

**Lower Platte South Natural Resources District
Ground Water Rules & Regulations
Adopted July 22, 2009 Pursuant to LB483, 2009 Legislative Session**

Hydrologically Connected Area

- Rule 1 Designation of Hydrologically Connected Areas of Ground Water and Surface Water
- (1) The Nebraska Department of Natural Resources has determined that ground water and surface water in portions of Lancaster, Saunders, and Cass Counties in the Lower Platte South Natural Resources District are hydrologically connected. The District hereby adopts the following as a Hydrologically Connected Area (HCA) for the purpose of managing ground water and surface water:
- Lancaster County:* Township 11 North, Range 7 East, Section 24; Township 11 North, Range 8 East, Sections 1, 2, 3, 9, 10, 16, 17, 18, 19, and 20; and Township 12 North, Range 8 East, Sections 25, 35, and 36.
Saunders County: Township 12 North, Range 9 East, Sections 2, 3, 4, 8, 9, and 10; Township 13 North, Range 9 East, Section 36; and Township 13 North, Range 10 East, Sections 31 and 32.
Cass County: Township 12 North, Range 9 East, Sections 15, 16, 17, 19, 20, 21, 22, 29, 30, and 31; Township 12 North, Range 10 East, Sections 4, 5, 9, 10, 11, 12, 13, 14, and 24; Township 12 North, Range 11 East, Sections 1, 11, 12, 14, 15, 16, 18, 19, 20, and 21; Township 12 North, Range 12 East, Section 6; Township 12 North, Range 13 East, Sections 1, 2, 3, 4, and 12; Township 13 North, Range 12 East, Sections 25, 26, 27, 28, 31, 32, 33, 34, 35, and 36; Township 13 North, Range 13 East, Sections 28, 30, 31, 32, 33, 34, 35, and 36; and Township 13 North, Range 14 East, Section 31.
- Rule 2 District to Maintain Status
- (1) The District intends to maintain the status of not fully appropriated as determined by the Nebraska Department of Natural Resources by adopting and implementing the rules and regulations herein.
- Rule 3 Certification of Historically Irrigated Acres
- (1) After March 31, 2010, only acres that are certified by the District as historically irrigated or approved for expansion may be irrigated.
- (2) On or before March 31, 2010, the District will certify the number of acres historically irrigated with ground water within the Hydrologically Connected Area.
- (3) Landowners requesting certification of historically irrigated acres within the HCA will provide the following information:
- a. A legal description of the location of the land;
 - b. Documentation that the land was irrigated prior to December 16, 2008. Examples of documentation include but are not limited to U.S. Department of Agriculture (USDA) crop verification records, County Assessor records, aerial photography, or crop insurance records;
 - c. Documentation that the number of acres to be certified corresponds with the number of acres recorded as irrigated by the applicable County Assessor; and
 - d. Documentation of the appropriate water well registration number(s) for any ground water source(s) of irrigation.
 - e. Land located within the HCA which is irrigated with ground water from a source outside the HCA will not be certified as historically irrigated, but may continue to be irrigated from the same water well.
- Rule 4 Expansion of Irrigated Acres
- (1) Until December 31, 2012, the District shall allow for the annual expansion of irrigated acres not to exceed 20% of the total irrigated acres in the HCA that are certified by the District as historical.
- (2) To expand irrigated acres, landowners shall apply to the District on forms provided by the District by October 1 of each year through 2012.
- (3) The District shall consider each application and either approve or deny the application based on the following criteria and considerations:
- a. Whether or not the land is suitable for irrigation of the crops grown using criteria established by the U.S. Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS);
 - b. Whether or not the proposed expansion is considered to be "sodbusting" as defined by USDA/NRCS;
 - c. Whether or not the landowner is implementing practices designed to conserve water such as converting from furrow to center pivot irrigation or other practices designed to conserve water;
 - d. Whether or not the irrigation expansion utilizes an existing ground water source;
 - e. Whether or not the ground water source is proposed to be withdrawn from an illegal water well; and
 - f. Any other criteria and considerations deemed relevant by the District.
- (4) Irrigation of land outside the HCA by a new well in the HCA is prohibited.



- (5) As of the effective date of these rules and regulations, if an existing well within the HCA is irrigating land outside the HCA, the District will allow that land to continue to be irrigated, but no expansion of irrigated acres will be allowed outside the HCA.

Rule 5 Transfer of Certified Irrigated Acres Designated by the District Within the Hydrologically Connected Area

- (1) Transfer of certified irrigated acres designated by the District within the HCA will be allowed only if:
- a. The transfer is acre-for-acre or less than acre-for-acre;
 - b. The land to which the acres are transferred is suitable for irrigation of the crops grown using criteria established by the USDA/NRCS;
 - c. The transfer is not to a furrow irrigation system; and
 - d. The requirements of LB477, 2009 Legislative Session, are followed.
- (2) If the transfer is less than acre-for-acre, the District reserves the right to claim credit for all ground water not used as a result of the transfer.

Rule 6 District to Claim Credit for Difference

- (1) Beginning with the effective date of these rules and regulations and continuing until December 31, 2012, the District reserves the right to claim credit for and set aside for future use the difference between
- a. Ground water used on the number of expanded irrigated acres approved by the District and
 - b. Ground water that would have been used on 20% of the acres located in the HCA and certified by the District as historical.

Rule 7 New Permits for Water Wells Located Within the Hydrologically Connected Area

- (1) The District will consider applications for new water well permits in the HCA if the applicants meet all conditions for water well permits set forth in Section B of the District's Ground Water Rules and Regulations as well as the conditions in these rules and regulations.
- (2) In addition to the reasons set forth in Section B of the District's Ground Water Rules and Regulations, the District shall deny any new water well permits in the HCA for:
- a. Furrow irrigation;
 - b. Irrigation of land determined by the District to be not suitable for irrigation of the crops grown using criteria established by the USDA/NRCS;
 - c. Irrigation of lands outside the HCA; or
 - d. Any annual expansion of irrigated acres greater than 20% of the irrigated acres certified by the District as historical in the HCA, until December 31, 2012.
- (3) Water well permits are not required for:
- a. Domestic wells pumping 50 gallons per minute or less;
 - b. Wells used to water range livestock and pumping 50 gallons per minute or less;
 - c. Test holes;
 - d. Dewatering wells with an intended use of 90 days or less;
 - e. Monitoring or observation wells;
 - f. Wells designed for remediation of ground water contamination;
 - g. Surface water uses or wells for emergency human consumption or public health and safety;
 - h. Replacement wells with no increase in consumptive use; or
 - i. Wells permitted by the Nebraska Department of Natural Resources under the Municipal and Rural Domestic Transfers Permit Act prior to the stay imposed by the Nebraska Department of Natural Resources.

Rule 8 District to Claim Credit for Ground Water Pumped from Outside Hydrologically Connected Area

- (1) The District reserves the right to claim credit for future use the discharge from all municipal, community, or industrial water systems if such systems obtain their water from wells located outside the HCA and such discharge is returned to the Platte River Basin.

Rule 9 Enforcement and Variance

- (1) The District will enforce the rules and regulations adopted herein pursuant to and in accordance with the Enforcement Procedures provided in the Ground Water Rules and Regulations of the District, as may from time to time be amended.
- (2) Any requests for a variance from these rules and regulations will be governed by the Ground Water Rules and Regulations of the District, as may from time to time be amended.
- (3) If a landowner is not satisfied with any determination made pursuant to the rules and regulations adopted herein, he or she may request a formal hearing before the Board as provided in Rule 5(1)b.2 of the Ground Water Rules and Regulations of the District.

