

**RULES AND REGULATIONS  
FOR THE ENFORCEMENT OF THE  
NEBRASKA GROUNDWATER MANAGEMENT AND PROTECTION ACT**

**GROUNDWATER SUPPLY (QUANTITY) MANAGEMENT**

**GENERAL PROVISIONS AND PROCEDURES FOR ENFORCEMENT**

**AUTHORITY**

The authority for these rules is contained in Chapter 46, Reissue Revised Statutes of Nebraska, Article 7 of the Nebraska Ground Water Management and Protection Act.

**RULE 1. Area designation and boundaries.**

These rules apply to the district-wide Management Areas as depicted on the accompanying maps.

**RULE 2 General.**

- 2.1 The District shall enforce the provisions of the Groundwater Management and Protection Act, and all rules and regulations adopted pursuant thereto by the issuance of cease and desist orders in accordance with the procedure hereinafter specified and by bringing appropriate actions in the district court of the county in which any violations occur for enforcement of such orders. Cease and desist orders may be issued for the following reasons:
- 2.1.1. Operation of an irrigation system in a manner which allows for improper groundwater irrigation run-off.
  - 2.1.2. Construction or operation of an illegal well as defined in these rules and regulations.
  - 2.1.3. Operation of an irrigation system in a quantity management area in non-compliance with the rotational or allocational use of groundwater adopted by the Board of Directors.
  - 2.1.4. Operation of a cropping system in a designated quality management area in violation of the best management practices adopted by the Board of Directors.
  - 2.1.5. Operation of a cropping system in a designated quality management area without the appropriate certification of completion of the education programs required by the Board of Directors.
  - 2.1.6. Operation of a cropping system in a designated quality or quantity management area without submitting such reports or forms as may be required by the Board of Directors as part of the District's Groundwater Management Program.
  - 2.1.7. Failure to certify irrigated acres.
  - 2.1.8. Expanding irrigated acres or other uses of groundwater without proper offsets.
  - 2.1.9. Failure to comply with the terms and conditions agreed on through a variance, transfer or irrigation certification.

**Rule 3 Definitions.**

- 3.1. Alleged violator: shall mean any person against which a complaint has been filed in accordance with Rule 9.
- 3.2. Best management practices: shall mean schedules of activities, maintenance procedures and other management practices utilized to prevent or reduce present and future contamination of groundwater which may include soils testing, water testing, irrigation scheduling, monitoring of irrigation water applications, use of inhibitors, proper timing and rate of fertilizer and pesticide application, and other fertilizer and pesticide management programs as adopted by the Board.
- 3.3. Board or board of directors: shall mean the board of directors of the Central Platte Natural Resources district and/or its employees and agents acting at the direction of the Board of Directors.
- 3.4. Certification: shall mean a current certificate of completion issued by the District to the operator for completion of the necessary educational programs outlined by the District.
- 3.5. Complainant: shall mean any person who files a complaint alleging a violation of these rules and regulations in accordance with Rule 9.
- 3.6. Compliance officer shall mean an employee, agent, or director of the district authorized to perform the functions assigned thereto by these rules and regulations.
- 3.7. Contamination/Remediation Well: shall mean a water well, constructed to recovery well standards, for the purpose of withdrawal or treatment of Contaminated water, or for the introduction or removal of air, water or chemicals.

- 3.8. Crop conversion factor: shall be that adjustment adopted by the Board subsequent to a hearing as outlined in Section 46-673.05, R.R.S. 1943 to reflect an alternate crop's increase or decrease in water consumption as compared to corn.
- 3.9. Dewatering Well: shall mean a water well constructed and used solely for the purpose of lowering the groundwater table elevation.
- 3.10. District: shall mean the Central Platte Natural Resources District.
- 3.11. Dryland Agricultural Use: the production of vegetation without the application or use of surface water or groundwater, whether applied directly or by sub-irrigation.
- 3.12. Educational programs: shall mean information and educational training sessions designed to acquaint landowners and operators with best management practices in the operation of their irrigation and cropping systems.
- 3.13. Emergency Situation: shall mean any set of circumstances that requires the use of water from any source that might otherwise be regulated or prohibited and the district reasonably and in good faith believes that such use is necessary to protect the public health, safety, and welfare, including, if applicable, compliance with federal or state water quality standards.
- 3.14. Expanded Use: shall mean consumptive use above and beyond the previous historic use.
- 3.15. Good Cause Shown: shall mean a reasonable justification for granting a variance to consumptively use water that would otherwise be prohibited by law, statute, rule or regulation and which the district reasonably and in good faith believes will provide an economic, environmental, social or public health and safety benefit that is equal to or greater than the benefit resulting from the prohibition from which a variance is sought.
- 3.16. Groundwater: shall mean that water which occurs or moves, seeps, filters, or percolates through ground under the surface of the land.
- 3.17. Groundwater user: shall mean a person who at any time extracts, withdraws, or confines groundwater for any use by himself or allows such use by other persons at a rate in excess of 100 gallons per minute. Whenever the landowner and operator are different, the term 'groundwater user' shall mean both the owner and the operator.
- 3.18. Hayland: shall mean areas of predominately native or introduced grasses (not alfalfa or other legumes) that can be hayed but may on occasion be grazed.
- 3.19. Historic Consumptive Use: shall mean the amount of water that has previously been consumed under appropriate and reasonably efficient practices to accomplish without waste the purposes for which the appropriation or other legally permitted use was lawfully made.
- 3.20. Illegal well shall mean:
- 3.20.1. Any well not registered pursuant to the provisions of Section 46-602 to 46-605, R.R.S. 1943;
- 3.20.2. Any well in violation of spacing requirements specified by Section 46-609 or 46-651, R.R.S. 1943;
- 3.20.3. Any new irrigation well installed closer than 900 feet from any existing irrigation well in a Phase II quantity management area; closer than 1200 feet from any existing irrigation well in a Phase III quantity management area; closer than 1500 feet from any existing irrigation well in a Phase IV quantity management area; or closer than 1800 feet from any existing irrigation well in a Phase V quantity management area designated by the District.
- 3.20.4. Any well utilized for application of chemical materials in violation of Section 46-1101 to 46-1148 R.R.S. 1943 as such statutes may be amended and supplemented, and such rules and regulations as may be adopted from time to time by the State Department of Environmental Control.
- 3.20.5. Any well or pit from which water is transported to an adjoining state in violation of Section 46-613.01, R.R.S. 1943;
- 3.20.6. Any pit located within 50 feet of the bank of any natural stream and utilized for irrigation purposes without a permit issued pursuant to Section 46-637, R.R.S. 1943;
- 3.20.7. Any well from which water flows under natural pressure in excess of the provisions of section 46-281, R.R.S. 1943; or
- 3.20.8. Any well constructed or operated in violation of these or other rules and regulations of the District or of other applicable laws, rules and/or regulations of the State of Nebraska and its agencies.

- 3.21. Improper irrigation run-off: shall mean the occurrence of irrigation run-off water
- 3.21.1. which causes or contributes to the accumulation of water upon or beneath the surface of the lands of any other person(s) to their detriment, damage, or inconvenience;
- 3.21.2. which causes or contributes to the deterioration of water quality by depositing sediment and/or associated chemicals in surface water within the area; or
- 3.21.3. which contributes to waste.
- 3.22. Inspector: shall mean an employee, agent, or director of the District authorized to perform the functions assigned thereto by these rules and regulations.
- 3.23. Irrigation: shall mean artificial means of applying ground and/or surface water to promote growth of vegetation.
- 3.24. Irrigation run-off water: shall mean groundwater used for irrigation purposes which escapes from land owned, leased, or otherwise under the direct supervision and control of a groundwater user. Groundwater which becomes comingled with irrigation runoff from surface water shall be treated as irrigation runoff.
- 3.25. Landowner: shall mean any person who owns or is in the process of purchasing land.
- 3.26. Maximum acceptable decline: shall be that level below 1982 water levels established by the Board subsequent to the hearing as outlined in Section 46-673.05, R.R.S. 1943 which would still allow the aquifer life to be sustained while at the same time minimize adverse economic impacts to individual water users.
- 3.27. Monitoring Well: shall mean a water well that is designed and constructed to provide ongoing hydrologic or water quality information and is not intended for consumptive use.
- 3.28. Operator: shall mean that person who has the most direct control over the day-to-day farming operations of the land concerned.
- 3.29. Pasture: shall mean areas of predominately native or introduced grasses (not alfalfa or other legumes) that can be grazed but may on occasion be hayed.
- 3.30. Permit: shall mean a document that must be obtained from the district in accordance with Sections 46-735 through 46-738, Revised Statutes of Nebraska.
- 3.31. Person: shall mean a natural person, partnership, association, corporation, municipality, irrigation district, and any agency or political subdivision of the state.
- 3.32. Predicted stable rotation percentage: shall be that rotation percentage established by the Board subsequent to a hearing as outlined in Section 46-673.05, R.R.S. 1943 which the Board feels based upon the best available data is the rotation percentage necessary to achieve a sustained yield objective.
- 3.33. Rainfall adjustment factor: shall be that adjustment factor adopted by the Board subsequent to a hearing as outlined in Section 46-673.05, R.R.S. 1943 that is used to adjust annual declines or rises in the measured water level to reflect variations in precipitation.
- 3.33. Replacement Well: For the purposes of these Rules and Regulations, a replacement well is defined as follows:
- 3.34.1. A water well which (a) replaces a previously abandoned water well within three years of the last operation of the abandoned water well or replaces a water well that will not be used after construction of the new water well with the original water well decommissioned within 180 days of construction of the new water well; and (b) if for irrigation, is constructed to provide water to the same tract of land served by the water well being replaced.
- 3.34.2. A water well that is used to supplement irrigation wells that irrigate lands already irrigated with groundwater provided that the irrigated acres cannot exceed the acres irrigated as defined by Section C, Sub-section 2.
- 3.34.3. New wells that irrigate land with surface water on the condition that the landowner provides the following (1) verification from the landowner that the well will only be used when the surface water supply has been exhausted and is no longer available to the operator at its normal rotation or scheduled time(s), (2) verification that the landowner will maintain the surface water right (3) verification that the irrigated acres will not exceed the acres irrigated as defined in Section C, Sub-section 2, and (4) any other requirement or condition the Board may request.
- 3.34.4. New wells that would irrigate lands not irrigated as defined by Section C, Sub-section 2 provided that (1) a) the same amount of water that would be depleted from the river over

a 50-year period from consumptive use of groundwater withdrawals are retired from use (offset), and b) the offset occurs at the same time, rate and location as the depletion as identified by COHYST, and (2) any other requirement or condition the board may request.

- 3.34.5 New wells that irrigate certified land previously irrigated by surface water with the surface water rights associated with that certified land having been acquired by the Natural Resources District for purposes of water banking.
- 3.35. Rotation: shall mean a recurring series of use and non-use of a part of the producer's developed irrigated acres on an annual basis.
- 3.36. Rotation percentage: shall mean that percentage of land, as adopted by the Board, of each landowner's total developed irrigated acres he is permitted to irrigate in any one irrigation season. The said percentage may be subject to adjustment by the adopted crop conversion factor.
- 3.37. Test Hole: shall mean a hole designed solely for the purposes of obtaining information on hydrologic or geologic conditions.
- 3.38. Weather adjusted decline: shall be the water level modified by the rainfall adjustment factor that the District utilizes as a basis for triggering management decisions.
- 3.38. Well or Water Well: shall mean a water well as defined in Section 46-601.01, Revised Statutes of Nebraska.

**RULE 4 Groundwater Supply Management Area Designation.**

The District may, by order, designate a groundwater supply management area following a hearing initiated in accordance with Section 46-673.05, R.R.S. 1943, if it shall be determined, following evaluation of relevant data and projection of effects of current and new developments, that a management area is necessary in order to achieve the groundwater reservoir life goal specified in the District's groundwater management plan.

**RULE 5 Groundwater Supply Management Area Regulations.**

The District may, by order, and following a hearing held in accordance with Section 46 673.05, R.R.S. 1943, manage the use of water in a management area by any of the following means:

- 5.1. Allocating the total permissible withdrawal of groundwater;
- 5.2. Rotation of use of groundwater;
- 5.3. Instituting well-spacing requirements pursuant to Section 46-673.12, R.R.S. 1943, and/or
- 5.4. The District may also require the use of flow meters on wells.

**RULE 6 Groundwater Quality Management Area Designation.**

The District may, by order, designate a groundwater quality management area following a hearing initiated in accordance with Section 46-673.05, R.R.S. 1943, if it shall be determined, following evaluation of relevant data and projection of effects of current and new developments, that a management area is necessary in order to achieve the groundwater reservoir quality goal specified in the District's groundwater management plan.

**RULE 7 Groundwater Quality Management Area Regulation.**

The District may, by order, and following a hearing held in accordance with Section 46-673.05, R.R.S. 1943, manage those activities having an effect upon groundwater quality by any of the following means:

- 7.1. Requiring utilization of best management practices;
- 7.2. Requiring attendance at educational programs designed to protect water quality;
- 7.3. Requiring the submittal of reports or forms;
- 7.4. Allocating the total permissible withdrawal of groundwater;
- 7.5. Rotation of use of groundwater;
- 7.6. Instituting well-spacing requirements pursuant to Section 46-673.12 R.R.S. 1943, and/or
- 7.7. The District may also require the use of flow meters on wells.

**Rule 8. Closure of the management area to issuance of new well permits, preventing expansion of irrigated acres, and preventing increases in, or expansion of consumptive use of groundwater for other uses.**

- 8.1 Effective January 5, 2006, and except as provided in the Rules and Regulations of the District, the district-wide management area is closed to the issuance of new well permits by the District.
- 8.2. Except as provided in the Rules and Regulations of the District, only "irrigated land" as defined in Section C, Sub-section 2 and/or land which has been certified in accordance with the provisions of Section C, Sub-section 3 may be irrigated with groundwater on or after January 5, 2006.

- 8.3 Effective March 22, 2006, and except as provided in the Rules and Regulations of the District, the district-wide management area is closed to increases in, or expansion of, consumptive use of groundwater withdrawals from water wells used for any beneficial purpose other than irrigation.
- 8.4 Any proposed change of use of an existing well that pumps more than fifty (50) gallons per minute must be approved by Central Platte NRD before such change occurs, as provided in Section C, Sub-section 1.5.
- 8.5 Wells not subject to Rule 8.1 are:
- 8.5.1 Test holes.
  - 8.5.2 Dewatering wells with an intended use of less than ninety days.
  - 8.5.3 Water wells designed and constructed to pump fifty (50) gallon per minute or less; provided that if two or more water wells have individual pumping capacities of fifty (50) gallons per minute or less but a combined capacity of more than fifty (50) gallons per minute and if those wells are to be clustered or joined for a single purpose or if the water therefrom is to be commingled or combined for a single purpose, those wells shall be considered as one well and shall be subject to Rule 3.1.
  - 8.5.4 Water wells to be used as replacement wells as defined in the Rules and Regulations of the District.
- 8.6 A replacement well as herein defined or as further defined in District Rules and Regulations, is subject to the same provisions as the water well it replaces.
- 8.7 Rules 8.1, 8.2, 8.3, and 8.4 shall remain in effect until November 20, 2009, unless rescinded by the Central Platte NRD Board of Directors.

**RULE 9 Complaints.**

Any person who owns land, leases land, or resides within the District; or any non-resident person who can show that the actions of any landowner or operator within the District directly affects him; or the District Compliance Officer; or the Board on its own motion, may file a written complaint. Said complaint shall be filed against a landowner or operator alleging a violation of these rules and regulations or that a groundwater user is constructing or operating well illegally. Complaints shall be filed at the office of the District, 215 North Kaufman Avenue, Grand Island, Nebraska 68803, on complaint forms prepared by said District. Forms shall be made available at such office or at such other office or offices as from time to time the Board of Directors shall designate.

**RULE 10 Inspections.**

In the case of a written complaint alleging a violation of these rules and regulations where the compliance officer determines that an inspection is necessary to determine whether or not the landowner or operator is, at the time of inspection, or was, at the time complained of, in violation of these rules and regulations, then the land where the alleged violation occurred, or District, State or Federal Records, shall be inspected by the Inspector within five (5) days after the complaint is filed (excluding Saturdays, Sundays, and legal holidays).

If the alleged violation requires an inspection of the land, the inspector, upon proper identification and after informing the person in control of the land either in person or by certified restricted mail, of the complaint and the inspector's purpose, is authorized to enter upon the land.

Upon completion of the inspection, the inspector shall file a report of his findings in the District office and shall deliver a copy of the complaint and said report to the alleged violator and to the complainant, if other than the compliance officer or the Board, in person, or shall transmit the same by certified restricted mail.

**RULE 11 Submission of Inspection Report alleging violation and alleged violator's alternatives.**

If the inspector finds in his report that there is reasonable cause to believe that a landowner or operator is, at the time of inspection or was at the time complained of, in violation of these rules and regulations, then said inspector's report, prepared and delivered in accordance with Rule 10 of this section, shall be accompanied by a formal notice of the alternative actions available to the alleged violator. Alternative actions shall be:

- 11.1. Agree with and accept as true and correct the inspector's findings that the alleged violation has in fact occurred or is occurring; consent in writing to cease and desist from continuing or allowing the reoccurrence of such violation; and if necessary for compliance, shall additionally submit a schedule of compliance in accordance with Rule 10; or

- 11.2 Reject the findings of the inspector's report and request in writing that a formal hearing be scheduled and conducted in accordance with the rules and regulations of the District.

The alleged violator shall be granted not less than seven (7) days (excluding Saturdays, Sundays, and legal holidays) from the date that said report and notice is provided to him to respond and to indicate any actions intended.

**RULE 12 Schedule of Compliance.**

If the alleged violator agrees under Rule 11.1, he or she shall submit a schedule of compliance which shall provide for the discontinuance and/or non-reoccurrence of the violation. If appropriate, such schedule of compliance shall include the identification and description of all proposed procedures and/or measures to prevent, control, abate, or remediate the violation.

In the case of an irrigation runoff complaint, such procedure or measure may include: limitation of water applied; construction and utilization of runoff collection and/or retention systems such as furrow dikes, reuse pits, or dugouts; blocking of end rows; or execution and performance of an agreement with his neighbor(s) in accordance with Rule 18. The schedule of compliance shall provide for the submission of a work order within ten (10) days (excluding Saturdays, Sundays, and legal holidays) following approval of the plan in the manner hereinafter provided.

The alleged violator shall agree to implement and abide by the terms of such schedule.

**RULE 13 Action Subsequent to Groundwater User Consent to Cease and Desist.**

When an alleged violator has been notified in accordance with Rule 10 of this section and has consented to cease and desist in accordance with Rule 11.1, the District compliance officer shall review the complaint, the inspector's report, the schedule of compliance, and any other related or pertinent documents.

The compliance officer shall determine whether the actions agreed to by the groundwater user will, when applied, bring such user into compliance with these rules and regulations. If the compliance officer determines that the proposed actions of the groundwater user are adequate and will prevent future non-compliance within a reasonable time period, he shall approve such action or plan and approve the schedule of compliance.

If the District compliance officer determines that implementation of the proposed schedule of compliance would be inadequate to prevent improper irrigation runoff, he shall indicate the additions or changes he deems necessary.

The groundwater user shall have five (5) days (excluding Saturdays, Sundays, and legal holidays) to consent to such additions or changes or reject such additions or changes and request a formal hearing. The original actions under Rule 11.1, of this section and the documents filed in accordance therewith by the groundwater user shall not be considered at such hearing unless the groundwater user consents to such consideration.

The complainant shall be notified of any action by the District compliance officer. The complainant shall have five (5) days (excluding Saturdays, Sundays, and legal holidays) to object to said approval or changes.

If no objections to the action taken are received, the proposed schedule of compliance shall be considered approved.

If said complainant objects to the approval by the compliance officer, he or she may request a formal hearing or agree to negotiated changes in the approved schedule.

**RULE 14 Board Action Subsequent to Landowner, Operator, Groundwater User, Complainant, Compliance Officer or Board Member Request for Hearing.**

In the case of a written complaint alleging a violation of these rules and regulations where the compliance officer determines that an inspection is not necessary to determine whether or not the landowner,

operator or groundwater user is, at the time complained of, in violation of these rules and regulations, or in accordance with Rule 11 or Rule 13, the Board shall hold a formal hearing when requested by an alleged violator, complainant, compliance officer or Board member. Notice of the hearing shall be delivered to the alleged violator and the complainant, in person or shall be transmitted to same by certified restricted mail.

If, following a hearing, the Board determines that the landowner, operator or groundwater user has violated these rules and regulations, it shall adopt an order directing such violator to immediately cease and desist from all activities determined by the Board to be violations, specifying any actions deemed necessary and appropriate. Said order shall be transmitted to the violator in person or by certified restricted mail.

**RULE 15 Board Action if Alleged Violator Fails to Respond or Appear.**

When an alleged violator has been notified of Board action in accordance with Rule 11 of this section and such alleged violator has failed to respond there under, or when an alleged violator has been notified of Board action in accordance with Rule 14 of this section and has failed to appear at any properly scheduled formal hearing, the Board shall:

- a. Review the complaint, and the Inspector's Report, if an inspection was necessary, as well as any other pertinent information; and
- b. Issue such order or orders in accordance with these rules and regulations as it deems appropriate.

**RULE 16 Groundwater User's Actions Following Issuance of Cease and Desist Order for Irrigation Runoff.**

Any groundwater user against which a cease and desist order for irrigation runoff has been issued in accordance with these rules and regulations may within seven (7) days (excluding Saturdays, Sundays, and legal holidays) following receipt of such order, submit a schedule of compliance. The schedule of compliance shall be approved by the District compliance officer if it is in accordance with said cease and desist order.

**RULE 17 Board Authorization to Initiate Court Action.**

The Board may initiate appropriate legal actions in the District Court of the County in which the violation has occurred whenever necessary to enforce any action or orders of the District in accordance with these rules and regulations.

**RULE 18 Agreement Between Landowners to Utilize Irrigation Runoff Water.**

A groundwater user whose irrigation runoff water is capable of being captured and utilized by another person in a manner which will prevent waste of such water, deterioration of surface water quality, and accumulation of water upon the land of any other person without his consent may have such water excluded from the definition of improper irrigation runoff water by submitting to the District an agreement providing for such capture and utilization signed by all affected parties, on forms provided by the District. When such agreement is approved by the District it will show the District's concurrence that the groundwater user's irrigation runoff water is under adequate control. The agreement may be terminated at any time by either party or by the District whenever it determines that such agreement no longer prevents or controls improper irrigation runoff water. If the District terminates the agreement, written notice shall be provided to both parties. If one of the parties to the agreement causes the termination, written notice shall be provided to the other party and to the District.

## **GROUNDWATER SUPPLY (QUANTITY) MANAGEMENT CONTROLS**

### **1, CONTROLS - "ROTATION"**

The following controls shall be utilized in all management areas to manage those activities having an effect upon groundwater supply (Quantity), except for those lands in parts of areas 15 and 21 which have specifically been approved by the District for the optional "Allocation" controls.

#### **1.1 Groundwater Supply Management Areas in a Phase I Program:**

1.1.1. No reduction in annual irrigated acreage is required.

#### **1.2 Groundwater Supply Management Areas in a Phase II Program:**

1.2.1. Beginning the first irrigation season following the Board's establishment of a Phase II program and continuing each year thereafter until such time as that management area moves into another phase program, there shall be a percentage reduction in acreage operated under irrigation within the management area. The percentage reduction shall be applied equally to each landowner/operator unit within the management area and shall be one-fourth (1/4) the difference between 100% (of the unit's total developed irrigation acres in the management area) and the "Predicted Stable Rotation Percentage". The percentage reduction and resulting reduced acreage shall be based on irrigated corn production and shall be subject to adjustment by the adopted crop conversion factor for crops other than corn (See Sub-section 2).

1.2.2. Any new irrigation well drilled must be at least 900 feet from any other legal irrigation well not belonging to the groundwater user owning or controlling the land upon which such well is located. The Board may grant a variance from the application of this rule to any groundwater user who demonstrates, to the satisfaction of the Board, that application of such rule would deny the user the reasonable use of groundwater underlying his or her land.

1.2.3. Any person who intends to construct a well shall include on the application for permit to construct a well, and in addition to the information required by 46-659(2), the acreage and location, by legal description, of any of the lands to be irrigated that were not previously irrigated during any of the last 10 years, the location and owner's name of any other well located within 1320 feet of the well to be constructed, and any other information as the District may require.

1.2.4. A report, signed by each landowner and operator, shall be submitted on or before July 15<sup>th</sup> of each year following the Board's establishment of a Phase II program, on forms furnished by the District, showing:

1.2.4.1 Total acres developed for irrigation for each farm unit they operate by field and legal description, and by landowner,

1.2.4.2 The crop to be grown on each field,

1.2.4.3 The crop conversion factor for each crop,

1.2.4.4 The adjusted irrigated cropland acreage (crop acres multiplied by the appropriate conversion factors) of lands to be irrigated, by field and total,

1.2.4.5 The percentage that the total adjusted irrigated cropland acreage (1.2.4.4) is of the total acres developed for irrigation (1.2.4.1). (Adjusted acreage divided by total developed acreage).

1.2.5. Any lands which shall be newly developed for irrigation (not previously irrigated during any of the last 10 years) within a supply management area while in a Phase II through V Program shall be considered, for purposes of these controls, a separate operation and unit from all other lands within the supply management area. Such newly developed lands shall be subject, as a separate unit, to the rotation requirements and other controls, irrespective of other lands in the same management area that may be under the same ownership, until such time as that management area moves into another Phase Program, at which time they may be merged, for purposes of these Rules and Regulations, with other lands under the same ownership.

#### **1.3. Supply Management Areas in a Phase III Program:**

1.3.1. Beginning the first irrigation season following the Board's establishment of a Phase III program and continuing each year thereafter until such time as that management area moves into another phase program, there shall be a percentage reduction in acreage

operated under irrigation within the management area. The percentage reduction shall be applied equally to each landowner/operator unit within the management area and shall be one-half (1/2) the difference between 100% (of the unit's total developed irrigation acres in the management area) and the "Predicted Stable Rotation Percentage". The percentage reduction and resulting reduced acreage shall be based on irrigated corn production and shall be subject to adjustment by the adopted crop conversion factor for crops other than corn (See Sub-section 2).

- 1.3.2 Any new irrigation well drilled must be at least 1200 feet from any other legal irrigation well not belonging to the groundwater user owning or controlling the land upon which such well is located. The Board may grant a variance from the application of this rule to any groundwater user who demonstrates, to the satisfaction of the Board, that application of such rule would deny the user the reasonable use of groundwater underlying his or her land.
  - 1.3.3 Any person who intends to construct a well shall include on the application for permit to construct a well, and in addition to the information required by 46-659(2), the acreage and location, by legal description, of any of the lands to be irrigated that were not previously irrigated during any of the last 10 years, the location and owner's name of any other well located within 1320 feet of the well to be constructed, and any other information as the District may require.
  - 1.3.4 A report, signed by each landowner and operator, shall be submitted on or before July 15<sup>th</sup> of each year following the board's establishment of a Phase III program on forms furnished by the District, showing:
    - 1.3.4.1 Total acres developed for irrigation for each farm unit they operate, by field and legal description and by landowner,
    - 1.3.4.2 The crop to be grown on each field,
    - 1.3.4.3 The crop conversion factor for each crop,
    - 1.3.4.4 The adjusted irrigated cropland acreage (crop acres multiplied by the appropriate Conversion factors) of lands to be irrigated, by field and total,
    - 1.3.4.5 The percentage that the total adjusted irrigated cropland acreage (1.3.4.4) is of the total acres developed for irrigation (1.3.4.1). (Adjusted acreage divided by total developed acreage).
  - 1.3.5 Any lands which shall be newly developed for irrigation (not previously irrigated during any of the last 10 years) within a supply management area while in a Phase II through V Program shall be considered, for purposes of these controls, a separate operation and unit from all other lands within the supply management area. Such newly developed lands shall be subject, as a separate unit, to the rotation requirements and other controls, irrespective of other lands in the same management area that may be under the same ownership, until such time as that management area moves into another Phase Program, at which time they may be merged, for purposes of these Rules and Regulations, with other lands under the same ownership.
- 1.4 Supply Management Areas in a Phase IV Program:
- 1.4.1 Beginning the first irrigation season following the Board's establishment of a Phase IV program and continuing each year thereafter until such time as that management area moves into another Phase Program, there shall be a percentage reduction in acreage operated under irrigation within the management area. The percentage reduction shall be applied equally to each landowner/operator unit within the management area and shall be three-fourths (3/4) the difference between 100% (of the unit's total developed irrigation acres in the management area) and the "Predicted Stable Rotation Percentage". The percentage reduction and resulting reduced acreage shall be based on irrigated corn production and shall be subject to adjustment by the adopted crop conversion factor for crops other than corn (See Sub-section 2).
  - 1.4.2 Any new irrigation well drilled must be at least 1500 feet from any other legal irrigation well not belonging to the groundwater user owning or controlling the land upon which such will is located. The Board may grant a variance from the application of this rule to any groundwater user who demonstrates, to the satisfaction of the Board, that application

of such rule would deny the user the reasonable use of groundwater underlying his or her land.

- 1.4.3 Any person who intends to construct a well shall include on the application for permit to construct a well, and in addition to the information required by 46-659(2), the acreage and location, by legal description, of any of the lands to be irrigated that were not previously irrigated during any of the last 10 years, the location and owner's name of any other well located within 2000 feet of the well to be constructed, and any other information as the District may require.
  - 1.4.4 A report, signed by each landowner and operator, shall be submitted on or before July 15<sup>th</sup> of each year following the Board's establishment of a Phase IV program, on forms furnished by the District, showing:
    - 1.4.4.1 Total acres developed for irrigation, for each farm unit they operate, by field and legal description, and by landowner,
    - 1.4.4.2 The crop to be grown on each field,
    - 1.4.4.3 The crop conversion factor for each crop,
    - 1.4.4.4 The adjusted irrigated cropland acreage (crop acres multiplied by the appropriate conversion factors) of lands to be irrigated, by field and total,
    - 1.4.4.5 The percentage that the total adjusted irrigated cropland acreage (1.4.4.4) is of the total acres developed for irrigation (1.4.4.1). (Adjusted acreage divided by total Developed acreage)
  - 1.4.5 Any lands which shall be newly developed for irrigation (not previously irrigated during any of the last 10 years) within a supply management area while in a Phase II through V Program shall be considered, for purposes of these controls, a separate operation and unit from all other lands within the supply management area. Such newly developed lands shall be subject, as a separate unit to the rotation requirements and other controls, irrespective of other lands in the same management area that may be under the same ownership, until such time as that management area moves into another Phase Program, at which time they may be merged, for purposes of these Rules and Regulations, with other lands under the same ownership.
- 1.5 Supply Management Areas in a Phase V Program:
- 1.5.1 Beginning the first irrigation season following the Board's establishment of a Phase II program and continuing each year thereafter until such time as that management area moves into another Phase Program, there shall be a percentage reduction in acreage operated under irrigation within the management area. The percentage reduction shall be applied equally to each landowner/operator unit within the management area and shall be sufficient, as determined by the Board, to halt the declines. The percentage reduction and resulting reduced acreage shall be based on irrigated corn production and shall be subject to adjust by the adopted crop conversion factor for crops other than corn (See Sub-section 2).
  - 1.5.2 Any new irrigation well drilled must be at least 1800 feet from any other legal irrigation well not belonging to the groundwater user owning or controlling the land upon which such well is located. The Board may grant a variance from the application of this rule to any groundwater user who demonstrates, to the satisfaction of the Board, that application of such rule would deny the user the reasonable use of groundwater underlying his or her land.
  - 1.5.3 Any person who intends to construct a well shall include on the application for permit to construct a well, and in addition to the information required by 46-659(2), the acreage and location, by legal description, of any of the lands to be irrigated that were not previously irrigated during any of the last 10 years, the location and owner's name of any other well located within 2000 feet of the well to be constructed, and any other information as the District may require.
  - 1.5.4 A report, signed by each landowner and operator, shall be submitted on or before July 15<sup>th</sup> of each year following the Board's establishment of a Phase V program, on forms furnished by the District, showing:
    - 1.5.4.1 Total acres developed for irrigation, by field and legal description,
    - 1.5.4.2 The crop to be grown on each field,

- 1.5.4.3 The crop conversion factor for each crop,
- 1.5.4.4 The adjusted irrigated cropland acreage (crop acres multiplied by the appropriate conversion factors) of lands to be irrigated, by field and total,
- 1.5.4.5 The percentage that the total adjusted irrigated cropland acreage (1.5.4.4 above) is of the total acres developed for irrigation (1.5.4.1 above). (Adjusted acreage divided by total developed acreage).
- 1.5.5 Any lands which shall be newly developed for irrigation (not previously irrigated during any of the last 10 years) within a supply management area while in a Phase II through V Program shall be considered, for purposes of these controls, a separate operation and unit from all other lands within the supply management area. Such newly developed lands shall be subject, as a separate unit, to the rotation requirements and other controls, irrespective of other lands in the same management area that may be under the same ownership, until such time as that management area moves into another Phase Program, at which time they may be merged, for purposes of these Rules and Regulations, with other lands under the same owner/operator unit.

**2. ADOPTED DECLINE, ROTATION AND CROP CONVERSION**

The following “maximum acceptable decline”, “predicted stable rotation percentage” and “crop conversion factor” is adopted for each supply (quantity) management area. The Board shall review, no less than once every five (5) years, the adopted maximum decline, rotation percentage and crop conversion factors and shall adjust each based upon the best available information whenever the Board determines such adjustment(s) are necessary.

2.1 Maximum Acceptable Decline and Predicted Stable Rotation Percentage

Management Area	Maximum Acceptable Decline	Stable Rotation Percentage
1	30 feet	80%
2	20 feet	80%
3	20 feet	95%
4	20 feet	100%
5	30 feet	100%
6	30 feet	80%
7	30 feet	80%
8	20 feet	90%
9	25 feet	60%
10	20 feet	75%
11	15 feet	100%
12	25 feet	70%
13	15 feet	80%
14	15 feet	50%
15	15 feet	75%
16	15 feet	90%
17	10 feet	75%
18	10 feet	80%
19	10 feet	100%
20	10 feet	100%
21	20 feet	75%
22	10 feet	100%
23	10 feet	0%
24	20 feet	85%

## 2.2 Crop Conversion Factor

Crop Type	Water Consumption Conversion Factor
Corn	1.0
Soybeans	0.9
Sorghum	0.8
Wheat	0.9
Alfalfa	1.30
Other	1.0

### **3. OPTIONAL "ALLOCATION CONTROLS"**

The following optional "Allocation" controls may, if (1) requested by both the landowner and operator on forms furnished by the District and (2) approved by the District, be utilized in management areas 15 and 21 to manage those activities having an effect upon groundwater supply (quantity). All lands approved by the Board to utilize "Allocation" as the management program for groundwater supply (quantity) shall remain in the "Allocation" program until and unless (1) requested by both the landowner and operator on forms furnished by the District and (2) approved by the District. Requests for transfer from the "Allocation" controls to the "Rotation" controls will only be considered by the Board if the groundwater user has completed at least one three-year "Allocation" cycle and has not exceeded his total three (3) year allocation (or proportional part thereof if request for transfer of controls is made part way through a subsequent three-year "Allocation" cycle) by more than 20%.

#### 3.1 Supply Management Areas in a Phase I Program:

3.1.1 No allocation of irrigation pumpage is required.

#### 3.2 Supply Management Areas in Phase II, III, IV and V Program:

3.2.1 Certify Irrigated Acres. On or before the first December 31<sup>st</sup> following the Boards establishment of a Phase II Program, the number of irrigated acres owned by or under the control of any groundwater user within the management area must be confirmed by him on forms provided by the District. The Board will certify the number of irrigated acres for each groundwater user in accordance with subsection 3.2.1.2 of this rule. Failure by a groundwater user to report the number of irrigated acres under his ownership or control shall be grounds for the Board to deny any groundwater allocation to such user.

3.2.1.1 Nothing contained herein shall be construed to prohibit the development of new irrigated acres as long as such new development is in conformity with these rules and regulations.

3.2.1.2 The number of irrigated acres shall be determined by the Board after considering the following criteria:

- a. Local ASCS records, if available.
- b. County Assessors records, if available.
- c. Aerial Photographs.
- d. Any relevant information provided by the groundwater user
- e. Any relevant information presented by representatives of the District

#### 3.2.2 Well Registration and Certification

3.2.2.1 Prior to January 1<sup>st</sup> of the year immediately following the Board's establishment of a Phase II Program, each groundwater user must register each well within the management area on forms provided by the District. This requirement is in addition to any requirements imposed by the State of Nebraska.

3.2.2.2 Failure by the groundwater user to register each of the wells under his control may, at the option of the Board, result in the issuance of a cease and desist order by the District preventing the use of such well.

#### 3.2.3 Flow Meters.

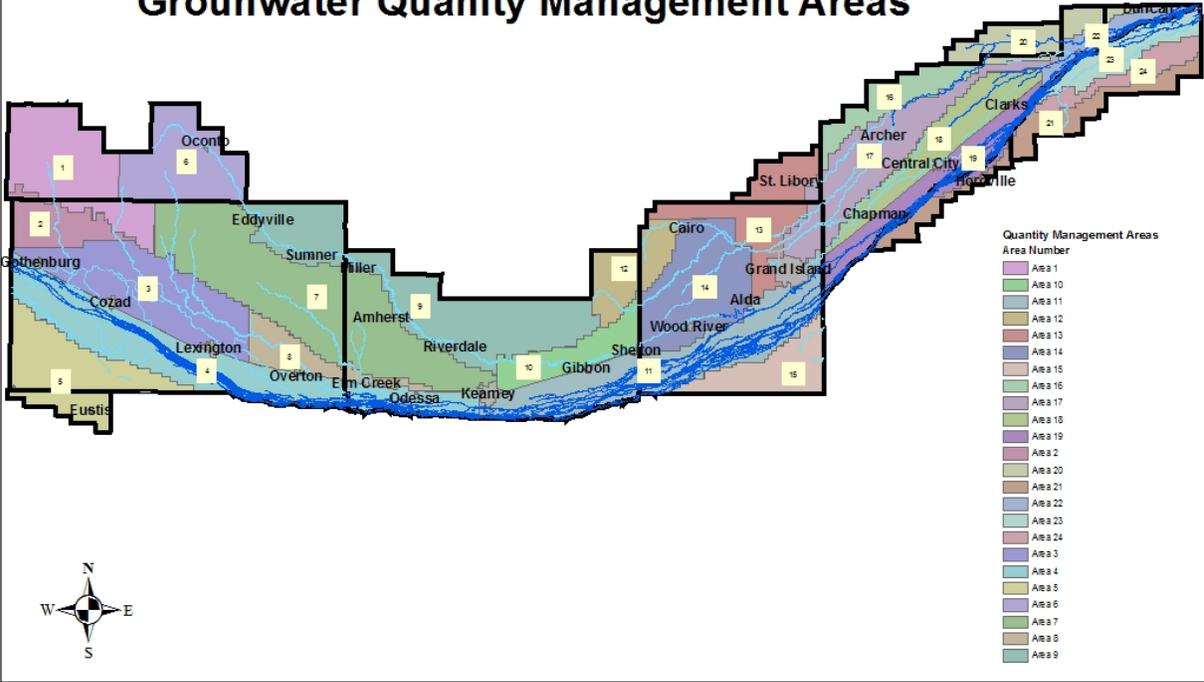
No groundwater shall be withdrawn from any well located within the management area for use on land approved for the "Allocation" Program prior to the installation of a flow meter. Any flow meter installed on any such well within the management area must (1) meet the specifications for flow meters adopted by the Board (attached hereto as Appendix A and incorporated herein by

reference) and (2) be installed according to the manufacturer's specifications. Flow meters installed before the specifications are adopted by the Board which do not comply with such specifications shall be inspected by a representative of the District and approved for use by the District if such meters are accurate. A well which has no flow meter or which is equipped with a flow meter that does not comply with this rule will not receive a water allocation at any time allocations are established. The District will maintain a list of flow meters which are known to meet District specifications.

- 3.2.3.1 All groundwater users shall within 30 days of the installation of a new or different flow meter on any well located within the management area certify such installation and beginning reading on a form supplied by the District.
  - 3.2.3.2 Each groundwater user within the management area shall take the final flow meter reading for every flow meter under his ownership or control and report the same to the District by December 31 of each year. The District will read flow meters periodically on a random basis throughout the District as a method of verifying that flow meter readings are being properly reported.
  - 3.2.3.3 If any groundwater user fails to report by December 31 the meter reading for any flow meter under his ownership or control as required by 3.2.3.2, the District staff shall read the same at a charge to the groundwater user of \$25 and mileage both ways.
  - 3.2.3.4 The District will provide the irrigator with a record of his water use at the end of each irrigation season including the remaining balance of his allocation.
  - 3.2.3.5 Any groundwater user who willfully damages, alters, manipulates or adjusts, or in any other manner interferes with or tampers with a flow meter or procures any other person to do so for the purpose of obtaining additional water or preventing an accurate account of water used shall be subject to forfeiture of allocation upon such terms and conditions as the Board deems just.
  - 3.2.3.6 The District staff shall periodically check flow meters on a random basis for reading and proper operation.
  - 3.2.3.7 All flow meters shall be sealed by the District staff. The District will notify the groundwater user in advance that it intends to enter upon his land for such purposes. No seal shall be removed without prior approval of the District staff. Any person who removes any seal from any flow meter within the management area without such prior approval shall be subject to the provisions of paragraph 3.2.3.5 above.
  - 3.2.3.8 No flow meter shall be removed from the groundwater user's irrigation system for any purpose during the irrigation season without prior approval of the District staff. When flow meters are removed for servicing or replacement, records of the flow meter reading shall be kept. Meters may be removed for off season storage.
  - 3.2.3.9 Any malfunctioning flow meter must be reported to the District office at Grand Island, Nebraska, within twenty-four hours after discovery. During the malfunctioning period, a "loaner" meter from the District, if available, shall be used to determine water consumption. If no such meter is available, any other method of determining water consumption approved by the Board may be utilized. At the request of the groundwater user, the District will make arrangements for the repairs, service and testing necessary, all at the groundwater user's expense. The District shall re-certify all flow meters following repairs or recalibration.
  - 3.2.3.10 The Board may grant a variance from the application or any provision of this rule to any groundwater user who demonstrates to the satisfaction of the Board that such user is unable to comply with any such rule, that such inability is caused by circumstances beyond the control of the groundwater user, and that failure to grant such a variance will work a severe hardship on such user.
- 3.2.4 Allocation. Allocation of groundwater shall become effective on March 1<sup>st</sup> of the year following the Board's establishment of a Phase II Program, and shall be for a three year period. A new allocation shall be set at the end of each three year period for each following three year period. The following rules shall apply with respect to allocation

- 3.2.4.1 Each certified irrigated acre shall be entitled to fifteen acre inches of groundwater per year, with a total three year allocation of forty-five acre inches per certified irrigated acre except as provided in 3.2.4.2 below. More than fifteen inches may be used in one year, but in no event will more than forty-five inches be used in a three year period except as provided in 3.2.4.3 and 3.2.4.4 below.
- 3.2.4.2 In the event that the NRD(s) immediately adjacent to the management area have in place an Allocation Program in amount(s) different than 3.2.4.1 above, the District may adopt the allocation amounts of that adjoining District's program.
- 3.2.4.3 In the event that more than the three (3) year allocation of acre inches are needed in a three year period, then a groundwater user may borrow up to three inches per year per certified irrigated acre additional groundwater from the next three year allocation at the rate of twice the actual amount borrowed.
- 3.2.4.4 In the event that a groundwater user does not use his entire three (3) year allocation of acre inches for the three year period, the groundwater user may accumulate such unused amount for the next three year allocation, up to a maximum of fifteen acre inches.
- 3.2.4.5 Prior to the expiration of the initial first three years allocation, the Board shall determine subsequent three years allocation on the basis of the information that it has accumulated with respect to the rate of decline, average annual rainfall over the period and increased irrigation.
- 3.2.4.6 The Board shall consider individual hardship cases and situations not covered by those rules and regulations on an individual basis. Such cases shall be decided on equitable principles and shall serve as precedent for other cases of similar nature.
- 3.2.4.7 Any groundwater user who installs a new well within the management area shall receive a prorated allocation for the remainder of the three year period based on the number of irrigation season days remaining in the three year period after installation. As new development continues, the allocation will have to be reduced proportionately, if the goals are not met.

# Central Platte Natural Resources District Grounwater Quantity Management Areas



**APPENDIX A**  
**SPECIFICATION FOR SELECTION, INSTALLATION,**  
**AND MAINTENANCE OF WATER FLOW METERS**

**1. Technical Specifications for Selection of Flow Meters.**

The following specifications pertain to water flow meters installed in irrigation pipelines and utilized for administration of a groundwater allocation program.

- 1.1 All flow meters shall meet American Water Works Association standards C704-70 as well as other technical specifications stated herein. In case of conflict, the specifications herein shall apply.
- 1.2 Meters shall be of the velocity propeller type, and made of noncorrosive materials. The propeller shall rotate on a minimum of two bearing. Bearings shall be made of stainless steel or equivalent noncorrosive material. The propeller should have a diameter not less than 70% of the meter size. With flows of less than 500 gallons per minute, meters with small propellers may not be accurate.
- 1.3 The meter registry shall have a visual, volume recording totalizer which shall record in acre inches or gallons. (Acre inches is recommended over gallons.) The registry shall be adequately protected from the elements. The totalizer shall have sufficient capacity to record the quantity of water diverted from each well or combination of sources for multiple well installation during the period of one year. The totalizer shall be direct reading and the multiplier shall be clearly indicated. The meter shall also have a rate of flow indicator showing:
  - 1.3.1 Instantaneous flow in gallons per minute (GPM), or
  - 1.3.2 A sweep hand indicator from which rate of flow can be determined by timing
- 1.4 The registry shall be provided with a method for sealing with a wire or lead seal to prevent unauthorized tampering or removal.
  - 1.4.1 The meter totalizer shall have a rated accuracy of plus or minus two percent of actual flow for all rates of flow within the range of flow for which the meter is designed when installed in accordance with the manufacturer's specifications. The meter used shall be capable of accurately registering the expected operating range of discharge.
  - 1.4.2 A meter shall have a pressure rating to fit the expected application and shall be used only within its designed pressure range.
  - 1.4.3 The meter size, serial number and direction of flow shall be clearly stamped on the body of the meter. The inside pipe diameter for which the meter has been calibrated shall be

**2. Standard for Flow Meter Installation.**

- 2.1 The meter shall be installed in accordance with the manufacturer's specifications and in such a manner that there shall be a full pipe flow of water at all times while water is being pumped. Full pipe flow may be obtained by using butterfly valves or by raising the pipe beyond the meter to a point above the level of the meter.
- 2.2 The meter shall be placed in the pipe not less than five pipe diameters downstream from any valves, elbows or other obstructions which might create a turbulent or jetting flow, or as otherwise recommended by the manufacturer. There shall also be at least one pipe diameter of unobstructed flow on the downstream side of the meter. Straightening vanes shall be installed in the pipe in the manner recommended by the manufacturer of the meter, if the above conditions cannot be met.
- 2.3 It is recommended that provisions be made for future testing of meters including such provisions as:
  - 2.3.1 Using a uniform or standard weld on saddle mount meter to allow for easy removal and interchange of meters;
  - 2.3.2 An open discharge pipe which would allow installing a testing meter; or
  - 2.3.3 Any other means which would permit the easy installation of a testing meter or other electronic measuring devices.
- 2.4 A single meter may be installed in such a manner as to measure the combined flow from two or more wells.
- 2.5 The meter propeller shaft shall be positioned parallel to the pipe and aligned with the center line of the pipe.

**3. Recommended Operation and Maintenance of Flow Meters.**

- 3.1 Meters should be kept clear of debris, vegetative growth or any other material which could impede proper operation of the meter.
- 3.2 Meters should be stored in such a manner that will prevent freezing or damage by rodents and livestock.