

SURFACE AND GROUNDWATER CONTROLS



Neb. Rev. Stat. §46-716. Integrated management plan; surface water controls

- (1) The surface water controls that may be included in an integrated management plan and may be adopted by the Department of Natural Resources are: (a) Increased monitoring and enforcement of surface water diversion rates and amounts diverted annually; (b) the prohibition or limitation of additional surface water appropriations; (c) requirements for surface water appropriators to apply or utilize reasonable conservation measures consistent with good husbandry and other requirements of section 46-231 and consistent with reasonable reliance by other surface water or ground water users on return flows or on seepage to the aquifer; and (d) other reasonable restrictions on surface water use which are consistent with the intent of section 46-715 and the requirements of section 46-231.

Neb. Rev. Stat. §46-739. Management area; controls authorized; procedure.

- (1) A district in which a management area has been designated shall by order adopt one or more of the following controls for the management area:
- (a) It may allocate the amount of groundwater that may be withdrawn by ground water users;
 - (b) It may adopt a system of rotation for use of ground water;
 - (c) It may adopt well-spacing requirements more restrictive than those found in sections 46-609 and 46-651;
 - (d) It may require the installation of devices for measuring ground water withdrawals from water wells;
 - (e) It may adopt a system which requires reduction of irrigated acres pursuant to subsection (2) of section 46-740;
 - (f) It may limit or prevent the expansion of irrigated acres or otherwise limit or prevent increases in the consumptive use of ground water withdrawals from water wells used for irrigation or other beneficial purposes;
 - (g) It may require the use of best management practices;
 - (h) It may require the analysis of water or deep soils for fertilizer and chemical content;
 - (i) It may impose mandatory educational requirements designed to protect water quality or to stabilize or reduce the incidence of ground water depletion, conflicts between ground water users and surface water appropriators, disputes over interstate compacts or decrees, or difficulties fulfilling the provisions of other formal state contracts or agreements;
 - (j) It may require water quality monitoring and reporting of results to the district for all water wells within all or part of the management area;
 - (k) It may require district approval of (i) transfers of ground water off the land where the water is withdrawn, (ii) transfers or rights to use groundwater that result from district allocations imposed pursuant to subdivision (1)(a) of this section or from other restrictions on use that are imposed by the district in accordance with this section, (iii) transfers of certified water uses or certified irrigated acres between landowners or other persons, or (iv) transfers of certified water uses or certified irrigated acres between parcels or tracts under the control of a common landowner or other person. (additional detail in statute)
 - (l) It may require, when conditions so permit, that new or replacement water wells to be used for domestic or other purposes shall be constructed to such a depth that they are less likely to be affected by seasonal water level declines caused by other water wells in the same area;
 - (m) It may close all or a portion of the management area to the issuance of additional permits or may condition the issuance of additional permits on compliance with other rules and regulations adopted and promulgated by the district to achieve the purpose or purposes for which the management area was designated; and
 - (n) It may adopt and promulgate such other reasonable rules and regulations as are necessary to carry out the purpose for which a management area was designated.

JOINTLY DEVELOPED BY

EXAMPLE IMP CONTROLS

Papio-Missouri River NRD IMP Controls

IMP Effective Date: August 1, 2014

Groundwater Controls:

- Establish a limit on the expansion of groundwater-irrigated agricultural acres as described in the District's **Rules and Regulations**, which currently are 2,500 acres per year within the GW control area.

Surface Water Controls:

- The limit on the expansion of surface water-irrigated agricultural acres shall be a **maximum of one-third** of the amount the District will allow for the expansion of groundwater-irrigated acres as of January 1 of each calendar year within the SW control area. Currently is 825 acres. If PMRNRD issues a moratorium, NeDNR will do so as well.

Lower Platte South NRD IMP Controls

IMP Effective Date: May 15, 2014

Groundwater Controls:

- A permit must be obtained for new wells pumping over 50 gpm, or nondomestic wells pumping over 20 gpm.
- All existing and new wells pumping over 50 gpm must have flowmeter installed and file annual reports.
- Agricultural irrigated land must be certified.
- In **hydrologically connected areas**, the District is limiting expansion of agricultural irrigated acres to **no more than 20%** of the total irrigated acres.

Surface Water Controls:

- The Department will continue to map and track surface water irrigated acres.
- If the District issues a moratorium, the Department will issue a similar moratorium.
- In hydrologically connected areas, the Department will **limit additional irrigated acres by one-third** of the number allowed by the District set each January 1st for that calendar year.
- A voluntary reporting of surface water use will be implemented.
- All transfers shall be subject to the criteria for such transfers Pursuant to Neb. Rev. Stat. §§ 46-290 to 46-294.04 and related Department rules or the criteria found in Neb. Rev. Stat. §§ 46-2, 120 to 46-2, 130 and related Department rules.
- The Department will continue to evaluate the necessity for mandatory installation of water flow meters

Lower Loup NRD IMP Controls | Upper Loup NRD IMP Controls

IMP Effective Date: June 1, 2016 | IMP Effective Date: July 15, 2016

Groundwater Controls:

- Limit expansion of groundwater agricultural irrigated acres within the Groundwater Control area as described in the **Groundwater Management Plan Rules and Regulations**.

Surface Water Controls:

- Limit the expansion of surface water agricultural irrigated acres no more than **one-third of the number** allowed by the District set each January 1st for that calendar year.
- If the District issues a moratorium, the Department will issue a similar moratorium.

Lower Elkhorn NRD IMP

IMP in progress

Lower Platte North NRD IMP Controls

IMP Pending approval

Groundwater Controls:

- The District will limit new groundwater uses to 50% of the annually available stream depletions over the Basin Plan's first five-year increment which concludes on December 31, 2021

Surface Water Controls:

- The Department will limit new surface water uses to 50% of the annually available stream depletions over the Basin Plan's first five-year increment which concludes on December 31, 2021