

NORTH PLATTE NATURAL RESOURCES DISTRICT

RULES & REGULATIONS

For the Enforcement of the
Nebraska Ground Water Management and Protection Act



Amended and Effective November 14, 2016



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CHAPTER 1 – GENERAL PROVISIONS

1.1 Area Designations and Boundaries

1.1.1 The entire District is designated as a Ground Water Management Area for purposes of ground water quality and quantity management pursuant to Order Number NPNRD-1.

1.1.1.1 The stratigraphic boundary of the Ground Water Management Area is from the land surface to the base of the underlying layers that contain the water bearing material. The base of the water-bearing layers rests on Cretaceous materials as defined by the University of Nebraska-Lincoln Conservation and Survey Division.

1.1.2 The entire District has been determined to be fully appropriated and/or overappropriated (as shown on the attached Maps 1 and 2) and is designated as an Integrated Management Subarea pursuant to Order Number NPNRD-17.

1.1.2.1 The stratigraphic boundary of the Integrated Management Subarea includes all sediments from ground level downward through all aquifer units.

1.1.3 The Pumpkin Creek Basin (as shown on the attached Map 3) has been designated as a Ground Water Management Subarea for purposes of ground water quality, quantity and hydrologically connected surface and ground water management pursuant to Order Number NPNRD-4.

1.1.3.1 The stratigraphic boundaries of the Pumpkin Creek Basin Ground Water Management Subarea include the Tertiary Brule Formation and the Quaternary deposits as defined by the Conservation and Survey Division of the University of Nebraska-Lincoln.

1.1.4 The Lisco-Oshkosh-Lewellen Ground Water Management Subarea (as shown on the attached Map 4) is designated for purposes of ground water quality management pursuant to Order Number NPNRD-3.

1.1.4.1 The stratigraphic boundaries of the Lisco-Oshkosh-Lewellen Ground Water Management Subarea include the Quaternary deposits, the Broadwater Formation, the Ogallala Group, the Arikaree Group, and the White River Group, as defined by the Conservation and Survey Division of the University of Nebraska-Lincoln.

1.2 Definitions

1.2.1 Acre-foot means the amount of water necessary to cover one acre of land one foot deep and is equal to 325,851 gallons of water.

1.2.2 Acre-inch means the amount of water necessary to cover one acre of land one inch deep and is equal to 27,154 gallons of water.

1.2.3 Addition of Use means adding a new ground water use to an existing certified ground water use, where the new ground water use is for a purpose different than that of the existing certified ground water use.

1.2.4 Adjacent Certified Irrigated Tract means the certified irrigated tract adjacent to a secondary irrigated tract which supplies available water to the secondary irrigated tract for irrigation purposes.

1.2.5 Alleged Violator means any person against whom a complaint has been filed in accordance with Chapter 2 of these rules and regulations.

1.2.6 Allocation means the allotment of a specified quantity of ground water during an allocation period for a specific use(s).

1.2.7 Allocation Period means the period of time for which an allocation is granted and may be used.

1.2.8 Animal Unit means a unit of measurement for any livestock operation calculated by adding the following numbers: (1) the number of slaughter and feeder cattle multiplied by 1.0; (2) the number of mature dairy cattle or cow/calf pairs multiplied by 1.4; (3) the number of swine weighing fifty-five (55) pounds or more multiplied by 0.4; (4) the number of weaned pigs weighing less than fifty-five (55) pounds multiplied by 0.04; (5) the number of sheep multiplied by 0.1; (6) the number of horses multiplied by 2.0; (7) the number of chickens multiplied by 0.01; (8) the number of turkeys multiplied by 0.02; and (9) the number of ducks multiplied by 0.2.

1.2.9 Aquaculture means the agricultural practice of controlled propagation and cultivation of aquatic plants or animals for commercial purposes. Unless the context otherwise requires, the term agriculture shall be construed to include aquaculture.

1.2.10 Available Water means the amount of ground water, expressed in acre-inches per certified irrigated tract, that may be used to irrigate a certified irrigated tract during an allocation period. It is calculated by adding the total current allocation to the amount of carryforward from the previous allocation period, if any, and then subtracting, if applicable, any available water overdraft, available water overdraft penalties, or other penalties assessed during the current and/or previous allocation period.

1.2.11 Available Water Overdraft means the amount of ground water, expressed in acre-inches per certified irrigated tract, used in excess of the available water during an allocation period.

1.2.12 Available Water Overdraft Penalty means a penalty assessed when an available water overdraft occurs. An available water overdraft penalty is equal to the amount of the available water overdraft and is expressed in acre-inches per certified irrigated tract.

1.2.13 Backup Well(s) means an alternative well(s) of a pair or series of wells used only when the primary well(s) is off-line.

1.2.14 Base Allocation means an amount of ground water, expressed in acre-inches per certified irrigated acre per water year, that is calculated by dividing the allocation by the number of water years in the allocation period.

1.2.15 Board or Board of Directors means the Board of Directors of the District or its employees and agents acting at the direction of the Board of Directors.

1.2.16 Carryforward means the lesser of the portion of unused available water at the end of the allocation period or the amount specified in Chapters 6 and 7 of these rules and regulations that may be added to the total current allocation for the subsequent allocation period.

1.2.17 Certified Ground Water Use means any use of ground water in accordance with these rules and regulations.

1.2.18 Certified Irrigated Acre means any irrigated acre that is certified by the District to allow the use of ground water for irrigation on such acre.

1.2.19 Certified Irrigated Tract means any tract of land under common ownership consisting of two (2) or more acres located within the North Platte Natural Resources District that is irrigated with ground water from a regulated well(s) and has been certified by the District to allow the use of ground water for irrigation.

1.2.20 Change of Use means the altering of one certified use of ground water to another certified use of ground water.

1.2.21 Commingled Water means water from both surface and ground water sources.

1.2.22 Common Carrier means any carrier of water including a pipe, canal, ditch, or other means of piping or combining water for irrigation or other certified uses.

1.2.23 Common Irrigation System means a single irrigation system used to irrigate a secondary irrigated tract and the adjacent certified irrigated tract.

1.2.24 Complainant means any person who files a complaint alleging a violation of these rules and regulations in accordance with Chapter 2 of these rules and regulations.

1.2.25 Compliance Officer means an employee or agent of the District authorized by these rules and regulations to perform the functions assigned thereto.

1.2.26 Consumptive Use means that portion of the ground water that is withdrawn and is evaporated, transpired, incorporated into products, crops, vegetation or consumed by humans or livestock.

1.2.27 Decommission means, when used in relation to a water well, the act of filling, sealing, and plugging a water well in accordance with the Department of Health and Human Services Regulation and Licensure rules and regulations.

1.2.28 Department or DNR means the Nebraska Department of Natural Resources.

1.2.29 Designated Allocation Unit (DAU) means an arrangement in which the available water for certified irrigated tracts may be combined.

1.2.30 Dewatering Well means a water well constructed and used solely for the purpose of lowering the ground water table elevation.

1.2.31 District, NPNRD or NRD means the North Platte Natural Resources District.

1.2.32 Domestic Well means a water well designed to provide ground water for human needs as it relates to health, fire control, sanitation, water for domestic livestock as related to normal farm and ranch operations, or water for lawns and gardens for family use or profit where the area to be irrigated does not exceed two (2) acres. This does not include any well constructed and used for a public water system.

1.2.33 Flow Meter means a device to measure the amount of ground water being withdrawn from a regulated well.

1.2.34 Fully Appropriated Area or FA means the area of the North Platte Natural Resources District determined to be fully appropriated on July 16, 2004, pursuant to Neb. Rev. Stat. § 46-720(3), as shown on Map 1 (attached).

1.2.35 Furrow Irrigation means a method of irrigation which is conducted by creating small parallel channels along the field length in the direction of predominant slope. Ground water, which is applied through means such as, but not limited to, gated pipe or siphon and head ditch, is applied to the top end of each furrow and flows down the field under the influence of gravity.

1.2.36 General Manager means the General Manager of the North Platte Natural Resources District.

1.2.37 Good cause shown means a reasonable justification for granting a variance for a consumptive use of water that would otherwise be prohibited by 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 to the District that is equal to or greater than the benefit resulting from the rule or regulation from which a variance is sought.

1.2.38 Gravity Irrigation System means furrow irrigation or partial flood irrigation.

1.2.39 Ground Water means that water which occurs in or moves, seeps, filters or percolates through ground under the surface of the land.

1.2.40 Ground Water Management Area or Management Area means any geographic and stratigraphic area designated by the Board pursuant to Neb. Rev. Stat. § 46-712.

1.2.41 Ground Water Management Subarea or Subarea means any geographic and stratigraphic subarea designated by the Board pursuant to Neb. Rev. Stat. §§ 46-718(2) or 46-739(4).

1.2.42 Ground Water User means a person who at any time extracts, withdraws, or confines ground water from a regulated well. Whenever the landowner and operator are different persons, the term 'ground water user' shall mean both the landowner and the operator.

1.2.43 Historic Consumptive Use means that portion of the previously withdrawn ground water that was evaporated, transpired, incorporated into products, crops, vegetation or consumed by humans or livestock.

1.2.44 Illegal Well means (1) Any well not registered pursuant to the provisions of Neb. Rev. Stat. §§ 46-602 to 46-604; (2) any well in violation of spacing requirements specified by Neb. Rev. Stat. §§ 46-609 or 46-651; (3) any well or pit from which water is transported to an adjoining state in violation of Neb. Rev. Stat. § 46-613.01; (4) any well located within fifty (50) feet of the bank of a channel of any natural stream and utilized for irrigation purposes without a permit required by Neb. Rev. Stat. § 46-637; (5) any well constructed without a required permit under Neb. Rev. Stat. § 46-735; (6) any illegal water well as defined by Neb. Rev. Stat. § 46-1207.01; or (7) any well constructed or operated in violation of these or other rules and regulations of the District or other applicable laws, rules or regulations of the State of Nebraska and its agencies.

1.2.45 Improper Irrigation Runoff means the occurrence of irrigation runoff water within the Management Area which causes or contributes to (1) the accumulation of water upon or beneath the surface of the lands of any other person(s) to their detriment or damage; (2) the deterioration of water quality by depositing sediment or chemicals in surface waters within the Management Area; or (3) contributes to waste.

1.2.46 Industrial/Commercial Well means a regulated well that supplies ground water for certified manufacturing, commercial or power generation uses. Certified commercial use includes, but is not limited to, maintenance of a livestock operation and turf of a golf course.

1.2.47 Inspector means an employee or agent of the District designated by the District compliance officer to perform the functions as authorized by these rules and regulations.

1.2.48 Irrigation Runoff Water means ground water used for irrigation purposes which escapes from land owned, leased, or otherwise under the direct supervision and control of a ground water user.

1.2.49 Irrigation System means the necessary appurtenances connected to a regulated well(s), including the pump, used to convey irrigation water to a certified irrigated tract(s). This includes, but is not limited to, any combination of set-move, solid-set, traveler, center pivot, subsurface drip system or linear move sprinkler system(s) and gravity, furrow, border, or flood irrigation utilizing water from a lateral or a pipe.

1.2.50 Irrigation Well means a regulated well that supplies ground water to certified irrigated acres and, if applicable, secondary irrigated acres, for the production of forage or any agricultural crop, or the irrigation of lawns and gardens for family use or profit where the area to be irrigated is greater than two (2) acres.

1.2.51 Land Use Zone means a subarea or geographic area within the extent of the WWUM model that was established through a process of evaluating each of the multiple subareas within the model for similar canal operations, hydrology, land use, and other conditions.

1.2.52 Landowner means the record owner of real estate.

1.2.53 Livestock Operation means a location where beef cattle, dairy cattle, horses, swine, sheep, poultry, or other livestock have been, are, or will be stabled or confined and fed or maintained for a total of one hundred (100) days or more in any twelve (12) month period and where crops and vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over a majority of the area. Livestock operation does not include an operation involving two hundred and fifty (250) animal units or less in a confined lot or an aquaculture facility.

1.2.54 Location of Use mean the location where ground water is applied for its certified use.

1.2.55 Monitoring Well means a water well that is designed and constructed to provide ongoing hydrologic or water quality information and is not intended for consumptive use.

1.2.56 Observation Well means a water well that is used for the purpose of monitoring static water levels and is not intended for consumptive use.

1.2.57 Offset means the acquisition of water for purposes of mitigating adverse impacts to existing ground water users, existing surface water appropriators or the North Platte River and its tributaries due to a (1) new or expanded consumptive use of ground water; (2) change in the point of ground water withdrawal from a regulated well; (3) change in the location of a certified ground water use; (4) change in the purpose of a certified ground water use; or (5) addition of a ground water use to an existing certified ground water use.

1.2.58 Operator means that person who has the most direct control over the day-to-day operation of the land or system.

1.2.59 Other Use means any certified use of ground water from a regulated well for purposes other than irrigated agriculture, a livestock operation, an industrial or commercial operation or a public water supply.

1.2.60 Overappropriated Area or OA means the area of the North Platte Natural Resources District designated as overappropriated by Order of the Nebraska Department of Natural Resources on September 15, 2004, as shown on Map 2 (attached).

1.2.61 Partial Flood Irrigation means a method of irrigation in which ground water is applied through means such as, but not limited to, gated pipe or siphon and head ditch to certified irrigated acres which have no guide preparation, such as furrows or borders, and the ground water flows over and across the land under the influence of gravity.

1.2.62 Permit means an approval document that must be obtained from the Department and/or the District.

1.2.63 Person means a natural person, a partnership, a limited liability company, an association, a corporation, a municipality, an irrigation district, an agency or a political subdivision of the state, a department, an agency, or a bureau of the United States, or any other entity recognized by law.

1.2.64 Point of Ground Water Withdrawal means the location at which ground water is removed from a regulated well.

1.2.65 Pre-existing Allocation Unit (PAU) means a designation used by the District in situations where the amount of ground water applied to more than one certified irrigated tract is not able to be determined due to the configuration of the regulated well(s) and/or the location of the flow meter(s) measuring the withdrawal of ground water from such regulated well(s).

1.2.66 Primary Well(s) means the well(s) of a pair or series of wells which is (are) used as the principal water source for that certified use.

1.2.67 Public Water Supplier means a city, village, municipal corporation, rural water district, natural resources district, irrigation district, reclamation district or sanitary and improvement district which supplies or intends to supply water to inhabitants of cities, villages, or rural areas for domestic or municipal purposes (i.e., public water supply).

1.2.68 Purpose of Ground Water Use means the certified use of a regulated well (e.g., irrigation).

1.2.69 Range Livestock means livestock that are kept in pastures, on rangeland, or on other grazing lands and allowed to feed on vegetation growing therein.

1.2.70 Regulated Well means a single water well or a series of water wells, connected by a common carrier, the purpose of which is to provide water for a certified ground water use regardless of pumping capacity. Replacement wells and any excavation of land, including a sandpit, from which ground water is extracted for irrigation purposes, are regulated wells. Domestic, range livestock, dewatering wells with an intended use of ninety (90) days or less, test holes, monitoring and observation wells, and wells constructed pursuant to a ground water remediation plan under the Environmental Protection Act are not regulated wells.

1.2.71 Replacement Well means a water well which is constructed to provide water for the same purpose as the original water well and is operating in accordance with any applicable permit from the Department and applicable rules and regulations of the District and, if the purpose is for irrigation, the replacement water well delivers water to the same tract of land served by the original water well and (1) replaces a decommissioned water well within one hundred eighty (180) days after the decommissioning of the original water well; (2) replaces a water well that has not been decommissioned but will not be used after construction of the new water well and the original water well will be decommissioned within one hundred eighty (180) days after such construction, except that in the case of a municipal water well, the original municipal water well may be used after construction of the new water well but shall be decommissioned within one (1) year after completion of the replacement water well; (3) the original water well will continue to be used but will be modified and equipped within one hundred eighty (180) days after such construction of the replacement water well to pump fifty (50) gallons per minute or less and will be used only for range livestock, monitoring, observation, or any other nonconsumptive or de minimis use and approved by the District; (4) the capacity of a replacement well cannot be greater than the capacity of the original well as shown in the original well's registration records on file with the Department of Natural Resources; and (5) the original well can only be replaced by a single well, not by multiple wells.

1.2.72 Secondary Irrigated Acre means an irrigated acre that is not certified but possesses a valid surface water right and, through a common irrigation system, receives available water for irrigation purposes from an adjacent certified irrigated tract.

1.2.73 Secondary Irrigated Tract means any tract of land under common ownership consisting of secondary irrigated acres that have been recorded with the District to allow for the use of ground water from an adjacent certified irrigated tract for irrigation purposes.

1.2.74 Special Circumstance Replacement Well means a regulated irrigation well constructed for the purpose of serving certified irrigated acres that have been severed from the regulated irrigation well(s) certified to those acres due to a change in ownership of the severed certified irrigated acres and/or the regulated well(s).

1.2.75 Temporary Ground Water Use means the temporary use of ground water from a regulated well for energy exploration and development or construction purposes, pursuant to Rule 1.6.

1.2.76 Temporary Ground Water Use Permit means a permit granted by the District for a temporary use of ground water from a regulated well.

1.2.77 Temporary Ground Water User means a person who uses ground water for a temporary use.

1.2.78 Test Hole means a hole designed solely for the purpose of obtaining information on hydrologic or geologic conditions.

1.2.79 Total Current Allocation means the amount of ground water allocated to a certified irrigated tract during an allocation period, expressed in acre-inches per certified irrigated tract, and obtained by multiplying the number of certified irrigated acres in a certified irrigated tract by the allocation.

1.2.80 Transfer means a change in the (1) the location of a certified ground water use; (2) the point of ground water withdrawal from a regulated well; (3) the purpose of a certified ground water use; (4) to add a new ground water use to an existing certified ground water use; or (5) any combination thereof

which requires an approved transfer permit application, pursuant to Chapter 5 of these rules and regulations.

1.2.81 URF Analysis means an analysis involving a fifty (50) year unit response function (URF) created by the Ground Water Model of the WWUM model for use by the Surface Water Operations Model of the WWUM model to provide timing and location of recharge and depletion within land use zones.

1.2.82 Valid Surface Water Right means land possessing a right to irrigate acres with surface water.

1.2.83 Variance means the approval to act in a manner contrary to the District's existing rules or regulations which are otherwise applicable.

1.2.84 Water Well or Well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing geothermal properties of the ground, obtaining hydrogeologic information, or extracting water from or injecting fluid as defined in Neb. Rev. Stat. § 81-1502 into the underground water reservoir. Water well includes any excavation made for any purpose if ground water flows into the excavation under natural pressure and a pump or other device is placed in the excavation for the purpose of withdrawing water from the excavation for irrigation. For such excavations, construction means placing a pump or other device into the excavation for the purpose of withdrawing water for irrigation. Water well does not include (1) any excavation made for obtaining or prospecting for oil or natural gas or for inserting media to repressure oil or natural gas bearing formations regulated by the Nebraska Oil and Gas Commission or (2) any structure requiring a permit by the Department used to exercise a surface water appropriation.

1.2.85 Water Year means a one-year period beginning October 1 and ending September 30 of the following year.

1.2.86 Well Construction Permit means a document that must be obtained from the District in accordance with Neb. Rev. Stat. §§ 46-735 to 46-738.

1.2.87 Western Water Use Management Model (WWUM model) means the modeling methodology used by the NPNRD consisting of three models (Regionalized Soil Water Balance Model, Surface Water Operations Model and a Ground Water Model) which simulate the regional aquifer and stream systems and are used to evaluate District water management actions.

1.2.88 Working Day means 8:00 a.m. to 5:00 p.m. Mountain Time, Monday, Tuesday, Wednesday, Thursday, and Friday of any week, excluding holidays observed by the District as described in the District personnel policy.

1.3 Well Construction Permits

1.3.1 Any person who intends to construct a regulated well within the Management Area shall apply for a well construction permit from the District.

1.3.2 Applications for a permit must be completed and signed by the applicant and filed with the District on forms provided by the District. Once the District receives a completed application, the application shall be reviewed and approved, approved with conditions, or denied within thirty (30) days after the completed application is filed.

1.3.2.1 The applicant shall pay a non-refundable permit application fee of fifty dollars (\$50) to the District. Such fee shall accompany the permit application form.

1.3.3 Any person who fails to obtain a permit pursuant to Rule 1.3 shall make application for a late permit on forms provided by the District, and shall pay a non-refundable late application fee of two hundred fifty dollars (\$250) to the District.

1.3.4 If the applicant receives a permit from the District, the applicant shall commence construction as soon as possible after the date of approval and shall complete construction and equip the water well within six (6) months of approval. If the applicant fails to complete the project under the terms of the permit, the District shall cancel the permit.

1.3.5 An application for a permit or late permit shall be denied only if the District finds (1) that the location or operation of the proposed water well or other work would conflict with any rules and regulations adopted by the District, (2) that the proposed use would not be a beneficial use of water, or (3) in the case of a late permit only, that the applicant did not act in good faith in failing to obtain a timely permit.

1.4 Moratorium on Well Construction Permits and New or Expanded Uses

1.4.1 The expansion of irrigated acres and increases in the consumptive use of ground water withdrawn from regulated wells is prohibited within the Management Area unless the District approves an offset, which shall be provided by the landowner or the entity responsible for the offset under the provisions of Neb. Rev. Stat. § 46-740, that mitigates all third party impacts and results in no new depletions to the North Platte River and its tributaries within the District.

1.4.2 Well construction permits for new regulated wells will not be issued unless at least one of the following conditions is met: (1) the construction of a new regulated well is subject to Neb. Rev. Stat. § 46-740; (2) an approved District transfer permit includes a transfer of the point of ground water withdrawal; (3) the construction of a new regulated well is for purposes of a backup well pursuant to Rule 1.5; or (4) the applicant has provided a District-approved offset for the construction of a new regulated well.

1.4.2.1 Well construction permits will be issued for replacement wells only if provisions of state law and the District's rules and regulations are met.

1.4.2.2 Well construction permits may be issued in cases where certified irrigated acres have been severed from the regulated irrigation well(s) certified to those acres due to (1) a change in ownership of the severed certified irrigated acres and/or the regulated well(s) and no other ground water source exists for the severed certified irrigated acres or (2) the degradation of a ground water conveyance structure that is part of an easement with a railroad or a government entity.

1.4.2.2.1 The regulated well that is constructed to serve the severed certified irrigated acres shall be considered a special circumstance replacement well.

1.4.2.2.2 Withdrawal and use of ground water from a special circumstance replacement well shall not result in an increase in consumptive use.

1.4.2.2.3 The capacity of the special circumstance replacement well cannot be greater than the capacity, as shown in the DNR well registration records, of the regulated irrigation well(s) certified to the severed certified irrigated acres.

1.5 Backup Wells

1.5.1 Backup well(s) may be permitted and operated subject to the following conditions:

1.5.1.1 Backup wells cannot be located in the Pumpkin Creek Basin Ground Water Management Subarea.

1.5.1.2 Backup wells can be used for industrial/commercial purposes only.

1.5.1.3 The pumping capacity of the backup well(s) cannot exceed the pumping capacity of the primary well(s).

1.5.1.4 The backup well(s) must be located within the geographic boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model as the primary well(s).

1.5.1.5 The backup well(s) can be used only for the certified use of the primary well(s).

1.5.1.6 The primary well(s) and backup well(s) shall be considered as one well for purposes of Chapter 6.

1.5.1.7 The backup well(s) cannot be operated while the primary well(s) is (are) capable of being operated, with the exception of when maintenance is being performed on either the primary well or, if there is more than one backup well, one of the backup wells.

1.6 Temporary Ground Water Use Permits

1.6.1 A temporary ground water user and/or landowner who intends to withdraw ground water from a regulated well with an associated certified use for energy exploration and development, or construction purposes for a period of less than or equal to six (6) months shall apply to the District, on forms provided by the District, for a temporary ground water use permit.

1.6.2 Applications for a temporary ground water use permit must be completed and signed by the landowner and the temporary ground water user and filed with the District. Once the District receives a completed application, the application shall be reviewed and approved, approved with conditions, or denied within thirty (30) working days after the completed application is filed.

1.6.2.1 The applicant shall pay a non-refundable permit application fee of one thousand dollars (\$1,000) to the District. Such fee shall accompany the permit application form.

1.6.3 The applicant must provide the nature, duration, timeframe and estimate of the withdrawal amount of the temporary ground water use on the temporary ground water use permit application form provided by the District.

1.6.4 Temporary ground water use permits will be denied if any of the following situations exist: (1) the certified use has not been granted an allocation; (2) the certified use has been granted an exemption from the allocation; (3) the remaining available water is insufficient to supply the estimated amount of the temporary ground water use; or (4) any other circumstance in violation of the District rules and regulations or federal or state law.

1.6.5 Temporary ground water use permits shall expire six (6) months after the approval date.

1.6.6 Temporary ground water use permits can only be issued for regulated wells located within the overappropriated portion of the District, including the Pumpkin Creek Basin Ground Water Management Subarea.

1.6.7 The amount of ground water withdrawn from a regulated well for the permitted temporary ground water use must be measured with the flow meter that is permanently installed on the regulated well or irrigation system. This amount will be subtracted from the available water for the certified ground water use. If the temporary ground water use results in an available water overdraft, the overdraft and associated available water overdraft penalty will be assessed during the next allocation period in accordance with Chapters 6 or 7 of these rules and regulations.

1.6.8 If the project for which the temporary ground water use has been granted is not completed by the permit expiration date and ground water is still needed from the regulated well, the temporary ground water user and/or landowner must apply to the District for an extension at least thirty (30) working days prior to the expiration date of the permit.

1.6.9 Extensions may be granted by the District for a period of up to six (6) months. The extension application form, provided by the District, must be signed by the landowner and the temporary ground water user and specify the reasons the extension is needed and the estimated amount of ground water withdrawal during the extension period.

1.6.9.1 The applicant shall pay a non-refundable extension application fee of one thousand dollars (\$1,000) to the District. Such fee shall accompany the extension application form.

1.7 Improper Irrigation Runoff

1.7.1 All ground water users are prohibited from allowing improper runoff of irrigation water.

1.7.2 A ground water user may implement any structural or non-structural procedure, measure, or combination thereof which provides for effective prevention, control or abatement of improper ground water irrigation runoff, including, but not limited to:

1.7.2.1 Limitation of water utilized so that structural measures are not necessary to prevent irrigation runoff water and proper operation and management of the irrigation system including any reuse or other control measures installed;

1.7.2.2 Construction of a runoff collection and/or retention system, such as a sump or dugout, together with a reuse pump and/or ditch to return the water to the same or other field for beneficial use, or construction of grass filter strips or buffer zones;

1.7.2.3 Blocking of rows or field borders to contain irrigation water within the property under the direct supervision or control of the ground water user;

1.7.2.4 The execution and performance of an agreement between two or more persons and approved by the District for utilization of any irrigation runoff water in accordance with Rule 1.7.3 of these rules and regulations; or

1.7.2.5 Any other procedure or measure deemed acceptable by the District.

1.7.3 A ground water user whose irrigation runoff water is capable of being captured and utilized by another ground water user or other person in a manner which will prevent waste of such water, deterioration of surface water quality, and/or accumulation of water upon the land of any other person without their 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.

1.7.3.1 When such agreement is approved by the District, it will show the District's concurrence that the ground water user's irrigation runoff water is under adequate control.

1.7.3.2 The agreement may be terminated at any time 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 all affected parties. If appropriate, a new agreement between all affected parties will be developed and approved by the District.

1.8 Variances

1.8.1 Unless otherwise provided by law or these rules and regulations, the Board may grant a variance from these rules and regulations upon good cause shown, provided that any such variance may be granted only if third parties are not harmed or prejudiced.

1.8.2 The request for a variance must be made on forms provided by the District and must include any supplemental information requested by the District.

1.8.2.1 The applicant shall pay a non-refundable filing fee of three hundred dollars (\$300) to the District. The filing fee shall accompany the variance request application form.

1.8.2.2 If requested by District staff or the Board, the applicant shall provide all additional information that the Board, at its sole discretion, may deem necessary to examine the application for a variance.

1.8.3 Any application for a variance shall be reviewed by the appropriate subcommittee of Board members, according to the subject matter and nature of each variance request.

1.8.3.1 Upon review of each application for a variance, the subcommittee shall make a recommendation to the full Board as to a proposed action on the application.

1.8.4 Prior to acting on an application for a variance, the Board shall hold a public hearing.

1.8.4.1 The Board shall cause to be published a notice of public hearing, according to the regular procedures then in place for publishing notice of monthly Board meetings, and shall include in the notice the name of the applicant and the variance number assigned by the District for each application for a variance which is the subject of the public hearing.

1.8.4.2 Any person wishing to express concerns regarding an application for a variance may address the Board directly at the public hearing.

1.8.5 Following the public hearing held pursuant to Rule 1.8.4, the Board shall take final action on the application for a variance not later than the next regularly scheduled Board meeting without further public comment.

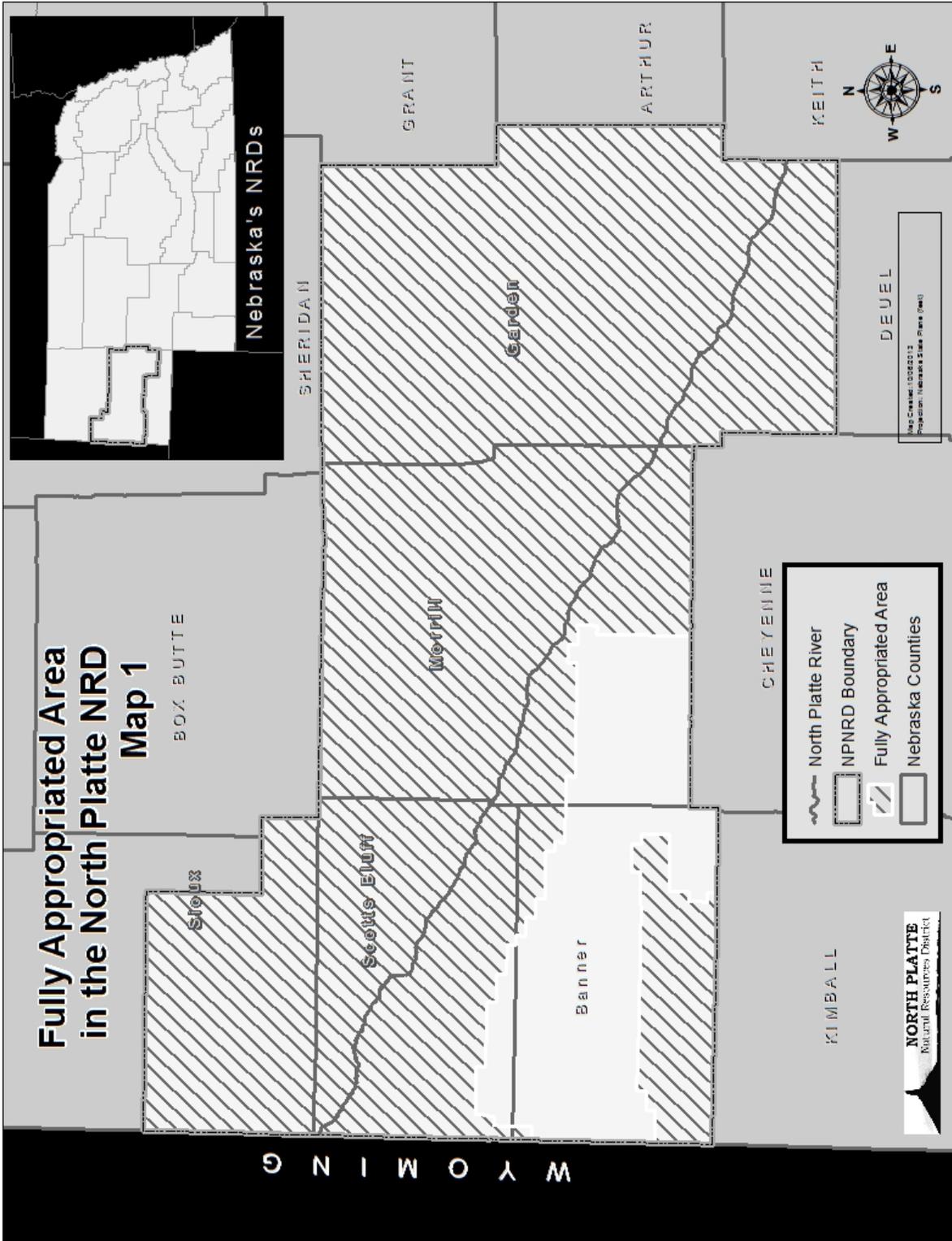
1.8.5.1 The Board, at its sole discretion, may approve, approve with conditions, or deny any application for a variance.

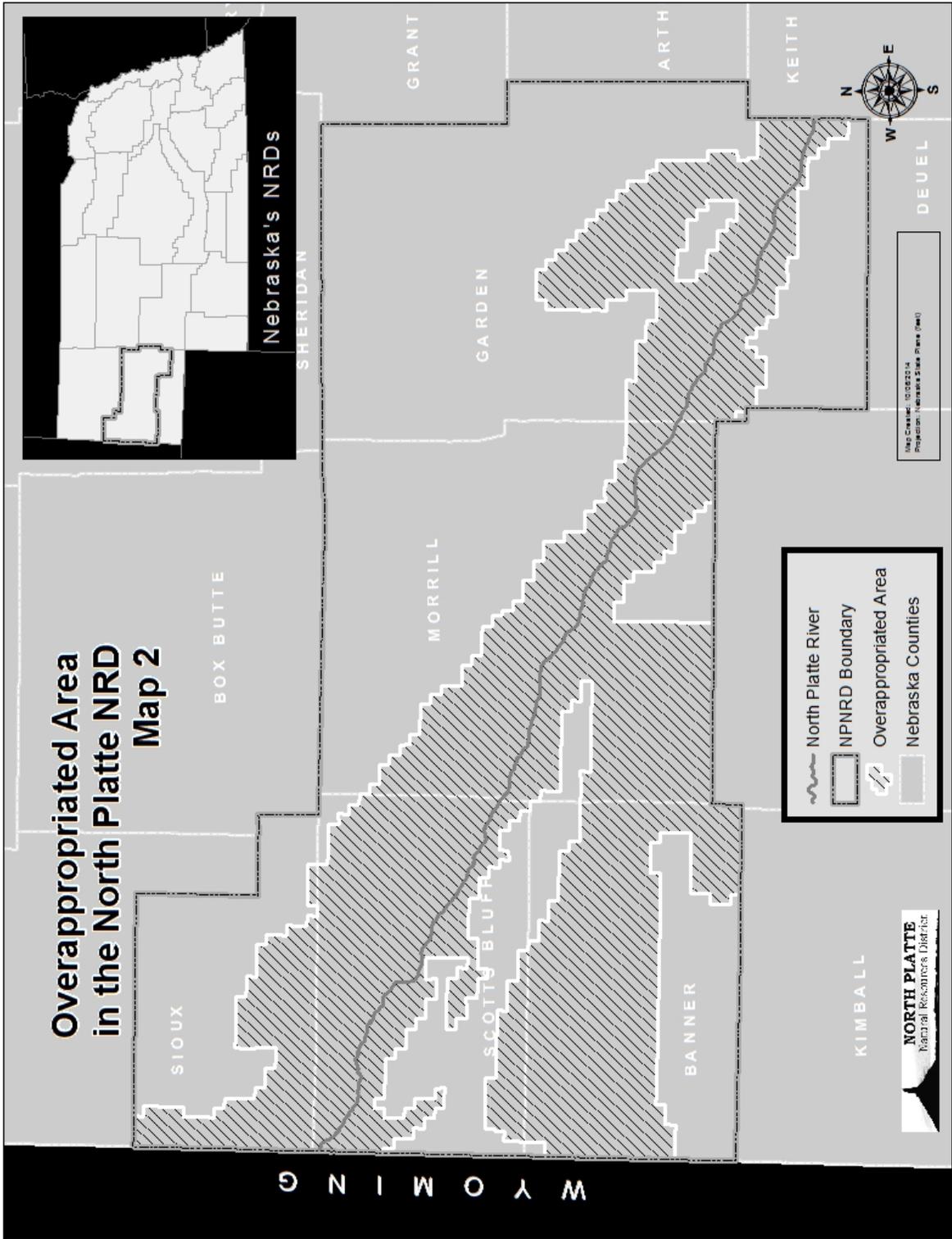
1.8.5.1.1 The Board may, in the case of a denial of any application for a variance, provide information on the deficiencies found with the application.

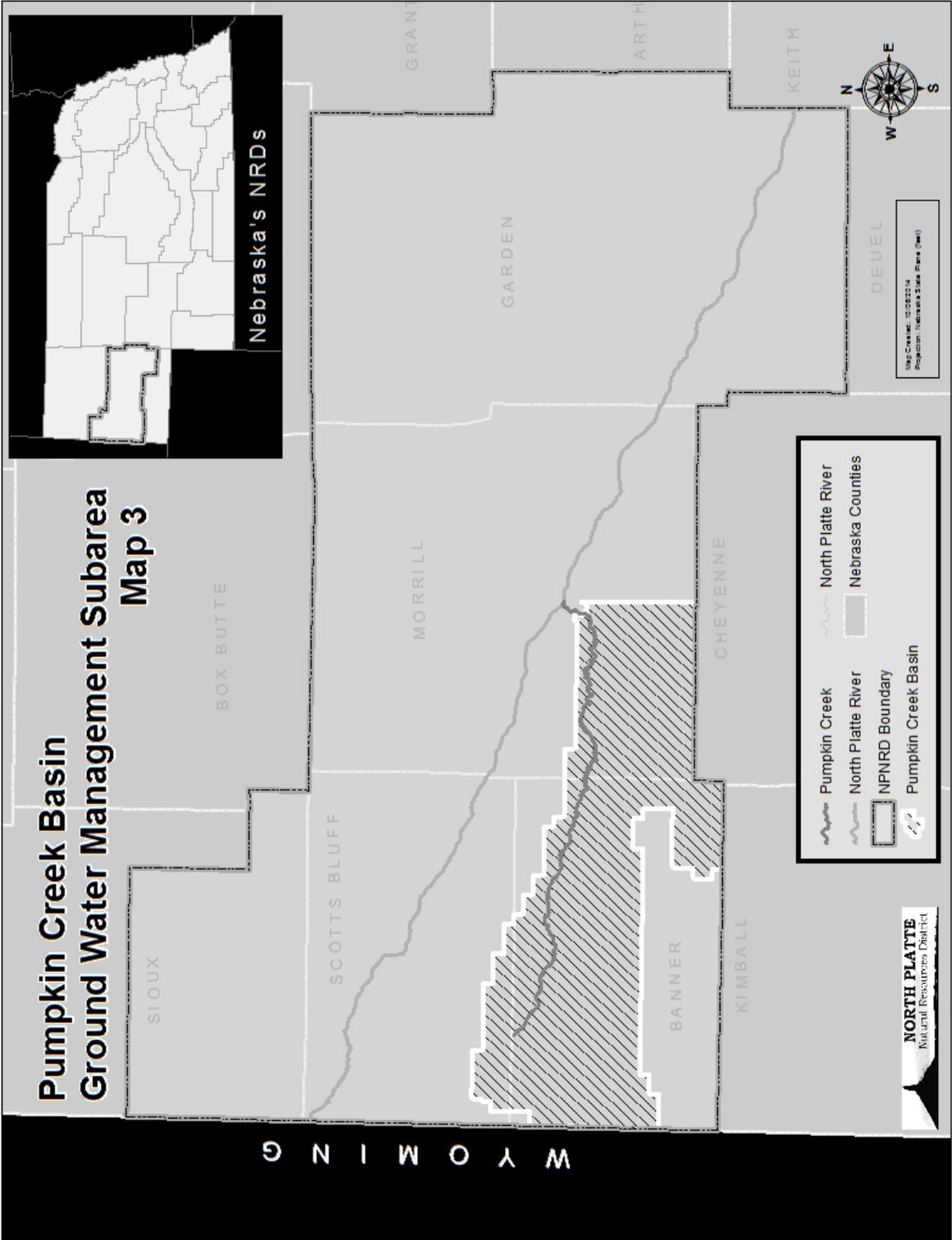
1.8.5.2 Nothing in these rules and regulations shall preclude an applicant whose variance request was denied from reapplying to the District.

1.8.5.2.1 Any such reapplication must be accompanied by a nonrefundable filing fee of \$300.

1.8.5.2.2 If an applicant files a new application for a variance that has previously been denied by the Board, the applicant shall provide sufficient information to demonstrate that any deficiencies identified with the previous variance request have been addressed.

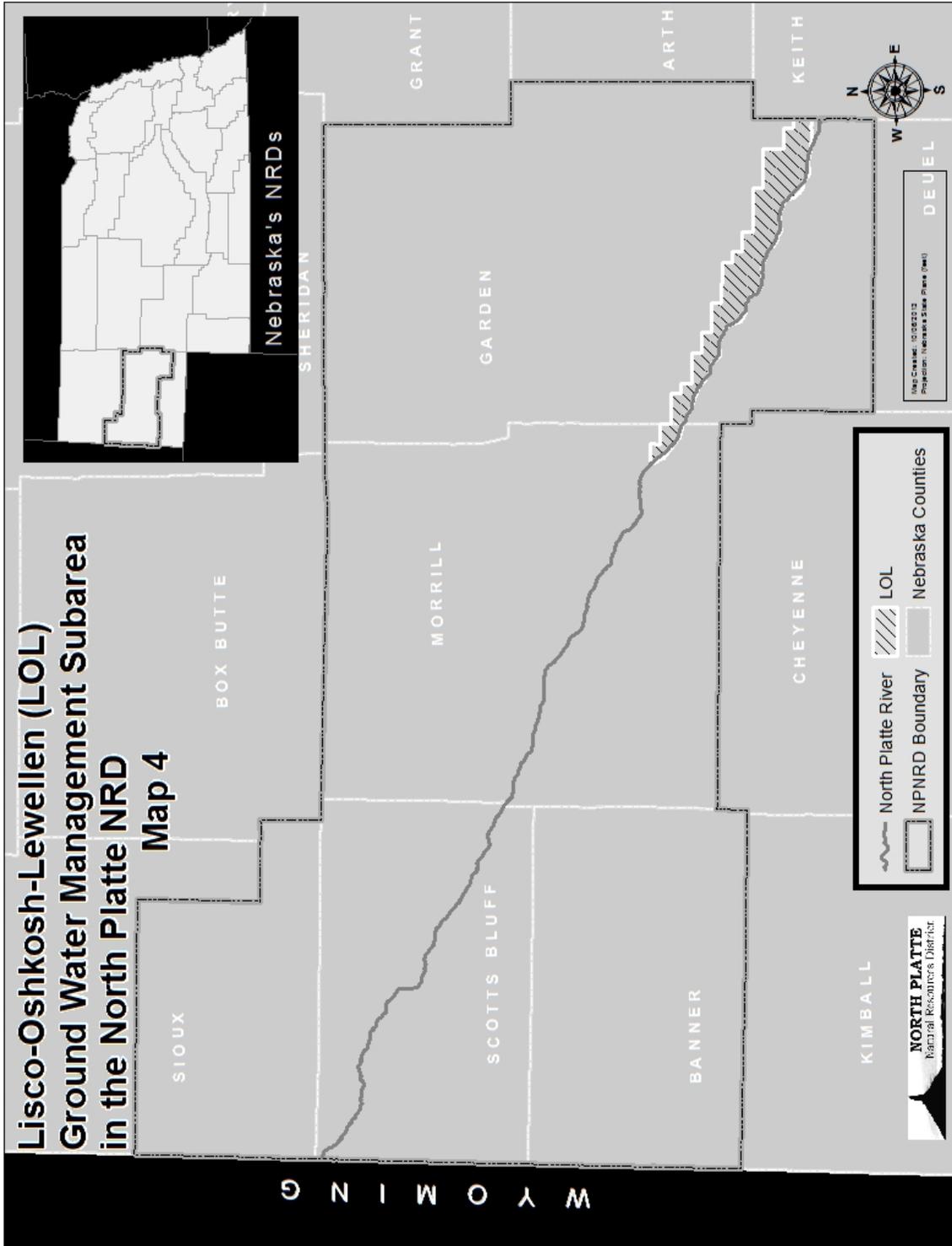






Lisco-Oshkosh-Lewellen (LOL) Ground Water Management Subarea in the North Platte NRD

Map 4



Chapter 1 – General Provisions was adopted by Order No. NPNRD-1 on April 11, 1996, effective on July 10, 1996; amended by Order No. NPNRD-2, effective September 18, 1997; amended by Order No. NPNRD-13 effective, January 11, 2008; amended by Order No. NPNRD-14, effective August 7, 2008; amended by Order No. NPNRD-15, effective January 12, 2009; amended by Order No. NPNRD-19, effective March 29, 2010; amended by Order No. NPNRD-20, effective April 9, 2012; amended by Order No. NPNRD-23, effective December 14, 2014; amended by Order No. NPNRD-25, effective November 14, 2016.

CHAPTER 2 – PROCEDURES FOR ENFORCEMENT

2.1 General Enforcement Procedures

2.1.1 The Board of Directors or the District General Manager may, at any time, initiate an investigation for the enforcement of these rules and regulations, when conditions warrant, within the jurisdiction of the District.

2.1.2 The Board may order any hearing which it is authorized either by law or inherent power to conduct. The Board may require the attendance of any person at such hearing.

2.2 Entering Upon Property

2.2.1 Employees or designated agents of the District may enter upon private property, after proper notification and during reasonable hours, to carry out responsibilities and enforcement specified under these rules and regulations, the Nebraska Ground Water Management and Protection Act (Act) or other current applicable statutes.

2.3 Violations

2.3.1 The District shall enforce the provisions of the Act and all rules and regulations adopted pursuant thereto by voluntary compliance, the issuance of cease and desist orders, and/or penalties, in accordance with the procedures hereinafter specified.

2.3.1.1 Cease and desist orders shall be enforced by bringing appropriate actions in the District Court of the county in which any violations occur.

2.3.2 Cease and desist orders may be issued, penalties may be assessed, or voluntary compliance procedures may be invoked for one or more of the following reasons:

2.3.2.1 The withdrawal and/or use of ground water that has not been certified in accordance with District rules and regulations;

2.3.2.2 Expansion of irrigated acres and/or increases in the consumptive use of ground water withdrawn from regulated wells without consent of the District;

2.3.2.3 Failure to install and/or maintain a flow meter in accordance with District rules and regulations;

2.3.2.4 Tampering, such as breaking the NRD seal, obstructing, modifying or taking any action for the purpose of producing an inaccurate or incorrect flow meter reading or taking any other action that would prevent the District from obtaining an accurate measurement of actual ground water withdrawn from a regulated well;

2.3.2.5 Operation of an irrigation system in the Management Area or a Subarea in non-compliance with the allocated use of ground water as prescribed in District rules and regulations;

2.3.2.6 Construction or operation of an illegal well as defined in District rules and regulations;

2.3.2.7 Failure by any landowner or operator in the Management Area or a Subarea to submit any information, reports or forms that may be required by District rules and regulations;

2.3.2.8 Operation of an irrigation system in a manner which allows for improper irrigation water runoff; and

2.3.2.9 Any other violation of any rules and regulations adopted by the Board.

2.3.3 In assessing a sanction, the District shall consider the degree and extent of the violation; whether the violator has been previously determined to have violated a cease and desist order, rules, or regulations of the District; the urgency of remedial action; and any economic benefit derived from non-compliance.

2.4 Penalties

2.4.1 The Board may assess penalties following the approval of a compliance plan and schedule of implementation pursuant to Rule 2.9 or the issuance of a cease and desist order.

2.4.2 Penalties may consist of, but are not limited to, any one or more of the following:

2.4.2.1 Reduction of ground water allocation, in whole or in part, for a period to be specified by the Board, which is not limited to the current allocation period;

2.4.2.2 Reduction of carryforward from the previous allocation period, in whole or in part; and

2.4.2.3 Reduction in the number of certified irrigated acres in a certified irrigated tract, in whole or in part.

2.5 Filing of Complaints

2.5.1 A written complaint alleging violation of these rules and regulations may be filed against a landowner, operator or both by any person who owns land, leases land, or resides within the boundaries of the District; any non-resident person who can show that the actions of any landowner, operator or both within the District directly affects him/her; the District compliance officer; or the Board on its own motion.

2.5.1.1 Complaints shall be filed at the District office on complaint forms provided by the District.

2.6 Notification of Alleged Violator and Inspection

2.6.1 Upon receipt of a properly filed complaint under Rule 2.5, the District compliance officer shall notify the alleged violator and provide a copy of the complaint, in person or via certified mail, within ten (10) working days of the filing of the complaint.

2.6.2 The compliance officer may designate an inspector if the compliance officer determines that an inspection is necessary to determine whether the landowner, operator or both is or was, at the time complained of, in violation of District rules and regulations.

2.6.2.1 Any inspector so designated shall conduct an investigation as soon as possible after the complaint has been filed and the alleged violator notified. The alleged violator shall be given an opportunity to accompany the inspector during the investigation.

2.7 Report of Findings

2.7.1 Upon completion of the investigation, the inspector shall provide a copy of the findings to the compliance officer.

2.7.2 If the compliance officer finds that there is reasonable cause to believe that a landowner, operator or both is or was, at the time complained of, in violation of District rules and regulations, the compliance officer shall notify the alleged violator and the complainant, if other than the Board or the District compliance officer, in person or via certified mail, of the inspector's findings.

2.7.2.1 The notice of the inspector's findings shall include the date of the Board's next regular or special meeting date scheduled at least five (5) days subsequent to delivery of said notice. The notice shall also include a recommended compliance plan and schedule of implementation prepared by the District and specify options available to the alleged violator.

2.8 Options for Alleged Violators

2.8.1 Alleged violators shall be notified of and have the following available options:

2.8.1.1 Within fifteen (15) working days following notification provided pursuant to Rule 2.7, respond in writing to the General Manager to agree with and accept as true and correct the compliance officer's findings that the alleged violation(s) has in fact occurred or is occurring, agree to cease and desist from continuing or allowing the reoccurrence of such violation and either agree with the recommended compliance plan and schedule of implementation from the District or submit an alternative compliance plan and schedule of implementation for District review.

2.8.1.2 Reject the compliance officer's findings and request in writing to the General Manager within fifteen (15) working days following the date of the notification provided pursuant to Rule 2.7 that a hearing be scheduled and conducted regarding such findings.

2.9 Voluntary Compliance

2.9.1 If the alleged violator provides written documentation to the General Manager that he/she accepts the findings of the compliance officer, agrees to cease and desist from continuing or allowing the reoccurrence of such violation and agrees with the recommended compliance plan and schedule of implementation from the District, the compliance officer will provide written notification to the alleged violator, via certified mail, of the General Manager's approval for the alleged violator to proceed with the compliance plan and schedule of implementation.

2.9.2 If the alleged violator has submitted to the General Manager in writing an alternative compliance plan and schedule of implementation, the compliance officer shall review the complaint and subsequent accompanying documentation to determine whether the alternative compliance plan and schedule of implementation submitted by the alleged violator will, when implemented, bring the alleged violator into compliance with District rules and regulations.

2.9.2.1 If the compliance officer determines that the alternative compliance plan and schedule of implementation submitted by the alleged violator will, when implemented, bring the alleged violator into compliance with District rules and regulations, such alternative compliance plan and schedule of implementation will be approved by the General Manager and the compliance officer shall provide written notification to the alleged violator, via certified mail, of such approval.

2.9.2.2 If the compliance officer determines that implementation of the alternative compliance plan and schedule of implementation submitted by the alleged violator would be inadequate to bring the alleged violator into compliance with District rules and regulations, the compliance officer shall provide written notification to the alleged violator, in person or via certified mail, that the proposed alternative has not been approved by the General Manager and shall include in the notice proposed modifications to the alternative compliance plan and/or schedule of implementation as needed to obtain compliance with District rules and regulations.

2.9.2.2.1 An alleged violator shall have fifteen (15) working days from the receipt of the proposed modifications to the alternative compliance plan and/or schedule of implementation to provide written notification to the General Manager of his/her consent to such modifications, to agree to negotiate with the compliance officer regarding the modifications or to reject such modifications and request a hearing.

2.9.2.2.1.1 If the alleged violator consents to the modifications to the alternative compliance plan and/or schedule of compliance, the General Manager shall approve the alternative compliance plan and/or schedule of implementation as modified and the compliance officer shall provide written notification to the alleged violator in person or via certified mail of such approval.

2.9.3 The compliance officer or inspector will perform an investigation within ten (10) working days following the time limits set forth in the schedule of implementation to determine whether the provisions of the compliance plan has been met. The alleged violator shall be given an opportunity to accompany the compliance officer or inspector during the inspection.

2.9.3.1 If, based on the results of the investigation, the compliance officer determines that the alleged violator has met the provisions of the compliance plan within the time limits set forth in the schedule of implementation, the complaint will be dismissed by the General Manager and written notice of such dismissal shall be provided to the complainant, if other than the Board or the District compliance officer, and the alleged violator in person or via certified mail.

2.9.3.2 If, based on the results of the investigation, the compliance officer determines that the alleged violator has not met the provisions of the compliance plan within the time limits set forth in the schedule of implementation, a cease and desist order will be issued by the Board.

2.9.3.3 The General Manager's decision to dismiss the complaint may be reviewed by the Board at the request of the complainant.

2.10 Board Action for Failure to Respond or Appear

2.10.1 If an alleged violator has been notified in accordance with Rules 2.6, 2.7, 2.8 or 2.9 and has failed to respond hereunder or has failed to appear at any properly scheduled hearing, the Board shall review the complaint and the inspector's report, as well as any other pertinent information, and issue such order(s) as are deemed appropriate, in accordance with these rules and regulations.

2.11 Actions Following Issuance of Cease and Desist Order

2.11.1 Any alleged violator against whom a cease and desist order has been issued in accordance with these rules and regulations may, within ten (10) working days following receipt of such order, submit in writing to the General Manager a compliance plan and schedule of implementation.

2.11.1.1 The alleged violator may request an extension for submittal of a compliance plan and schedule of implementation. Such request must be submitted in writing to the General Manager and provide the reason(s) behind such request.

2.11.1.1.1 Following receipt of the written request for an extension from the alleged violator, the General Manager may grant an extension of up to ten (10) additional working days for the alleged violator to submit a compliance plan and schedule of implementation if he/she deems such an extension reasonable. Written notice of such extension shall be provided to the alleged violator in person or via certified mail.

2.11.2 The compliance plan and schedule of implementation shall be approved by the General Manager if such compliance plan and schedule of implementation are in accordance with any and all guidance given by the Board at the time of issuance of the cease and desist order. Written notice of such approval shall be provided to the alleged violator in person or via certified mail.

2.12 Board Authorization to Initiate Court Action

2.12.1 The Board shall, at the time it takes any action in accordance with this chapter, designate a representative of the Board to initiate appropriate legal actions in the District Court of the county in which the violation has occurred.

2.12.2 Legal actions will be initiated following the failure of the alleged violator to comply with any orders of the District, meet the extension deadline pursuant to Rule 2.11.1.1.1, or initiate and implement any approved compliance plan and schedule of implementation.

2.13 Hearings Before the Board

2.13.1 All hearings before the Board shall be conducted in accordance with the District's rules and regulations for informal non-adjudicatory public hearings, unless a ground water user requests a formal adjudicatory hearing in writing addressed to the District General Manager, which shall be conducted in accordance with the District's rules and regulations for formal adjudicatory hearings.

Chapter 2 – Procedures for Enforcement was adopted by Order No. NPNRD-1 on April 11, 1996, effective on July 10, 1996; amended by Order No. NPNRD-2, effective September 18, 1997; amended by Order No. NPNRD-13, effective January 11, 2008; amended by Order No. 20, effective April 9, 2012; amended by Order No. NPNRD-23, effective December 14, 2014.

CHAPTER 3 – CERTIFICATION OF GROUND WATER USE

3.1 Certification of Ground Water Use

3.1.1 The withdrawal and/or use of ground water for any purpose from any water well, with the exception of domestic wells, range livestock wells, dewatering wells with an intended use of ninety (90) days or less, test holes, monitoring and observation wells or wells constructed pursuant to a ground water remediation plan under the Environmental Protection Act is not allowed unless that withdrawal and/or use has been certified by the District.

3.2 Changes in Certification

3.2.1 Any change to a certification that does not result in an increase of irrigated acres or consumptive use, due to circumstances such as, but not limited to, a change of property ownership or a change in source of water for the certified use (e.g., ground water only to commingled), will be approved by the General Manager provided all of the provisions of these rules and regulations are met.

3.2.1.1 Changes to municipal and industrial certifications will be approved by the General Manager provided the provisions of Neb. Rev. Stat. § 46-740 and these rules and regulations are met.

3.2.2 Any change to a certification will require the landowner(s) or the person(s) with authority for the certification to sign a rescission form for the original certification and, if applicable, a recertification form for the new certification on forms provided by the District. The District may also rescind a certification based on reliable information from public records or any other source deemed reliable.

3.2.3 The landowner(s) or the person(s) with authority for the certification must notify the District within sixty (60) days following a change of ownership for the certified ground water use or of the acquisition or relinquishment of a surface water right serving the certified ground water use.

3.2.4 When certified irrigated acres within a certified irrigated tract have been severed from the regulated well(s) serving those acres due to a change in ownership, the certification for the irrigated tract will be rescinded and the new tract in which the well is located will be recertified. The severed irrigated acres will not be recertified until an available ground water source for irrigation of those acres is identified. If the landowner(s) of the severed irrigated acres desires to continue using the severed regulated well(s) and have the severed well(s) recertified to those acres, the landowner(s) of the severed irrigated acres shall provide the District with a signed agreement between the well owner and the landowner(s) of the severed irrigated acres to allow the severed regulated well(s) to be used for irrigation purposes on the severed irrigated acres. If there is not an existing agreement between the well owner and the landowner(s) of the severed irrigated acres, the District will provide an agreement form, if requested. If a signed agreement is provided to the District, and all other provisions of these rules and regulations are met, the severed irrigated acres will be recertified with the severed regulated well(s) serving as the ground water source for irrigation of those acres.

3.2.4.1 The landowner(s) of the severed irrigated acres has six (6) months from the date the certified irrigated tract which contained the severed irrigated acres was rescinded to obtain a ground water source and recertify the severed irrigated acres.

3.2.4.1.1 Failure to comply with the provisions of Rule 3.2.4.1 will result in revocation of the ability to recertify the severed irrigated acres.

3.2.5 Upon the enrollment of certified irrigated acres in a permanent retirement program, the certification for the certified irrigated tract containing such acres will be rescinded and the remaining acres within the tract that have not been enrolled in the permanent retirement program, if any, will be recertified.

3.2.6 The Board may rescind any previously approved certification if it finds that (1) the application for certification contained any false or misleading information; (2) that the landowner(s) or person(s) with authority for the certification failed to meet any conditions stipulated in the certification; or (3) the landowner(s) or person(s) with authority for the certification has violated District rules and regulations.

3.2.6.1 If a certification is rescinded by the Board pursuant to Rule 3.2.6, the District shall notify the applicable landowner(s) or person(s) with authority for the certification of such rescission by certified mail.

3.2.6.2 Any landowner(s) or person(s) with authority for the certification aggrieved by a determination of the Board regarding rescission of a certification of ground water use may, in writing addressed to the General Manager, request a hearing before the District for the purpose of reconsidering that decision.

3.2.6.2.1 Such request for a hearing shall be filed with the District within thirty (30) working days of receipt of notice of the Board's action.

Chapter 3 – Certification of Ground Water Uses was adopted by Order No. NPNRD-11 on September 14, 2006, effective October 12, 2006; amended by Order No. NPNRD-20, effective April 9, 2012; amended by Order No. NPNRD-23, effective December 14, 2014.

CHAPTER 4 – INSTALLATION AND USE OF FLOW METERS

4.1 Flow Meters Required

4.1.1 Flow meters must be permanently installed on all regulated wells within the overappropriated area of the District, including the Pumpkin Creek Basin Ground Water Management Subarea prior to use of ground water.

4.1.2 Flow meters must be permanently installed on all regulated wells within the fully appropriated area of the District, excluding the area which is also designated as overappropriated, by January 1, 2017.

4.1.2.1 District personnel must install a District seal and take an initial reading of the flow meter following the installation of the flow meter in accordance with Rule 4.1.2 and prior to withdrawal of ground water from the regulated well.

4.1.3 Flow meters must be capable of measuring all the ground water withdrawn from each regulated well, or from all regulated wells connected in a series, for each certified use.

4.1.3.1 If a regulated well is used for more than one certified use, the amount of ground water withdrawn from that regulated well for each certified use must be measured by a separate flow meter.

4.1.3.2 In cases where multiple wells serve one irrigation system, the flow meter may be installed on the irrigation system instead of on each regulated well serving the irrigation system.

4.2 Flow Meter Installation

4.2.1 A list of flow meter brands that have been approved by the Board for installation and use within the District is available at the NPNRD office at 100547 Airport Road, P.O. Box 280, Scottsbluff, Nebraska, 69361.

4.2.1.1 Only those flow meters included on such list are allowed to be installed and used and will be considered conforming flow meters.

4.2.1.2 Any flow meters that are not on the approved list of flow meters shall be designated as non-conforming flow meters.

4.2.1.2.1 Flow meters installed prior to January 1, 2012, on a regulated well or irrigation system that are not included on the list of approved flow meters are considered non-conforming meters. These flow meters may remain installed on regulated wells and used until such time as they are no longer able to be repaired and brought into working order to accurately measure the amount of ground water withdrawn from the well. When this situation occurs, the flow meter must be replaced with a flow meter included on the approved list of flow meters and must conform to the specifications contained herein.

4.3 Flow Meter Specifications

4.3.1 Flow meters shall meet the following requirements to be considered conforming flow meters:

4.3.1.1 Each flow meter shall be installed according to the manufacturer's specifications and calibrated to the pipe size. Calibration must maintain an accuracy of plus or minus two (2) percent of normal flow range.

4.3.1.2 The flow meter registry shall have a visual volume-recording totalizer that shall record the volume of ground water withdrawn in acre-inches for irrigation wells and in gallons for other regulated wells.

4.3.1.3 The flow meter registry shall be protected from the elements.

4.3.1.4 Totalizers shall have sufficient capacity to record the quantity of water withdrawn from each regulated well for a period of one (1) year.

4.3.1.5 Totalizers shall be direct reading and the multiplier by which the rate of flow can be determined by timing shall be clearly indicated.

4.3.1.6 The flow meter size, serial number and, if available, the direction of flow shall be clearly stamped on the body of the meter.

4.3.1.7 The inside pipe diameter for which the meter has been calibrated shall be clearly shown on the meter to at least the nearest 0.01 of an inch.

4.3.1.8 Each flow meter shall be installed in a location easily accessible to District personnel.

4.3.1.9 Backflow devices are required where reverse flow occurs through the flow meter.

4.3.1.10 Each flow meter shall have a District seal installed by District personnel.

4.4 Flow Meter Maintenance and Readings

4.4.1 District personnel, or its designated agents, shall have access to each regulated well and flow meter at any reasonable time, following notification to the landowner or operator, to read and record flow meter information, evaluate the performance and accuracy of the flow meter, determine whether such flow meter has been tampered with, or any other appropriate purpose.

4.4.2 Each flow meter shall be kept in good working condition and clear of debris, vegetative growth, or other material that would impede operation, performance or maintenance of the flow meter.

4.4.3 The landowner or the landowner's authorized operator is responsible to ensure that flow meters are fully functional, properly maintained and operational.

4.4.4 The landowner or the landowner's authorized operator shall report any malfunctioning flow meter to the District office in Scottsbluff, Nebraska within twenty-four (24) hours after discovery. Malfunctioning flow meters discovered on any day other than a working day shall be reported before the District office closes on the first working day following the discovery.

4.4.4.1 During the time in which such flow meter is malfunctioning or has been removed from the regulated well for service, repair or replacement, the landowner or the landowner's authorized operator shall use a method approved by the District to determine the volume of water withdrawn from the regulated well.

4.4.4.2 The landowner or the landowner's authorized operator shall make a diligent effort to put the flow meter back into service as soon as possible or to replace it if it cannot be repaired.

4.4.5 The landowner or the landowner's authorized operator shall obtain approval from the District prior to removal of the District seal for any reason.

4.4.6 The landowner or the landowner's authorized operator shall notify the District when a flow meter has been replaced, so that the replaced flow meter can be resealed by District personnel prior to use of the regulated well.

4.4.7 The District may require the landowner or operator to provide information that will enable District personnel to determine the amount of energy used to operate any regulated well on which a flow meter has been installed. Such information shall be provided upon request, or the landowner and/or operator may authorize District personnel to obtain such information from the entity providing energy to the regulated well. The District may request such information if a flow meter is malfunctioning or if there is reason to believe that the flow meter reading is incorrect. If any power source on a regulated well is equipped with an hour meter, the District may require the landowner and/or operator to provide the appropriate reading from said hour meter.

4.4.7.1 If the District requires the landowner or operator to provide information pursuant to Rule 4.4.7 due to a flow meter that has malfunctioned during a water year, a rate of flow test on the regulated well shall be performed by District personnel. This measurement will be used with the information obtained pursuant to Rule 4.4.7 to determine the amount of ground water use for the certified ground water use for the water year in which the flow meter on the regulated well malfunctioned.

4.4.7.2 The landowner or operator will be contacted by District personnel to schedule an appointment to conduct the rate of flow test. If District personnel are unable to contact the landowner or operator personally, via telephone or other readily available means, the District will provide written notification to the landowner, sent via certified mail to the most recent address contained in District records, requiring the landowner to schedule an appointment to conduct the rate of flow test.

4.4.7.3 Failure to provide the information as requested from District personnel, pursuant to Rule 4.4.7, or to schedule and conduct the rate of flow test with District personnel, shall result in the suspension of ground water withdrawal from the regulated well until such time as the information pursuant to Rule 4.4.7 is provided and the rate of flow test is conducted.

4.5 Flow Meter Violations

4.5.1 It shall be a violation of these rules and regulations for any person to willfully damage, alter, remove, reset, adjust, manipulate, obstruct, or in any manner interfere with or tamper with any flow meter without the consent of the District General Manager or his/her designee, or to cause, procure, or direct any other person to do so.

4.5.2 Removing, damaging, or unfastening any seal placed on a flow meter by the District, without prior consent from the District General Manager or his/her designee, will be considered to be tampering with a flow meter.

Chapter 4 – Installation and Use of Flow Meters was adopted by Order No. NPNRD-12 on March 8, 2007, effective April 5, 2007; amended by Order No. NPNRD-13 effective, January 11, 2008; amended by

Order No. NPNRD-15, effective January 12, 2009; amended by Order No. NPNRD-20, effective April 9, 2012; amended by Order No. NPNRD-23, effective December 14, 2014.

CHAPTER 5 – TRANSFERS OF GROUND WATER

5.1 Area Designation and Boundaries

5.1.1 The area subject to Chapter 5 of these Rules and Regulations is the entire geographic area designated as the overappropriated area of the District, with the exception of the Pumpkin Creek Basin Ground Water Management Subarea as defined in Order NPNRD-4.

5.2 Excluded Ground Water Uses

5.2.1 Domestic, range livestock, energy exploration and development, or construction uses subject to Rule 1.6 are not subject to Chapter 5 of these Rules and Regulations.

5.3 Provisional Transfer Permit

5.3.1 Public water supply and industrial/commercial ground water uses are not subject to Rule 5.3.

5.3.2 Any person who intends to transfer (1) the location of a certified ground water use; (2) the point of ground water withdrawal from a regulated well; (3) the purpose of a certified ground water use; (4) to add a new ground water use to an existing certified ground water use; or (5) any combination thereof, shall submit a provisional transfer permit application (PTPA) to the District, on forms provided by the District.

5.3.2.1 A separate PTPA form shall be filed with the District for each proposed transfer.

5.3.2.1.1 In cases where multiple concurrent transfers are required in order to execute a proposed transfer which is dependent on the implementation of another proposed transfer(s) (e.g., a change in location of a certified ground water use which also requires a change in the point of ground water withdrawal from a regulated well), only one PTPA form is required for all such concurrent proposed transfers.

5.3.2.2 The PTPA form must be signed and dated by all landowner(s), or the person(s) with legal authority to sign for the landowner(s) or entity [PTPA applicant(s)].

5.3.2.3 The completed PTPA form must be submitted to the District and accompanied by a non-refundable application fee of one thousand dollars (\$1,000).

5.3.3 District approval of the PTPA is dependent on conformance with the following criteria, if applicable:

5.3.3.1 Each regulated well(s) and at least a portion of each certified irrigated tract(s) or location(s) of a certified ground water use(s) to be included in the transfer must be within the geographic boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model and, if applicable, within the boundaries of the same irrigation district or land served by a mutual irrigation company.

5.3.3.2 Commingled certified irrigated acres may be transferred to a location not previously irrigated with either surface water or ground water only if the commingled certified irrigated acres, the associated point of ground water withdrawal from a regulated well(s), and the surface water right appurtenant to those acres are transferred together to a location that is within the same

irrigation district or mutual irrigation company as the location of the commingled certified irrigated acres that were transferred.

5.3.3.2.1 The applicable irrigation district or mutual irrigation company must provide documentation that the commingled certified irrigated acres to be transferred have a valid surface water right, and that the location to which the commingled certified irrigated acres will be transferred is within that same irrigation district or mutual irrigation company and is eligible for surface water delivery.

5.3.3.2.2 In the case of a private surface water appropriation, the commingled certified irrigated acres, the associated point of ground water withdrawal from a regulated well(s) and the private surface water appropriation may be transferred together to a location that is (1) within the boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model and (2) within a floating square area measuring a maximum of three (3) miles by three (3) miles of the commingled certified irrigated acres proposed for transfer.

5.3.3.3 Commingled certified irrigated acres and the associated point of ground water withdrawal from a regulated well(s) may be transferred to location currently possessing a valid surface water right, provided the location is within the boundaries of the same irrigation district or land served by the same mutual irrigation company as the commingled certified irrigated acres that were transferred.

5.3.3.3.1 The applicable irrigation district or mutual irrigation company must provide documentation that the commingled certified irrigated acres to be transferred have a valid surface water right, and that the location to which the commingled certified irrigated acres will be transferred is within the same irrigation district or mutual irrigation company and is eligible for surface water delivery.

5.3.3.3.2 In the case of a private surface water appropriation, the commingled certified irrigated acres, the associated point of ground water withdrawal from a regulated well(s) and the private surface water appropriation may be transferred together to a location that is (1) within the boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model and (2) within a floating square area measuring a maximum of three (3) miles by three (3) miles of the commingled certified irrigated acres proposed for transfer.

5.3.3.4 The point of ground water withdrawal and/or the location of a certified ground water use may be transferred to another point of ground water withdrawal or to a location using only ground water.

5.3.3.5 The information provided by the PTPA applicant(s) on the PTPA form must correspond to existing information on file with the District and, if applicable, the Department and the appropriate irrigation district or mutual irrigation company.

5.3.3.6 The regulated well(s) identified on the PTPA form have withdrawn ground water for purposes of serving the certified ground water use for three (3) out of the five (5) years prior to the PTPA filing date, as evidenced by District ground water withdrawal records.

5.3.3.7 The transfer will not result in an increase of irrigated acres.

5.3.3.8 The transfer must not result in the relocation of a certified ground water use or the point of ground water withdrawal from a regulated well from the fully appropriated area of the District to the overappropriated area of the District.

5.3.3.9 The transfer must not result in the relocation of a certified ground water use or the point of ground water withdrawal from a regulated well from outside the geographic boundaries of the District into the District.

5.3.4 The General Manager will make a decision within forty-five (45) working days, following receipt of a completed PTPA form, to approve or deny the PTPA.

5.3.4.1 The District will provide written notification of the approval or denial of the PTPA to all PTPA applicant(s), via certified mail, within fifteen (15) working days of the decision by the General Manager.

5.3.5 A minimum of one PTPA applicant(s), may withdraw the PTPA at any time during the application process by providing written notification to the District of their desire to withdraw the PTPA.

5.3.5.1 Within fifteen (15) working days following receipt of a notice to withdraw the PTPA, pursuant to Rule 5.3.5, the General Manager will dismiss the PTPA, and the District will provide written notice of such dismissal to all PTPA applicant(s), via certified mail.

5.3.6 The proposed transfer or any part thereof, as described in the PTPA, shall not occur prior to approval of a transfer permit application. The approved PTPA conveys only the eligibility of an applicant to file an application for a transfer permit, pursuant to Rule 5.4.2.

5.4 Transfer Permit Application

5.4.1 Public water suppliers and industrial/commercial users, prior to the initiation of a project with the intent to transfer (1) the location of a certified ground water use; (2) the point of ground water withdrawal from a regulated well; (3) the purpose of a certified ground water use; (4) to add a new use to an existing certified ground water use; or (5) any combination thereof, shall submit a transfer permit application (TPA) to the District, on forms provided by the District.

5.4.2 Any person receiving an approved PTPA may submit a TPA to the District, on forms provided by the District.

5.4.3 A separate TPA form shall be filed with the District for each proposed transfer.

5.4.3.1 In cases where multiple concurrent transfers are required in order to execute a proposed transfer which is dependent on the implementation of another proposed transfer(s) (e.g., a change in location of a certified ground water use which also requires a change in the point of ground water withdrawal from a regulated well), only one TPA form is required for all such concurrent proposed transfers.

5.4.3.2 The TPA form must be signed and dated by all landowner(s), or the person(s) with legal authority to sign for the landowner(s) or entity [TPA applicant(s)].

5.4.3.3 The completed TPA form shall be submitted to the District and accompanied by a non-refundable application fee of ten thousand dollars (\$10,000).

5.4.3.3.1 If the cost of the WWUM modeling analysis, pursuant to Rule 5.5, exceeds the non-refundable TPA application fee of ten thousand dollars (\$10,000), the difference between the actual cost of the modeling analysis, as invoiced to the District from the District's modeling consultant, and the TPA application fee will be paid by the TPA applicant(s) to the District.

5.4.3.3.1.1 Within five (5) working days of the District's receipt of the modeling analysis invoice from District's modeling consultant, the District will send, via certified mail, an invoice to all TPA applicant(s) for the dollar amount, as determined in Rule 5.4.3.3.1. Full payment of the amount specified on the invoice sent to the TPA applicant(s) must be received in the District office within thirty (30) days of the invoice date.

5.4.3.3.1.1.1 Failure to pay the invoice from the District, pursuant to Rule 5.4.3.3.1.1, will result in enforcement actions, in accordance with Chapter 2 of these Rules and Regulations.

5.4.3.4 For transfers involving the location of a certified ground water use or, if applicable, a change in the point of ground water withdrawal from a regulated well, reports of title for (1) the land from which the certified ground water use will be transferred and (2) the land to which the certified ground water use will be transferred shall be submitted with the TPA form.

5.4.3.4.1 Such reports of title shall be issued by an attorney or a registered abstractor and shall include the owner(s) and legal description(s) of the properties subject to Rule 5.4.3.4 and the existence of all liens, evidenced by the filing of a mortgage, trust deed, or other equivalent consensual security interest, against each respective property and the name and address of each lienholder.

5.4.1.4.2 Transfers for public water suppliers and proposed transfers of four (4) certified irrigated acres or less are exempt from Rule 5.4.3.4.

5.5 Transfer Permit Approval Conditions

5.5.1 The proposed transfer, as identified in the TPA, shall be analyzed using the Western Water Use Management (WWUM) model to determine if, and to what extent, adverse impacts to other ground water users, surface water appropriators and/or the North Platte River and its tributaries will result from the implementation of the proposed transfer, and what, if any, action can be taken to mitigate the adverse impacts.

5.5.1.1 If the WWUM model analysis of the proposed transfer shows that an adverse impact(s) will result from the implementation of the proposed transfer and a mitigation action is not available, the General Manager will deny the TPA and provide all TPA applicant(s) written notification, via certified mail, of such denial within fifteen (15) working days following receipt of the WWUM model analysis report.

5.5.1.2 If the WWUM model analysis of the proposed transfer shows that an adverse impact(s) will result from the implementation of the proposed transfer and a mitigation action is available, the District will, within fifteen (15) working days following receipt of the WWUM model analysis report, provide written notification, via certified mail, to all TPA applicant(s) describing the available TPA options and the mitigation action.

5.5.1.3 A minimum of one TPA applicant(s) shall provide written notice to the District within fifteen (15) working days of receipt of the notice from the District, pursuant to Rule 5.5.1.2, of their desire to withdraw or proceed with the TPA.

5.5.1.3.1 If the TPA applicant(s) provide notice to the District, pursuant to Rule 5.5.1.3, of the intention to withdraw the TPA, the General Manager, within fifteen (15) working days following receipt of such notice, will dismiss the TPA and provide written notice of such dismissal, via certified mail, to all TPA applicant(s).

5.5.1.3.2 If the TPA applicant(s) provide notice to the District, pursuant to Rule 5.5.1.3, of the intention to proceed with the TPA, the District, within (15) working days following receipt of such notice, will provide written notification, via certified mail, to all TPA applicant(s) acknowledging the date the District received the notice and the intention to proceed with the TPA.

5.5.2 District approval of the TPA, pursuant to Rule 5.6, is dependent on completion of the following requirements, if applicable, within one hundred eighty (180) days following the date specified in the District notice issued in accordance with Rule 5.5.1.3.2:

5.5.2.1 The regulated well(s), associated with the original certified ground water use or point of ground water withdrawal that has been transferred, as identified on the TPA form, must be decommissioned or modified and equipped to pump fifty (50) gallons per minute or less for purposes of range livestock, monitoring, observation, or any other non-consumptive or de minimis use approved by the District, and the appropriate forms filed with the Department.

5.5.2.2 The original certification(s) of a certified ground water use, point of ground water withdrawal from a regulated well, purpose of a certified ground water use, or any combination thereof that has been transferred must be rescinded.

5.5.2.3 The new ground water use, point of ground water withdrawal from a regulated well, purpose of a certified ground water use, the addition of a new ground water use to an existing certified ground water use, or any combination thereof resulting from the transfer must be certified.

5.5.2.3.1 If the transfer includes a change in the point of ground water withdrawal from a regulated well to a new point of ground water withdrawal that requires the construction of a new well(s), the new well(s) must be constructed and registered with the Department prior to certification.

5.5.2.4 Completed subordination agreement(s) from any lienholders identified in the reports of title, submitted pursuant to Rule 5.4.3.4, of the property or properties from which and to which the location of a certified ground water use from a regulated well have been transferred, shall be filed with the District.

5.5.2.5 A minimum of one TPA applicant(s) shall contact the District within thirty (30) working days following receipt of notice from the District, pursuant to Rule 5.5.1.3.2, to begin preparation, in partnership with the District, of a transfer mitigation agreement that will include provisions for implementation and completion of the mitigation action identified in the WWUM model analysis report.

5.5.2.5.1 The completed transfer mitigation agreement shall be signed by the General Manager and all TPA applicant(s). The term of the agreement shall be from the agreement execution date to the end of the one hundred eighty (180) day period, as specified in Rule 5.5.2, unless the agreement specifically provides otherwise.

5.5.2.6 The TPA applicant(s) have paid the amount of the difference between the non-refundable TPA application fee and the actual cost of the WWUM modeling analysis within thirty (30) days of the date of the invoice, pursuant to Rule 5.4.3.3.1.

5.5.3 When the applicable requirements under Rule 5.5.2 have been met, a minimum of one TPA applicant(s) shall provide written notification to the District of such completion of the applicable requirements. Notification to the District shall occur prior to the end of the one hundred eighty (180) day period, as specified in Rule 5.5.2.

5.5.3.1 Failure to provide notice pursuant to Rule 5.5.3 will result in the TPA being dismissed by the General Manager. The District will provide written notification of such dismissal, via certified mail, to all TPA applicant(s) within fifteen (15) working days following the TPA dismissal.

5.5.4 A minimum of one TPA applicant(s), may withdraw the TPA at any time during the TPA process by providing written notification to the District the desire to withdraw the TPA.

5.5.4.1 Within fifteen (15) working days following receipt of a notice to withdraw the TPA, pursuant to Rule 5.5.4, the General Manager will dismiss the TPA and provide written notification of such dismissal, via certified mail, to all TPA applicant(s).

5.6 Transfer Permit Approval

5.6.1 Within thirty (30) working days following District receipt of the notice pursuant to Rule 5.5.3, the General Manager will make a decision to approve or deny the TPA.

5.6.1.1 The District will provide written notification of the approval or denial of the TPA to all TPA applicant(s), via certified mail, within ten (10) working days of the decision by the General Manager.

5.6.1.2 If applicable, the TPA applicant(s) must, within fifteen (15) days of receipt of the notice from the District, pursuant to Rule 5.6.1.1, complete and return to the District the necessary forms, provided by the District, for recording the transfer with the register of deeds in the county or counties for the locations from which and to which the transfer occurred.

5.6.2 If the TPA has been dismissed or denied, the following provisions, if applicable, shall be implemented:

5.6.2.1 Any well construction permit(s) associated with the transfer that was issued between the date of the PTPA approval and the date of the dismissal or denial of the TPA shall be cancelled.

5.6.2.2 Any well(s) constructed for the purpose(s) of the transfer shall be decommissioned or modified and equipped to pump fifty (50) gallons per minute or less for purposes of range livestock, monitoring, observation, or any other non-consumptive or de minimis use approved by the District, and the appropriate forms filed with the Department.

5.6.2.3 If the provisions of Rule 5.5.2.3 and/or Rule 5.5.2.2 have been completed or are in the process of being completed, the District will take the necessary actions to return the certifications to pre-transfer conditions.

5.7 Public Water Supplier Transfers

5.7.1 If a public water supplier applies for a municipal and rural domestic transfers permit from the Department, pursuant to Neb. Rev. Stat. § 46-639, the General Manager will not take action to approve, deny or cancel the TPA until after the issuance of an Order by the Department approving or denying the municipal and rural domestic transfers permit.

5.7.2 The District will cancel the TPA if a public water supplier is granted a municipal and rural domestic transfers permit. The TPA application fee will not be refunded.

5.7.3 A public water supplier shall enter into and satisfy the terms of a transfer mitigation agreement as described in Rules 5.5.2.5 and 5.5.2.5.1. The agreement must be completed (1) prior to finalizing the District's written response to the Department's request for consultation regarding the municipal and rural domestic transfers permit application, or (2) if the public water supplier did not apply for a municipal and rural domestic transfers permit, in accordance with the timeline in Rule 5.5.2.5.1.

5.7.4 The withdrawal and/or transfer of ground water for a public water system, as identified in the TPA, shall not occur until the Department has granted a municipal and rural domestic ground water transfers permit or the General Manager has approved the TPA.

5.7.5 If the proposed transfer is contingent on the construction of a new well(s), a well construction permit(s) will not be issued until the Department has granted a municipal and rural domestic ground water transfers permit or the General Manager has approved the TPA.

5.8 Industrial/Commercial Transfers

5.8.1 If the proposed transfer requires an industrial ground water transfers permit from the Department, pursuant to Neb. Rev. Stat. § 46-677, the General Manager will not take action to approve or deny the TPA until after the issuance of an Order by the Department approving or denying the industrial ground water transfers permit.

5.8.2 The withdrawal and/or transfer of ground water for industrial purposes, as identified in the TPA, shall not occur until the General Manager has approved the TPA and, if applicable, the Department has granted an industrial ground water transfers permit.

5.8.3 If the proposed transfer is contingent on the construction of a new well(s), a well construction permit(s) will not be issued until the General Manager has approved the TPA and, if applicable, the Department has granted an industrial ground water transfers permit.

5.9 Intrastate Transfers

5.9.1 An intrastate transfer from inside the geographic boundaries of the District to outside the geographic boundaries of the District of the location of a certified ground water use and the associated point of ground water withdrawal from a regulated well(s) is exempt from Rule 5.4.

5.9.1.1 Such transfer shall be approved by the General Manager if (1) a PTPA has been approved by the General Manager and (2) the recipient natural resources district has approved the transfer and provided written notice to the District of such approval.

5.9.2 An intrastate transfer from inside the geographic boundaries of the District to outside of the geographic boundaries of the District for (1) only the location of a certified ground water use; (2) only the point of ground water withdrawal; (3) the purpose of a certified ground water use; (4) the addition of a new ground water use to an existing certified ground water use; or (5) any combination thereof, is prohibited.

5.10 Out of State Transfers

5.10.1 The General Manager will not take action to approve or deny a TPA until after the issuance of an Order by the Department approving or denying a permit to transfer ground water to adjoining state, pursuant to Neb. Rev. Stat. § 46-613.01.

5.10.2 The withdrawal and/or transfer of ground water across the state line, as identified in the TPA, shall not occur until the General Manager has approved the TPA and the Department has granted a permit to transfer ground water to adjoining state.

5.10.3 If the proposed transfer is contingent on the construction of a new well(s), a well construction permit(s) will not be issued until the General Manager has approved the TPA and the Department has granted an permit to transfer ground water to adjoining state.

5.11 Wildlife, Environmental or Recreational Transfers

5.11.1 Pursuant to Neb. Rev. Stat. § 46-691.03, a landowner(s) or the person(s) with legal authority to sign for the landowner(s) or entity intending to withdraw ground water from any water well located in the State of Nebraska, transport that water off the overlying land, and use it to augment water supplies in any Nebraska wetland or natural stream for the purpose of benefiting fish or wildlife or producing other environmental or recreational benefits must apply for an environmental transfer permit (ETP) from the District, on forms provided by the District.

5.11.1.1 The ETP application form must be signed and dated by all landowner(s), or the person(s) with legal authority to sign for the landowner(s) or entity.

5.11.1.2 The completed ETP application form must be submitted to the District and accompanied by a non-refundable application fee of fifty (\$50).

5.11.2 The withdrawal of ground water from any water well located in the State of Nebraska, transportation of that water off the overlying land, and use of it to augment water supplies in any Nebraska wetland or natural stream for the purpose of benefiting fish or wildlife or producing other environmental or recreational benefits is subject to the provisions of Rules 5.3 and 5.4.

5.11.3 The Board shall provide an opportunity for public comment on the completed ETP application at a regular or special board meeting for which advance published notice of the meeting and the agenda have been given consistent with the Open Meetings Act.

5.11.4 In determining whether to grant an ETP, the Board shall consider:

5.11.4.1 Whether the proposed use is a beneficial use of ground water;

5.11.4.2 The availability to the applicant of alternative sources of surface water or ground water for the proposed withdrawal, transport, and use;

5.11.4.3 Any negative effect of the proposed withdrawal, transport, and use on ground water supplies needed to meet present or reasonable future demands for water in the area of the proposed withdrawal, transport, and use, to comply with any interstate compact or decree, or to fulfill the provisions of any other formal state contract or agreement;

5.11.4.4 Any negative effect of the proposed withdrawal, transport, and use on surface water supplies needed to meet present or reasonable future demands for water within the state, to comply with any interstate compact or decree, or to fulfill the provisions of any other formal state contract or agreement;

5.11.4.5 Any adverse environmental effect of the proposed withdrawal, transport, and use of the ground water;

5.11.4.6 The cumulative effects of the proposed withdrawal, transport, and use relative to the matters listed in Rule 5.11.4.3 through Rule 5.11.4.5 when considered in conjunction with all other withdrawals, transports, and uses subject to Rule 5.11;

5.11.4.7 Whether the proposed withdrawal, transport, and use is consistent with the District's ground water management plan and integrated management plan; and

5.11.4.8 Any other factors consistent with the purposes of Rule 5.11 which the Board deems relevant to protect the interests of the state and its citizens.

5.11.5 The approval of an ETP application shall be conditioned on the applicant's compliance with the rules and regulations of the District and, if the location where the water is to be used to produce the intended benefits is in a different natural resources district, with the rules and regulations of that natural resources district.

5.11.5.1 The Board may include such reasonable conditions on the proposed withdrawal, transport, and use as it deems necessary to carry out the purposes of Rule 5.11.

Chapter 5—Transfer of Ground Water was adopted by Order No. NPNRD-13 by the North Platte NRD Board of Directors on December 13, 2007 and effective January 11, 2008; amended by Order No. NPNRD-14 on July 10, 2008 and effective August 7, 2008; amended by Order No. NPNRD-23 on November 13, 2014, effective December 14, 2014.

CHAPTER 6 - ALLOCATION OF GROUND WATER FOR THE OVERAPPROPRIATED PORTION OF THE DISTRICT EXCLUDING THE PUMPKIN CREEK BASIN GROUND WATER MANAGEMENT SUBAREA

6.1 Area Designation and Boundaries

6.1.1 The area subject to Chapter 6 of these Rules and Regulations is the entire geographic area designated as the overappropriated area of the District, with the exception of the Pumpkin Creek Basin Ground Water Management Subarea as defined in Order Number NPNRD-4.

6.2 Conditions for Allocation of Ground Water

6.2.1 Certified irrigated acres will not receive an allocation unless a flow meter has been installed in accordance with Chapter 4 of these rules and regulations on the regulated well(s) or irrigation system serving such acres and those acres are physically capable of being supplied ground water through an irrigation system.

6.3 Allocation of Ground Water for Certified Irrigated Acres

6.3.1 Allocation - The ground water allocation for each certified irrigated acre is seventy (70) acre-inches per certified irrigated acre per allocation period. The allocation period shall consist of five (5) consecutive water years beginning in Water Year 2015. The base allocation for each certified irrigated acre is fourteen (14) acre-inches per certified irrigated acre per water year.

6.3.2 Exemption from Allocation - If approved by the District, certified irrigated acres irrigated exclusively with ground water by a gravity irrigation system are exempt from Rule 6.3.1.

6.3.2.1 The operator and landowner or landowner must apply to the District, on forms provided by the District, for consideration of such exemption from Rule 6.3.1. A completed application must be received by the District prior to April 1 of the water year for which the exemption is requested to begin. Prior to taking action on the application, the District will conduct an investigation to determine whether to approve, approve with conditions, or deny the request for an exemption from Rule 6.3.1.

6.3.2.1.1 Only those certified irrigated acres which have the base allocation for each water year left in the allocation period remaining at the time the exemption is applied for will be eligible for an exemption from Rule 6.3.1.

6.3.2.1.2 Once approved, the exemption from Rule 6.3.1 will remain in effect until the end of the allocation period unless rescinded by the District for situations such as a change in ownership of the certified irrigated acres subject to the exemption from Rule 6.3.1, the replacement of the gravity irrigation system serving the certified irrigated acres receiving an exemption from Rule 6.3.1 by an irrigation system, or any other circumstance in violation of the District rules and regulations or federal or state law.

6.3.2.1.2.1 If the exemption to Rule 6.3.1 for certified irrigated acres is rescinded by the District due to the installation of an irrigation system, if eligible, the amount of the allocation that will be granted to such certified irrigated acres will be equal to the base allocation for each water year left in the allocation period.

6.3.2.2 If certified irrigated acres within a portion of a certified irrigated tract receive an exemption from Rule 6.3.1, the certification will be rescinded for that irrigated tract and the irrigated acres which receive the exemption will be certified as a separate irrigated tract from those irrigated acres in the original certified irrigated tract which have not received an exemption and remain subject to Rule 6.3.1 and the irrigated acres not subject to the exemption will also be certified as a separate irrigated tract.

6.3.2.3 Certified irrigated acres receiving an exemption from Rule 6.3.1 must have a dedicated flow meter(s) to measure the amount of ground water which is applied to those acres.

6.3.2.4 Ground water irrigation will not be allowed on one-fifteenth (1/15th) of the total certified irrigated acres in a certified irrigated tract that is comprised of certified irrigated acres approved for an exemption from Rule 6.3.1 for each water year in the allocation period following approval of the exemption.

6.3.2.4.1 In the case of a DAU composed entirely of certified irrigated tracts comprised of certified irrigated acres subject to Rule 6.3.2, the cessation of ground water irrigation for each water year within the allocation period of one-fifteenth (1/15th) of the total certified irrigated acres in each certified irrigated tract within the DAU may be combined onto one of the certified irrigated tracts within the DAU.

6.3.2.4.1.1 If (1) the cessation of ground water irrigation for the certified irrigated tracts within a DAU has been combined onto one of the certified irrigated tracts within the DAU pursuant to Rule 6.3.2.4.1, and (2) the DAU is rescinded by the District pursuant to Rule 6.3.4.3.1 at any time during the allocation period, then each certified irrigated tract that was within the DAU, except for those certified irrigated tract(s) comprised of certified irrigated acres subject to Rule 6.3.2 and for which the exemption from Rule 6.3.1 has been revoked by the District, will be subject to Rule 6.3.2.4.

6.3.2.4.1.2 If the cessation of ground water irrigation for the certified irrigated tracts within a DAU has been combined onto one of the certified irrigated tracts within the DAU pursuant to Rule 6.3.2.4.1, and the DAU is rescinded by the District at any time during the allocation period due to a violation of Rule 6.3.2.4, then the certified irrigated acres within each certified irrigated tract that was within the DAU will be subject to Rule 6.3.2.4.3.

6.3.2.4.2 The certified irrigated acres within the certified irrigated tract or DAU which will not be irrigated with ground water pursuant to Rule 6.3.2.4 or Rule 6.3.2.4.1 must be identified by the operator and landowner(s) or landowner(s) on a digitized map provided by the District during the application process described in Rule 6.3.2.1.

6.3.2.4.2.1 If the operator and landowner(s) or landowner(s) desires to amend the location of the certified irrigated acres within the certified irrigated tract or DAU which are not being irrigated with ground water pursuant to Rule 6.3.2.4 or Rule 6.3.2.4.1, as identified during the application process, the operator and landowner(s) or landowner(s) must apply to the District prior to April 1 of the water year for which such change is requested. Such change in location of certified irrigated acres cannot take place until approved by the District.

6.3.2.4.3 Failure to comply with Rule 6.3.2.4 will result in immediate revocation of the exemption from Rule 6.3.1 for those certified irrigated acres within the certified irrigated

tract(s) that have been granted the exemption and ground water may not be applied to those certified irrigated acres for the remainder of the water year in which the violation occurred. For the subsequent three (3) water years, those certified irrigated acres will receive an allocation equal to the base allocation for each of those water years. In addition, the operator and landowner(s) or landowner(s) is prohibited from any consideration for a new exemption on those certified irrigated acres within the certified irrigated tract(s) for the same three (3) water years in which the base allocation has been prescribed.

6.3.3 Pre-existing Allocation Units (PAUs)

6.3.3.1 The total current allocation for each certified irrigated tract comprised of certified irrigated acres subject to Rule 6.3.1 within a PAU will be combined.

6.3.3.2 A PAU will only be designated in cases where it is not possible for the District to determine the amount of ground water applied to one or more certified irrigated tracts due to (1) a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s); (2)(a) a change in the configuration of regulated well(s) and/or (b) a change in location of the flow meter(s) measuring the withdrawal of ground water from regulated well(s) serving one or more certified irrigated tract(s).

6.3.3.3 A PAU will remain intact unless (1) there is a change in ownership of one or more of the certified irrigated tract(s) or portion of a certified irrigated tract(s) within a PAU; (2) one or more of the certified irrigated tract(s) or portion of a certified irrigated tract(s) within the PAU is enrolled in a government program requiring cessation of ground water irrigation for the period of enrollment; or (3) there is a change (a) in the configuration of the regulated well(s) serving one or more of the certified irrigated tract(s) within the PAU and/or (b) in the location of the flow meter(s) measuring the withdrawal of ground water from such regulated well(s). If such change occurs, the PAU will be rescinded, and, if applicable, a new PAU containing the remaining certified irrigated tract(s) unaffected by such change will be designated.

6.3.3.3.1 The landowner must notify the District within sixty (60) days of a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within a PAU and/or a change in the configuration of the regulated well(s) serving one or more of the certified irrigated tract(s) within a PAU and/or the location of the flow meter(s) measuring the withdrawal of ground water from such regulated well(s).

6.3.3.4 If a PAU is rescinded by the District, the certification for each certified irrigated tract within the original PAU will also be rescinded and each tract will be certified according to the modified status of each tract.

6.3.3.5 If a PAU is rescinded by the District, the remaining available water in the PAU will be prorated to the separate certified irrigated tract(s) comprised of certified irrigated acres subject to Rule 6.3.1 based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s).

6.3.3.5.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s), the written agreement must be provided to the District within thirty (30) working days following

the PAU rescission. Failure to do so will result in the available water being prorated pursuant to Rule 6.3.3.5.

6.3.4 Designated Allocation Units (DAUs)

6.3.4.1 All DAUs established prior to January 1, 2015, will remain intact unless (1) there is a change in ownership of any of the certified irrigated tracts or portion of a certified irrigated tract within a DAU or (2) a certified irrigated tract or portion of a certified irrigated tract within a DAU is enrolled in a program requiring cessation of ground water irrigation for the period of enrollment in the program. In such cases, the DAU will be rescinded by the District.

6.3.4.1.1 The landowner(s) must notify the District within sixty (60) days of a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU or enrollment of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU in a temporary irrigation retirement program requiring cessation of irrigation for the period of enrollment in the program.

6.3.4.1.2 The landowner(s) of a DAU established prior to January 1, 2015, may relinquish such DAU by signing a form, provided by the District, by the end of the working day on May 15 of the water year in which the DAU is to be relinquished.

6.3.4.1.3 Any certified irrigated tracts that were within a DAU that was established prior to January 1, 2015, that has been relinquished by the landowner(s) or rescinded by the District prior to the end of the current allocation period may be included in a new DAU, provided the provisions of Rule 6.3.4.2 are met.

6.3.4.2 Certified irrigated tracts comprised of certified irrigated acres which are subject to Rule 6.3.1 and the corresponding available water for each tract or certified irrigated tracts comprised of certified irrigated acres subject to Rule 6.3.2 may be combined into DAUs provided the following criteria are met:

6.3.4.2.1 All regulated wells and at least a portion of each certified irrigated tract to be included within the DAU must be within the geographic boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model and within a floating square area measuring a maximum of three (3) miles by three (3) miles.

6.3.4.2.2 A single DAU must consist solely of ground water only certified irrigated tracts or commingled certified irrigated tracts or certified irrigated tracts with associated secondary acres.

6.3.4.2.2.1 If a DAU is comprised of commingled certified irrigated tracts supplied by surface water from an irrigation district or canal company, all of the commingled certified irrigated tracts must be within the boundaries of the same irrigation district or the land served by the same canal company.

6.3.4.2.3 A DAU cannot consist of a combination of certified irrigated tracts comprised of certified irrigated acres which are subject to Rule 6.3.2 and certified irrigated tracts comprised of certified irrigated acres which are subject to Rule 6.3.1.

6.3.4.2.4 Pre-existing allocation units may be included within a DAU.

6.3.4.2.5 The certified irrigated tracts and regulated wells to be included within the DAU are owned by the same person unless the certified irrigated tracts and regulated wells to be included within the DAU are under different ownership but have the same operator. In such cases, the operator and all landowners must sign the DAU application form in accordance with Rule 6.3.4.3.

6.3.4.2.6 A certified irrigated tract cannot be included in more than one DAU.

6.3.4.3 In order to establish a DAU, the operator and/or landowner(s) must apply to the District, on forms provided by the District, by the end of the working day on May 15 of the water year in which the DAU is intended to be established.

6.3.4.4 If approved by the District, the DAU will remain in effect until the end of the current allocation period, except for those DAUs established prior to January 1, 2015, unless rescinded by the District or relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships.

6.3.4.4.1 The DAU will be rescinded by the District if any of the following situations exist: (1) the ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU changes; (2)(a) a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within a ground water only DAU is placed under a contract with an irrigation district or canal company for delivery of surface water to the certified irrigated tract(s) or portion of the certified irrigated tract(s), or (b) a certified irrigated tract(s) or a portion of a certified irrigated tract(s) becomes included in a surface water appropriation granted by the Department for irrigation with surface water on the certified irrigated tract(s) or portion of the certified irrigated tract(s); (3) a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within a commingled only DAU changes to a ground water only source of irrigation water; (4) a certified irrigated tract(s) or portion of a certified irrigated tract(s) within the DAU is enrolled in a temporary irrigation retirement program which requires cessation of irrigation for the period of enrollment in the program; (5) the certified irrigated acres within a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU (a) are subject to Rule 6.3.1 but become subject to Rule 6.3.2 through the granting of an exemption to the allocation or (b) are subject to Rule 6.3.2 and the exemption to the allocation is rescinded by the District; (6) a regulated well(s) serving a certified irrigated tract(s) within the DAU is replaced in a location such that the criteria in Rule 6.3.4.2 are no longer met; or (7) any other circumstance in violation of the District rules and regulations or federal or state law.

6.3.4.4.1.1 The landowner(s) must notify the District within sixty (60) days of (1) a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU; (2) a change in the origin of the water source used to irrigate a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU; or (3) enrollment of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU in a temporary irrigation retirement program requiring cessation of irrigation for the period of enrollment in the program.

6.3.4.4.2 The landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, of a DAU established during the current allocation period may relinquish such DAU by signing a form, provided by the District, by

the end of the working day on May 15 of the water year in which the DAU is to be relinquished.

6.3.4.4.3 Any certified irrigated tracts within a DAU that has been relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, or rescinded by the District prior to the end of the current allocation period may be included in a new DAU, provided the provisions of Rule 6.3.4.2 are met.

6.3.4.4.4 If a DAU composed of certified irrigated tracts comprised of certified irrigated acres which are subject to Rule 6.3.1 is rescinded by the District or relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships during the current allocation period, the remaining available water in the DAU will be prorated to the separate certified irrigated tracts based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts.

6.3.4.4.4.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water within the DAU between the certified irrigated tracts during the current allocation period, the written agreement must be provided to the District within thirty (30) working days following the rescission or relinquishment of the DAU. Failure to do so will result in the available water being prorated pursuant to Rule 6.3.4.4.4.

6.3.4.5 If there is an available water overdraft for a DAU at the end of an allocation period, the amount of the available water overdraft plus the available water overdraft penalty and/or any other penalties will be prorated between the certified irrigated tracts based on the amount of the available water overdraft plus the available water overdraft penalty and/or any other penalties and the number of certified irrigated acres in each certified irrigated tract unless there is a written agreement between the affected landowners regarding the apportionment of the available water overdraft plus the available water overdraft penalty and/or any other penalties between the certified irrigated tracts.

6.3.4.5.1 In the case of a written agreement between the affected landowners regarding the apportionment of the available water overdraft plus the available water overdraft penalty and/or any other penalties between the certified irrigated tracts, the written agreement must be provided to the District prior to March 1 of the water year immediately following the end of the allocation period. Failure to do so will result in the available water overdraft plus the available water overdraft penalty and/or any other penalties being prorated pursuant to Rule 6.3.4.5.

6.3.4.6 If there is unused available water in a DAU at the end of an allocation period, the lesser amount of the unused available water or fourteen (14) acre-inches per certified irrigated acre multiplied by the number of certified irrigated acres within the DAU may be carried forward into the next allocation period. The amount of such carryforward that will be able to be used in the next allocation period will be prorated between the certified irrigated tracts based on the amount of the carryforward and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the carryforward between the certified irrigated tracts.

6.3.4.6.1 In the case of a written agreement between affected landowners regarding the apportionment of the carryforward between the certified irrigated tracts, the written agreement must be provided to the District prior to March 1 of the water year immediately following the end of the allocation period. Failure to do so will result in the carryforward being prorated pursuant to Rule 6.3.4.6.

6.3.5 Provisions - The following provisions apply to the use of ground water for irrigation purposes on those certified irrigated acres which are subject to Rule 6.3.1:

6.3.5.1 If the amount of available water for a certified irrigated tract, PAU or DAU is equal to or less than zero, ground water cannot be applied to such certified irrigated tract, PAU or DAU until such time as the amount of available water is greater than zero.

6.3.5.2 In the event of an available water overdraft for a certified irrigated tract or PAU, the District shall reduce the following allocation period's total current allocation for that certified irrigated tract or the combined total current allocation for the certified irrigated tracts within the PAU by the amount of the available water overdraft plus the amount of the available water overdraft penalty.

6.3.5.3 If there is unused available water in a PAU or certified irrigated tract at the end of an allocation period, the lesser amount of the unused available water or fourteen (14) acre-inches per certified irrigated acre multiplied by the number of certified irrigated acres within that certified irrigated tract or PAU may be carried forward and added to the following allocation period's total current allocation for that certified irrigated tract or the combined total current allocation for the certified irrigated tracts within the PAU.

6.3.5.4 If a special circumstance replacement well is constructed pursuant to Rule 1.4.2.2, the remaining available water for the original certification will be prorated to the severed certified irrigated tract(s) and the remaining certified irrigated tract(s) based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts.

6.3.5.4.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts, the written agreement must be provided to the District within thirty (30) working days following the completion of construction of the special circumstance replacement well. Failure to do so will result in the available water being prorated pursuant to Rule 6.3.5.4.

6.3.5.5 If an irrigation system, gravity irrigation system, or flow meter is installed during the allocation period on certified irrigated acres that did not have such system or on a regulated well that did not have a flow meter during the previous water years of the allocation period, those certified irrigated acres, if eligible, will be granted an allocation equal to the base allocation for each water year left in the allocation period. If the certified irrigated acres are approved for an exemption from Rule 6.3.1, the provisions of Rule 6.3.2 will apply to such certified irrigated acres.

6.3.5.6 If the General Manager has approved a transfer permit, pursuant to Chapter 5 of these rules and regulations, for the transfer of the location of the point of ground water withdrawal from a regulated well and/or certified irrigated acres that are subject to Rule 6.3.1, the available water

for the transferred certified irrigated acres will be equal to amount of available water the certified irrigated acres had prior to the transfer.

6.3.5.6.1 If the General Manager has approved a transfer permit, pursuant to Chapter 5 of these rules and regulations, for the transfer of a non-irrigation certified ground water use to certified irrigated acres, the allocation for the certified irrigated acres will be the lesser of the amount equal to the historic consumptive use of the non-irrigation certified ground water use, as determined by the Western Water Use Management model, or the sum of the base allocation for each water year left in the current allocation period.

6.3.6 Secondary Irrigated Acres

6.3.6.1 Secondary irrigated acres will not receive an allocation.

6.3.6.2 The available water from the adjacent certified irrigated tract may be applied to the secondary irrigated tract provided the applicable provisions of these rules and regulations are met.

6.3.6.3 Ground water shall not be applied to a secondary irrigated tract until the application to apply the available water from the adjacent certified irrigated tract, pursuant to Rule 6.3.6.6, is approved by the General Manager.

6.3.6.4 The secondary irrigated tract and the adjacent certified irrigated tract must be located within the boundaries of the same irrigation district or the lands served by the same mutual irrigation company.

6.3.6.4.1 In the case of a private surface water appropriation, the secondary irrigated tract and the adjacent certified irrigated tract must be located (1) within the boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use Management model and (2) within a floating square area measuring a maximum of three (3) miles by three (3) miles.

6.3.6.5 The secondary irrigated tract and the adjacent certified irrigated tract must be served by a common irrigation system.

6.3.6.6 The landowner(s) of a secondary irrigated tract and the landowner(s) of the adjacent certified irrigated tract, if different, must apply to the District, on forms provided by the District, for the ability to apply available water from the adjacent certified irrigated tract on the secondary irrigated tract. If all provisions of the applicable rules are met, the General Manager will approve, approve with conditions or deny the application.

6.3.6.6.1 The application must be submitted by the end of the working day on April 15, or the first working day after April 15 if April 15 falls on a non-working day, of the water year in which the irrigation of the secondary irrigated tract with the available water from the adjacent certified irrigated tract is intended to occur.

6.3.6.6.2 The landowner(s) of the secondary irrigated tract shall provide documentation from the applicable irrigation district or mutual irrigation company verifying the existence of a valid surface water right on the acres within the tract as part of the application, on a form provided by the District.

6.3.6.6.2.1 In the case of a private surface water appropriation, the landowner(s) of the secondary irrigated tract shall provide (1) the most recent Department of Natural Resources Order listing the number and location of the acres under the appropriation and (2) a map showing the location of the acres under the appropriation.

6.3.6.6.3 If the adjacent certified irrigated tract has a valid surface water right, the landowner(s) of the tract shall provide documentation from the applicable irrigation district or mutual irrigation company verifying the existence of a valid surface water right on the acres within the tract as part of the application, on a form provided by the District.

6.3.6.6.3.1 In the case of a private surface water appropriation, the landowner(s) of the adjacent certified irrigated tract shall provide (1) the most recent Department of Natural Resources Order listing the number and location of the acres under the appropriation and (2) a map showing the location of the acres under the appropriation.

6.3.6.6.4 If the landowner(s) of the secondary irrigated tract and the landowner(s) of the adjacent certified irrigated tract are different, at least one of the landowner(s) of the adjacent certified irrigated tract shall sign, as part of the application process, a form provided by the District, acknowledging and agreeing to the use of the common irrigation system, and the regulated well(s) and the available water from the adjacent certified irrigated tract on the secondary irrigated tract.

6.3.6.7 If approved by the District, the ability to apply the available water from the adjacent certified irrigated tract will remain in effect until the end of the current allocation period, unless rescinded by the District or relinquished by a minimum of one landowner(s) of the adjacent certified irrigated tract or the secondary irrigated tract.

6.3.6.8 The approval of the ability to apply available water from the adjacent certified irrigated tract will be rescinded by the District if any of the following situations exist: (1) the ownership of the secondary irrigated tract or the adjacent certified irrigated tract or a portion of either tract changes; (2) the valid surface water right is relinquished or otherwise removed from the secondary irrigated tract or any of the acres therein; (3) the common irrigation system or regulated well(s) serving the secondary irrigated tract and the adjacent certified irrigated tract changes such that it is no longer supplying available water from the adjacent certified irrigated tract to the secondary irrigated acres; (4) the secondary irrigated tract or the adjacent certified irrigated tract or a portion of either tract is enrolled in a temporary irrigation retirement program which requires cessation of irrigation for the period of enrollment in the program; (5) the allocation on the adjacent certified irrigated acres is rescinded by the District or any or all of the acres within the adjacent certified irrigated tract are transferred; or (6) any other circumstance in violation of the District rules and regulations or federal or state law.

6.3.6.8.1 The landowner(s) must notify the District within sixty (60) days of a change in ownership of the secondary irrigated tract or the adjacent certified irrigated tract or a portion of either tract or enrollment of the secondary irrigated tract or the adjacent certified irrigated tract or a portion of either tract in a temporary irrigation retirement program requiring cessation of irrigation for the period of enrollment in the program.

6.3.6.8.2 If the valid surface water right on the acres within the secondary irrigated tract is relinquished or otherwise removed from such acres, a minimum of one landowner(s) of the secondary irrigated tract shall notify the District within thirty (30) working days following the relinquishment or removal of the valid surface water right.

6.3.6.8.3 If the configuration of the common irrigation system or regulated well(s) serving the secondary irrigated tract changes such that it is no longer providing available water from the adjacent certified irrigated tract to the secondary irrigated tract, a minimum of one landowner of either the secondary irrigated tract or the adjacent certified irrigated tract shall notify the District within thirty (30) working days following the change in configuration of the common irrigation system or the regulated well(s) serving the secondary irrigated tract.

6.3.6.9 A minimum of one landowner of either the secondary irrigated tract or the adjacent certified irrigated tract may relinquish the ability to apply available water from the adjacent certified irrigated tract by signing a form, provided by the District, by the end of the working day on May 15, or the first working day after May 15 if May 15 falls on a non-working day, of the water year in which the ability is to be relinquished.

6.3.6.10 The adjacent certified irrigated tract and the associated secondary irrigated tract may be included in a DAU, provided the provisions of Rule 6.3.4 are met.

6.3.6.11 Secondary irrigated acres that have received approval from the District to apply available water from the adjacent certified irrigated tract may not be transferred.

6.3.7 Transition from Water Years 2010-2014 Allocation Period to Water Years 2015-2019 Allocation Period

6.3.7.1 For a certified irrigated tract, DAU or PAU comprised of certified irrigated acres subject to Rule 6.3.1:

6.3.7.1.1 If applicable, the carryforward from the Water Years 2010-2014 allocation period that will be added to the total current allocation for a certified irrigated tract, DAU, or PAU for the Water Years 2015-2019 allocation period will be the lesser amount of the unused available water for that certified irrigated tract, DAU, or PAU, or fourteen (14) acre-inches per certified irrigated acre, which is equivalent to the base allocation for the Water Years 2010-2014 allocation period, multiplied by the number of certified irrigated acres within the certified irrigated tract, DAU or PAU.

6.3.7.1.2 Any available water overdraft, available water overdraft penalty, and/or other penalties assessed for the Water Years 2010-2014 allocation period will be subtracted from the total current allocation for a certified irrigated tract, DAU or PAU for the Water Years 2015-2019 allocation period.

6.3.7.1.3 The additions and/or subtractions described in Rule 6.3.7.1.1 and Rule 6.3.7.1.2, if any, along with the total current allocation, will equal the available water for a certified irrigated tract, DAU or PAU for the Water Years 2015-2019 allocation period.

6.3.8 Acres Enrolled in Temporary Irrigation Retirement Program(s)

6.3.8.1 Certified irrigated acres which are not being irrigated because they are enrolled in a program(s), such as the Conservation Reserve Program (CRP), Conservation Reserve Enhancement Program (CREP), Environmental Quality Incentive Program (EQIP), or others, which requires participants to temporarily set aside crop land for other uses or otherwise temporarily remove such land from crop production shall not receive an allocation or be eligible

for an exemption to the allocation while those certified irrigated acres are enrolled in such program.

6.3.8.1.1 The regulated well(s) which serve any certified irrigated acres that are or will be enrolled in such program(s) may be used to provide ground water for the purpose of establishing a vegetative cover, pursuant to program guidelines for use of water.

6.3.8.1.2 If, prior to enrollment in such program(s), there is any remaining available water for the certified irrigated tract(s) or portion of certified irrigated tract(s) to be enrolled, the remaining available water will be rescinded. If an exemption to the Rule 6.3.1 was approved for the certified irrigated acres to be enrolled, such exemption will be rescinded.

6.3.8.1.2.1 If, prior to enrollment in such program(s), the certified irrigated tract(s) or portion of certified irrigated tract(s) to be enrolled are part of a PAU or DAU, the PAU or DAU will be rescinded. Any remaining available water in the PAU or DAU will be prorated to the separate certified irrigated tract(s) comprised of certified irrigated acres subject to Rule 6.3.1 based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract. The prorated portion of the remaining available water for the enrolled certified irrigated tract(s) or portion of certified irrigated tract(s) will be rescinded. The prorated portion of the remaining available water for the certified irrigated tract(s) not enrolled in the program(s) will remain prorated unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s) which will not be enrolled in the program(s).

6.3.8.1.2.1.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water within the PAU or DAU between the certified irrigated tracts not enrolled in the program(s), the written agreement must be provided to the District at least thirty (30) working days prior to the beginning of the next water year. Failure to do so will result in the available water being prorated pursuant to Rule 6.3.8.1.2.1.

6.3.8.2 The landowner must notify the District within sixty (60) days of enrollment or removal of certified irrigated acres from such program(s). The District will not grant an allocation or approve an exemption from the allocation for any certified irrigated acres removed from such a program(s) unless the District receives written notification, on forms provided by the District, of the removal of the acres from the program(s). Prior to the commencement of irrigation on such certified irrigated acres, the acres must be granted an allocation or approved for an exemption to the allocation.

6.3.8.3 If certified irrigated acres are removed from such program(s), or if the program contract(s) is terminated or expires at any time during an allocation period, then, if eligible, the amount of the allocation that will be granted to such certified irrigated acres will be equal to the sum of the base allocation for each water year left in the allocation period. If the certified irrigated acres are approved for an exemption from Rule 6.3.1, the provisions of Rule 6.3.2 will apply to such certified irrigated acres.

Chapter 6 – Allocation of Ground Water for the Overappropriated Portion of the District Excluding the Pumpkin Creek Basin Ground Water Management Subarea (formerly known as Allocation of Ground Water) was adopted by Order No. NPNRD-15 on December 11, 2008, effective January 12, 2009;

amended by Order No. NPNRD-19, effective March 29, 2010; amended by Order No. NPNRD-20, effective April 9, 2012; amended by Order No. NPNRD-22, effective May 11, 2013; amended by Order No. NPNRD-23, effective December 14, 2014.

CHAPTER 7 – ALLOCATION OF GROUND WATER FOR THE PUMPKIN CREEK BASIN GROUND WATER MANAGEMENT SUBAREA

7.1 Area Designation and Boundaries

7.1.1 The area subject to Chapter 7 of these rules and regulations is the Pumpkin Creek Basin Ground Water Management Subarea as defined in Order Number NPNRD-4.

7.2 Conditions for Allocation of Ground Water

7.2.1 Certified irrigated acres will not receive an allocation unless a flow meter has been installed in accordance with Chapter 4 of these rules and regulations on the regulated well(s) or irrigation system serving such acres and those acres are physically capable of being supplied ground water through an irrigation system.

7.2.2 Livestock operations and certified uses other than irrigation and livestock operations will not receive an allocation unless a flow meter has been installed in accordance with Chapter 4 of these rules and regulations on the regulated well(s) serving the livestock operation or other certified ground water use.

7.3 Allocation of Ground Water for Certified Irrigated Acres

7.3.1 Allocation - The ground water allocation for each certified irrigated acre is sixty (60) acre-inches per certified irrigated acre per allocation period. The allocation period shall consist of five (5) consecutive water years beginning in Water Year 2015. The base allocation for each certified irrigated acre is twelve (12) acre-inches per certified irrigated acre per water year.

7.3.2 Pre-existing Allocation Units (PAUs)

7.3.2.1 The total current allocation for each certified irrigated tract within a PAU will be combined.

7.3.2.2 A PAU will only be designated in cases where it is not possible for the District to determine the amount of ground water applied to one or more certified irrigated tracts due to (1) a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s); (2)(a) a change in the configuration of regulated well(s) and/or (b) a change in the location of flow meter(s) measuring the withdrawal of ground water from regulated well(s) serving one or more certified irrigated tract(s).

7.3.2.3 A PAU will remain intact unless (1) there is a change in ownership of one or more of the certified irrigated tract(s) or portion of a certified irrigated tract(s) within a PAU; (2) one or more of the a certified irrigated tract(s) or portion of a certified irrigated tract(s) within the PAU is enrolled in a government program requiring cessation of ground water irrigation for the period of enrollment; or (3) there is a change (a) in the configuration of the regulated well(s) serving one or more of the certified irrigated tract(s) within the PAU and/or (b) in the location of the flow meter(s) measuring the withdrawal of ground water from such regulated well(s). If such change occurs, the PAU will be rescinded, and, if applicable, a new PAU containing the remaining certified irrigated tract(s) unaffected by such change will be designated.

7.3.2.3.1 The landowner must notify the District within sixty (60) days of a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within a

PAU and/or a change in the configuration of the regulated well(s) serving one or more of the certified irrigated tract(s) within a PAU and/or the location of the flow meter(s) measuring the withdrawal of ground water from such regulated well(s).

7.3.2.4 If a PAU is rescinded by the District, the certification for each certified irrigated tract within the original PAU will also be rescinded and each tract will be certified according to the modified status of each tract.

7.3.2.5 If a PAU is rescinded by the District, the remaining available water in the PAU will be prorated to the separate certified irrigated tract(s) based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s).

7.3.2.5.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s), the written agreement must be provided to the District within thirty (30) working days following the PAU rescission. Failure to do so will result in the available water being prorated pursuant to Rule 7.3.2.5.

7.3.3 Designated Allocation Units (DAUs)

7.3.3.1 All DAUs established prior to January 1, 2015, will remain intact unless (1) there is a change in ownership of any of the certified irrigated tracts or portion of a certified irrigated tract within a DAU or (2) a certified irrigated tract or portion of a certified irrigated tract within a DAU is enrolled in a program requiring cessation of ground water irrigation for the period of enrollment in the program. In such cases, the DAU will be rescinded by the District.

7.3.3.1.1 The landowner(s) must notify the District within sixty (60) days of a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU or enrollment of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU in a temporary irrigation retirement program requiring cessation of irrigation for the period of enrollment in the program.

7.3.3.1.2 The landowner of a DAU, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, established prior to January 1, 2015, may relinquish such DAU by signing a form, provided by the District, by the end of the working day on May 15 of the water year in which the DAU is to be relinquished.

7.3.3.1.3 Any certified irrigated tracts that were within a DAU that was established prior to January 1, 2015, that has been relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, or rescinded by the District prior to the end of the current allocation period may be included in a new DAU, provided the provisions of Rule 7.3.3.2 are met.

7.3.3.2 Certified irrigated tracts and the corresponding available water for each tract may be combined into DAUs provided the following criteria are met:

7.3.3.2.1 All regulated wells and at least a portion of each certified irrigated tract to be included within the DAU must be (1) within the geographic boundaries of a single Land Use Zone as delineated by the URF analysis completed using the Western Water Use

Management model and (2) within a floating square area measuring a maximum of three (3) miles by three (3) miles.

7.3.3.2.2 Pre-existing allocation units may be included within a DAU.

7.3.3.2.3 The certified irrigated tracts and regulated wells to be included within the DAU are owned by the same person unless the certified irrigated tracts and regulated wells to be included within the DAU are under different ownership but have the same operator. In such cases, the operator and all landowners must sign the DAU application form in accordance with Rule 7.3.3.3.

7.3.3.2.4 A certified irrigated tract cannot be included in more than one DAU.

7.3.3.3 In order to establish a DAU, the operator and/or landowner(s) must apply to the District, on forms provided by the District, by the end of the working day on May 15 of the water year in which the DAU is intended to be established.

7.3.3.4 If approved by the District, the DAU will remain in effect until the end of the current allocation period, except for those DAUs established prior to January 1, 2015, unless rescinded by the District or relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships.

7.3.3.4.1 The DAU will be rescinded by the District if any of the following situations exist: (1) the ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU changes; (2) a certified irrigated tract(s) or portion of a certified irrigated tract(s) within the DAU is enrolled in a temporary irrigation retirement program which requires cessation of ground water irrigation for the period of enrollment in the program; (3) a regulated well(s) serving a certified irrigated tract(s) within the DAU is replaced in a location such that the criteria in Rule 7.3.3.2 are no longer met; or (4) any other circumstance in violation of the District rules and regulations or federal or state law.

7.3.3.4.1.1 The landowner(s) must notify the District within sixty (60) days of a change in ownership of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU or enrollment of a certified irrigated tract(s) or a portion of a certified irrigated tract(s) within the DAU in a temporary irrigation retirement program requiring cessation of irrigation for the period of enrollment in the program.

7.3.3.4.2 The landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, of a DAU established during the current allocation period may relinquish such DAU by signing a form, provided by the District, by the end of the working day on May 15 of the water year in which the DAU is to be relinquished.

7.3.3.4.3 Any certified irrigated tracts within a DAU established during the current allocation period that has been relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under multiple ownerships, or rescinded by the District prior to the end of the current allocation period may be included in a new DAU, provided the provisions of Rule 7.2.3.2 are met.

7.3.3.4.4 If a DAU is rescinded by the District or relinquished by the landowner, or a minimum of one landowner in the case of a DAU comprised of certified irrigated tracts under

multiple ownerships during the current allocation period, the remaining available water in the DAU will be prorated to the separate certified irrigated tracts based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts.

7.3.3.4.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water within the DAU between the certified irrigated tracts during the current allocation period, the written agreement must be provided to the District within thirty (30) working days following the rescission or relinquishment of the DAU. Failure to do so will result in the available water being prorated pursuant to Rule 7.2.3.4.4.

7.3.3.5 If there is an available water overdraft for a DAU at the end of an allocation period, the amount of the available water overdraft plus the available water overdraft penalty and/or any other penalties will be prorated between the certified irrigated tracts based on the amount of the available water overdraft plus the available water overdraft penalty and/or any other penalties and the number of certified irrigated acres in each certified irrigated tract unless there is a written agreement between the affected landowners regarding the apportionment of the available water overdraft plus the available water overdraft penalty and/or any other penalties between the certified irrigated tracts.

7.3.3.5.1 In the case of a written agreement between the affected landowners regarding the apportionment of the available water overdraft plus the available water overdraft penalty and/or any other penalties between the certified irrigated tracts, the written agreement must be provided to the District prior to March 1 of the water year immediately following the end of the allocation period. Failure to do so will result in the available water overdraft plus the available water overdraft penalty and/or any other penalties being prorated pursuant to Rule 7.3.3.5.

7.3.3.6 If there is unused available water in a DAU at the end of an allocation period, the lesser amount of the unused available water or twelve (12) acre-inches per certified irrigated acre multiplied by the number of certified irrigated acres within the DAU may be carried forward into the next allocation period. The amount of such carryforward that will be able to be used in the next allocation period will be prorated between the certified irrigated tracts based on the amount of the carryforward and the number of certified irrigated acres in each certified irrigated tract, unless there is a written agreement between the affected landowners regarding the apportionment of the carryforward between the certified irrigated tracts.

7.3.3.6.1 In the case of a written agreement between affected landowners regarding the apportionment of the carryforward between the certified irrigated tracts, the written agreement must be provided to the District prior to March 1 of the water year immediately following the end of the allocation period. Failure to do so will result in the carryforward being prorated pursuant to Rule 7.2.3.6.

7.3.4 Allocation Provisions

7.3.4.1 If the amount of available water for a certified irrigated tract, PAU or DAU is equal to or less than zero, ground water cannot be applied to such certified irrigated tract, PAU or DAU until such time as the amount of available water is greater than zero.

7.3.4.2 In the event of an available water overdraft for a PAU or a certified irrigated tract, the District shall reduce the following allocation period's total current allocation for that certified irrigated tract or combined total current allocation for the certified irrigated tracts within the PAU by the amount of the available water overdraft plus the amount of the available water overdraft penalty.

7.3.4.3 If there is unused available water in a PAU or certified irrigated tract at the end of an allocation period, the lesser amount of the unused available water or twelve (12) acre-inches per certified irrigated acre multiplied by the number of certified irrigated acres within the certified irrigated tract or PAU may be carried forward and added to the following allocation period's total current allocation for that certified irrigated tract or the combined total current allocation for the certified irrigated tracts within the PAU.

7.3.4.4 If a special circumstance replacement well is constructed pursuant to Rule 1.4.2.2, the remaining available water for the original certification will be prorated to the severed certified irrigated tract(s) and the remaining certified irrigated tract(s) based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts.

7.3.4.4.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tracts, the written agreement must be provided to the District at least thirty (30) working days prior to the beginning of the next water year. Failure to do so will result in the available water being prorated pursuant to Rule 7.3.4.4.

7.3.4.5 If an irrigation system, gravity irrigation system, or flow meter is installed during the allocation period on certified irrigated acres that did not have such system or on a regulated well that did not have a flow meter during the previous water years of the allocation period, those certified irrigated acres, if eligible, will be granted an allocation equal to the base allocation for each water year left in the allocation period.

7.3.5 Transition from Water Years 2010-2014 Allocation Period to Water Years 2015-2019 Allocation Period

7.3.5.1 For a certified irrigated tract, DAU or PAU comprised of certified irrigated acres subject to Rule 7.2.1:

7.3.5.1.1 If applicable, the carryforward from the Water Years 2012-2014 allocation period that will be added to the total current allocation for a certified irrigated tract, DAU, or PAU for the Water Years 2015-2019 allocation period will be the lesser amount of the unused available water for that certified irrigated tract, DAU, or PAU, or twelve (12) acre-inches per certified irrigated acre, which is equivalent to the base allocation for the Water Years 2012-2014 allocation period, multiplied by the number of certified irrigated acres within the certified irrigated tract, DAU or PAU.

7.3.5.1.2 Any available water overdraft, available water overdraft penalty, and/or other penalties assessed for the Water Years 2012-2014 allocation period will be subtracted from the total current allocation for a certified irrigated tract, DAU or PAU for the Water Years 2015-2019 allocation period.

7.3.5.1.3 The additions and/or subtractions described in Rule 7.3.5.1.1 and Rule 7.3.5.1.2, if any, along with the total current allocation, will equal the available water for a certified irrigated tract, DAU or PAU for the Water Years 2015-2019 allocation period.

7.3.6 Acres Enrolled in Temporary Irrigation Retirement Program(s)

7.3.6.1 Certified irrigated acres which are not being irrigated because they are enrolled in a program(s), such as the Conservation Reserve Program (CRP), Conservation Reserve Enhancement Program (CREP), Environmental Quality Incentive Program (EQIP), or others, which requires participants to temporarily set aside crop land for other uses or otherwise temporarily remove such land from crop production shall not receive an allocation while those certified irrigated acres are enrolled in such program.

7.3.6.1.1 The regulated well(s) which serve any certified irrigated acres that are or will be enrolled in such program(s) may be used to provide ground water for the purpose of establishing a vegetative cover, pursuant to program guidelines for use of water.

7.3.6.1.2 If, prior to enrollment in such program(s), there is any remaining available water for the certified irrigated tract(s) or portion of certified irrigated tract(s) to be enrolled, the remaining available water will be rescinded.

7.3.6.1.2.1 If, prior to enrollment in such program(s), the certified irrigated tract(s) or portion of certified irrigated tract(s) to be enrolled are part of a PAU or DAU, the PAU or DAU will be rescinded. Any remaining available water in the PAU or DAU will be prorated to the separate certified irrigated tract(s) based on the amount of remaining available water and the number of certified irrigated acres in each certified irrigated tract. The prorated portion of the remaining available water for the enrolled certified irrigated tract(s) or portion of certified irrigated tract(s) will be rescinded. The prorated portion of the remaining available water for the certified irrigated tract(s) not enrolled in the program(s) will remain prorated unless there is a written agreement between the affected landowners regarding the apportionment of the remaining available water between the certified irrigated tract(s) which will not be enrolled in the program(s).

7.3.6.1.2.1.1 In the case of a written agreement between the affected landowners regarding the apportionment of the remaining available water within the PAU or DAU between the certified irrigated tracts not enrolled in the program(s), the written agreement must be provided to the District at least thirty (30) working days prior to the beginning of the next water year. Failure to do so will result in the available water being prorated pursuant to Rule 7.3.6.1.2.1.

7.3.6.2 The landowner must notify the District within sixty (60) days of enrollment or removal of certified irrigated acres from such program(s). The District will not grant an allocation for any certified irrigated acres removed from such a program(s) unless the District receives written notification, on forms provided by the District, of the removal of the acres from the program(s). Prior to the commencement of irrigation on such certified irrigated acres, the acres must be granted an allocation.

7.3.6.3 If certified irrigated acres are removed from such program(s), or if the program contract(s) is terminated or expires at any time during an allocation period, then, if eligible, the amount of the allocation that will be granted to such certified irrigated acres will be equal to the base allocation for each water year left in the allocation period.

7.4 Allocation of Ground Water for Livestock Operations

7.4.1 The ground water allocation for each certified livestock operation is twenty (20) gallons per day per animal unit per water year.

7.5 Allocation of Ground Water for Other Uses

7.5.1 To receive an allocation for the Water Years 2015-2019 allocation period for certified uses other than irrigation and livestock operations, the ground water user must submit an application to the District on or before February 1, 2015, on forms provided by the District. The General Manager will approve or deny such application prior to March 1, 2015.

7.5.1.1 In considering whether to approve such applications, the General Manager shall consider the factors including, but not limited to, the following: (1) the historical ground water use by the applicant; (2) relevant information about the ground water use provided by the applicant; and (3) any other information which the General Manager deems relevant, reliable and unbiased.

Chapter 7 – Allocation of Ground Water for the Pumpkin Creek Basin Ground Water Management Subarea (formerly known as (1) Section D: Rules and Regulations for the Pumpkin Creek Basin Groundwater Management Sub-Area and Rules and (2) Regulations for the Pumpkin Creek Basin Groundwater Management Sub-Area) was adopted by Order No. NPNRD-4 on February 15, 2001, effective on March 21, 2001; amended by Order No. NPNRD-5, effective December 19, 2002; amended by Order No. NPNRD-6, effective March 12, 2004; amended by Order No. NPNRD-9, effective March 9, 2006; amended by Order No. NPNRD-16, effective January 12, 2009; amended by Order No. NPNRD-20, effective April 9, 2012; amended by Order No. NPNRD-22, effective May 11, 2013; amended by Order No. NPNRD-23, effective December 14, 2014.

CHAPTER 8 – LISCO-OSHKOSH-LEWELLEN GROUND WATER QUALITY MANAGEMENT SUBAREA

8.1 Area Designation and Boundaries

8.1.1 The area subject to Chapter 8 of these rules and regulations is the Lisco-Oshkosh-Lewellen Ground Water Management Subarea as defined in Order Number NPNRD-3.

8.2 Restrictions on Nitrogen Fertilizer Application

8.2.1 Application of commercial nitrogen fertilizer is prohibited after September 1 of each year and before March 1 of the following year on all certified irrigated tracts served by regulated irrigation wells.

8.2.1.1 Certified irrigated tracts served by regulated irrigation wells and planted to small grain winter crops (e.g., wheat) are exempt from Rule 8.2.1.

8.2.2 Commercial nitrogen fertilizer may be applied after January 1 at a rate of ten (10) pounds of nitrogen per acre or less to certified irrigated tracts served by regulated irrigation wells that are planted to alfalfa.

Chapter 8 - Level II Quality Controls for Lisco-Oshkosh-Lewellen Ground Water Management Subarea was adopted by Order No. NPNRD-3 on August 19, 1999, effective on October 1, 1999; amended by Order No. NPNRD-8, effective November 18, 2004; amended by Order No. NPNRD-23, effective December 14, 2014.