of diversion and the next surface water point of diversion that is reliable and sufficient to supply the downstream appropriators needs, or (3) The Applicant submits a waiver of objection by all surface water users with a point of diversion within one mile downstream of the Applicant's point of diversion. These do not apply when the applicant is an irrigation district, reclamation district, public power and irrigation district or irrigation or mutual canal company.

001.03C No surface water appropriation will exist on the land (from which the water appropriation is proposed to be transferred) after the transfer that existed on the land prior to the transfer process.

001.03D Water diverted under the appropriation has been used at some time during the last five years to irrigate the same number of acres or more acres than the number of acres proposed to be irrigated after the transfer.

001.03E The total rate of all natural flow appropriations that will exist at the proposed location of use if the transfer is approved will not exceed a rate of one-seventieth of a cubic foot per second of water for each acre irrigated, nor will it exceed an annual volume of three acre-feet per acre.

001.03F If the land currently under appropriation is located in an area determined to be fully or over appropriated, the land currently under the appropriation will not be irrigated with ground water after the proposed transfer.

001.04 Review - An application that is incomplete or incorrect shall be returned to the applicant for correction. The corrected application must be refiled in the Department within 90 days of the date it is returned to the applicant. Failure to return the corrected application within 90 days shall cause the application for expedited transfer to be dismissed.

001.05 Decision

001.05A - If the application is determined not to meet the requirements of Chapter 9, 001.01 above, the Department will issue a written order notifying the applicant of its determination and including the specific findings supporting the Department's determination that the application cannot be processed under the expedited process. The applicant will be given 90 days to:

001.05A1 Submit further information in an attempt to satisfy the requirements of the expedited process,

001.05A2 Supply the additional information needed to meet the requirements of the non-expedited transfer process, and request that the application be considered under the non expedited process,

001.05A3 Request a hearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 9 on the issue of whether the application should be allowed to proceed pursuant to the expedited process.

If the applicant fails to take any of the above three actions, the application shall be considered dismissed without any further action of the Department.

001.05B The Department shall issue a written order denying or approving the application. A copy of the order shall be delivered or mailed to all persons listed in the application. A final project map, drawn in accordance with Title 457, Chapter 10, shall be required to be filed within six months of an order approving the application.

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 9 - TRANSFERS AND CHANGES

001.06 Filing Temporary Transfer Decisions in County – Copies of the original appropriation permit documents, the agreement by which the temporary transfer is to be effected, and the written decision approving the temporary transfer is required to be filed with the county clerk or register of deeds in the county where the appropriation was established prior to transfer within 60 days from issuance of the order of approval. The applicant shall pay the County for the costs of filing and indexing such documents to the land subject to the appropriation prior to the transfer. Within 90 days of the issuance of the order of approval, the applicant shall file proof of the county filing with the Department. Failure to provide proof of filing shall cause the prior approval to be negated.

001.07 Appeal. If the decision was issued at the conclusion of a hearing, parties to the hearing may request a rehearing as described in the Department Rule Title 454, Chapter 11 or may appeal to the Nebraska Court of Appeals as described in 61-207 R.R.S. 1943, as amended. Parties should not assume that filing a request for rehearing extends the deadline for appeal to the Court of Appeals. If the decision was based on the application, without a hearing, interested persons may request a hearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 9.

002 NON EXPEDITED CHANGES

002.01 For purposes of 46-290(5) R.R.S. 1943, as amended, beneficial use for instream uses shall include:

a. Water Quality Maintenance
b. Water necessary for compliance with compacts, decrees or other state contracts.

002.02 To make a public interest determination as required in 46-294(1)(k)(1) R.R.S. 1943, as amended, the Director shall determine whether the benefits of the proposed transfer outweigh any adverse impacts that might occur giving consideration to the economic, social and environmental impacts and whether and under what conditions other sources of water are available for the uses to be made of the appropriation after the proposed transfer or change.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 10 - PROJECT MAPS FOR THE USE OF WATER

001 REQUIREMENTS. Maps required for applications or claims to use the natural flow of streams, use impounded water, to change the point of diversion, or changes in location of use, type of use or type of appropriation shall conform to the following standards:

001.01 For appropriations held by individuals.

001.01A Certified Digital Orthophotography Quarter Quadrangles (DOQQs) produced by the Department of Natural Resources and certified by USGS using 1999 or newer aerial photography shall be used as the base data layer for producing the required maps. Compressed Orthophotography Quarter Quadrangles (COQQs) derived from the Department of Natural Resources DOQQs may also be used. DOQQs and COQQs can be obtained through Department of Natural Resources offices, the Department of Natural Resources website or other organizations capable of accessing digital information. Maps shall be drawn on an overlay form provided by the Department (see Appendix L). An unmarked copy of the aerial photograph shall be submitted with the overlay map tracing. The map shall be neat, clean, and clear and be drawn with black ink. All words shall be printed. The map shall be a true representation of actual conditions and be prepared by a person competent in the preparation of maps. If a project map was produced using GIS or drawing software such as ArcView, ArcMap or AutoCad, the computer files that were used in creating the project map should be provided to the Department of Natural Resources along with the map. All files used or generated in the creation of the project map should be copied onto recordable compact discs (CD-R) or other storage media acceptable to the Department. The CD should be labeled using an indelible marker with applicant's name, description of the project, date the CD was written, and the person and agency responsible for creating the map. Information identifying the year and source of base data (aerial photography) that was used in creating the project map should also be submitted. The map shall include the following:

001.01A1 The location of all points of diversion, power plants, reservoirs, or other major structures.

001.01A2 The alignment of streams, canals or supply pipelines. The name of the stream shall be labeled and an arrow used to show the direction of the streamflow.

001.01A3 If for irrigation, the area in each 40-acre government subdivision actually intended to be irrigated shall be shown by a crosshatch pattern. The actual number of acres proposed for irrigation shall be indicated by a number in each 40-acre subdivision.

001.01A4 Additional drawings shall be submitted to show diversion facilities, other than pumps; permanent structures such as dams for raising level of water; regulating pits; and ponds or raceways used for aquaculture. The drawings shall be legible and neat and be on 8½-inch by 11-inch white paper or folded to such size. Dimensions, elevations and construction materials shall be noted on the drawings.

001.02 For districts and large water companies:

001.02A The maps shall be made with good quality India ink on sheets of tracing cloth or mylar, fourteen (14) inches by sixteen (16) inches and having a three (3) inch margin on the left side and one (1) inch margins on the other sides, or on mylar copies of United States Geological Survey quadrangle maps. The maps shall be neat, clean and clear. All words shall be printed. If a project map was produced using GIS or drawing software such as ArcView, ArcMap or AutoCad, the computer files that were used in creating the project map should be provided to the Department of Natural Resources along with the map. All files used or generated in the creation of the project map should be copied onto recordable compact discs (CD-R). The CD should be labeled using an indelible marker with applicant's name, description of the project, date the CD was written, and the person and agency responsible for creating the map. Information identifying the year and source of base data (aerial photography) that was used in creating the project map should also be submitted.

001.02B The maps shall be true representations of actual conditions and be prepared by a person competent in the preparation of maps.

001.02C The maps, at a scale of not less than two (2) inches to the mile, shall depict an overhead or plan view including the following:

001.02C1 The location of all points of diversion, power plants, reservoirs, or other major structures.

001.02C2 The alignment of streams, canals or supply pipelines. The name of the stream shall be labeled and an arrow used to show the direction of the streamflow.

001.02C3 If for irrigation, the area in each 40-acre government subdivision actually intended to be irrigated shall be shown by a crosshatch pattern. The actual number of acres proposed for irrigation shall be labeled in each 40-acre subdivision.

001.02C4 Additional drawings shall be submitted to show new diversion facilities, other than pumps; new permanent structures such as dams for raising level of water; new regulating pits; and new ponds or raceways used for aquaculture. The drawings shall be legible and neat and be on 14-inch by 16-inch mylar. Dimensions, elevations and construction materials shall be noted on the drawings.

001.03 An applicant shall have 90 days in which to refile a map returned for correction by the Department. Failure to file a corrected map within 90 days will cause cancellation or dismissal of the application.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 11 - PROJECT MAPS FOR STORAGE PERMITS

001 REQUIREMENTS. This rule applies to storage permits for surface water impoundments not subject to the Safety of Dams and Reservoirs Act (Neb. Rev. Stat. § 46-1600 et. seq.)

002 A project map of the storage facility shall be submitted within six months of the date of the order of approval of the application for a storage permit. The map shall consist of two layers and shall conform to the following standards:

002.01 The base date layer shall be created by using either:

002.01A Certified Digital Orthophotography Quarter Quadrangles (DOQQs) produced by the Department of Natural Resources and certified by USGS using 1999 or newer aerial photography shall be used as the base data layer for producing the required maps, or

002.01B Compressed Orthophotography Quarter Quadrangles (COQQs) derived from the Department of Natural Resources DOQQs.

DOQQs and COQQs can be obtained through Department of Natural Resources offices, the Department of Natural Resources website or other organizations capable of accessing digital information.

002.02 The overlying map layer shall be based upon the DOQQs or COQQs and drawn on an overlay form provided by the Department. An unmarked copy of the DOQQs or COQQs used shall be submitted with the overlay map layer.

002.03 If a project map was produced using GIS or drawing software such as ArcView, ArcMap or AutoCad, the computer files that were used in creating the project map should be provided to the Department of Natural Resources along with the project map. All files used or generated in the creation of the project map should be copied onto recordable compact discs (CD-R). The CD should be labeled using an indelible marker with applicant's name, description of the project, date the CD was written, and the person and agency responsible for creating the map. Information identifying the year and source of base data (aerial photography) that was used in creating the project map should also be submitted.

002.04 The map shall be neat, clean, and clear and be drawn with black ink. All words shall be printed.

002.05 The map shall be prepared by a registered professional engineer, assisted by qualified engineering geologists, geotechnical engineers, geologists, and other specialists as necessary, and shall include the following information:

002.05A. A topographic map with 2-foot contour intervals, or less, within the reservoir area as determined by on-site or photogrammetric surveys.

002.05B. A table showing the reservoir surface area and incremental and cumulative reservoir storage at 2-foot elevation intervals and at the crest elevation of the drawdown, the principal and auxiliary spillways, other outlets and the top of the structure elevation.

002.05C. A map showing the outside limits of the reservoir water line at maximum storage elevation and at normal storage elevation, the structure location, the government subdivisions in which the structure and reservoir are located including the quarter section, section, township, range and county; the location and name of any stream source and, if applicable, the location of any pump used to provide water to the reservoir.

002.05D. If there are multiple owners or there are easements appurtenant to the land where the impounding structure and reservoir are located, the location of such ownerships or easements shall be delineated on the plans.

002.05E. The source of water, course of any supply canals or pipelines.

002.05F. If the project includes a dam, a statement, certified by a registered professional engineer, as to the hazard classification of the dam and whether it is subject to the Safety of Dams and Reservoirs Act.

Any dam located within three miles of the jurisdictional limits of a city of the metropolitan class or primary class, or any dam within two miles of the jurisdictional limits of a city of the first class, or any dam within one mile of the jurisdictional limits of a city of the second class or a village, shall be classified as high hazard. Classification can be mitigated or adjusted if development in the breach route area is sufficiently curtailed due to zoning restrictions, easements, deed restrictions, or other methods of restriction acceptable.

002.06. The map shall be a true representation of actual conditions.

003 An applicant shall have 90 days in which to refile a map returned for correction by the Department. Failure to file a corrected map within 90 days shall cause cancellation or dismissal of the application.

EFFECTIVE DATE: June 27, 2008

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 12 - REPEALED

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 13 - REPEALED

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 14 - CLAIMS

001 FORM. Any person who has a claim on the right to the use of public waters of the State of Nebraska for beneficial purposes and bases the claim upon the law of 1877, the law of 1889, by actual and beneficial use prior to April 4, 1895, or by actual and beneficial use of the Missouri River prior to July 19, 1980, shall file a claim affidavit with the Department. The claim affidavit form shall be furnished by the Department (see Appendix N). The Director shall consider the claim and either grant the claim in writing or set a hearing on the matter.

002 NOTICE OF HEARING. If a hearing is to be held, the Director or Director's designee shall prepare a notice setting forth the time and place of the hearing. As a minimum standard, the notice shall be published once a week for three consecutive weeks in a newspaper of general circulation in the county in which the claim is located. The last notice shall be published no later than ten days prior to the hearing.

003 DECISION. Following the hearing or based on the claim, the Director shall issue a written order stating his findings of fact and conclusions of law. A copy of the order shall be delivered or mailed to all parties of record.

004 APPEAL. If the decision was issued at the conclusion of a hearing, parties to the hearing may request a rehearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 11 or may appeal to the Court of Appeals. Parties should not assume that filing a request for rehearing extends the deadline for appeal to the Court of Appeals. If the decision was based on the claim, without a hearing, the parties may request a hearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 9.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 15 - REPEALED

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 16 - INCIDENTAL AND INTENTIONAL UNDERGROUND WATER STORAGE

001 CONFERENCE. The applicant shall attend a conference with Department staff prior to submitting an application. The purpose of the conference will be to discuss the scope of information required. Applications submitted by persons who have not complied with this requirement will not be filed and will be returned to the applicant.

002 APPLICATION. For incidental underground water storage, one application may request modification of multiple appropriations associated with a specific project. All information shall be compiled and submitted in a loose-leaf binder with maximum dimensions of 11 inches by 11 inches by 4 inches. Maps, plans and drawings must be of a size sufficient to clearly depict the subject matter, but must be folded to dimensions not to exceed 11 inches by 11 inches. If a project map was produced using GIS or drawing software such as ArcView, ArcMap or AutoCad, the computer files that were used in creating the project map should be provided to the Department of Natural Resources along with the map. All files used or generated in the creation of the project map should be copied onto recordable compact discs (CD-R) or other storage media acceptable to the Department. The CD should be labeled using an indelible marker with applicant's name, description of the project, date the CD was written, and the person and agency responsible for creating the map. Information identifying the year and source of base data (aerial photography) that was used in creating the project map should also be submitted. A complete table of contents for the application shall be provided. The application shall consist of the following:

002.01 Completed application form (see Appendix C).

002.02 A narrative description of the project and method of underground water storage.

002.03 Sufficient hydrologic information to identify the extent and scope of the underground water storage and naturally occurring ground water, including, but not limited to:

002.03A A map showing the boundary of the proposed area of recharge. The total number of acres within the boundary shall be labeled.

002.03B Water table map showing current water levels.

002.03C A narrative evaluating the geologic and hydrologic conditions of the proposed recharge area.

002.03D Cross sections of the recharge area showing the geologic and hydrologic conditions.

002.03E A list of the registered wells within the proposed recharge area.

002.03F A map showing the location of registered wells within the proposed recharge area.

002.03G A map showing the location of existing or proposed surface water facilities, including diversion structures, canals, pipelines and recharge pits.

002.03H A narrative description of the actual or proposed operation of the surface water project including diversions, deliveries and returns to the river.

002.03I If the application is for incidental underground water storage:

(1) The historical record of surface water diversions associated with the project;

(2) The historical record of any measured returns to the river;

(3) A map showing the location and the number of acres actually served by surface water directly delivered by applicant within the last five years;

(4) A map showing the location and the number of acres served by water stored underground and not served with surface water directly delivered by applicant within the last five years;

(5) A summary of the project's surface water appropriations, including date of priority, the amount of the water appropriation, the use, and location of use, if applicable.

003 CORRECTION. If the application is incomplete, the Director shall list the deficiencies and specify a time limit for refiling the corrected application. Failure to refile the corrected application within the time limit specified shall cause the application to be dismissed.

004 NOTICE. Upon receiving a completed application for incidental or intentional underground water storage and recovery, the Director or Director's designee shall prepare a notice of the application. As a minimum standard, the notice shall include the name of the applicant and the proposed area of recharge. The notice shall be published once a week for three consecutive weeks in a newspaper of general circulation in each county containing lands involved in the application, and a newspaper of general circulation in Nebraska. The notice shall state that any person may file a written request for a hearing (or, if the Director is holding a hearing on his own motion, may file a written request to be made a party to the hearing) within two weeks from the date of final publication of the notice.

005 HEARING. If a hearing is held, the hearing will be conducted according to the Department's Rules of Practice and Procedure, Title 454 and § 61-206 R.R.S., 1943, as amended.

006 DECISION. The Director shall issue a written order. A copy of the order shall be delivered or mailed to all parties of record.

007 APPEAL. If the decision was issued at the conclusion of a hearing, parties to the hearing may request a rehearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 11 or may appeal to the Nebraska Court of Appeals as described in § 61-207 R.R.S. 1943, as amended. Parties should not assume that filing a request for rehearing extends the deadline for appeal to the Court of Appeals. If the decision was based on the application, without a hearing, the parties may request a hearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 9.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 17 - AUTHORITY TO LEVY FEES

001 CORRECTION. Application shall be on a form provided by the Department (see Appendix O). An application that is incomplete or incorrect shall be returned to the applicant for correction. Failure to return the corrected application within the time limit specified shall cause the application to be dismissed.

002 NOTICE. Upon receiving an application for authority to levy fees, the Director or Director's designee shall prepare a notice of the application. The notice shall be published once a week for three consecutive weeks in a newspaper of general circulation in each county containing lands involved in the application, and a newspaper of general circulation in Nebraska. The notice shall state that any person may file a written request for hearing (or if the Director is holding a hearing on his own motion, may file a written request to be made a party to the hearing) within two weeks from the date of final publication of the notice.

003 HEARING. If a hearing is held, the hearing will be conducted according to the Department's Rules of Practice and Procedure, Title 454 and § 61-206 R.R.S. 1943, as amended.

004 DECISION. The Director shall issue a written order. A copy of the order shall be delivered or mailed to all parties of record.

005 APPEAL. If the decision was issued at the conclusion of a hearing, parties to the hearing may request a rehearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 11 or may appeal to the Nebraska Court of Appeals as described in § 61-207 R.R.S. 1943, as amended. Parties should not assume that filing a request for rehearing extends the deadline for appeal to the Court of Appeals. If the decision was based on the application, without a hearing, the parties may request a hearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 9.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 18 - INSTREAM FLOWS

001 APPLICATION. All information shall be compiled and submitted in loose-leaf binder(s) with maximum dimensions of 11 inches by 11 inches by 4 inches. Maps, plans and drawings must be of a size sufficient to clearly depict the subject matter, but must be folded to dimensions not to exceed 11 inches by 11 inches. The application shall consist of the following items:

001.01 Completed application form. (Form provided by the Department, see Appendix D)

001.02 A copy of any study conducted by the natural resources district or the Game and Parks Commission to quantify the instream flow needs in the identified stream segment.

001.03 A list of persons who testified at the hearing and their addresses required by Section 46-2,110 R.R.S. 1943, as amended.

001.04 U.S. Geological Survey topographic quadrangle map(s) showing the location of the stream reach.

001.05 An evaluation of the availability of unappropriated water.

001.06 An evaluation of how the proposed appropriation would effect senior appropriations.

001.07 An evaluation of whether the proposed appropriation is in the public interest, including economic, social, and environmental issues.

002 CORRECTION. An application that is incomplete or incorrect shall be returned to the applicant for correction. Failure to return the corrected application within the time specified shall cause the application to be dismissed.

003 NOTICE. Notice shall be issued as provided in § 46-2,114 R.R.S. 1943, as amended.

004 HEARING. If a hearing is held, the hearing will be conducted according to the Department's Rules of Practice and Procedure, Title 454 and § 61-206 R.R.S. 1943, as amended.

005 DECISION. The Director shall issue a written order. A copy of the order shall be delivered or mailed to all parties of record.

006 APPEAL. If the decision was issued at the conclusion of a hearing, parties to the hearing may request a rehearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 11 or may appeal to the Nebraska Court of Appeals as described in § 61-207 R.R.S. 1943, as amended. Parties should not assume that filing a request for rehearing extends the deadline for appeal to the Court of Appeals. If the decision was based on the application, without a hearing, the parties may request a hearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 9.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 19 - REPEALED

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 20 - TEMPORARY USE PERMITS

001 WHEN ISSUED. Temporary use permits may be issued when surface water supplies are needed for a limited time. The permit does not grant access to the surface water source and does not provide a permanent water right.

002 APPLICATION. The application form and the fee shall be the same as that used when applying for an appropriation.

003 EXPIRATION. A temporary permit will expire one year from the date the permit was issued and may be dismissed prior to that date at the request of the applicant.

004 ADMINISTRATION. Water supplies shall be allocated to temporary permits in the same manner as appropriations during times of shortage.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 21 - PERMIT TO CONDUCT WATER IN STREAM CHANNELS

001 APPLICATIONS

001.01 Separate applications must be filed:

001.01A For each separate location where water is conducted into a stream;

001.01B For each separate location where water being conducted is diverted out of a stream;

001.01C For each separate stream reach where the purpose of conducting the water is for instream use;

001.01D For each separate source of water to be conducted in the stream.

001.02 All information shall be compiled and submitted on 8½-inch by 11-inch paper, or paper folded to that size and shall be typed or neatly printed in black ink. The application shall consist of the following items:

001.02A Completed application form (form provided by Department, see Appendix P).

001.02B Map showing location of contributing source (stream, pump, well, reservoir); location where water is conducted into the stream; the entire stream reach; location of diversion out of the stream or, in case of instream uses, location where such protection of the water is to end; and location of use of water. The base map shall be a U.S. Geological Survey topographic quadrangle map (or copy of such map), or aerial photograph(s). Maps shall be neatly drawn.

001.02C Detailed explanation of intended times and maximum amounts of water that will be conducted along such streams or channels.

001.02D Analysis of expected losses in transit.

002 CORRECTION. An application that is incomplete or incorrect shall be returned to the applicant for correction. Failure to return the corrected application within 90 days shall cause the application to be dismissed.

003 DECISION. The Director shall issue a written order. A copy of the order shall be delivered or mailed to all parties of record.

004 FINAL MAP. A final project map drawn according to Department Rules, Title 457, Chapter 10 must be submitted within six months of any approval. Failure to file a final map will cause the original approval to be negated.

0045 APPEAL. If the decision was issued at the conclusion of the hearing, parties to the hearing may request a rehearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 11 or may appeal to the Nebraska Court of Appeals as described in § 61-207 R.R.S. 1943, as amended. Parties should not assume that filing a request for rehearing extends the deadline for appeal to the Court of Appeals. If the decision was based on the application, without a hearing, the parties may request a hearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 9.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 22 - INDUCED GROUND WATER RECHARGE

001 APPLICATION. All information shall be compiled and submitted in a loose-leaf binder with maximum dimensions of 11 inches by 11 inches by 4 inches. Maps, plans and drawings must be of a size sufficient to clearly depict the subject matter, but must be folded to dimensions not to exceed 11 inches by 11 inches. A complete table of contents shall be provided. The application shall consist of the following:

001.01 Completed application form (form must be provided by Department, see Appendix F).

001.02 A table of all existing and proposed production wells included under the application identifying (if applicable) well registration numbers; exact location by 40-acre subdivision, section, township and range; total depth; pumping capacity; and date each was completed.

001.03 A quantification of aquifer properties and how each was determined.

001.04 Assuming that combination of wells expected to create the greatest induced recharge, a tabulation showing computed drawdown and induced recharge and how it was determined.

001.05 A geologic log, to include an indication of static water level, for each production and test well.

001.06 For each production well, a log showing the size and vertical placement of each pump, all plain casing and screened sections and any artificial grave pack.

001.07 A table showing the times of the year and the expected rates (in gallons per minute or cubic feet per second) and volumes (expressed in acre-feet) when induced recharge is expected to occur.

001.08 A narration of the minimum flow necessary to sustain satisfactory operation of the well field facilities within that stream reach where induced recharge is intended and the period of time that well field facilities would continue to meet minimal essential needs of the public water supplier if there were no flow in the source of supply.

001.09 Scaled maps showing:

001.09A All production and test wells and the stream reach where induced recharge is intended.

001.09B A depiction of the aquifer piezometric surface under nonpumping conditions and for pumping conditions assuming that combination of wells expected to create the greatest induced recharge.

001.09C. The areal extent and a cross-section of that portion of the aquifer analyzed for this application.

001.09D Location and identification of use of any wells not included in this application with a cone of depression that may intersect applicant's well field.

001.10 Applications for wells constructed on or after September 9, 1993, shall include information on public interest factors described in § 46-235(2)(a)(iii) R.R.S. 1943, as amended.

001.11 The following information may be submitted at the discretion of the applicant:

001.11A A statement indicating rate and volume of induced ground water recharge presently used and anticipated use for the next 25 years.

001.11B A statement indicating rate and volume of ground water use anticipated from the well field during the next 25 years.

002 CORRECTION. Within 90 days of the filing of an application for induced ground water recharge, the Director shall accept the application as a completed application or return the application as an incomplete application. If the application is incomplete, the Director shall list the deficiencies and return the application for correction. Failure to refile the corrected application within 90 days shall cause the application to be dismissed.

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 22 - INDUCED GROUND WATER RECHARGE

003 NOTICE. Upon receiving a completed application for induced ground water recharge, the Director or Director's designee shall prepare a notice of the application. As a minimum standard, the notice shall include the name of the applicant, the proposed area of induced ground water recharge, and the amount of water requested for appropriation. The notice shall be published once a week for three consecutive weeks in a newspaper of general circulation in each county containing lands involved in the application, and in a newspaper of general circulation in Nebraska. The notice shall state that any person may file a written request for a hearing (or, if the Director is holding a hearing on his own motion, may file a written request to be made a party to the hearing) within two weeks from the date of final publication of the notice.

004 HEARING. If a hearing is held, the hearing will be conducted according to the Department's Rules of Practice and Procedure, Title 454 and § 61-206 R.R.S. 1943, as amended.

005 DECISION. The Director shall issue a written order. A copy of the order shall be delivered or mailed to all parties of record.

006 APPEAL. If the decision was issued at the conclusion of a hearing, parties to the hearing may request a rehearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 11 or may appeal to the Nebraska Court of Appeals as described in § 61-207, R.R.S. 1943, as amended. Parties should not assume that filing a request for rehearing extends the deadline for appeal to the Court of Appeals. If the decision was based on the application, without a hearing, the parties may request a hearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 9.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 23 - MORATORIUM AREA VARIANCES FOR SURFACE WATER APPROPRIATIONS

001 PETITION FOR LEAVE TO FILE OR CONSIDER AN APPLICATION. Any person wanting to apply for a new surface water appropriation within a moratorium or stay area must file a petition in the Department requesting leave to file an application. The petition must be accompanied by a **copy** of the completed proposed application. The application shall not be considered filed at the time it is submitted with the petition. Anyone who currently has an unapproved application on file in the Department for a new appropriation for a project that is within a moratorium or stay area must file a petition requesting a variance to the moratorium or stay. The fee for filing the petitions shall be that described in § 33-105(8) R.R.S. 1943, as amended.

The petition shall include sufficient information to indicate:

001.01 The proposed project is for a non-consumptive use; or

001.02 The applicant has a credible proposal for replacing any consumptive use that will occur in a manner such that the project will not harm other users; or

001.03 The applicant has credible information that indicates there **may be** unappropriated water available at the proposed location at the time the depletion is likely to occur; or

001.04 The project existed prior to any informal moratorium, formal moratorium or stay.

001.05 There is a public safety issue that must be addressed and the proposed project addresses such issue.

001.06 The proposed use is a temporary use for public construction and the total volume requested is less than ten (10) acre-feet.

002 REVIEW. The Department shall review the information provided with the petition and shall make a determination as to whether it is sufficient to indicate good cause for allowing further consideration of the application.

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 23 - MORATORIUM AREA VARIANCES FOR SURFACE WATER APPROPRIATIONS

003 DECISION. A written decision shall be issued. The decision shall either deny the petition and state the reasons for such denial, or grant the petition and state either (a) the petitioner may file the application and supporting documentation, or (b) the Department will proceed to process the existing filed application. Any decision approving a petition shall not bind the Director to approve any application to which it relates, or in any way be used as evidence of prejudice for the Director's future decisions concerning the specific approval requirements of such application. Allowance of a leave to file does not negate the necessity to meet the specific approval requirements for an appropriation.

004 APPEAL. If the petitioner wishes to appeal the decision of the Department, he or she may request a hearing before the Department within 15 days of the date the decision is rendered in accordance with the Department's Rules of Practice and Procedure, Title 454.

EFFECTIVE DATE: April 30, 2005

NEBRASKA ADMINISTRATIVE CODE

Title 457 - DEPARTMENT OF NATURAL RESOURCES
RULES FOR SURFACE WATER

Chapter 24 - DETERMINATION OF FULLY APPROPRIATED BASINS, SUB-BASINS OR REACHES

001 FULLY APPROPRIATED. Pursuant to Neb. Rev. Stat. § 46-713(3) (Reissue 2004, as amended), a river basin, subbasin, or reach shall be deemed fully appropriated if the Department of Natural Resources determines that then-current uses of hydrologically connected surface water and ground water in the river basin, subbasin, or reach cause or will in the reasonably foreseeable future cause (a) the surface water supply to be insufficient to sustain over the long term the beneficial or useful purposes for which existing natural flow or storage appropriations were granted and the beneficial or useful purposes for which, at the time of approval, any existing instream appropriation was granted, (b) the streamflow to be insufficient to sustain over the long term the beneficial uses from wells constructed in aquifers dependent on recharge from the river or stream involved, or (c) reduction in the flow of a river or stream sufficient to cause noncompliance by Nebraska with an interstate compact or decree, other formal state contract or agreement, or applicable state or federal laws.

001.01A Except as provided in 001.01C below, for purposes of Section 46-713(3)(a), the surface water supply for a river basin, subbasin, or reach shall be deemed insufficient, if after considering the impact of the lag effect from existing groundwater pumping in the hydrologically connected area that will deplete the water supply within the next 25 years , it is projected that during the period of May 1 through September 30, inclusive, the most junior irrigation right will be unable to divert sufficient surface water to meet on average eighty-five percent of the annual crop irrigation requirement, or, during the period of July 1 through August 31, inclusive, will be unable to divert sufficient surface water to meet at least sixty-five percent of the annual crop irrigation requirement.

For purposes of this rule, the “annual crop irrigation requirement” will be determined by the annual irrigation requirement for corn. This requirement is based on the average evapotranspiration of corn that is fully watered to achieve the maximum yield and the average amount of precipitation that is effective in meeting the crop water requirements for the area.

The inability to divert will be based on stream flow data and diversion records, if such records are available for the most junior surface water appropriator. If these records are not available, the inability to divert will be based on the average number of days within each time period (May 1 to September 30 and July 1 to August 31) that the most junior surface water appropriation for irrigation would have been closed by the Department and therefore could not have diverted during the previous 20 year period. In making this

calculation, if sufficient stream flow data and diversion data are not available, it will be assumed that if the appropriator was not closed, the appropriator could have diverted at the full permitted diversion rate. In addition the historical record will be adjusted to include the impacts of all currently existing surface water appropriations and the projected future impacts from currently existing ground water wells. The projected future impacts from ground water wells to be included shall be the impacts from ground water wells located in the hydrologically connected area that will impact the water supply over the next 25 year period.

001.01B In the event that the junior water rights are not irrigation rights, the Department will utilize a standard of interference appropriate for the use, taking into account the purpose for which the appropriation was granted.

001.01C If, at the time of the priority date of the most junior appropriation, the surface water appropriation could not have diverted surface water a sufficient number of days on average for the previous 20 years to satisfy the requirements of 001.01A, the surface water supply for a river basin, subbasin, or reach in which that surface water appropriation is located shall be deemed insufficient only if the average number of days surface water could have been diverted over the previous 20 years is less than the average number of days surface water could have been diverted for the 20 years previous to the time of the priority date of the appropriation.

When making this comparison, the calculations will follow the same procedures as described in 001.01A. When calculating the number of days an appropriator could have diverted at the time of the priority date of the appropriation, the impacts of all appropriations existing on the priority date of the appropriation and the impacts of wells existing on the priority date of the appropriation shall be applied in the same manner as in 001.01A. As in 001.01A above, in making this calculation, if sufficient stream flow data and diversion data are not available, it will be assumed that if the appropriator was not closed, the appropriator could have diverted at the full permitted diversion rate.

Use of the method described in this rule is not intended to express or imply any mandate or requirement that the method used herein must be included in the goals and objectives of any integrated management plan adopted for a river basin, subbasin or reach determined to be fully appropriated under this rule. Further, nothing in this section is intended to express or imply a priority of use between surface water uses and ground water uses.

001.02 The geographic area within which the Department preliminarily considers surface water and ground water to be hydrologically connected for the purpose prescribed in Section 46-713(3) is the area within which pumping of a well for 50 years will deplete the river or a base flow tributary thereof by at least 10 percent of the amount pumped in that time.

002 INFORMATION CONSIDERED. For making preliminary determinations required by Neb. Rev. Stat. Section 46-713 (Reissue 2004, as amended) the Department will use the best scientific data and information readily available to the Department at the time of the determination. Information to be considered will include:

Surface water administrative records
Department Hydrographic Report
Department and United States Geologic Survey stream gage records
Department's registered well data base
Water level records and maps from Natural Resources Districts, the Department, the University of Nebraska, the United States Geological Survey or other publications subject to peer review
Technical hydrogeological reports from the University of Nebraska, the United States Geological Survey or other publications subject to peer review
Ground water models
Current rules and regulations of the Natural Resources Districts

The Department shall review this list periodically, and will propose amendments to this rule as necessary to incorporate scientific data and information that qualifies for inclusion in this rule, but was not available at the time this rule was adopted.

EFFECTIVE DATE: December 4, 2006

July 2000

"Appendix A"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPLICATION FOR A PERMIT TO IMPOUND WATER

INSTRUCTIONS

Complete Items 1 through 11 by typing or printing in ink the appropriate information required. This form must be completed in full. An incomplete or defective application will be returned with 90 days being allowed for resubmission. Failure to resubmit a corrected application within this time period shall cause dismissal of the application and consequent loss of priority.

Engineering drawings and specifications of the project must be submitted with this application and drawings must be in accordance with Department Rules Title 457. Non-refundable filing fees (payable to the Department of Natural Resources) can be computed from the table below and must accompany this application.

For Department Use Only

Filed in the office of the Department of Natural Resources at _____a.m./p.m.

on _____, 20_____.

Application No._____

Plan No._____

Water Division_____

Receipt No. _____Amount _____

1. Name and address of applicant:

Zip code _____ Telephone No. (_____) _____

2. Name and address of owner(s) if different than applicant:

Zip code _____ Telephone No. (_____) _____

3. State the purposes for water storage (i.e., irrigation, livestock, erosion control):_____

4. Identify the source of water (name of stream): _____

Name adopted for proposed reservoir or pit: _____

5. State the approximate quantity of water to be impounded: _____ acre-feet.

6. Identify the location of the proposed reservoir or pit: County _____.

_____¼ _____¼ Section _____, Township_____North, Range_____East/West

7. te the approximate date construction will be completed: _____.
plicant should be aware that failure to complete the construction by date set in Order of Approval will cause cancellation of all rights granted.)

8. State the approximate date water will first be impounded: _____.

9. If a canal or pipeline is required to convey water to the proposed reservoir or pit, identify the supply canal headgate or pipeline pump site location: County _____.

_____¼ _____¼ Section _____, Township_____North, Range_____East/West

10. Will this project be constructed under a federal program, receive federal funding, or have federal planning assistance?

☐ No ☐ Yes If yes, explain_____

_____

_____

11. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.

_____ _____

Date Signature of owner or owner's authorized agent

Forward the application, engineering drawings, specifications and fees to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South / P.O. Box 94676
Lincoln, Nebraska 68509
(402) 471-2363

FEES FOR APPLICATIONS TO IMPOUND WATER

Quantity of Water Stored	Cost
0-5,000 acre-feet	$25
Each additional 5,000 acre-feet or fraction thereof	$10

FEES FOR EXAMINATION OF DRAWINGS

For each foot in height of dam $1
or fraction thereof

July 2000

"Appendix B"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPLICATION FOR A PERMIT TO APPROPRIATE WATER

C te items 1 through 10 by printing in ink or typing the appropriate information
a placing an (X) in the appropriate box.

For Department Use Only

Filed in the office of the Department of Natural Resources at _____ a.m./p.m.

on _____, 20_____.

Application No._____

Map No._____

Water Division_____

Receipt No._____ Amount_____

1. Name and address of applicant:

Zip code _____ Telephone No. (_____)_____

2. Name and address of owner(s) if different than applicant:

Zip code _____ Telephone No. (_____)_____

3. A permit is sought to:

☐ Use natural flow ☐ Use impounded water*

*A separate permit to impound water must be obtained.

A permit is sought for the purpose of:

☐ Domestic ☐ Manufacturing
☐ Irrigation ☐ Other (Explain)

_____

4. Identify the source of water (Name of stream or reservoir):

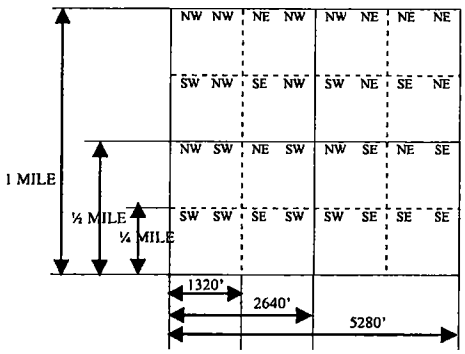
_____

If applicable, identify the facility name for transporting water from the source: (name of canal, pipeline or pump)

_____

5. ntify the location of the ☐ Headgate ☐ Pump

ction_____, Township_____ North, Range_____ East/West, County_____



The box at left represents one square mile (section). Place an (x) within each appropriate 40-acre tract to indicate the location(s) of each headgate or pump.

If applicable, indicate below the height (in feet) of any diversion or check dams.

_____

6. If applicable, identify the location of lands by 40-acre subdivisions that will be irrigated:

LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres	LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres
					TOTAL ACRES				

(over)

7. State the approximate quantity of water desired for appropriation: _____
   ☐ Gallons per minute
   ☐ Cubic feet per second
   ☐ Acre-feet (impounded water)

8. State the estimated time required for completion of all water diversion facilities:
   _____

   State the earliest date when water will have been used for beneficial purposes:
   _____

9. Will this project be constructed under a federal program, receive federal funding, or have federal planning assistance?
   ☐ No ☐ Yes If yes, explain_____

10. I certify that I am familiar with the information contained in this claim, and that to the best of my knowledge and belief such information is true, complete and accurate.

_____ Date

_____ Signature of owner or owner's authorized agent

A final project map may accompany this claim or must be filed within six months following departmental approval of this claim, drawn in accordance with Department Rules, Title 457, Chapter 10.

This form must be completed in full. An incomplete or defective application will be returned with 90 days being allowed for resubmission. Failure to resubmit a corrected application within this period shall cause dismissal of the application and consequent loss of priority.

A non-refundable filing fee (payable to the Department of Natural Resources) can be computed from the table below and must accompany this application. Forward this application and fee to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509-4676
(402) 471-2363

FEES FOR APPLICATIONS TO APPROPRIATE WATER

Nature of Use	Cost
Domestic	$10
Agricultural	
Irrigation from Stream	
0-1,000 acres	$200
Each additional 1,000 acre unit or portion thereof in excess of the first 1,000 acre unit	$100
Irrigation from Storage Reservoir	
0-1,000 acres	$50
Each additional 1,000 acre unit or portion thereof in excess of the first 1,000 acre unit	$25

Nature of Use	Cost
Manufacturing	
General	$10
Power Generation for each theoretical 50 horsepower	$5
Other	$10

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

"Appendix C"

APPLICATION FOR A PERMIT FOR INCIDENTAL OR INTENTIONAL UNDERGROUND WATER STORAGE

INSTRUCTIONS

The applicant must attend a conference with Department staff prior to submitting this application. The purpose of the conference is to discuss the scope of information required.
Complete Items 1-5 by printing in ink or typing the appropriate information and by placing an (X) in the appropriate box.
The following information shall be submitted from this form, identified in an index and made a part hereof. Refer to Department Rules, Title 457, Chapter 16 for requirements A-E.

1. A description of the method of underground storage.
2. A summary of surface water appropriations, including the date of priority, the amount of the appropriation, the use, and the location of use.
3. Sufficient hydrologic information to identify the extent and scope of the underground water storage and naturally occurring ground water. This should include the results of any studies or models, and other information.
4. A description of the area served or to be served by the water stored underground.
5. If the application is for incidental underground water storage:
   a. The historical record of surface water diversions.
   b. A map showing the location and the number of acres actually served by surface water directly delivered by applicant within the last five years.
   c. A map showing the location and the number of acres served by water stored underground and not served with surface water directly delivered by applicant within the last five years.

For Department Use Only

Filed in the office of the Department of Natural Resources at _____ a.m./p.m. on _____, 20_____.

Application No. _____

Map No. _____

Water Division _____

Receipt No: _____ Amount: _____

---

1. Name of applicant: _____ Telephone Number (____) _____

   Address _____

   City _____ State _____ Zip Code _____

---

2. Identify the source of water (name of stream or reservoir): _____

   Identify the facility name for transporting water from the source: _____

---

3. State the approximate quantity of water desired by this application:

   _____ ☐ cubic feet per second

   ☐ acre-feet

---

4. This is an application for:

   ☐ Incidental Underground Water Storage (Complete Item A)

   ☐ Intentional Underground Water Storage (Complete Items B, C, D)

   A. This application is for a permit to modify application or appropriation number(s): _____

   B. State the estimated time required for completion of all water diversion facilities: _____

(over)

C. State the earliest date when water will have been used for beneficial purposes:_____

_____

D. Identify the location of the ☐ Headgate ☐ Pump

_____ ¼ _____ ¼ Section _____, Township _____ North

Range _____ East/West, _____County.

5. I believe the information contained in this application is true, complete, and accurate.

_____ _____
Date Signature and Title

This form must be completed in full. An incomplete or defective application will be returned. Failure to resubmit a corrected application within the time period specified shall cause dismissal of the application.

A non-refundable filing fee of $500.00 (payable to the Department of Natural Resources) must accompany this application. Forward this application and fee to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509
(402) 471-2363

"Appendix D"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPLICATION FOR A PERMIT TO APPROPRIATE WATER FOR INSTREAM FLOWS

INSTRUCTIONS

Complete Items 1 through 5 by typing the appropriate information and by placing an (X) in the appropriate box.

The following information must accompany this form and is made a part of this application. Refer to Department Rules, Title 457, Chapter 18, for requirements A-F.

A. Copy of any studies completed to quantify the instream flow.
B. List of persons and their addresses who testified at public hearings held by the applicant.
C. U.S. Geological Survey Topographic Quadrangle map(s) marked to show the location of the stream reach.
D. An evaluation of the availability of unappropriated water.
E. An evaluation of how the appropriation would affect senior appropriations.
F. An evaluation of whether the proposed appropriation is in the public interest.

For Department Use Only

Filed in the office of the Department of Natural Resources at _____ a.m./p.m.

on _____, 20____.

Application No. _____

Water Division _____

Receipt No. _____ Amount _____

1. Name of applicant: _____ Telephone Number (____) _____

   Address _____

   City _____ State _____ Zip Code _____

2. Identify the stream _____.

   permit is sought for the purpose of providing flows for:
   ☐ Fish & Wildlife ☐ Recreation

4. Describe below the quantity of water necessary to provide adequate instream flows, and the time of year when instream flows are most critical.

Beginning Month/Day	Ending Month/Day	Quantity cfs.

5. I believe the information contained in this application is true, complete and accurate.

   _____ Date

   _____ Signature and Title

This form must be completed in full. An incomplete or defective application will be returned for correction. A non-refundable filing fee of $10.00 (payable to the Department of Natural Resources) must accompany this application. Forward this application and fee to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, NE 68509
(402)471-2363

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"Appendix E"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPLICATION FOR A PERMIT TO APPROPRIATE WATER FOR POWER

Complete Items 1 through 12 by printing in ink or typing the appropriate information and by placing an (X) in the appropriate box.

For Department Use Only

Filed in the office of the Department of Natural Resources at _____ a.m./p.m. on _____, 20_____.

Application No._____

Plan No. _____

Water Division_____

Receipt No._____Amount _____

1. Name and address of applicant:

   Zip code _____ Telephone No. (____)_____

2. Name and address of owner if different than applicant:

   Zip code _____ Telephone No. (____)_____

3. A permit is sought to: ☐ Use natural flow ☐ Use impounded water (A separate permit to impound water must be obtained.)

4. Identify the source of water (name of stream or reservoir): _____

5. The name of the plant is: _____

6. ıtify the location of the proposed plant: County _____

   _____¼_____¼ Section _____, Township_____ North, Range _____ East/West

7a. Identify the diversion dam location if applicable: County _____

   _____¼_____¼ Section _____, Township_____ North, Range _____ East/West

7b. Name of supply canal _____

8. State the quantity of water desired: _____ cubic feet per second of time.

9. State the maximum head: _____ feet.

10. The plant will be completed _____, 20_____.

11. The plant will be put in operation on or before _____, 20_____.

12. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.

_____ Date

_____ Signature of owner or authorized agent

(over)

This form must be completed in full. An incomplete or defective application will be returned with 90 days being allowed for resubmission. Failure to resubmit a corrected application within this time period shall cause dismissal of the application and consequent loss of priority.

A non-refundable filing fee (payable to the Department of Natural Resources) can be computed from the table below and must accompany this application. Forward this application and fee to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509
(402) 471-2363

Fees for Application to Appropriate Water for Power

Power Generation + for each
theoretical 50 horsepower $5

For fee purposes, theoretical horsepower shall be computed by multiplying the maximum amount of water applied for in the application, expressed in cubic feet per second, by the total head expressed in feet, and dividing the product by eight and eight tenths (8.8).

Scaled plans depicting the project must be submitted for departmental approval prior to construction. Within six months after the approval of an application for water power, the applicant shall enter into a contract with the State of Nebraska for leasing the use of all water so appropriated. Such lease shall be upon forms prepared by the Department, and the time of such lease shall not run for a greater period than fifty years; and for the use of water for power purposes the applicant shall pay into the state treasury on or before January 1 each year, fifteen dollars for each one hundred horsepower for all water so appropriated.

"Appendix F"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

PPLICATION FOR A PERMIT TO APPROPRIATE NATURAL FLOW FOR INDUCED GROUND WATER RECHARGE

INSTRUCTIONS

Complete items 1 through 5 by printing in ink or typing the appropriate information. The following information shall be submitted with this form and made a part hereof. All information shall be compiled and submitted in a loose-leaf binder with maximum dimensions of 11 inches by 11 inches by 4 inches. Maps, plans and drawings must be of a size sufficient to clearly depict the subject matter, but must be folded to dimensions not to exceed 11 inches by 11 inches. A complete table of contents shall be provided. When using a model, supply justification for the applicability of the model to the actual geological conditions of the well or well field. List all assumptions. Give results of any performed sensitivity analysis.

For Department Use Only

Filed in the office of the Department of Natural Resources at _____ a.m./p.m. on _____, 20_____.

Application No. _____

Water Division _____

Receipt No. _____ Amount _____

A. A table of all existing and proposed production wells included under the application, identifying (if applicable) well registration numbers; exact location by 40-acre subdivision, section, township and range; total depth; pumping capacity; and date each was completed.

B. Quantification of aquifer properties and how each was determined, including but not limited to, recharge rate, transmissivity, hydraulic conductivity, saturated thickness, depth to water, type of aquifer (confined/unconfined).

C. Assuming that combination of wells expected to create the greatest induced recharge, a tabulation showing computed drawdown and induced recharge and how it was determined.

D. A geologic log, to include an indication of static water level, for each production and test well.

E. For each production well, a log showing the size and vertical placement of each pump, all plain casing and screened sections and any artificial gravel pack.

F. A table that illustrates the times of year when induced recharge is expected to occur, and that quantifies the expected rates (gpm) and volumes (ac-ft) of induced recharge.

G. A narration of the minimum flow necessary within that stream reach where induced recharge is intended, to sustain satisfactory operation of the well field facilities.

H. A narration of the period of time that well field facilities would continue to meet minimal essential needs of the public water supplier if there were no flow in source of supply.

I. led maps showing:

1) All production and test wells and the stream reach where induced recharge is intended.
2) A depiction of the aquifer piezometric surface under nonpumping conditions and for pumping conditions assuming that combination of wells expected to create the greatest induced recharge.
3) The areal extent and a cross-section of that portion of the aquifer analyzed for this application.
4) Location and identification of use of any wells not included in this application with a cone of depression that may intersect applicant's well field.
5) Existing surface water users within the area of the stream reach were induced ground water recharge occurs.

J. List alternative sites explored and justification for chosen site over another site which might have less impact on the stream.

Applications for wells constructed on or after September 9, 1993, shall include information on public interest factors described in § 46-235(3b) and (4b), R.R.S., 1943, as amended.

The following information may be submitted at the discretion of the applicant:

A. A statement indicating rate and volume of induced ground water recharge presently used and the anticipated use for the next 25 years.

B. A statement indicating rate and volume of ground water use anticipated from well field during the next 25 years.

1. Name of applicant: _____ Telephone Number (____) _____

Address _____

Citv _____ State _____ Zip Code _____

(over)

2. Name of contact person _____ Telephone Number (____)_____

Address_____

City_____ State_____ Zip Code_____

3. Identify the source of water (name of stream): _____

4.(a) State estimated time required for completion of all water diversion facilities:	(b) State the earliest date when water will have been used for beneficial purposes:

5. The information given in sections C and F should be used to determine the amount of appropriation desired, state desired amount of appropriation _____.

6. Does this project involve a federal nexus? Yes _____ No _____

7. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.

_____ Date

_____ Signature of Public Water Supplier's Authorized Agent/Title

This form must be completed in full. An incomplete or defective application will be returned with 90 days being allowed for resubmission. Failure to resubmit a corrected application within this time period shall cause dismissal of the application and consequent loss of priority.

A non-refundable filing fee of $10.00 (payable to the Department of Natural Resources) must accompany this application. Forward this application and fee to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, NE 68509
(402)471-2363

"Appendix G"

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of A-_____, a Permit to Divert Water from _____ _____ Water Division _____.	)))))	RELINQUISHMENT OF WATER APPROPRIATION (IN PART)

(I/We/_____), _____, hereby certify that (I am/we are) the (owner/owners/appropriator(s)) of _____.

According to the records of the Department of Natural Resources A-_____, with a priority of _____, is a permit to divert water from _____, and the following described lands are (part of the lands) approved for irrigation under this permit:

Township ____ North, Range ____ E/W County _____ Acres	Township ____ North, Range ____ E/W County _____ Acres

Irrigation facilities will be constructed and water has been applied for in the name of _____ to be available to the above described land from _____ under A-_____ having a priority date of _____.

(I/We/_____) hereby RELINQUISH(ES) all claims to the right to divert water from _____ granted under A-_____ for use upon the lands described above because _____
_____
_____.

(I/We/_____)
hereby WAIVE(S) the issuance and service of any notice of hearing as provided by Chapter 46, Article 2, R.R.S., 1943, as amended, for the purpose of determining whether the water appropriated under A-_____ for the above described lands shall be determined forfeited and annulled.
(I/We/_____)
hereby consent(s) without further notice to the entry of an order by the Department of Natural Resources cancelling the appropriation of water granted under A-_____ (for the lands listed above).

_____
Type Name here

STATE OF NEBRASKA)

)

COUNTY OF _____)

On _____ (Month, Day, Year), before me _____ (Notary Name), a notary public, personally came _____ as (owner\owners of the land/ appropriator(s)) described herein, and acknowledged the same to be (his/her/their/its) voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at _____, _____ County, Nebraska, this _____day of _____, _____.

_____
Notary Public

Revised 8/10/2004

"Appendix H"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES UPDATE NOTICE

This form is not required when property is located within the corporate limits of a municipality.

...structions: Items 1 through 3 and 5 are to be completed by seller; Items 4 and 6 are to be completed by new owner.

1. Name, address and telephone number of transferor (past owner(s)).
   Name(s) must be exactly as described on deed or other document transferring ownership of property.

   Zip Code _____ Telephone No. (_____) _____

FOR DEPARTMENT USE ONLY

Surface Water Appropriation(s) Changed:

_____

_____

Ground Water Well Registration(s) Changed/Updated: _____

_____

_____

_____

_____

_____NRD

2. Legal description of property using 40-acre legal subdivisions. This description may also be provided by attaching a document transferring ownership or a tax record. If applicable, please list lot, block and/or street address.

3. Check and complete those that apply:

_____a. There are no known existing surface water appropriations attached to this property.

_____b. There are existing surface water appropriations attached to this property, but they are in the name of an irrigation district, a public power and irrigation district, or a mutual irrigation company. (*Transferee should contact district or company.*)

_____c. There are surface water appropriations attached to the property **NOT** in the name of an irrigation district, public power and irrigation district or a mutual irrigation company. List appropriation numbers if known: _____

_____d. There are no ground water wells on this property.

e. The only water well(s) on this property are used solely for domestic use (includes stock water) and were constructed prior to September 9, 1993.

_____f. There are ground water wells located on this property that are **NOT** used solely for domestic purposes, or domestic wells constructed on or after September 9, 1993. List all wells below:

Well Registration No. If Known	Approximate Date Constructed	Type of Well*

* What water is primarily used for. Examples are irrigation, domestic, livestock, commercial, industrial, heat pump (open loop), heat pump (closed loop), injection, monitoring (water samples withdrawn), observation (water levels taken), recovery (clean up contamination), dewatering or other. Plot location of each well on the map given on the reverse side of this form.

4. Name, address and telephone number of transferee (new owner(s)).
   Name(s) must be exactly as described on deed or other document transferring ownership of property.

   de _____ Telephone No. (_____)_____

Instructions to Transferee:
If "c" or "f" above is checked, submit to:

Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, NE 68509-4676

If "c" or "f" is not checked, do not send to Department of Natural Resources, just keep for your records.

5. The above information is true and accurate to the best of my knowledge.

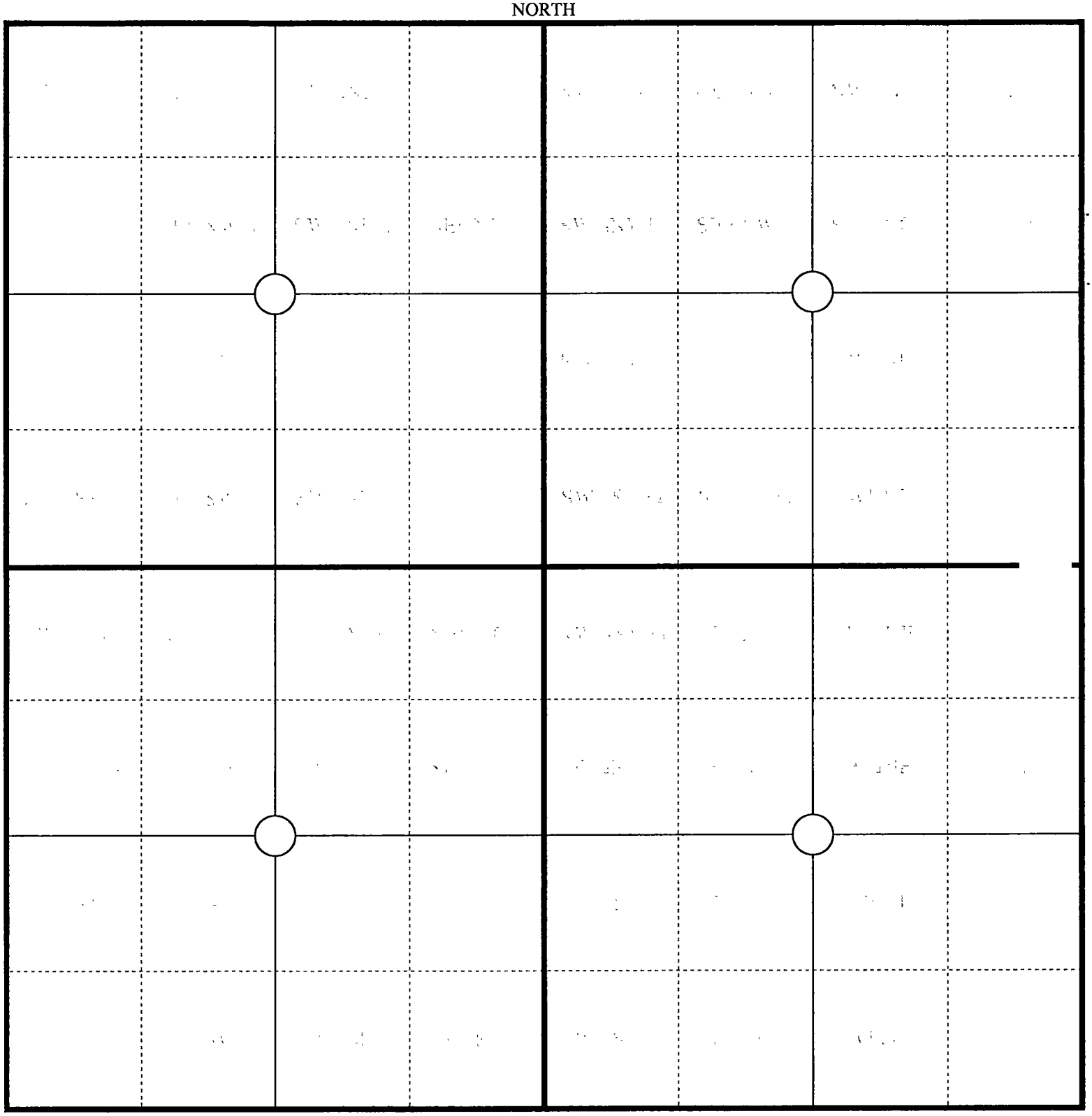
_____ _____
Date Signature of Transferor (past owner(s))

6. The above information is true and accurate to the best of my knowledge.

_____ _____
Date Signature of Transferee (new owner(s))

____Township, ____Range (East/West) _____ County ____Township, ____Range (East/West) _____ C

NORTH



SOUTH

____Township, ____Range (East/West) _____ County ____Township, ____Range (East/West) _____

This is a map of four sections divided into 40-acre government subdivisions. Please draw an outline of the property you own and mark the location of each well located on your property by placing an "X". Label the section number in the middle of the section. Label the use of the well and the registration number, if known. If available, an aerial photograph marked to show location of each well can be submitted in place of the above.

Reused 7(2002)
"Appendix I"

Submit to:
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
In, Nebraska 68509-4676
(402) 471-2363

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF CHANGE OF OWNERSHIP

1. Name, address and telephone number of **new** owner(s).
Name(s) must be exactly as described on deed or other document transferring ownership of property. If more than one owner, please describe type of ownership, i.e. limited partnership, joint ownership, corporation.

Zip Code _____ Telephone No. ( ) _____

FOR DEPARTMENT USE ONLY

Surface Water Appropriation((s) Changed: _____

Ground Water Well Registration(s) Changed/Updated: _____

2. All correspondence is to be mailed to:

de _____ Telephone No. ( ) _____

3. Legal description of property owned using 40-acre legal subdivisions. This description may also be provided by attaching a document transferring ownership or a tax record. The information must be complete. An incomplete form will be returned for correction. If applicable, please list lot, block and/or street address.

4. This change is filed concerning the following:

_____a. List surface water appropriation numbers:

_____

_____b. List ground water well registration numbers:

_____

5. The above information is true and accurate to the best of my knowledge.

_____ Date

_____ Signature of new land owner or agent

Return to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509-4676
Phone (402) 471-2363

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STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
PETITION FOR A PERMIT TO CHANGE THE LOCATION OF DIVERSION

Complete Items 1 through 9 by printing in ink or typing the appropriate information and by placing an (X) in the appropriate box.

For Department Use Only

Filed in the office of the Department of Natural Resources at _____ a.m./p.m. on _____, 20____.

Petition No. _____

Appropriation No. _____

Water Division _____

Receipt No. _____ Amount _____

1. Name and address of petitioner:

Zip Code_____ Telephone No. ( )_____

2. Name and address of owner if different than petitioner:

Zip Code_____ Telephone No. ( )_____

3. The appropriation(s) being modified include(s): _____

4. The source of the water supply is _____

5. This petition is for a permit to change the point of diversion from the present location identified as:

(a) ☐ Pump ☐ Headgate of _____ Canal,

_____¼_____¼, Section _____, Township _____North, Range _____East/West,

County _____.

(b) To the point(s) of diversion location identified as:

☐ Pump ☐ Headgate of _____ Canal,

_____¼_____¼, Section _____, Township _____North, Range _____East/West,

County _____.

6. If for irrigation, describe the lands to be irrigated from the new point of diversion.

LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres	LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres
					TOTAL ACRES				

(Over)

7. The amount of water proposed for diversion at the new location is _____ cubic feet per second of time.

8.(a) State estimated time required for completion of the new diversion facilities:

(b) State the earliest date when water will have been used for beneficial purposes from the new point of diversion:

9. I certify that I am familiar with the information contained in this petition, and that to the best of my knowledge and belief such information is true, complete and accurate.

_____ Date

_____ Signature of owner or owner's authorized agent

This form must be completed in full. An incomplete or defective application will be returned with 30 days being allowed for resubmission. Failure to resubmit a corrected petition within this time period shall cause dismissal of the petition.

A map, drawn in accordance with Department Rules, Title 457, Chapter 10, may be required. Failure to file a required map within the time limit specified by the Department will cause dismissal of the petition.

A non-refundable filing fee of $10.00 (payable to the Director of Natural Resources) must accompany this petition. Forward this petition and fee to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, NE 68509
(402)471-2363

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
'LICATION FOR A PERMIT FOR AN EXPEDITED TRANSFER OF THE LOCATION OF USE

IN.. RUCTIONS: See DNR Form 962-5

FOR DEPARTMENT USE ONLY

Filed in the office of the Department of Natural Resources
at _____ a.m./p.m.
on _____, 20 _____
Transfer No. _____
Map No. _____
Water Division _____
Receipt No. _____ Amount _____

1. Name and address of appropriator of record:

_____
_____
_____

Zip Code _____ Telephone Number ( ) _____
Cell Phone Number ( ) _____
e-mail address:

2. Name and address of each mortgage holder or deed of trust holder for land now under permit:
(If more than one, please use DNR form 962-4)

_____
_____
_____

Zip Code _____ Telephone Number ( ) _____
Cell Phone Number ( ) _____
e-mail address: _____

3. For individual water rights, the names, addresses and titles of tenants and other persons who should receive water administration notices during times of shortage concerning this appropriation. If the appropriator is not the landowner, the landowner must be listed here and must sign the application. (If more than one, please use DNR form 962-7.)

_____
_____
_____

Zip Code _____ Telephone Number ( ) _____
Cell Phone Number ( ) _____
e-mail address: _____

Check one:
☐ Landowner ☐ Tenant ☐ Farm Manager ☐ Power of Attorney ☐ Other _____

4. List the water appropriation number that this application proposes to modify: _____

5.A. The present point of diversion is identified as follows:

☐ Pump ☐ Headgate of _____
_____
_____

_____ ¼ _____ ¼ Section _____ Township _____ North, Range _____ East/West, _____ County

B. This transfer will result in a change in the point of diversion ☐ Yes ☐ No

6. Amount of water requested to be transferred: Rate _____ Total Annual Volume _____

7. Are there other sources of water available at the original location of use? ☐ Yes ☐ No
If Yes, describe and state whether any provisions have been made to prevent the use of a new source or increased use from an existing source.

_____
_____
_____

8. Legal description of land currently under permit*:

SEC.	TWP.	RANGE	NW¼				NE¼				SW¼				SE¼				TOTALS
			NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	

TOTAL: _____

*Additional sheets may be obtained from the Department.

9. Legal description of land where water will be used after proposed transfer*:

SEC.	TWP.	RANGE	NW¼				NE¼				SW¼				SE¼				TOTALS
			NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	

TOTAL: _____

*Additional sheets may be obtained from the Department.

10. For lands listed in 9 above, check all the boxes that apply:

☐ All lands have been cultivated ☐ Some of the lands have been cultivated

☐ The lands contain no native grass ☐ None of the lands have been cultivated

11. All lands listed for paragraphs 8 and 9 are under the same ownership or within the same irrigation district, reclamation district, public power and irrigation district, or mutual irrigation or canal company? ☐ Yes ☐ No

12. Describe historical water use of this appropriation for each of the last five years. If lands have been in a government progr information shall be given for last five years of use, and documentation of government programs shall be provided.

YEAR	ACRES IRRIGATED	MAXIMUM PUMPING RATE

13. Current use permitted (check one):

☐ Irrigation ☐ Irrigation and Incidental _____

14. This is a (check one):

☐ Permanent Transfer ☐ Temporary Transfer If Temporary Transfer, indicate proposed duration of transfer _____ Years

15. All facilities used are owned or operated by the applicant.

☐ Yes ☐ No If No, provide documentation that the owner or operator of the facilities agrees to transfer.

16. If the proposed transfer is for increasing the quantity of water available for use pursuant to another appropriation, what is the other water appropriation? _____

17. I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief such information is true, complete and accurate.

DATE: _____ _____
SIGNATURE OF APPROPRIATOR OF RECORD

A non-refundable filing fee of $10 payable to the Department of Natural Resources must accompany this form. Mail to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509
(402) 471-2363

October 04, 2004
DNR Form 962-4
"APPENDIX K-1"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
NAME AND ADDRESS OF MORTGAGE HOLDER OR DEED OF TRUST HOLDER

NDUM FOR TRANSFER NO. _____

ete the following by **printing in ink *or* typing** the name and address of each mortgage holder or deed of trust holder for land now under permit:

1. Name and Address: _____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

2. Name and Address: _____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

3. Name and Address: _____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

4. Name and Address: _____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

5. Name and Address: _____

'p Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

6. Name and Address: _____

_____

_____

_____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

7. Name and Address: _____

_____

_____

_____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

8. Name and Address: _____

_____

_____

_____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

9. Name and Address: _____

_____

_____

_____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

10. Name and Address: _____

_____

_____

_____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509
(402) 471-2363

October 03, 2004
DNR Form 962-7
"APPENDIX K-2"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
NAME AND ADDRESS OF PERSONS TO RECEIVE LEGAL ORDERS AND NOTICES

NDUM FOR TRANSFER NO. _____

lete the following by **printing in ink** *or* **typing** the name and address of persons to receive legal orders and notices:

1. Name and Address: _____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

2. Name and Address: _____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

3. Name and Address: _____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

4. Name and Address: _____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

5. Name and Address: _____

ip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

6. Name and Address: _____

_____

_____

_____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

7. Name and Address: _____

_____

_____

_____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

8. Name and Address: _____

_____

_____

_____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

9. Name and Address: _____

_____

_____

_____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

10. Name and Address: _____

_____

_____

_____

Zip Code _____ **Telephone Number** (_____) _____

Cell Phone Number (_____) _____

e-mail address: _____

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509
(402) 471-2363

APPLICATION FOR A PERMIT TO TRANSFER THE USE OF WATER

"Appendix K-3"

The undersigned hereby consents to a change in location/type of use or type of appropriation for their portion of water appropriation _____ as proposed in the attached application.

DESCRIPTION OF LANDS*	SIGNATURE OF LANDOWNER(S)	NAME AND ADDRESS OF LANDOWNER*

*Please **Type** or **Print Neatly in Ink**.

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"Appendix L"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
SURFACE WATER PROJECT MAP

NORTH

Section(s): _____ Township: _____ Range: _____ County: _____

I certify that this map, consisting of _____ page(s), accurately represents the project proposed by _____.
(application number)

Date: _____ _____
(Applicant's Signature)

FOR DEPARTMENT USE ONLY Date Filed: _____

Map No. _____ Approved by Order Dated: _____

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Appendix M: Example of Engineer's Certificate

State of Nebraska)
)
_____ County)

I certify that the site survey and the design of the _____(name of dam)_____ dam represented on these drawings were made (state whether made by your or under your direction) and consist of _____ sheet(s).

I further certify that this dam was designed to meet the requirements of a (high, significant, low) hazard structure.

_____m 29_____ (signature and P.E. license number)
Engineer

Example of Applicant's Certificate

State of Nebraska)
)
_____ County)

I certify that these drawings were made with my full knowledge and consent.

_____, 20_____ (signature)

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July 2000

"Appendix N"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
CLAIM FOR THE WATERS OF THE STATE OF NEBRASKA

ete items 1 through 9 by printing in ink or typing the appropriate information a placing an (X) in the appropriate box.

For Department Use Only

Filed in the office of the Department of Natural Resources at _____ a.m./p.m.

on _____, 20_____.

Docket No._____

Map No._____

Water Division_____

Receipt No._____ Amount_____

1. Name and address of applicant:

Zip code _____ Telephone No. (_____)_____

2. Name and address of owner if different than applicant:

Zip code _____ Telephone No. (_____)_____

3. The claim is to:

☐ Use natural flow ☐ Use impounded water

☐ Impound water

The water has been used for:

☐ Domestic ☐ Manufacturing

☐ Irrigation ☐ Other (Explain)

_____

4. Identify the source of water (Name of stream or reservoir):

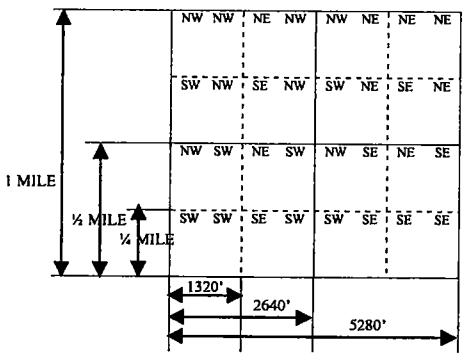
_____

If applicable, identify the facility name for transporting water from the source: (name of canal, pipeline or pump)

_____

5. ntify the location of the ☐ Headgate ☐ Pump ☐ Other type of facility

ction_____, Township_____ North, Range_____ East/West, County_____



The box at left represents one square mile (section). Place an (x) within each appropriate 40-acre tract to indicate the location(s) of each headgate, pump site, or other type of facility.

If applicable, indicate below the height (in feet) of any diversion or check dams.

_____

6. If applicable, identify the location of lands that have been irrigated below:

LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres	LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres
					TOTAL ACRES				

(over)

7. State the approximate quantity of water claimed: _____

- ☐ Gallons per minute
- ☐ Cubic feet per second
- ☐ Acre-feet (impounded water)

8. State the earliest date water was used for beneficial purposes:

_____

9. I certify that I am familiar with the information contained in this claim, and that to the best of my knowledge and belief such information is true, complete and accurate.

_____ Date

_____ Signature of owner or owner's authorized agent

A final project map may accompany this claim or must be filed within six months following departmental approval of this claim, drawn in accordance with Department Rules, Title 457, Chapter 10.

This form must be completed in full. An incomplete or defective claim will be returned.

A non-refundable filing fee of $10.00 (payable to the Department of Natural Resources) must accompany this claim. Forward this claim and fee to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509-4676
(402) 471-2363

"Appendix O"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPLICATION FOR APPROVAL OF AUTHORITY TO LEVY FEES

INSTRUCTIONS

Complete Items 1 through 3 by printing in ink or typing the appropriate information. The following information shall be submitted with this form on 8½-inch by 11-inch paper or folded to such a size, identified in an index and made a part hereof:

A. A fee schedule which includes:
   (1) The amount of the fees requested.
   (2) The time period for which the fees shall apply.
   (3) Date when the fees will first be assessed.
   (4) If fees are not uniform for the entire geographic area, a map showing the areas to which each variation in fees applies and an explanation for the different rates.
B. Sufficient information to allow the Department to determine the economic necessity to recover costs.
C. The source of the water stored or to be stored underground.
D. An explanation of the underground water storage method.
E. The relative amounts of water stored or to be stored underground and naturally occurring ground water.
F. The data or reference studies used by the applicant to determine the underground water storage.
G. A description of the areas served or to be served by the water stored underground and a map showing the boundary.
H. The amount of surface water, if any, for which the applicant has an appropriation.
I. The manner, use, and location of any such surface water appropriation.

For Department Use Only

Filed in the office of the Department of Natural Resources at _____ a.m./p.m.

on _____, 20____.

Application No. _____

Water Division _____

Receipt No. _____ Amount _____

ame of applicant: _____ Telephone Number (_____) _____

Address _____

City _____ State _____ Zip Code _____

2. Fees are requested within the area covered by approved intentional underground water storage application A-_____.

3. I believe the information contained in this application and the supporting documentation is true, complete and accurate.

_____ Date

_____ Signature and Title

This form must be completed in full. An incomplete or defective application will be returned. Failure to resubmit a corrected application within the time period specified shall cause dismissal of the application.

A non-refundable filing fee of $10.00 (payable to the Department of Natural Resources) must accompany this application. Forward this application and fee to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, NE 68509
(402)471-2363

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"Appendix P"

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPLICATION FOR A PERMIT TO CONDUCT WATER IN STREAM CHANNELS

INSTRUCTIONS

This form must be completed in ink or typewritten. The form may be used by persons wishing to conduct water in stream channels for either consumptive or nonconsumptive (instream) purposes. A complete application shall include the following, submitted on 8½" x 11" paper, or paper folded to that size:

1. Completion of Items 1 through 9.
2. A map marked to show:
   a. location of contributing source (stream, pump, well, reservoir);
   b. point(s) at which water is conducted into the stream;
   c. entire stream reach through which the water will be conducted;
   d. location(s) of diversion out of the stream or, in case of instream uses, location where such protection of the water is to end; and
   e. location of use. If for irrigation, submit U.S.D.A. aerial photograph(s) with the lands in each 40-acre subdivision crosshatched and labeled with the number of acres in each subdivision to be irrigated.
3. Applicant's detailed analysis for losses in transit.

For Department Use Only

Filed in the office of the Department of Natural Resources at _____ a.m./p.m.

on _____, 20_____.

Application No. _____

Water Division _____

Receipt No. _____ Amount _____

1. Name of applicant: _____ Telephone Number (____) _____

   Company/District _____

   Address _____

   City _____ State _____ Zip Code _____

2. a. Identify the source of water: _____

   b. If the source is ground water, list the well registration number(s) and the maximum pumping capacity for each: _____

   _____

   c. List the maximum amount of water to be released into the channel from each source: _____

   _____

3. Identify the location of original stream diversion, pump site(s), well(s), or reservoir:

   _____ ¼ _____ ¼ Section _____ Township _____ North, Range _____ East/West,

   County _____, State _____

   _____ ¼ _____ ¼ Section _____ Township _____ North, Range _____ East/West,

   County _____, State _____

4. Identify the location(s) where water will enter the stream or channel:

   _____ ¼ _____ ¼ Section _____ Township _____ North, Range _____ East/West,

   County _____, State _____

   _____ ¼ _____ ¼ Section _____ Township _____ North, Range _____ East/West,

   County _____, State _____

5. fy the final location where water will be removed from the stream or channel or where nonconsumptive protection ends:

   _____ ¼ _____ ¼ Section _____ Township _____ North, Range _____ East/West,

   County _____, State _____

(over)

6. State the intended use of the water: _____

7. State the times of the year when water will be used: _____

8. If applicable, identify the location of lands that will be irrigated below:

LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres	LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres
					TOTAL ACRES				

9. I believe the information contained in this application is true, complete, and accurate.

Date _____ Signature and Title _____

This form must be completed in full. An incomplete or defective application will be returned with 30 days being allowed for resubmission. Failure to resubmit a corrected application within this time shall cause dismissal of the application.

Department staff reserve the right to assess conveyance losses.

A non-refundable filing fee of $10.00 (payable to the Department of Natural Resources) must accompany this application. Forward this application and fee to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509
(402) 471-2363