

April 13, 2018

Groundwater Management Area Rules and Regulations

Implemented - January 1, 1997
Last Amended – April 13, 2018

PUBLIC NOTICE

(Update When Rules are Finalized)

**Administrative Order for Lower Platte North Natural Resources District Amended
Groundwater Management Area Rules and Regulations to become effective May 14, 2018.**

Public Notice will be published three times in the Wahoo Newspaper: April 19, April 26, May 2, 2018.

Public Notice will be published once in the Fremont Tribune, Columbus Telegraph, Schuyler Sun, and David City Banner on May 2, 2018.

Maps showing the groundwater development areas of Lower Platte North NRD are available on the District website at www.lpnnrd.org, from the NRD office by calling 402-443-4675, or by mail at P.O. Box-126, Wahoo NE, 68066.

TABLE OF CONTENTS

LOWER PLATTE NORTH NATURAL RESOURCES DISTRICT GROUNDWATER MANAGEMENT AREA RULES AND REGULATIONS

<u>Section</u>	<u>Description</u>	<u>Page</u>
A	General Provisions - Definitions	1
B	Enforcement Procedures	8
C	Advisory Board	10
D	Management Areas Adoptions	11
E	Water Well Permits	12
F	Groundwater Quality Management Area - Phase One	16
G	Groundwater Quality Management Area - Phase Two	17
H	Groundwater Quality Management Area - Phase Three	18
I	Groundwater Quality Management Area – Phase Four	19
J	Groundwater Quantity Management Area - Level One	20
K	Quantity Management Area - Level Two	22
L	Quantity Management Area - Level Three	23
M	Stay Management Area - Temporary Stay	25
M	Stay Management Area - Permanent Stay	25
M	Stay Management Area - Variance Application	26
N	Development in Non-Hydrologically Connected Area	29
O	Hydrologically Connected Area for Limited Development	29
P	Development in Restricted Development Area	31
Q	Groundwater Transfer	32
R	Agricultural Research Facilities and Municipal Wellfields	33
S	Special Studies and Investigations	33
T	Appeal Process	33
U	Controls in Special Quantity Subareas	34
V	Penalties for Violations in a Special Quantity Subarea	37
Exhibit A	Map LPNNRD-WP-001 of Water Development Areas and Special Quantity Subareas	38
Exhibit B	Maps of Special Quantity Subareas	39
Appendix	Order of Designation	41

GROUNDWATER MANAGEMENT AREA IN THE LOWER PLATTE NORTH NATURAL RESOURCES DISTRICT

The Lower Platte North NRD (LPNNRD), under Neb. Rev. Statutes 46-701 to 46-754 of the Nebraska Ground Water Management and Protection Act, has designated the entirety of the district as a Phase One Management Area for groundwater quality and Level One Management area for groundwater quantity. Geographically this includes all lands and water bodies within the boundaries of the Lower Platte North NRD. Stratigraphically this includes all groundwater occurrences located within the boundaries of the Lower Platte North NRD.

Section A General Provisions

Rule 1 Definitions

Act shall mean the Nebraska Ground Water Management and Protection Act as codified in Neb. Rev. Statutes 46-701 to 46-754;

Active status water well shall mean a water well which is in use and which is not an illegal water well;

Acre-inch shall mean the amount of water necessary to cover an acre of land one inch deep;

Acre-foot (AF) shall mean the amount of water necessary to cover an acre of land one foot deep;

Alleged violator shall mean any person who has failed to abide by the rules and regulations adopted by the District;

Allocation, as it relates to water use for irrigation purposes, shall mean the allotment of a specified number of acre-inches of irrigation water per irrigated acre per year or a number of acre-inches of irrigation water per irrigated acre over a period of time, as determined by LPNNRD Board of Directors;

Beneficial use shall mean that use by which water may be put to use to the benefit of humans or other species;

Best management practices shall mean schedules of activities, maintenance procedures, and other management practices utilized for purposes of irrigation efficiency, to conserve or effect a savings of groundwater, or to prevent or reduce present and future contamination of groundwater. Best management practices relating to contamination of groundwater may include, but not be limited to, irrigation scheduling, proper rate and timing of fertilizer application, and other fertilizer and pesticide management programs. In determining the rate of fertilizer application, the District shall consult with the University of Nebraska or a certified crop advisor certified by the American Society of Agronomy;

Board shall mean the board of directors of the Lower Platte North Natural Resources District;

Complainant shall mean any person who has filed a complaint against an alleged violator of these rules and regulations adopted by the District;

Confined aquifer shall mean an aquifer in which the groundwater is isolated from the atmosphere by impermeable geologic formations and is generally subject to pressure greater than atmospheric;

Consumptive use shall mean the amount of water that is consumed under appropriate and reasonably efficient practices to accomplish, without waste, the purposes of which the appropriation or other legally permitted use is lawfully made;

Contamination or contamination of shall mean nitrate, nitrogen, or other material which enters the groundwater due to action of any person and causes degradation of the quality of groundwater sufficient to make such groundwater unsuitable for present or reasonably foreseeable beneficial uses;

Department shall mean the Department of Natural Resources;

Dewatering well shall mean a well constructed and used solely for the purpose of lowering the groundwater table elevation;

Director shall mean the Director of the Department of Natural Resources;

District shall mean the geographical area of the Lower Platte North Natural Resources District (LPNNRD) operating pursuant to Chapter 2, Article 32 of the Nebraska Statutes or the political subdivision Lower Platte North NRD;

District compliance inspector shall mean an employee or director of the District designated by the Board and authorized to perform the functions assigned thereto by these rules and regulations;

Emergency situation shall mean any set of circumstances that requires the use of water from any source that might otherwise be regulated or prohibited and the agency, district, or organization responsible for regulating water use from such source reasonably and in good faith believes that such use is necessary to protect the public health, safety, and welfare, including, if applicable, compliance with federal or state water quality standards;

Flow Meter shall mean a measuring device of the type and design which shall meet the standards and specifications for installation, operation, and maintenance as established by the District. Every flow meter shall be an electronic or mechanical device which measures and totalizes the amount of groundwater withdrawn;

Good cause shown shall mean 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 granting agency, district, or organization reasonably and in good faith determines an economic, environmental, social, or public health and safety benefit that is equal to or greater than the benefit resulting from the rule or regulation from which a variance is sought;

Groundwater shall mean that water under the surface of the land;

Groundwater reservoir life goal shall mean the period of time which the District establishes as its goal for maintenance of the supply and quality of water in a groundwater reservoir at the time a groundwater management plan is adopted;

Groundwater user shall mean any person who owns, rents, or leases land within the District, and who at any time extracts, withdraws, or confines groundwater for any use by himself or other person;

Historic consumptive use shall mean the amount of water that has previously been consumed under appropriate and reasonably efficient practices to accomplish, without waste, the purposes for which the appropriation or other legally permitted use was lawfully made;

Historic Irrigated acre shall mean:

- (1) in stay management areas any acre that is certified as such pursuant to rules and regulations of the District and that has actually been supplied water through irrigation works, mechanisms, or facilities (a) for two of the last ten years prior to the effective date of the stay management area and two years of the most recent ten year period subsequent to the effective date of the stay management area or, (b) at least one of the last two years prior to the effective date of the stay management area, or (c) land that is defined as sub-irrigated, or (d) land that was previously irrigated two of the last ten years prior to the effective date of the stay management area and two of the last most recent ten year period subsequent to the effective date of the stay management area was enrolled in a federal conservation program;
- (2) in non-stay management areas, any acre that is certified as such pursuant to rules and regulations of the District and that has actually been supplied water through irrigation works, mechanisms, or facilities (a) for two of the last ten years, or (b) at least one of the last two years, or (c) land that is defined as sub-irrigated, or (d) land that was previously irrigated but during two of the most recent ten year period was enrolled in a federal conservation program;
- (3) The District may grant an exception for good cause shown;

Hydrologically connected area shall mean the geographic area that the District recognizes as having interconnected groundwater and surface water. This geographic area is on file in the District office.

Illegal water well shall mean (a) any water well operated or constructed without or in violation of a permit required by the Act, (b) any water well not in compliance with rules and regulations adopted and promulgated pursuant to the Act, (c) any water well not properly registered in accordance with Nebraska Revised Statutes (N.R.S.) sections 46-602 to 46-604, or (d) any water well not in compliance with any other applicable laws of the State of Nebraska or with rules and regulations adopted and promulgated pursuant to such laws;

Improper groundwater irrigation runoff shall mean the occurrence of irrigation runoff water within the boundaries of the District after adoption of these rules: (a) which occurs within a designed control or management area or (b) which occurs within a potential control or management area, or (c) which causes or contributes to the accumulation of water upon or beneath the surface of the lands of any other person(s) to their detriment or upon or beneath public property to its detriment; or (d) which causes or contributes to the deterioration of water quality;

Inactive status water well shall mean a water well that is in a good state of repair and for which the owner has provided evidence of intent for future use by maintaining the water well in a manner which meets the following requirements: (a) The water well does not allow impairment of the water quality in the water well or of the groundwater encountered by the water well; (b) The top of the water well or water well casing has a water-tight welded or threaded cover or some other water-tight means to prevent its removal without the use of equipment or tools to prevent unauthorized access, to prevent a safety hazard to humans and animals, and to prevent illegal disposal of wastes or contaminants into the water well; (c) All entrances and discharge piping to the water well are effectively sealed to prevent the entrance of contaminants; and (d) The water well is marked so as to be easily visible and located and is labeled or otherwise marked so as to be easily identified as a water well and the area surrounding the water well is kept clear of brush, debris, and waste material;

Incidental underground water storage shall mean underground water storage which occurs as an indirect result, rather than an intended or planned purpose, of a water project or use and includes, but is not limited to, seepage from reservoirs, canals, and laterals, and deep percolation from irrigated lands;

Intentional underground water storage shall mean underground water storage which is an intended purpose or result of a water project or use. Such storage may be accomplished by any lawful means such as injection wells, infiltration basins, canals, reservoirs, and other reasonable methods;

Irrigated acre shall mean any acre that is certified as such pursuant to rules and regulations of the District and that is actually capable of being supplied water through irrigation works, mechanisms, or facilities existing at the time of the allocation;

Irrigation runoff water shall mean groundwater used for irrigation purposes which flows from the contiguous tract of land owned, leased, or otherwise under the direct supervision and control of a groundwater user;

Irrigation water reuse pit shall mean an excavation constructed to capture, for reuse, runoff resulting from groundwater irrigation or a structure designed for the purpose of water impoundment which is used for this same purpose so long as the capacity of the facility does not exceed fifteen acre-feet;

Landowner shall mean any person who owns land;

Management area shall mean any area so designated by the District pursuant to section §46-712 or §46-718, by the Director of Environmental Quality pursuant to section 46-725, or by the Interrelated Water Review Board pursuant to section 46-719. Management area includes a control area or a special groundwater quality protection area designated prior to July 19, 1996;

Management plan shall mean the groundwater management plan developed by the District and submitted to the Director of Natural Resources for review pursuant to section 46-711;

Monitoring well shall mean a water well that is designed and constructed to provide ongoing hydrologic or water quality information and is not intended for consumptive use;

Non-point source pollution shall mean a source of contamination in which the contaminant enters the receiving water in an intermittent and/or diffuse manner where a point source cannot be identified;

Operator shall mean (a) a person who applies or directs the application of any fertilizer, either commercial or organic, to land totaling 10 or more acres which that person owns, leases, rents or otherwise has control of; (b) a person who controls the operation of domestic, livestock, irrigation, municipal and/or industrial well systems;

Order, except as otherwise specifically provided, includes any order required by the Nebraska Ground Water Management and Protection Act, by rule or regulation, or by a decision adopted by the District by vote of its Board of Directors taken at any regularly scheduled or specially scheduled meeting of the Board;

Overall difference between the current and fully appropriated levels of development shall mean the extent to which existing uses of hydrologically connected surface water and groundwater and conservation activities result in the water supply available for purposes identified in subsection (3) of section 46-713 to be less than the water supply available if the river basin, sub-basin, or reach had been determined to be fully appropriated in accordance with section 46-714;

Perched aquifer shall mean groundwater separated from an underlying main body of groundwater by an unsaturated zone;

Person shall mean 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, or a department, an agency, or a bureau of the United States;

Point source shall mean (a) any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, vessel, other floating craft, or other conveyance, over which the Department of Environmental Quality has regulatory authority and from which a substance which can cause or contribute to contamination of groundwater is or may be discharged, (b) point source groundwater users such as commercial/industrial, public water supply, and / or recovery well(s) that seek to collectively supply groundwater equal to or greater than 300 acre feet per year to a single facility or operation;

Pollution shall mean the process by which concentration levels of a contaminant could restrict the potential use of water, land or air;

Potentiometric aquifer thickness shall mean the distance from the potentiometric surface to the base of the principal aquifer;

Potentiometric surface shall mean an imaginary surface representing the total head pressure of groundwater, usually found in, but not limited to, a confined aquifer that is defined by the level to which water will rise in a well;

Public water supplier shall mean a city, village, municipal corporation, metropolitan utilities district, 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;

Registered well shall mean any well which is properly registered with the Nebraska Department of Natural Resources;

Replacement water well shall mean a water well which is constructed to provide water for the same purpose as the original water well (a) and is operating in accordance with any applicable permit from the department and any applicable rules and regulations of the District and, if purpose is for irrigation, the replacement water well delivers water to the same tract of land served by the original water well and is a water well pumping from a comparable aquifer and yielding approximately the same gallons per minute and total annual water use as the original water well it is replacing (b) replaces a decommissioned water well within one hundred eighty days after the decommissioning of the original water well, (c) 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 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 year after completion of the replacement water well, (d) the original water well will continue to be used but will be modified and equipped within one hundred eighty days after such construction of the replacement water well to pump fifty gallons per minute or less and will be used only for livestock, monitoring, observation, or any other nonconsumptive or de minimis use approved by the District;

Rolling Allocation shall mean the amount of groundwater in acre-inches granted by the Board to a groundwater user within a three year allocation period. The term shall be rolling in that a new three year term shall commence at the expiration of each calendar year. The number of irrigated acres within said field shall be any irrigated acre that is certified as such, pursuant to the rules and regulations of the District through the acre certification process.

Rotation shall mean a recurring series of use and non-use of irrigation wells on an hourly, daily, weekly, monthly, or yearly basis;

Semi-confined aquifer shall mean an aquifer confined by a low-permeability layer that permits water to slowly flow through it. Also known as a leaky artesian or leaky confined aquifer;

Special Quantity Subarea shall mean any area so designated by the District pursuant to Nebraska Revised Statutes 46-712 or 46-718. Special Quantity Subarea includes the control areas designated pursuant to Section R, Rule 5.

Static Water Level shall mean the depth below ground level where water stands in a well when it is not being pumped.

Sub-irrigation or sub-irrigated land shall mean the natural occurrence of a groundwater table within the root zone of agricultural vegetation, not exceeding ten feet below the surface of the ground. To qualify as sub-irrigation, the landowner or operator must provide to the District groundwater level measurements taken at least monthly through-out the growing season of May through September for five of the last ten years and/or provide crop yields showing that sub-irrigation was able to sustain the crop through-out the growing season for five of the last ten years with comparable yields to irrigated crop ground;

Supplemental Water Well shall mean a new well that is constructed in addition to an older existing well for the purpose of suppling water to increase the efficiency of the irrigation system;

Surface water project sponsor shall mean an irrigation district created pursuant to Chapter 46, article 1, a reclamation district created pursuant to Chapter 46, article 5, or a public power and irrigation district created pursuant to Chapter 70, article 6;

Test hole shall mean a hole designed solely for the purposes of obtaining information on hydrologic or geologic conditions;

To commence construction of a water well shall mean the beginning of the boring, drilling, jetting, digging, or excavating of the actual water well from which groundwater is to be withdrawn;

Unconfined Aquifer shall mean an aquifer in which there are no confining beds between the zone of saturation and the surface and is generally exposed to atmospheric pressure;

Underground water storage shall mean the act of storing or recharging water in underground strata. Such water shall be known as water stored underground, but does not include groundwater as defined in section 46-706 which occurs naturally;

Variance shall mean (a) an approval to deviate from a restriction imposed under 46-714 and 46-739 or (b) the approval to act in a manner contrary to existing rules or regulations from a governing body whose rule or regulation is otherwise applicable;

Voluntary Integrated Management Plan (V-IMP) shall mean a joint water quantity management plan developed and implemented by NeDNR and the NRD. The purpose is to manage the river basin or subbasin to achieve and sustain long term balance between water uses and water supplies.

Water well shall mean (a) any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, obtaining hydrogeologic information, or extracting water from or injecting fluid as defined in section 81-1502 into the underground water reservoir (b) Water well includes any excavation made for any purpose if groundwater 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. (c) Water well shall not include (i) 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 Conservation Commission or (ii) any structure requiring a permit by the Department of Natural Resources used to exercise surface water appropriation;

Water well permit condition shall mean a requirement placed upon a well permit issued by the District for approval of construction of a water well; and

Wellhead Protection area shall mean the surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.

Written Good Cause Shown Variance shall mean the variance application process under Section U which prohibits users from increasing their consumptive use of Ground Water withdrawals for agricultural purposes without prior written approval from the District.

Section B Enforcement Procedures for the Lower Platte North Natural Resources District's Management Area

Rule 1 Procedures and Measures for Compliance of Irrigation Runoff Water

In order to conserve groundwater supplies and to prevent the inefficient or improper runoff of such groundwater, each person who uses groundwater irrigation in the District shall take action to control or prevent the runoff of water used in such irrigation. A groundwater user may implement any structural or non-structural procedure, measure, or combination thereof which provides for effective prevention, control or abatement of improper groundwater irrigation runoff, including, but not limited to: (a) limitation of water utilized by non-structural management practices, including, but not limited to proper irrigation scheduling such that structural measures are not necessary to prevent irrigation runoff water; (b) the proper operation and management of the irrigation system, including any reuse or other control measures previously installed; (c) 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; (d) blocking of rows or field borders in such a manner that will contain irrigation water within the property under the direct supervision or control of the groundwater user; (e) 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 Section B, Rule 2 of these rules and regulations; or (f) any other acceptable procedure or measure approved by the District.

Rule 2 Agreements Between Groundwater Users for Irrigation Runoff Water

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

Rule 3 General Provisions for Enforcement

The District shall enforce the provisions of N.R.S. Sections 46-602 and Sections 46-702 through 46-754 and all rules and regulations adopted pursuant thereto by the issuance of cease and desist orders in accordance with the procedure hereinafter specified and by bringing appropriate actions in the District Court of the County in which any violations occur for enforcement of such orders. Cease and desist orders may be issued for the following reasons: (a) Operation of an irrigation system in a manner which allows for improper groundwater irrigation runoff as defined in Section A, Rule 1 of these rules and regulations. (b) Construction or operation of an illegal well as defined in Section A, Rule 1 of these rules and regulations. (c) Violation of these rules and regulations as outlined in Sections A through T.

Rule 4 Inspections

Any person who owns, rents, or leases land within or immediately adjacent to the boundaries of the District, any person who resides within the District, Board of an adjacent District or a Board member or staff member of the District may request an inspection of a groundwater user alleging a violation of these rules and regulations or that such groundwater user is constructing or operating an illegal well. Not later than five (5) days following the inspection request exclusive of Saturdays, Sundays, and legal holidays, the land where the alleged violation occurred shall be inspected by a person designated by the District. The District compliance inspector, upon proper identification and after informing the person in control of the land of the inspector's

purpose, is authorized to enter upon the land for the purposes of inspecting the alleged violation. Upon completion of the inspection, the inspector shall file a report of the inspector's findings in the District office. A copy of said report shall be delivered to the alleged violator and to the complainant, if other than the Board, in person, or at their places of residence, or shall be sent to them by registered or certified mail.

Rule 5 District Enforcement Actions

If the District compliance inspector finds there is reasonable cause to believe that a groundwater user is, at the time of inspection or at the time the inspection request was received, in violation of these rules and regulations or constructing or operating an illegal well; the District shall take one or more of the following actions: (a) seek voluntary compliance by the alleged violator, (b) alleged violator will be sent a certified or registered letter notifying them that they have until a specified date to submit the required report, information, or undertake and complete the required corrective action, (c) alleged violator will be sent a certified or registered letter requesting attendance at a Special hearing, Committee meeting, or Board meeting of the District and to provide required reports, information, or undertake and complete the required corrective action (d) alleged violator will be sent a certified or registered letter allowing the alleged violator 7 days, upon receipt of that letter, to request a Hearing before the Board and allowed to present evidence on their behalf, (e) issue cease and desist orders to the alleged violator pursuant to the statutory processes and the District's hearing rules stating the contemplated action and in general the grounds for the action, and following reasonable opportunity to be heard, to enforce any of the provisions of the act or of orders or permits issued pursuant to the act, to initiated suits to enforce the provisions of orders issued pursuant to the act, and to restrain the construction of illegal water wells or the use of water from illegal water wells, (f) issue cease and desist order to the alleged violator when there is an imminent threat to the public's health or the environment, pursuant to the statutory processes and the District's hearing rules , as well as require their attendance at a subsequent Special hearing, Committee meeting or Board meeting of the District, or (g) initiate appropriate legal actions in the District Court of the County in which the violation has occurred. If any schedule of compliance, or work order, approved by the Board is not initiated as agreed, or is not being properly and timely carried out, unless due to circumstances beyond the control of the alleged violator, the Board shall authorize immediate initiation of appropriate litigation.

Rule 6 Violation of Cease and Desist Orders

(a) Any person who violates a cease and desist order issued by the District pursuant to §46-707 shall be subject to a civil penalty of not less than one thousand dollars and not more than five hundred dollars per violation per day. In assessing the amount of the civil penalty, the court shall consider the degree and extent of the violation, the size of the operation, whether the violator has been previously convicted or subjected to a civil penalty under this section, and any economic benefit derived from noncompliance. (b) Prior to issuing a cease and desist order against a public water supplier as defined in section 46-638, the District shall consult with the Attorney General. If the Attorney General determines that the District does not have sufficient grounds to issue a cease and desist order, the District shall abide by such determination and shall not issue a cease and desist order. The Attorney General shall have exclusive authority to enforce actions under §46-638. (c) Any determination as to the whether a water well is properly registered under sections 46-602 to 46-604 or whether a water well is properly permitted under the Municipal and Rural Domestic Ground Water Transfers Permit Act shall be made by the Department of Natural Resources. (d) Any person who violates any cease and desist order issued by the District pursuant to section 46-707 or any control, rules, or regulations adopted by the natural resources district in relation to a management area shall be subject to the imposition of penalties imposed through the controls adopted by the District. including, but not limited to, having any allocation of water granted or irrigated acres certified by the District reduced in whole or in part. Before the District takes any action, notice and hearing shall be provided to such person. (e) Any person who violates any of the provisions of sections 46-721 to 46-733 for which a penalty is not otherwise provided, other than the requirements imposed on the District, the Director of Natural Resources, or the Department of Natural Resources, shall be subject to a civil penalty of not more than five hundred dollars, per violation per day.

Section C Groundwater Management Area Advisory Board

Rule 1 Advisory Board

The District shall establish an Advisory Board composed of individuals representing different groups that will be affected by the District’s Management Area. The purpose of the Advisory Board is to provide recommendations to the staff and Board in developing the rules and regulations for the District’s Management Area. The Advisory Board is composed of 15 members representing the following groups:

Farmer/Irrigator	4
Farmer/Dryland	1
Fertilizer Dealer	2
Turf Grass Production	1
Crop Consultant	1
Cattle Feedlot Operation	1
Hog Confinement Operation	1
Poultry Operation	1
Packing Plant	1
Golf Course Manager	1
Municipality	1

Section D Groundwater and Hydrological Connected Management Areas

Rule 1 Adoption of Groundwater Management Area Rules and Regulations

A district in which a management area has been designated shall, by order, adopt one or more of the controls for the management area as listed in. §46-707 and 46-739:

- The District has adopted controls with the issuance of an Order at the November 7th, 1996 Board Meeting to implement a Groundwater Management Area covering the entire District beginning on January 1, 1997.
- The District has amended these rules and regulations with the issuance of an Order at the December 12, 2005 Board meeting to begin on January 25, 2006.
- The District has further amended these rules and regulations with the issuance of an Order at the March 13, 2008 Board meeting to be implemented on May 9, 2008.
- The District was preliminary declared Fully Appropriated on December 16, 2008 by the Nebraska Department of Natural Resources as hydrologically connected groundwater and surface water of the Lower Platte Basin by issuing an Order at the October 8, 2012 LPNNRD Board Meeting.
- With the passage of LB483, the District amended these rules and regulations with the issuance of an Order at the July 13, 2009 Board meeting to be implemented on August 6, 2009.
- The District further amended these rules and regulations with the issuance of an Order at the January 13, 2014 Board meeting to begin on February 10, 2014.
- The District amended these rules and regulations with the issuance of an Order at the March 9, 2015 Board meeting to begin on April 13, 2014.
- The District adopted a joint voluntary IMP with the Department in May 2018. The voluntary IMP allows for Limited Development in AF of new water consumption per year as determined by the Board, and not exceeding the limits imposed by the District may grant a set number of allowable new depletions, during the peak season, for all new groundwater uses in the groundwater control areas defined in the voluntary IMP. The District recognizes the groundwater control area to have hydrologically connected groundwater and surface water. Such depletions shall be in terms of acre feet and will not exceed, in total, the number agreed upon as a part of voluntary IMP implementation. New depletions shall be totaled and reassessed in five-year increments, with the first increment beginning July 1, 2016 and ending December 31, 2021 as agreed upon in the Lower Platte River Basin Water Management Plan. Future increments and allocations will be determined by the participants of the Lower Platte River Basin Water Management Plan.

Section E Water Well Permits

Rule 1 Permit Application to Construct Water Well

(1) Any person who intends to construct a water well in a management area in the District on land which he or she owns or controls will, before commencing construction, apply with the District for a permit, on forms provided by the District, except that no permit shall be required for test holes or dewatering wells with an intended use of thirty days or less. A permit is required for all water wells designed, and constructed, to pump greater than fifty gallons per minute in the District. A permit is required for water wells defined by the District to be replacement water wells. A permit is required for a water well designed and constructed to pump fifty gallons per minute or less if such water well is commingled, combined, clustered, or joined with any other water well(s) or other water source, other than a water source used to water range livestock. Such wells shall be considered one water well and the combined capacity shall be used as the rated capacity. In stay management areas and level three management areas, a permit must be obtained for any water well or for one or more categories of water wells designed and constructed to pump fifty gallons per minute or less, other than a domestic water well required for human needs as it relates to health, fire control, sanitation, and irrigation on less than one acre of land or used to water range livestock, in groundwater management areas in which regulations have been imposed to control declining groundwater levels. Forms are available at the District's office and at such other places as the District may deem appropriate. The District shall review such application and issue or deny the permit, with or without well permit conditions, within thirty days after the application is filed.

(2) A person shall apply for a permit under Section E, Rule 1 before he or she modifies a water well for which a permit was not required under subsection (1) of Rule 1 into one for which a permit would otherwise be required under such subsection.

(3) Applications for water well permits for domestic, livestock, irrigation, municipal and/or industrial use must have an NRD certified operator listed on the application form. The operator will be the person who shall control the operation of the domestic, livestock, irrigation, municipal and/or industrial well for which the application is being made.

(4) The application shall be accompanied by a non-refundable fifty-dollar filing fee payable to the District, and shall contain (a) the name and post office address of the applicant or applicants, (b) the nature of the proposed use, (c) the intended location of the proposed water well or other means of obtaining groundwater, (d) The intended size, type, and description of the proposed water well and the estimated depth, if known, (e) the estimated capacity in gallons per minute, (f) the acreage and location, by legal description, of the land involved if the water is to be used for irrigation, (g) a description of the proposed use if other than for irrigation purposes, (h) the registration number of the water well being replaced if applicable, (i) such other information as the District requires.

(5) The District hereby designates different classes of water well permits based on the well pumping capacity in gallons per minute, number of acres being irrigated, or expected total annual water use.

(a) Class one water well permits are required on all low capacity wells, which pump fifty gallons per minute or less in Stay management areas and Level three management areas. Exceptions are for domestic water wells required for human needs as it relates to health, fire control, sanitation, and irrigation on less than one acre of land or used to water range livestock.

(b) Class two water well permits are required on all high capacity wells that pump greater than fifty gallons per minute, or irrigate less than or equal to one hundred and sixty acres, or expected total annual water use of less than or equal to one hundred and fifty acre feet per year.

(c) Class three water well permits are required on all high capacity wells that pump greater than fifty gallons per minute, or irrigate land greater than one hundred and sixty acres, or expected total annual water use is greater than one hundred and fifty acre feet per year but less than three hundred acre feet per year. Applicant must submit additional information of all registered wells, test holes, and all surface water rights in a two mile radius of the proposed water use as specified on the water well permit application form, and in addition to the fifty dollar permit filing fee, must submit a two hundred and fifty dollar fee for District review.

(d) Class four water well permits are required on all high capacity wells that pump greater than fifty gallons per minute with an expected total annual water use equal to or greater than 300 acre feet per year, regardless of the number of irrigated acres. Class four water well permits are required for point source groundwater users that seek to collectively supply groundwater equal to or greater than 300 acre feet per year to a single facility or operation. The applicant must submit additional information of all registered wells, test holes, and all surface water rights in a five mile radius of the proposed water use, perform an District approved aquifer pump test, and perform a groundwater model using MODFLOW software or a similar software program approved by the District as specified on the water well permit application form, and in addition to the fifty dollar permit filing fee, must submit a five hundred dollar fee for District review.

(e) If proposed changes in operation, based on the well pumping capacity in gallons per minute, number of acres being irrigated, or expected total annual water use would place the existing class of well permit into a different class, the owner and/or operator will need to apply for new well permit prior to commencement of new operations.

(f) If proposed changes in the beneficial use of water as listed on the original water well permit the owner and/or operator shall apply for a new water well permit to the District prior to commencement of those new water uses. District review fees for class three and class four water well permits may be waived, but will be determined on a case-by- case basis.

(6) Any person who has failed, or in the future fails, to obtain a permit required by subsection (1) or (2) of Section E, Rule 1 shall make application for a late permit on forms provided by the District.

(7) The application for a late permit shall be accompanied by a two-hundred-fifty-dollar fee payable to the District, and shall contain the same information required in subsection (4) of Section E, Rule 1.

(8) A person can apply for a permit to drill a supplemental water well if the water supply from the existing active status well is unable to pump enough water to run the irrigation system and not cause an aquifer problem.

(9) The District may place conditions on approval of a water well permit. For new water uses on all water well permits approved and issued by the District on or after October 1, 2005 to May 8, 2008, the District shall impose a well permit condition that a District approved flow meter on each high capacity well to measure flow from that well and to report to the District the total gallons or total acre inches pumped by that well in a given year to the District by December 15. For water uses on all new and replacement water well permits approved and issued by the District after May 8, 2008, the District shall impose a well permit condition that a District approved flow meter be properly installed by manufacturer requirement and recalibrated every four years to provide an accurate flow measurement on each high capacity well in the District, and on each specified low capacity well in a Stay or Level three management area as listed in Section E, Rule 1(5)(a), and to report to the District the total gallons or total acre inches pumped by that well in a given year to the District by December 15. If water is commingled from more than one water source, the flow meter may alternatively be placed at a central location thru which all water will pass before delivery to the prescribed water use location as stated in the water well permit application. The well owner will allow access to the well when it is running by District personnel to take a flow measurement.

(10) The District 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 regulation adopted and promulgated by the District to achieve the purpose or purposes for which the management area was designated.

Rule 2 Denial of Water Well Permit

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

(2) It is a violation of these regulations to locate or operate a water well or other work if: (a) the District determines that the location or operation of a proposed water well or other work would adversely impact current or proposed clean-up operations of hazardous materials being conducted by NDEQ or overseen by NDEQ, including the clean-up operations of the Former Mead Ordnance Plant, (b) the District determines that the location or operation of the water well or other work will endanger the health and welfare of the District by significantly impeding the conservation, protection, development and sound management of natural resources in the District, (c) the District determines that the location or operation of the water well or other work may have significant adverse effects on any other water user; (d) the District determines that the location or operation of the water well or other work is not in the public interest; or (e) the District determines that the location or operation of the water well or other work will conflict with any regulations or controls adopted by the District.

(3) If the District finds that the application is incomplete, defective, or additional information is required to process the application, it shall return the application for correction. The District may return the application for additional information if the District determines that adverse impacts to the environment or to existing users may occur if the application is granted. If the correction is not made within sixty days, the application shall be cancelled. All permits shall be issued with or without conditions attached or denied not later than thirty days after receipt by the District of a complete and properly prepared application.

(4) The District shall have the authority to impose such water well permit conditions as the District finds appropriate to protect the health and welfare of the District, to promote the conservation, protection, development, and sound management of natural resources in the District, to protect existing users, to promote the public interest, or to prevent the violation of any regulations or controls adopted by the District. Such conditions may include, but not limited to, any of the controls set forth in N.R.S. Section 46-739.

(5) A permit issued shall specify all regulations and controls adopted by a District relevant to the construction or utilization of the proposed water well. No refund of any application fees shall be made regardless of whether the permit is issued, canceled, or denied. The District shall transmit one copy of each permit issued to the Director of Natural Resources.

Rule 3 Issuance of Water Well Permit

The issuance by the District of a permit pursuant to Section E, Rule 3 of these rules and regulations or registration of a water well by the Director of Natural Resources pursuant to N.R.S. Section 46-602 shall not vest in any person the right to violate any District rule, regulation, or control in effect on the date of issuance of the permit or the registration of the water well or to violate any rule, regulation, or control property adopted after such date.

Rule 4 Construction of Water Well After Issuance of Permit

When any permit is approved pursuant to Section E, Rule 3, the applicant shall commence construction as soon as possible after the date of approval and shall complete the construction and equip the water well prior to the date specified in the conditions of approval, which date shall be not more than one year after the date of approval, unless it is clearly demonstrated in the application that one year is an insufficient period of time for such construction. If the applicant fails to complete the project under the terms of the permit, the District may withdraw the permit.

Rule 5 Time Limit on Full Water Utilization from Water Well as listed in Approved Permit

After completion of the water well, the owner and/or operator has until the end of the following calendar year to purchase and install all equipment necessary to irrigate all land listed in the water well permit. If the owner or operator fails to purchase and install equipment by December 31th of the following year, then the permit shall be modified to list the acres actually irrigated. The District may grant an exception for good cause shown.

Rule 6 Replacement Water Wells

Replacement Water Wells as defined in Section A will require a permit application to the District before the well is constructed.

Rule 7 Decommission of Water Wells

The District shall require decommissioning of water wells that are not properly classified as active status or inactive status water wells as defined in Section A, Rule 1.

Rule 8 Suspension of Water Well Permit

(1) The District may suspend an approved water well permit if the Board finds violation of the District's rules and regulations. If the District believes the water well permit should be suspended, the District will inform the landowner with at least a 45 day notice stating the intentions of the District and allowing the landowner to request a hearing before the Board of Directors within that time limit.

(2) Water well permits shall be reinstated to the same class of well permit as originally suspended, when the owner and/or operator returns to compliance with the District's rules and regulations and following Board approval.

Section F Groundwater Quality Management Area - Phase One

Rule 1 Phase One Criteria

Phase One triggers are set at 0 to 80% of the contaminants MCL/LHAL and includes the entire District. Phase One nitrate-nitrogen triggers are set at 0 to 8 parts per million in the aquifer with other human-induced non-point source contaminants, such as pesticides, based upon 0 to 80 % of the Maximum Contaminant Levels (MCL) or Lifetime Health Advisory Levels (LHAL).

Rule 2 Natural Resources District Certification

All operators in Phase One areas within the District, who use any type of fertilizer, either commercial or organic, are required to obtain NRD certification by attending NRD education classes or by passing a take home test designed by LPNNRD and in agreement with applicable other agency input every four (4) years. Certification will be consistent with the District's chemigation program and applicable to the State FIFRA program.

Rule 3 Groundwater Analysis Once Every Four Years Encouraged

A groundwater analysis for nitrogen (nitrate-nitrogen) content for irrigation, municipal, and industrial wells is encouraged at least once every four years using the District's approved analysis methods. Results may be submitted to the District by December 15 of the year tested. This rule is waived for wells that are on inactive status, as defined in Nebraska State Statutes, during the entire four year cycle.

Rule 4 Soil Analysis Encouraged

Prior to the planting of corn, potatoes, or grain sorghum, a soil analysis 3 feet in depth for nitrogen (nitrate-nitrogen) content for each field at least 40 acres in size, under control of the operator is encouraged at least once every four years. District approved analysis methods should be used, and results are encouraged to be submitted to the District by December 15 of the year tested.

Rule 5 Fertilizer Application Report Encouraged

All operators are encouraged to submit a Fertilizer Application Report for each field 19 acres in size or larger, to the District at least once every four years on a form provided by the District, which indicates the pounds per acre of nitrogen (commercial and organic) applied to each field under their control for the past four years. The quantity in pounds per acre of pesticides applied for each field will also be encouraged. Such reports will incorporate, if applicable, those reports required under the District's chemigation program and such reporting requirements resulting from the implementation of the State assumption of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA).

Rule 6 Manure Application

Application of organic fertilizer (liquid manure, dried manure, sludge or composted organic waste) is very diversified and poses management problems relative to the size of the operation. Not all organic waste contains the same amount of N per unit of measurement, as such the amount/acre/year allowed to be applied in Phase I areas will be based on method of collection and storage, land application method, types of crops or cover crop, soil types, landscape features, source of manure, and previous manure application rates. Amount/acre/year of manure applied on each field is encouraged to be reported on the Fertilizer Application Report and submitted to the District once every four years.

Rule 7 Fertilizer Application on Non-Sandy Soils

No fall applications of N fertilizer (commercial) for row crops will be allowed on non-sandy or fine textured soils until after November 1.

Rule 8 Fertilizer Application on Sandy Soils

Fall and winter applications of N fertilizer (commercial) for row crops will be prohibited on sandy soils. Commercial fertilizer can be applied on sandy soils after March 1 of the crop year.

Section G Groundwater Quality Management Area - Phase Two

Rule 1 Phase Two Criteria

Phase Two triggers are from 8.01 to 10 parts per million nitrate-nitrogen concentration in the groundwater or when other non-point source contaminants are present at 81-100% of the MCL/LHAL. Within the same aquifer, boundary setting for Phase Two Areas will be initiated when: water quality analytical results, within a minimum 9 square mile area, are at identified trigger levels for a minimum of 2 sampling events. The Area must contain a minimum of 10 registered wells and contaminant trigger levels must be exceeded in over 50% of the wells. When irrigation wells are not available, other wells may be used. Initial investigation by the District will be to determine if the contamination is a result of point-source or non-point source pollution. If non-point source pollution is found to be the reason, more intensive investigation for boundary setting will ensue. If a Wellhead Protection Area should be established due to non-point source pollution, the District may set boundaries that are less than 9 square miles. After the establishment of a Phase Two Area, if non-point source contamination levels should decline, two consecutive sampling events below the trigger levels are needed before the Area could be placed in Phase One.

Rule 2 Continuation of Phase One Rules

A continuation of Phase One Rules as defined in Section E, Rule 1-6, Section F, Rules 2, 6 and 8 shall apply.

Rule 3 Groundwater Analysis Annually

A Groundwater analysis for nitrogen (nitrate-nitrogen) content for all irrigation, municipal, and industrial wells must be made annually and reported to the District by December 15 of each year. This rule is waived for wells that are on inactive status as defined in Nebraska State Statutes.

Rule 4 Soil Samples

Prior to the planting of corn, potatoes, or grain sorghum, annual soil samples in the root zone, 3 feet in depth, for nitrogen (nitrate-nitrogen) content on each field at least 40 acres in size are required for Phase Two and Phase Three Areas. The results of the soil samples will accompany the annual report made to the District by December 15 of each year.

Rule 5 Fertilizer Application Report

All operators will submit a Fertilizer Application Report to the District for each field 19 acres in size or larger, at the end of each crop year or by December 15 of each year. Submittal will be on a form(s) developed by the District. Reporting of the application of pesticides will be encouraged on this form.

Rule 6 Fertilizer Applications on Non-Sandy Soils with Approved Inhibitor

Commercial nitrogen-fertilizer, such as anhydrous ammonia, will be permitted on non-sandy or fine textured soils from November 1 to March 1, provided that an approved inhibitor is used and applied as recommended. After March 1, an inhibitor is not needed.

Rule 7 Furnish Record from Fertilizer Dealer that District Approved Inhibitor was Used

In order to assure use of an approved inhibitor, the operator will be required to furnish the District the record from a fertilizer dealer that a District approved inhibitor was used and applied at recommended rates. This record shall accompany the Fertilizer Application report made to the District by December 15 of each year.

Rule 8 Fertilizer Calibration Encouraged

The District will begin a voluntary fertilizer calibration program addressing all applications and will strongly encourage operators to participate in the process. The District may, as conditions warrant, choose to develop a cost share program with operators.

Rule 9 Monitoring of Water Applications

Flow meters will be required on all irrigation wells in Phase 2 or 3 management areas to monitor water applications to allow operators to better manage fertilizer applications and control excessive nitrate leaching into the aquifer. This activity will be phased in over a period of four (4) years after a Phase management area has been implemented by the Board. Total water use during the growing season will be recorded on the Fertilizer Application Report that is to be submitted by December 15 of each year.

Rule 10 Manure Applications

In Phase Two and Phase Three Areas, amount per acre per year of organic fertilizer allowed to be applied (liquid manure, dried manure, sludge, or composted organic waste) will be based on method of collection and storage, land application method, types of crops or cover crop, soil types, landscape features, source of manure, and previous manure application rates. The Nebraska Cooperative Extension Service Bulletin EC 89-117 "Fertilizing Crops with Animal Manure" shall be used as guidance unless more current guidelines are available. Amount/acre/year of manure applied on each field is to be reported on the Fertilizer Application Report and submitted to the District by December 15 of each year. The amount and timing of application must be adjusted to the N concentration in the soil profile and groundwater content. Application is allowed to frozen soils and is to be determined on a site-by-site basis as this is a prime cause of both groundwater and surface water degradation.

Rule 11 Education Program Expanded

The education program will be expanded to assist the Phase Two operators and other personnel in the area to realize that continued increases of nitrate and/or other non-point source contamination could cause the area to be elevated to a Phase Three Area.

Section H Groundwater Quality Management Area - Phase Three

Rule 1 Phase Three Criteria

Phase Three Areas will be established when the Maximum Contaminant Levels (MCL) or Lifetime Health Advisory Levels (LHAL) is exceeded. Phase Three trigger levels range from 10.01 to 15 parts per million or greater for nitrate-nitrogen, with other human-induced non-point source contaminants, based upon greater than 100% of the MCL or LHAL. Within the same aquifer, boundary setting for Phase Three Areas will be initiated when: water quality analytical results within a minimum 9 square mile area are at identified trigger levels for a minimum of 2 sampling events. The area must contain a minimum of 10 registered wells and contaminant trigger levels must be exceeded in over 50% of the wells. When registered wells are not available, other wells may be used. Initial investigation by the District will be to determine if the contamination is a result of point-source or non-point source pollution. If non-point source pollution is found to be the reason, more intensive investigation for boundary setting will ensue. If a Wellhead Protection Area should be established due to non-point source pollution, the District may set boundaries that are less than 9 square miles. After the establishment of a Phase Three Area, if non-point source contamination levels should decline, two consecutive sampling events below the trigger levels are needed before the Area could be placed in Phase Two or Phase One.

Rule 2 Continuation of Phase One and Two Rules

A continuation of Phase One Rules as defined in Section E, Rules 1-6, Section F, Rule 2 and in Phase Two Rules as defined in Section G, Rules 3, 4, 5, 8, 9, 10 and 11 shall apply.

Rule 3 Fertilizer Application On All Soils

The application of commercial nitrogen fertilizer is prohibited in the fall and winter on all soils until after March 1. Spring applications of commercial nitrogen fertilizer will require split applications (pre-plant and side-dress) or the use of an approved inhibitor applied as recommended. If a split application is used and 50 percent or more of nitrogen fertilizer is applied as a pre-plant, the use of an approved inhibitor, applied as recommended, is still required.

Rule 4 Record that District Approved Inhibitor was Used

If 50% or more of commercial nitrogen fertilizer is applied at pre-plant, then operators are required to furnish the District a record from the fertilizer dealer that a District inhibitor was used at recommended rates. This record shall accompany the Fertilizer Application report made to the District by December 15 of each year.

Section I Groundwater Quality Management Area - Phase Four

Rule 1 Phase Four Criteria

When levels of nitrate-nitrogen exceed 15.01 parts per million, or levels of other human induced non-point source contaminants exceed 100% of the MCL or LHAL, a Phase Four area will be declared. Within the same aquifer; boundary setting for Phase Four Areas will be initiated when: water quality analytical results within a minimum 9 square mile area are at identified trigger levels for a minimum of 2 sampling events. The area must contain a minimum of 10 registered wells and contaminant trigger levels must be exceeded in over 50% of the wells. When irrigation wells are not available, other wells may be used. Initial investigation by the District will be to determine if the contamination is a result of point-source or non-point source pollution. If non-point source pollution is found to be the reason, more intensive investigation for boundary setting will ensue. If a Wellhead Protection Area should be established due to non-point source pollution, the District may set boundaries that are less than 9 square miles. After the establishment of a Phase Four Area, if non-point source contamination levels should decline, two consecutive sampling events below the trigger levels are needed before the Area could be placed in Phase Three, Phase Two or Phase One.

Rule 2 Continuation of Phase One, Two and Three Rules

A continuation of Phase One Rules as defined in Section E, Rules 1-6, Section F, Rule 2, Phase Two Rules as defined in Section G, Rules 3, 4, 5, 8, 9, 10 and 11, Phase Three Rules as defined in Section H, Rule 4.

Rule 3 Fertilizer Application On All Soils

Split application of commercial nitrogen fertilizer is required with 80 pounds maximum applied before May 1.

Rule 4 Nitrogen Recommendations

Nitrogen applications must not exceed District Recommendations. Application data may be required to verify the amount of nitrogen that is applied to the field(s) within the management area.

Rule 5 Well Metering

Flow meters are required on all high capacity wells.

Rule 6 Acre-Inch Allocations

A rolling acre-inch allocation, in 3-year increments, will be put into place by the District and will be based on the aquifer subarea, crop planted, irrigation distribution system, percent decline of the aquifer, water use of the aquifer, climatic conditions, net corn crop requirements, and discretionary factors.

Rule 7 Staff Assistance

NRD Staff will work directly with individuals on Best Management Practices. Staff may spot check fields before May 1 by collecting a soil sample to monitor Rule 3.

Section J Groundwater Quantity Management Area - Level One

Rule 1 Level One Criteria

Level One aquifer management areas are designated for the entire District. As more information becomes available subareas shall be further defined. Any changes in water use, location of water use, number of gallons pumped, or changes in water source shall be reviewed and approved by the District before those changes can take effect. Due to hydrologic considerations, District monitoring wells are not to be located on municipal well field property.

Rule 2 Certification of Historically Irrigated Acres

The District will certify historically irrigated acres within the District using records from the County Assessor, Department of Natural Resources registered well database, Farm Service Agency, and other records the District deems pertinent. The District will base its initial determination using County Assessor records, DNR registered well database, and other relevant information. Landowners may be required to provide FSA records if they disagree with the District's information. For fields that have been certified by the LPNNRD, any changes such as number of acres irrigated, location of the irrigated acres, changes in water source, or change of landowner shall be reviewed and approved by the District before those changes can take effect.

Rule 3 Natural Resources District Operator Certification

The District will be designated a Level One Quantity Area and operators of irrigation, municipal, and industrial well systems are required to obtain NRD certification by attending NRD education classes or by passing a take home test designed by LPNNRD and in agreement with applicable other agency input every four (4) years.

Rule 4 Well Spacing Requirements

Well spacing requirements will be applied in the Level One Area pursuant to N.R.S. Sections 46-609, 46-651 and 46-739. Well spacing shall vary with aquifer subarea, which will include, but not limited to, areal extent of the primary aquifer, type of aquifer ranging from confined to unconfined aquifers, saturated thickness, transmissivity, availability of alternative aquifers of sufficient water quality to allow for beneficial use, local recharge characteristics and rates from any water sources, current development of water use within the designated area and projected future water use, climatic conditions, and discretionary factors determined by the Board.

Rule 4.1 Well Spacing for Registered Domestic Wells

The District shall establish a minimum well spacing requirement of 600 feet for any new high capacity wells from an existing registered domestic well. Replacement high capacity wells within 600 feet of an existing registered domestic well shall be allowed provided that the replacement high capacity well is equal distance or greater away than the original high capacity well was from the existing registered domestic well. Exceptions to these spacing requirements will also be considered if both parties agree to allow drilling of the new high capacity well without regard to minimum well spacing with submittal and approval of LPNNRD form by the LPNNRD Board (Application for a Special Permit to Drill a Water Well Without Regard to Minimum LPNNRD Spacing). State of Nebraska well spacing requirements shall also apply.

Rule 5 Water Well Permits

Prior to well construction, a LPNNRD water well permit is required for all new and replacement water wells in the District, which will pump greater than 50 gpm. as outlined in Section E, Rules 1-6.

Rule 6 Well Metering Encouraged

The District will encourage well metering with the installation of flow meters on all existing high capacity wells.

Rule 7 Acre-Inch Allocations Encouraged

The District will encourage an acre-inch allocation system that will be developed per commercial crops planted that are dependent on that particular aquifer subarea.

Rule 8 Water Use Report Encouraged

The District will encourage submission of the Water Use Report on all existing high capacity wells, to the LPNNRD by December 15 of each following year.

Rule 9 Municipal Water Use Report Required

The District will require annual use reports for Municipal groundwater users. This report needs to be submitted to the LPNNRD by January 31 of each year. A water flow meter will be required on all new and replacement wells drilled after January 1, 2018.

Rule 10 Industrial and Commercial Water Use

The District shall encourage the voluntary submission of a Water Use Report for Industrial and Commercial wells, by January 31 of each successive year. Beginning January 1, 2018, a district approved flow meter will be required on all new and replacement wells drilled. Wells drilled after January 1, 2018 will be required to submit yearly water use reports to the District.

Rule 11 Expansion of Acres

The District will assign an Acre Foot allotment for every well or irrigation system user within the District that is requesting to expand their acres without going through the Variance Process. In determining the allotment, the District will evaluate the new consumptive uses that will result from the expansion of acres, and how this will count against the overall cap for depletion limits.

- (1) A non-refundable \$75.00 filing fee payable to the District is required for each application
- (2) The application, with fee, is required prior to expansion and will need approval by the NRD Board. Application approval or denial will occur within 60 days of the filing of the application.
- (3) If approved a rolling AF allocation will be assigned in 3-year increments and adjusted by Board Policy on December 15 at the end of the third year.
- (4) Acre Foot Calculation will include number of certified acres as of January 1, 2017.
- (5) Additional irrigated acres can be increased but no additional consumptive use can occur from original allotment.
- (6) When an approval is granted by the District, the landowner has 90 days following the completion of the new well to update certified acres at NRD, County assessor records, submit well registration modification to NeDNR to update the well registration data base and comply with any additional conditions required by the District. The District may grant an exception for good cause shown.
- (7) When an approval is granted by the District the installation of a district approved flow meter is required; along with a report on forms provided by LPNNRD detailing annual water use, in acre-inches, by December 15 of each following year, and the applicant must comply with any additional conditions required by the District.
- (8) The approved application will be subject to annual review by the District. If the District believes the application should not be renewed, the District will inform the landowner with at least a 45 day notice stating the intentions of the District and allowing the landowner to request a hearing before the Board of Directors within that time limit.
- (9) All applications must include name and address of the landowner, the applicant's name and address if different than the landowner, proposed use of the water, location of water use, water sources such as groundwater, surface water or reuse water, any offset water use such as the retiring of irrigated acres in the same sub-area, and signature of applicant. Applications must have an NRD certified operator listed on the application request form.
- (10) Penalties will be as Section V, Rule 3 – Annual Reduction Formula or deemed appropriate by the Board.

Section K Groundwater Quantity Management Area - Level Two

Rule 1 Level Two Criteria

Rule 1.1 Unconfined Aquifer Criteria

Unconfined aquifer management subareas are to be designated within the District when conditions indicate a 10% drop in the saturated thickness of the aquifer. Assessment of percentage drop will be calculated utilizing the spring readings of District monitoring wells over a consecutive three (3) year period assessed against the 1987 baseline groundwater levels or a more recent baseline year groundwater level, adopted by the Board of Directors and revised in the Groundwater Management Rules and Regulations. When greater than 50% of the area within a subarea has reached, or exceeded the trigger level, then a Level Two management area can be established. Assessment of the percentage of a sub-area will be determined by applying an area-weighting method to District GWEL wells. As more information becomes available subareas shall be further defined. Due to hydrologic considerations for point source groundwater users, a sub-area can be defined as the cone of influence created from commercial/industrial, public water supply, and/or recovery well(s) that seek to collectively supply groundwater equal to or greater than 300 acre feet per year to a single facility or operation. The cone of influence will be determined by the use of groundwater modeling software, such as MODFLOW, or a similar modeling program approved by Lower Platte North NRD. District GWEL network monitoring wells are not to be located on municipal well field property. After the establishment of a Level Two Area, if groundwater levels should recover, two consecutive spring readings below the trigger levels are needed before the Groundwater Quantity Management Area could be placed as a Level One management area.

Rule 1.2 Confined Aquifer Criteria

Confined aquifer management subareas are to be designated within the District when conditions, indicate a 7% drop in potentiometric-aquifer thickness. Assessment of percentage drop will be calculated utilizing the spring readings of District monitoring wells over a consecutive three (3) year period assessed against the 1987 baseline groundwater levels or a more recent baseline year groundwater level, adopted by the Board of Directors and revised in the Groundwater Management Rules and Regulations. When greater than 50% of the area within a subarea has reached, or exceeded the trigger level, then a Level Two management area can be established. Assessment of the percentage of a sub-area will be determined by applying an area-weighting method to District GWEL wells. As more information becomes available subareas shall be further defined. Due to hydrologic considerations for point source groundwater users, a sub-area can be defined as the cone of influence created from commercial/industrial, public water supply, and/or recovery well(s) that seek to collectively supply groundwater equal to or greater than 300 acre feet per year to a single facility or operation. The cone of influence will be determined by the use of groundwater modeling software, such as MODFLOW, or a similar modeling program approved by Lower Platte North NRD. District GWEL network monitoring wells are not to be located on municipal well field property. After the establishment of a Level Two Area, if groundwater levels should recover, two consecutive spring readings below the trigger levels are needed before the Groundwater Quantity Management Area could be placed as a Level One management area.

Rule 2 Continuation of Level One Rules

A continuation of Level One Rules as defined in Section E, Rules 1-6 and Section J, Rules 2 – 5 and 11 shall apply.

Rule 3 Well Metering

Flow meters are required on all new, replacement and existing high capacity wells.

Rule 4 Acre-Inch Allocations

A rolling acre-inch allocation will be put into place by the District and will be based on the aquifer subarea, crop planted, irrigation distribution system, percent decline of the aquifer, water use of the aquifer, climatic conditions, net corn crop requirements, set depletion limits and other discretionary factors.

Rule 5 Reduction of Irrigated Acres

As an alternative to Section K, Rule 4, the District may require a reduction of irrigated acres. Except as permitted pursuant to subsections (4) through (6) of section 46-739, if annual rotation or reduction of irrigated acres is adopted for use of groundwater for irrigation purposes in a management area, the nonuse of irrigated acres shall be a uniform percentage reduction of each landowner's irrigated acres within the management area or a subarea of the management area. Such uniform reduction may be adjusted for each landowner based upon crops grown on his or her land to reflect the varying consumptive requirements between crops.

Rule 6 Water Use Report

The District will require annual submission of the Water Use Report on all new, replacement, and existing high capacity wells to the District by December 15.

Rule 7 Best Management Practices Encouraged

Best management practices are encouraged to conserve water and will be developed prior to designation of the Area as a Level Two management area.

Section L Groundwater Quantity Management Area - Level Three

Rule 1 Level Three Criteria

Rule 1.1 Unconfined Aquifer Criteria

Unconfined aquifer management subareas are to be designated within the District when conditions, indicate a 15% drop or greater in the saturated thickness of the aquifer. Assessment of percentage drop will be calculated utilizing the spring readings of District monitoring wells over a consecutive three (3) year period assessed against the 1987 baseline groundwater levels or a more recent baseline year groundwater level, adopted by the Board of Directors and revised in the Groundwater Management Rules and Regulations. When greater than 50% of the area within a subarea has reached or exceeded the trigger level, then a Level Three management area can be established. Assessment of the percentage of a sub-area will be determined by applying an area-weighting method to District GWEL wells. As more information becomes available subareas shall be further defined. Due to hydrologic considerations for point source groundwater users, a sub-area can be defined as the cone of influence created from commercial/industrial, public water supply, and/or recovery well(s) that seek to collectively supply groundwater equal to or greater than 300 acre feet per year to a single facility or operation. The cone of influence will be determined by the use of groundwater modeling software, such as MODFLOW, or a similar modeling program approved by Lower Platte North NRD. District GWEL network monitoring wells are not to be located on municipal well field property. After the establishment of a Level Three Area, if groundwater levels should recover, two consecutive spring readings below the trigger levels are needed before the Groundwater Quantity Management Area could be placed as a Level Two or Level One management area.

Rule 1.2 Confined Aquifer Criteria

Confined aquifer management subareas are to be designated within the District when conditions, indicate a 10% or greater drop in the potentiometric-aquifer thickness. Assessment of percentage drop will be calculated utilizing the spring readings of District monitoring wells over a consecutive three (3) year period assessed against the 1987 baseline groundwater levels or a more recent baseline year groundwater level, adopted by the Board of Directors and revised in the Groundwater Management Rules and Regulations. When greater than 50% of the area within a subarea has reached or exceeded the trigger level, then a Level Three management area can be established. Assessment of the percentage of a sub-area will be determined by applying an area-weighting method to District GWEL wells. As more information becomes available subareas shall be further defined. Due to hydrologic considerations for point source groundwater users, a

sub-area can be defined as the cone of influence created from commercial/industrial, public water supply, and/or recovery well(s) that seek to collectively supply groundwater equal to or greater than 300 acre feet per year to a single facility or operation. The cone of influence will be determined by the use of groundwater modeling software, such as MODFLOW, or a similar modeling program approved by Lower Platte North NRD. District GWEL network monitoring wells are not to be located on municipal well field property. After the establishment of a Level Three Area, if groundwater levels should recover, two consecutive spring readings below the trigger levels are needed before the Groundwater Quantity Management Area could be placed as a Level Two or Level One management area.

Rule 2 Continuation of Level One and Level Two Rules

A continuation of Level One and Two Rules as defined in Section E, Rules 1-6, Section J, Rules 2-5 and 11, Section K, Rules 3, and 6 shall apply.

Rule 3 Adjust Acre-Inch Allocations

As required, the District will further reduce or adjust the acre-inch allocations based on considerations outlined in Section K, Rule 4.

Rule 4 Reduction of Irrigated Acres

As an alternative to Section K, Rule 4, the District may further require a reduction of irrigated acres. Except as permitted pursuant to subsections (4) through (6) of section 46-739, if annual rotation or reduction of irrigated acres is adopted for use of groundwater for irrigation purposes in a management area, the nonuse of irrigated acres shall be a uniform percentage reduction of each landowner's irrigated acres within the management area or a subarea of the management area. Such uniform reduction may be adjusted for each landowner based upon crops grown on his or her land to reflect the varying consumptive requirements between crops.

Rule 5 Water Well Permit Required on New and Replacement Low Capacity Wells in Level 3 Groundwater Management Areas

In addition to water well permits required on all high capacity wells, a water well permit is required for each water well or for one or more categories of water wells designed and constructed to pump fifty gallons per minute or less, other than a domestic water well required for human needs as it relates to health, fire control, sanitation, and irrigation on less than one acre of land or used to water range livestock, in groundwater management areas in which regulations have been imposed to control declining groundwater levels.

Rule 6 Annual Water Use Reporting on New, Replacement, and Existing Low Capacity Wells in Level 3 Groundwater Management Areas

In addition to requiring annual water use reports on new, replacement, and existing high capacity wells in a Level three management area, annual water use reports shall be submitted to the District by December 15 of the following year on new, replacement, and existing low capacity wells for one or more categories of water wells designed and constructed to pump fifty gallons per minute or less, other than a domestic water well required for human needs as it relates to health, fire control, sanitation, and irrigation on less than one acre of land or used to water range livestock, in groundwater management areas in which regulations have been imposed to control declining groundwater levels.

Rule 7 Best Management Practices

Best management practices are required to conserve water and will be developed by the District prior to designation of the Area as a Level Three management area.

Section M Stay Management Areas

Rule 1 Temporary Stay on New Water Wells and Expansion of Irrigated Acres

The District may impose an immediate temporary stay for a period of one hundred eighty days on the construction of any new water well and on any increase in the number of acres historically irrigated, without prior notice or hearing, upon adoption of a resolution by the Board finding that such temporary immediate stay is necessary due to declining groundwater energy levels, potential over development of an aquifer, allow reasonable time for scientific studies to be conducted, or other discretionary factors determined by the Board. A temporary stay may be placed by the District either within the entirety of the District or within designated Management Areas or Special Quantity Subareas. The District shall hold at least one public hearing on the matter within the District during such one hundred eighty days, with the notice of the hearing given as provided in section 46-743, prior to making a determination as to imposing a permanent stay or conditions in accordance with subsections (1) and (6) of section 46-739. Within forty-five days after a hearing pursuant to this subsection, the District shall decide whether to exempt from the immediate temporary stay the construction of water wells for which permits were issued prior to the date of the resolution commencing the stay but for which construction had not begun prior to such date. If construction of such water wells is allowed, all permits that were valid when the stay went into effect shall be extended by a time period equal to the length of the stay and such water wells shall otherwise be completed in accordance with section 46-738 and Section E, Rule 4 & 5 of these rules and regulations. Water wells listed in subsection (3) of section 46-714 and water wells of public water suppliers are exempt from this subsection.

Rule 2 Permanent Stay on New Water Wells and Expansion of Irrigated Acres

The District may issue a permanent stay on the construction of new water wells and a stay on the expansion of irrigated acres in areas that are vulnerable to groundwater level declines, potential over development of an aquifer, allow reasonable time for scientific studies to be conducted, or other discretionary factors determined by the Board. A permanent stay may be placed by the District either within the entirety of the District or within designated Management Areas or Special Quantity Subareas. Scientific information will be used in determination of these areas, which will include, but not limited to, areal extent of the primary aquifer, type of aquifer ranging from confined to unconfined aquifers, saturated thickness, transmissivity, availability of alternative aquifers of sufficient water quality to allow for beneficial use, local recharge characteristics and rates from any water sources, current development of water use within the designated area and projected future water use, climatic conditions, and discretionary factors determined by the Board. A Stay management area can be issued on any Level One, Two or Three management areas.

Rule 3 Review of Permanent Stay Management Area

The District shall conduct scientific studies, reviews and utilize other information available to determine current and future hydrogeologic conditions and economic factors of management areas within the District. If review of new information as outlined in Section M, Rule 3 and other relevant information indicates that a permanent stay management area could be opened to limited development or disbanded, the District shall hold a public hearing in accordance with 46-743 and issue an order as outlined in 46-744.

Rule 4 Natural Resources District Certification

In Stay management areas, operators of domestic, livestock, irrigation, municipal, and industrial well systems are required to obtain NRD certification by attending NRD education classes or by passing a take home test designed by LPNNRD and in agreement with applicable other agency input every four (4) years.

Rule 5 Water Well Variance and Water Well Permit Required on High and Low Capacity Wells in Stay Management Areas

(1) The District will require that a water well variance and water well permit be obtained for each new high capacity well prior to construction in a Stay management area.

(2) The District shall by rule and regulation require that a water well variance and water well permit be obtained for each new water well or for one or more categories of water wells designed and constructed to pump fifty gallons per minute or less, other than a domestic water well required for human needs as it relates to health, fire control, sanitation, and irrigation on less than one acre of land or used to water range livestock, in groundwater management areas in which regulations have been imposed to control declining groundwater levels.

Rule 6 Transport of Groundwater in a Stay Management Area

Whenever the District has closed all or part of the District to the issuance of additional water well permits or expansion of irrigated acres, groundwater withdrawn outside the affected area shall not be transported for use inside such area unless (a) such withdrawal and transport began before the affected area was closed to the issuance of additional water well permits or expansion of irrigated acres, (b) the water is used solely for domestic purposes and irrigation on less than one acre of land, (c) such withdrawal and transport is approved in advance by the District and if the water is withdrawn from another natural resources district, that neighboring district must also approve, or (d) if a proposed withdrawal and transport of water is intended for municipal purposes, the District shall approve the withdrawal and transport of groundwater into the affected area when a public water supplier providing water for municipal purposes receives a permit from the Department of Natural Resources pursuant to the Municipal and Rural Domestic Groundwater Transfers Permit Act.

Rule 7 Variance Application to Construct Water Well and/or Expansion of Irrigated Acres

The District shall establish variance procedures to address requests for new water wells and the expansion of irrigated acres in portions of the District designed as temporary or permanent Stay management areas. A variance request is required on or after the effective date of a stay management area and prior to any expansion in water use or before the application for a new water well permit.

(1) A non-refundable \$75.00 filing fee payable to the District is required for each variance application.

(2) An Expanded Water Use variance or New Water Well variance is not required for test holes or temporary dewatering wells (less than 30 days).

(3) If expansion of water use could result in existing wells to enlarge their cones of influence (cones of depression) to now overlap into a District Stay management area, an Expanded Water Use Variance will now be required. (4) If a new water well is the only water source for any expanded water use, then use the District's 'New Water Well Variance' form instead of the 'Expanded Water Use Variance' form.

(5) If a new water well and another water source, such as surface water or reuse water, will be used then the applicant will need to fill out both a variance request for a new water well and expanded water use, but the fee shall remain at \$75.00.

(6) An aerial photograph with markings to show the location of the water source(s) and the location of where the water is to be used, shall be submitted with the variance request form.

(7) If reuse water is one of the water sources, the applicant must submit the requested information on the variance request. Irrigation water by itself cannot be credited as reuse water for another water user.

(8) All variance applications must include name and address of the applicant, proposed use of the water, location of water use, water sources such as groundwater, surface water or reuse water, any offset water use such as the retiring of irrigated acres in the same sub-area, signature of applicant, and applications for a variance request for domestic, livestock, irrigation, municipal and/or industrial use must have an NRD certified operator listed on the variance request form. The operator will be the person who shall control the operation of the domestic, livestock, irrigation, municipal and/or industrial well for which the variance request is being made.

(9) The District shall designate different classes of variances based on the well pumping capacity in gallons per minute, number of acres being irrigated, or expected total annual water use.

(a) Class one variance is required on all low capacity wells, which pump fifty gallons per minute or less in a Stay management areas. Exceptions are for domestic water wells required for human needs as it relates to health, fire control, sanitation, and irrigation on less than one acre of land or used to water range livestock.

(b) Class two variance is required in a Stay management area for all proposed high capacity wells that will pump greater than fifty gallons per minute with an expected total annual water use of less than or equal to one hundred and fifty acre feet per year, or expansion of irrigated acres less than or equal to one hundred and sixty acres.

(c) Class three variance is required on all high capacity wells that will pump greater than fifty gallons per minute with an expected total annual water use greater than one hundred and fifty acre feet per year but less than three hundred acre feet per year, or expansion of irrigated acres on land greater than one hundred and sixty acres. Applicant must submit information as listed in Section M, Rule 8 plus additional information of all registered wells, test holes, and all surface water rights in a two mile radius of the proposed water use as specified on the variance request form. In addition to the seventy five dollar variance filing fee, the applicant must submit a two hundred and fifty dollar fee for District review.

(d) Class four variance is required on all high capacity wells that pump greater than fifty gallons per minute with an expected total annual water use equal to or greater than 300 acre feet per year, regardless of the number of irrigated acres. Class four variance requests are required for point source groundwater users that seek to collectively supply groundwater equal to or greater than 300 acre feet per year to a single facility or operation. Applicant must submit information listed in Section M, Rule 8 plus additional information of all registered wells, test holes, and all surface water rights in a five mile radius of the proposed water use, perform an District approved aquifer pump test, and perform a groundwater model using MODFLOW software or a similar software program approved by the District as specified on the water well permit application form. In addition to the seventy five dollar variance filing fee, the applicant must submit a five hundred dollar fee for District review.

(e) If variance request for a new water well is conditionally approved or fully approved by the District, the applicant will still need to apply for and received District approval for a water well permit before construction of the well. Fee for District review of Class three and Class four new water well permits in Stay management areas will be waived for payments received for District approved Class three and Class four new well variances.

(f) For purposes of determining the capacity in gallons per minute and expected total annual water use, the District may consider other water sources that the new well will be commingled, combined, clustered, or joined with in making such calculations (e.g., if the use previously had a Class three status and the new well increases the expected total annual water use to be equal to or greater than 300 acre feet per year, the application will be treated as a Class four variance request).

Rule 8 Review of Variance Application

District review of any variance request will be based, in part, on a point system evaluation, which will consider offsets such as retiring other acres or water use, or the reuse of water from industries, municipalities or other potential sources where water can be reused. District review will also be based on discretionary factors, including but not limited to, whether the variance request would promote the health and welfare of the District by contributing to the conservation, protection, development, and sound management of natural resources in the District.

Rule 9 Conditional Approval of Variance Application

(1) For an expanded water use variance from an existing water source, the landowner has 90 days following conditional approval by the Board to update County assessor records, submit records to the Department of Natural Resources (DNR) to update DNR well registration data base for new irrigated acres, and comply with any additional conditions required by the District. Conditional approval will expire in 90 days from date of issuance by the LPNNRD Board if these conditions are not met.

(2) For a new water well variance, the landowner or well owner has 90 days following conditional approval by the Board to submit a LPNNRD water well permit form to the District, and comply with any additional conditions required by the District. Information listed on the water well permit must agree with information listed on the new water variance or the variance request and well permit will be denied. Conditional approval will expire in 90 days from date of issuance by the LPNNRD Board if these conditions are not met.

(3) When the conditions of the variance have been satisfied and approved by the LPNNRD within 90 days of issuance, then the 'conditionally approved variance' shall become an 'approved variance'. If these conditions have not been met, then the 'conditionally approved variance' will lapse and the landowner will need to submit a new variance request.

(4) When an 'approved variance' is granted by the District, then water users must install a flow meter and report water pumped annually in acre-inches per year or total gallons per year on LPNNRD approved forms by December 15 of each following year.

Rule 10 Approved Variance and Annual Review by the District

(1) For an approved expanded water use variance from an existing water source, additional water use must be put to use within a one-year period following the District's approval of the variance and comply with any additional conditions required by the District. The District may grant an exception for good cause shown, such as abundant rainfall received on new or expanded irrigated acres when actual irrigation would not be necessary.

(2) For an approved new water well variance and approved new water well permit, the landowner has 90 days following the completion of the new well to update County assessor records, submit well registration to DNR to update the well registration data base, comply with Section E, Rule 4 and 5, and comply with any additional conditions required by the District. The District may grant an exception for good cause shown.

(3) When an approved variance is granted by the District, then water users must install a flow meter and report water pumped annually in acre-inches per year or total gallons per year on LPNNRD approved forms by December 15 of each following year and comply with any additional conditions required by the District.

(4) The approved variance will be subject to annual renewal by the District. If the District believes the variance should not be renewed, the District will inform the landowner with at least a 45 day notice stating the intentions of the District and allowing the landowner to request a hearing before the Board of Directors within that time limit.

Rule 11 Cancellation of Approved Variance

The District may cancel or void an approved variance at any time if the Board finds violation of the District's rules and regulations, including the failure to submit annual reporting information required by Section M, Rule 9(4) or Rule 10(3).

Rule 12 Variance and/or Water Well Permit for Sub-Irrigated Ground

If loss of sub-irrigation should occur on ground certified by the District as sub-irrigated, the landowner and/or operator may apply to the District for a variance request and/or water well permit without the required offsets to install an irrigation well provided that water will be applied to the same location, field, parcel, tract or legal description, the same number of acres and the crop type must remain the same as was previously certified as sub-irrigated. Sub-irrigated ground is non-transferrable.

Section N Development in Non-Hydrologically Connected Areas

Rule 1 Limits on Development

Issue water well permits up to the 75 AF limit on a first in time basis.

Rule 2 Variance Request and Ranking Criteria for Development of Additional Irrigated Acres

(1) Landowners and/or operators wanting to expand the number of irrigated acres in the non-hydrologically connected area must first submit to the District a LPNNRD variance request form for a new water well and/or a LPNNRD variance request form for the expansion of irrigated acres from an existing water source by August 15th with those acres to be issued on January 1st of the following year (unless determined otherwise by the District).

(2) The District shall develop a criteria ranking system to evaluate each variance request which shall include: land class, saturated thickness of the aquifer underlying the water source of the new land to be irrigated, other criteria that the District deems appropriate.

Rule 3 Selection Process for Development of Additional Irrigated Acres

(1) At the Water Committee meeting nearest in date following the August 15th deadline for submission of variance request forms and supporting documentation, the Water Committee members shall prioritize and make recommendations as to which land shall be allowed to expand irrigated acres at the September Board meeting of the District.

(2) The day following the Water Committee meeting, landowners and/or operators shall be informed of their ranking status and the criteria by which that ranking was determined.

Section O Stay Management with Limited Development in Hydrologically Connected Areas

Rule 1 Hydrologically Connected Area for Limited Development

Under the authority of §46-715, and consistent with the District's adopted Voluntary Integrated Management Plan and Lower Platte River Basin Water Management Plan (January 2018), the District shall limit development of irrigated groundwater acres with a goal of no more than 200 Acre Feet (AF) stream depletion per year in the Voluntary Integrated Management Plan groundwater control area. The Voluntary Integrated Management Plan (2018) is on file within the District's office and can be found on its website.

Rule 2 Hydrologically Connected Portions of District Divided into Three Regions

The District hereby divides the hydrologically connected area as defined by the Nebraska Department of Natural Resources into three regions within the District in order to balance the limited development of new irrigated acres until December 31, 2012. These regions shall be the Shell Creek watershed, the Platte River Valley, and the Todd Valley, which shall include portions of the Weston Subarea. Commencing on January 1, 2013 and thereafter, the three ranking regions will no longer be used and development of up to 200 AF per year may be awarded according to a criterion ranking system applied to the entire hydrologically connected area.

Rule 3 Water Well Variance and Water Well Permit Required on New High Capacity Wells

The District will require that a water well variance and water well permit be obtained for each new high capacity well prior to construction in the Hydrologically Connected area with limited development.

Rule 4 Variance Request and Ranking Criteria for Limited Development of Additional Irrigated Acres

(1) Landowners and/or operators wanting to expand the number of irrigated acres in the hydrologically connected area must first submit to the District a LPNNRD variance request form for a new water well and/or a LPNNRD variance request form for the expansion of irrigated acres from an existing water source by September 15th with those acres to be issued on January 1st of the following year (unless determined otherwise by the District).

(2) The District shall develop a criteria ranking system to evaluate each variance request which shall include: land class, distance of land to be irrigated from hydrologically connected surface water, saturated thickness of the aquifer underlying the water source of the new land to be irrigated, other criteria that the District deems appropriate.

Rule 5 Selection Process for Limited Development of Additional Irrigated Acres

(1) At the Water Committee meeting nearest in date following the September 15th deadline for submission of variance request forms and supporting documentation, the Water Committee members shall prioritize and make recommendations as to which land shall be allowed to expand irrigated acres at the October Board meeting of the District.

(2) The day following the Water Committee meeting, landowners and/or operators shall be informed of their ranking status and the criteria by which that ranking was determined.

(3) At the October LPNNRD Board meeting, the Board shall review and may assign variance requests for a limited number of new irrigated acres for the hydrologically connected area as outlined in Section O, Rule 1 & 2. On or after the October Board meeting, up to 200 AF of consumptive use of development may be 'conditionally approved' to take effect for the respective following year. For previous years allocations of new irrigated acres that have not been developed in the time required, those acres can be reissued in subsequent years.

Rule 6 Conditional Approval of Variance Applications

(1) For an expanded water use variance, the landowner has 90 days following conditional approval on January 1st to update County assessor records, submit records to the Department of Natural Resources (DNR) to update DNR well registration data base for new irrigated acres, and comply with any additional conditions required by the District. Conditional approval will expire in 90 days from date of issuance on January 1st if these conditions are not met.

(2) For a new water well variance and new water well permit, the landowner or well owner has 90 days following conditional approval on January 1st to submit a LPNNRD water well permit form to the District and comply with any additional conditions required by the District. Information listed on the water well permit must agree with information listed on the assigned variance request from the previous October Board meeting or the variance request and well permit will be denied. Conditional approval will expire in 90 days from date of issuance on January 1st if these conditions are not met.

(3) When the conditions of the variance have been satisfied and approved by the LPNNRD within 90 days of issuance, then the 'conditionally approved variance' shall become an 'approved variance'. If these conditions have not been met, then the 'conditionally approved variance' will lapse and the landowner will need to submit a new variance request.

(4) When an 'approved variance' is granted by the District, then water users must install a flow meter and report water pumped annually in acre-inches per year or total gallons per year on LPNNRD approved forms by December 15 of each following year and comply with any additional conditions required by the District.

Rule 7 Cancellation of Approved Variance

The District may cancel or void an approved variance at any time if the Board finds falsification of financial or other documentation submitted as part of the variance request; failure of the landowner and/or operator to follow the irrigation ranking criteria as submitted on the District's variance form, and/or well permit; violation of the District's rules and regulations, including the failure to submit annual reporting information required by Section M, Rule 9(4) or Rule 10(3) and Section O, Rule 6(4).

Rule 8 Annual Extension of Hydrologically Connected Areas

Upon annual review and Board motion, the District may extend the rules of Section M in accord with 46-714(12). Unless terminated or amended, the rules of Section M shall continue in effect.

Rule 9 Continuation of Section M Rules

A continuation of Stay Management Area Rules as defined in Section M, Rule 4, 6, 8, 10, and 12, shall apply.

Section P Irrigation Development in the Restricted Development Areas (RDA)

Rule 1 The District will allow expansion of new acres but does not allow for any more consumptive use in the RDA. Any development of new irrigated acres in the RDA shall be offset with an equal number of irrigated acres retired within the same aquifer subarea and shall be considered a transfer. The RDA areas within Lower Platte North NRD are on file in the District office and shown on Exhibit A.

Rule 2 LPNNRD shall require a water quality test from any well pumping from the Dakota Aquifer, due to its high variability in water quality.

Rule 3 If a transfer is approved, the new irrigation well shall not irrigate more than 160 acres in total.

Rule 4 The district shall send notices to adjacent landowners notifying them about the proposed well and allow them to testify at a Water Committee or Board meeting to present their case for or against the proposed well. This shall be required before the permit for the proposed well can be approved by the NRD. Adjacent landowners are those whose land touches the tract that is requesting the variance. If the adjacent land is part of a city, village or SID then a single notice will be sent to the political sub-division.

Rule 5 The Board may grant a variance to Rule 1 if the relevant parcel of ground is within 1 mile of a Normal Development Area or Limited Development Area. Such variance for new irrigation shall follow all rules as set forth in the applicable development area.

Rule 6 The well owner, landowner and tenant will allow the LPNNRD to measure the groundwater energy levels within the new well and add it to the LPNNRD GWEL network.

Rule 7 The well owner will install small diameter piping, placed in the gravel pack of the high capacity well, so LPNNRD can measure drawdown when the pump is operating and to measure the recovery rate.

Rule 8 Three test holes will be required to show the geology at and near the proposed well site. One test hole will be drilled at the proposed well site with the second and third test hole drilled approximately 300 feet from the proposed well site and spaced from each other. If a registered well with a well log exists within 1,000 feet of the proposed well site then this well log maybe used to replace one of the required test holes.

Rule 9 Any permit issued for development in the restricted development area is a “conditional permit”. Conditional permits may be treated differently than other well permits within LPNNRD. With good cause these permits may have pumping restrictions placed on them, or withdrawn by the NRD.

Rule 10 A pump test may be performed for a minimum of 24 hours, or until the flow stabilizes or slows down. This pump test will be conducted during peak irrigation season.

Rule 11 A continuation of Stay Management Area Rules as defined in Section M, Rule 4, 6, 8, 10, and 12, shall apply.

Section Q Groundwater Transfer

Rule 1 Transfer Off Overlaying Land

(1) A permit is required for the transfer of groundwater off overlaying land for any purpose described in (2). Upon receipt of an application for the transfer of groundwater off overlaying land, the District shall provide notice of the application by publishing it on the agenda for the next regularly scheduled Water Committee meeting. Any affected party may object to the transfer of groundwater by filing written objections, specifically stating the grounds for such objection, in the office of the District on or before the second regularly scheduled Board meeting following publication of notice in the Water Committee's agenda. Late objections will not be considered. Upon the filing of such objections or on its own initiative, the District shall conduct a preliminary investigation to determine if the withdrawal, transfer, and use of groundwater is consistent with the requirements of subsection (2) of this section and all rules and regulations of the District. Following the preliminary investigation, if the District has reason to believe that the withdrawal, transfer, and use is consistent with all rules and regulations of the District, but may not comply with one or more other requirements of subsection (2) of this section, the District shall request that the Department of Natural Resources hold a hearing on such transfer.

(2) Any person who withdraws groundwater for agricultural purposes, or for any purpose pursuant to a groundwater remediation plan as required under the Environmental Protection Act, including the providing of water for domestic purposes, from aquifers located within the District may transfer the use of the groundwater off the overlying land if the groundwater is put to a reasonable and beneficial use within the State of Nebraska and is used for an agricultural purpose, or for any purpose pursuant to a groundwater remediation plan as required under the Environmental Protection Act, including the providing of water for domestic purposes, after transfer, and if such withdrawal, transfer, and use (a) will not significantly adversely affect any other water user, (b) is consistent with all applicable statutes and District rules and regulations, and (c) is in the public interest.

(3) No transfers shall be granted into any area with greater restrictions than the originating land upon which the transfer shall occur except as allowed by 46-742.

Rule 2 Transfer Off Overlying Land for Domestic Use

Any person other than a public water supplier as defined in section 46-638 may transfer groundwater off the overlying land for the purpose of domestic use of groundwater required for human needs as it relates to health, fire control, sanitation, and irrigation on less than one acre of land if

(1) the location and use of the water well and any pipeline or other means of conveyance are authorized by easement or other adequate property interest on all land on which such water well and pipeline or other means of conveyance are located and

(2) the capacity of the water well or series of water wells connected together for such purposes does not exceed fifty gallons per minute. Such person may be liable for damages for interference with the use of groundwater by another person only if the withdrawal of groundwater for such domestic use unreasonably causes harm to another person through the lowering of the water table or by reducing artesian pressure.

Rule 3 Transfer Off Overlying Land for Environmental or Recreational Benefits

(1) Any person intending to withdraw groundwater 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 benefitting fish or wildlife or producing other environmental or recreational benefits may do so only if the District in which the water well is or would be located allows withdrawals and transport for such purposes and only after applying for and obtaining a permit from the District. An application for any such permit shall be accompanied by a non-refundable fee of fifty dollars payable to the District. Such permit shall be in addition to any permit required pursuant to section 46-252 or 46-735 or subdivision (1)(k) of section 46-739.

(2) Prior to taking action on an application pursuant to this section, the District shall provide an opportunity for public comment on such application at a regular or special board meeting for which advance published notice of the meeting and the agenda therefor have been given consistent with the Open Meetings Act.

(3) In determining whether to grant a permit under this section, the Board of Directors of the District shall consider: (a) Whether the proposed use is a beneficial use of groundwater; (b) The availability to the applicant of alternative sources of surface water or groundwater for the proposed withdrawal, transport, and use; (c) Any negative effect of the proposed withdrawal, transport, and use on groundwater 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; (d) 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; (e) Any adverse environmental effect of the proposed withdrawal, transport, and use of the groundwater; (f) The cumulative effects of the proposed withdrawal, transport, and use relative to the matters listed in subdivisions (3)(c) through (e) of this section when considered in conjunction with all other withdrawals, transports, and uses subject to this section; (g) Whether the proposed withdrawal, transport, and use is consistent with the District's groundwater quantity and quality management plan and with any integrated management plan previously adopted or being considered for adoption in accordance with sections 46-713 to 46-719; and (h) Any other factors consistent with the purposes of this section which the Board of Directors of the District deems relevant to protect the interests of the state and its citizens.

(4) Issuance of a permit shall be conditioned on the applicant's compliance with the rules and regulations of the natural resources district from which the water is to be withdrawn 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. The Board of Directors of the District shall include such reasonable conditions on the proposed withdrawal, transport, and use as it deems necessary to carry out the purposes of this section.

(5) The applicant shall be required to provide access to his or her property at reasonable times for purposes of inspection by officials of any district where the water is to be withdrawn or to be used.

Section R Agricultural Research Facilities and Municipal Wellfields

Rule 1 Agricultural Research Facilities and Municipal Wellfields

Agricultural Research Facilities and Municipal Wellfields within the District may apply to the District for a modification of the individual requirements within the groundwater management areas that specifically affects the land they own or operate. Such requests will be reviewed on a case-by-case basis by the District.

Section S Special Studies and Investigations

Rule 1 Special Studies and Investigations

The Lower Platte North NRD shall have the authority to conduct investigations and cooperate or contract with agencies of the United States, agencies or political subdivisions of this state, public or private corporations, or any association or individual on any matter relevant to the administration of the Nebraska Groundwater Management and Protection Act or Lower Platte North NRD Groundwater Management Area rules and regulations. This authority will be exercised in the sole discretion of the Board of Directors of the District.

Section T Appeal Process

Rule 1 Appeal Process

Any person aggrieved by any order of the District issued pursuant to the District's Management Area Rules and Regulations may appeal the order. The appeal shall be in accordance with the Administrative Procedure Act.

Section U Controls in Special Quantity Subareas

Rule 1 Designation of Special Quantity Subarea

The District may designate a Management Area for the protection of groundwater quantity in a portion or portions of the District where additional controls are necessary for the protection of groundwater quantity in that area. Such management area shall be known as a Special Quantity Subarea. Additional controls are necessary where the existing action level triggers established in Sections J, K, and L are insufficient to meet the groundwater management objective or the goals of the groundwater management objectives in the Special Quantity Subarea. Such additional controls are in the public interest and for the promotion of the health and welfare of the District because they will minimize pumping conflicts and protect groundwater supplies in the Special Quantity Subarea without imposing unnecessary controls in other portions of the District. Regulation of a Special Quantity Subarea is also grounded on the dynamic hydrologic, geologic, climatic, and soil conditions throughout the District. Because of these varying conditions, the uniform application throughout the management area of one or more controls would fail to carry out the intent of the Nebraska Ground Water Management and Protection Act in a reasonably effective and equitable manner. As a result, the District imposes the controls for each Special Quantity Subarea described in Section U, Rule 2 as set forth in each in the following Rules respectively.

Rule 2 Standard Controls

Rule 2.1 Only Written Good Cause Variances Allowed

There shall be no new high capacity water wells in the Special Quantity Subarea without a Written Good Cause Variance. There shall be no increase in the consumptive use of Ground Water withdrawals for agricultural purposes from new water wells used for irrigation in the area from a new well, without a Written Good Cause Variance. An applicant for a Written Good Cause Variance that is also subject to this Section shall, in addition to the requirements provided for in the preceding rules, meet the requirements set forth in Section U. The District will follow the procedural requirements set forth in Section U when processing a Written Good Cause Variance under this Section.

Rule 2.2 Expansion of Acres from Existing Wells

New groundwater irrigated acres from an existing water well or wells in series shall be allowed in the Special Quantity Subarea. The applicant shall follow the rules set forth in Section J, Rule 11. Controls may be more stringent including, but not limited to, the number of allowable acres, water allowances and irrigation systems. The Board shall thereafter establish the controls by December 15 of each calendar year. If the Board fails to adopt different controls by December 15, the previous controls will remain in effect. The Board has the right from the conditional variance permits approval to adopt a different rolling allocation than the allocations set within the Quantity Sub-areas.

Rule 2.3 Best Management Practices

Any Landowner withdrawing Groundwater for agricultural purposes from any water well or for the benefit of any irrigated acres in the Special Quantity Subarea shall implement the following best management practices: The Landowner shall not irrigate from any water well or for the benefit of any irrigated acres in the Special Quantity Subarea unless the irrigation is for beneficial use for agricultural purposes. A Landowner must annually notify the District by telephone or in writing before irrigating for agricultural purposes from September 15 to April 15. This section shall not prohibit irrigation when necessary for compliance with a National Pollutant Discharge Elimination System permit issued to a confined animal feeding operation.

Rule 2.4 Mandatory Educational Requirements

There shall be mandatory educational requirements for Landowners withdrawing Groundwater for agricultural purposes from any water well or for the benefit of any irrigated acres in the Special Quantity Subarea. The requirements shall be designed to stabilize or reduce the incidence of Groundwater depletion and reduce conflicts between Groundwater users. The Board shall establish the initial education requirements when establishing the Special Quantity Subarea. The Board shall thereafter establish the applicable educational requirements by December 15 for the following calendar year. The standard educational requirements shall be no less than one hour per year and no more than five hours per year.

Rule 2.5 Well Metering

All Landowners withdrawing Groundwater from a high capacity well, those wells pumping greater than 50 gallons per minute, in the Special Quantity Subarea must install a District approved Flow Meter for measuring Groundwater withdrawals. The General Provisions of the Rules and Regulations pertaining to Flow Meters shall apply to Landowners and devices subject to this Section. A report of Groundwater withdrawal is also required and must be postmarked or otherwise submitted to the District by December 15 of the same year. If December 15 is a non-business day, the report must be postmarked by the next following business day.

Rule 2.6 Domestic Wells

New or replacement water wells to be used for domestic purposes in the Special Quantity Subarea 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. Any person who installs a new or replacement water well for domestic purposes in the Special Quantity Subarea shall submit a certification from the water well contractor that the well was constructed in compliance with this section. The certification shall be submitted to the District within 90 days of completing construction.

Rule 2.7 Level One, Two, and Three Management Areas

Each Special Quantity Subarea shall be also governed by the applicable Level One, Two, or Three controls as enumerated in Sections J, K and L of the Rules and Regulations. The applicable controls governing each Special Quantity Subarea shall be based upon which Management Area the respective Subarea is located. The Special Quantity Subarea standard controls of Section U, Rule 2 shall supersede the Level One, Two, and Three controls where the two are in express conflict.

Rule 2.8 Mandatory Acre Certification

All Landowners with irrigation within a Special Quantity Subarea must maintain current, and accurate, irrigated acre certification with the District.

Rule 2.9 Static Water Level Measurements

The Board shall set a policy by December 15 for the taking of Static Water Levels, semi-annually, from a high capacity irrigation well withdrawing groundwater in the Special Quantity Subarea. The first measurement shall take place between March 15 and April 15 of each calendar year with the second measurement taking place between July 15 and August 15 of each calendar year. If the Board fails to adopt different controls by December 15, the previous controls will remain in effect. LPNNRD shall obtain written permission from the landowner to allow LPNNRD personnel to measure their well at the discretion of the District on form "Landowner Waiver for Static Water Level Measurements".

Rule 3 Butler/Saunders County Special Quantity Subarea

Rule 3.1 Standard Controls

The Standard Controls described in Rule 2 shall apply in the Butler/Saunders County Special Quantity Subarea described in Rule 5.1. District approved Flow Meters required under Rule 2.5 shall be properly installed according to manufacturer's recommendation by May 1, 2015. No Landowner shall operate an irrigation well after May 1, 2015 unless it is in compliance with this requirement.

Rule 3.2 Allocation

The use of Groundwater for agricultural purposes from any water well for irrigation or for the benefit of any Irrigated Acre in the Special Quantity Subarea shall be subject to an Allocation. Allocations shall be based upon a 3 year Rolling Allocation. The Board shall establish the initial annual allocation when establishing the Special Quantity Subarea. The Board shall thereafter establish the Rolling Allocation by December 15 of each calendar year. The Rolling Allocation shall specify the total number of acre-inches of irrigation water per irrigated acre for the rolling term. If the Board fails to adopt a Rolling Allocation by December 15, the Rolling Allocation for the following rolling three year term shall be 27 acre-inches per irrigated acre in this Special Quantity Subarea (the equivalent of 9 acre-inches per year of the rolling term). Rolling Allocations for any and all wells may be amended, reduced, increased, or made subject to limitations or conditions by the Board upon notice and hearing.

Rule 3.3 Timing and/or Rotation of Water Use

The timing of water use or applications shall be controlled by the District to restrict pumping during certain times of the day or to establish a rotation so high capacity wells are not all pumping at the same time. The Board may establish timing or rotation restrictions when establishing the Quantity Subarea and shall establish new timing or rotation restrictions by December 15 of each calendar year. Timing or rotation restrictions for any and all wells may be amended, reduced, increased, or made subject to limitations or conditions by the Board upon notice and hearing.

Rule 4 Colfax/Platte County Special Quantity Subarea

Rule 4.1 Standard Controls

The Standard Controls described in Rule 2 shall apply in the Colfax/Platte County Special Quantity Subarea described in Rule 5.2. District approved Flow Meters required under Rule 2.5 shall be properly installed according to manufacturer's recommendation by May 1, 2016. No Landowner shall operate an irrigation well after May 1, 2016 unless it is in compliance with this requirement.

Rule 4.2 Allocation

The use of Groundwater for agricultural purposes from any water well for irrigation or for the benefit of any Irrigated Acre in the Special Quantity Subarea shall be subject to an Allocation. Allocations shall be based upon a 3 year Rolling Allocation. The Board shall establish the initial annual allocation when establishing the Quantity Subarea. The Board shall thereafter establish the Rolling Allocation by December 15 of each calendar year. The Rolling Allocation shall specify the total number of acre-inches of irrigation water per irrigated acre for the rolling term. If the Board fails to adopt a Rolling Allocation by December 15, the Rolling Allocation for the following rolling three year term shall be 27 acre-inches per irrigated acre in this Special Quantity Subarea (the equivalent of 9 acre-inches per year of the rolling term). Rolling Allocations for any and all wells may be amended, reduced, increased, or made subject to limitations or conditions by the Board upon notice and hearing.

Rule 4.3 Timing and/or Rotation of Water Use

The timing of water use or applications shall be controlled by the District to restrict pumping during certain times of the day or to establish a rotation so high capacity wells are not all pumping at the same time. The Board may establish timing or rotation restrictions when establishing the Quantity Subarea and shall establish new timing or rotation restrictions by December 15 of each calendar year. Timing or rotation restrictions for any and all wells may be amended, reduced, increased, or made subject to limitations or conditions by the Board upon notice and hearing.

Rule 5 Designation of Special Quantity Subareas in the District

Rule 5.1 Butler/Saunders County

The Butler/Saunders County Special Quantity Subarea shall consist of Sections 1, 12, 13, 24, 25, and 36 in Township 15 North, Range 3 East; Sections 1-36 in Township 15 North, Range 4 East; Sections 4-9 and 16-36 in Township 15 North, Range 5 East; Sections 25 and 36 in Township 16 North, Range 3 East; Sections 25-36 in Township 16 North, Range 4 East; and Sections 30-32 in Township 16 North, Range 5 East in Butler and Saunders Counties. (See attached map as Exhibit "B" for reference.)

Rule 5.2 Colfax/Platte County

The Colfax/Platte County Special Quantity Subarea shall consist of Sections 1-12 in Township 18 North, Range 1 West; Sections 1-12 in Township 18 North, Range 1 East; Sections 3-10 in Township 18 North, Range 2 East; Sections 1-12 in Township 19 North, Range 2 West; Sections 1-16, 21-28, and 33-36 in Township 19 North, Range 1 West; Sections 1-36 in Township 19 North, Range 1 East; and Sections 3-10, 15-22, and 27-34 in Township 19 North, Range 2 East in Colfax and Platte Counties. (See attached map as Exhibit "B" for reference.)

Section V Penalties for Violations in a Special Quantity Subarea

Rule 1 Additional Penalty

In addition to or in lieu of the authority in Section B, and notwithstanding any other provision of these Rules and Regulations, the District may impose a penalty on any person who violates any control required or any Variance granted under this Section. Such penalties include, but are not limited to, a reduction (in whole or in part) in any Rolling Allocation of Groundwater applicable to the person, or additional educational requirements for the person.

Rule 2 Enforcement

The General Manager shall initiate enforcement by sending a notice to the person by Certified Mail. The person shall have 10 days from receiving the notice to request a hearing in writing to the District. If requested, the Board shall hold a hearing. Following the hearing, or if no hearing is requested, the Board shall determine the appropriate penalty under the circumstances.

Rule 3 Annual Reduction Formula

If, at the termination of the three year rolling term, any groundwater user has exceeded the Rolling Allocation by more than one-half (0.5) inches per acre, the Rolling Allocation for the following three year term shall be reduced by the amount the groundwater user exceeded his Rolling Allocation times a factor of 6 (e.g. an excess by one acre-inch shall result in a six acre-inch reduction in the users Rolling Allocation for the following three year term). For purposes of calculation of the reduction, all fractional figures shall be rounded to the nearest whole number.

If any groundwater user fails to follow any timing and/or rotation restrictions imposed by the District the user shall have his Rolling Allocation reduced up to 6 acre inches for each offense.

Rule 4 Penalty for Tampering

Any person who tampers, obstructs, modifies, or takes any action for the purpose of producing an inaccurate or incorrect Flow Meter reading or who takes any other action that would prevent the District from obtaining an accurate estimate of actual groundwater use shall be subject to a permanent revocation of the groundwater users variances, well permits, future allocations, and/or the rescission of all Certified Irrigated Acres attributable to the violator. Notice and hearing shall be provided to such groundwater users before the District takes any action under this Rule.

Exhibit A Map LPNNRD-WP-001 of Water Development Areas and Special Quantity Subareas

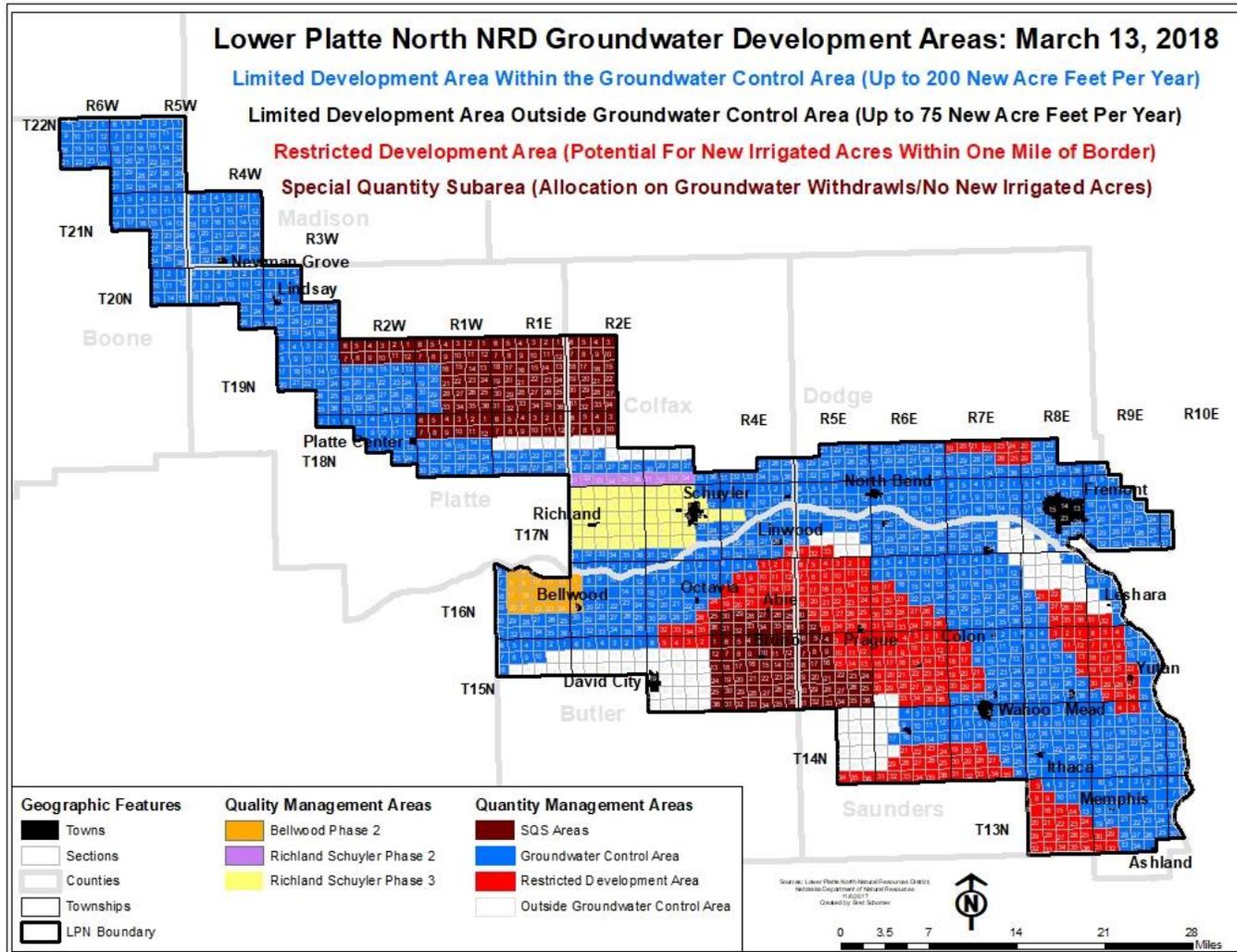


Exhibit B Map of Butler - Saunders Special Quantity Subarea

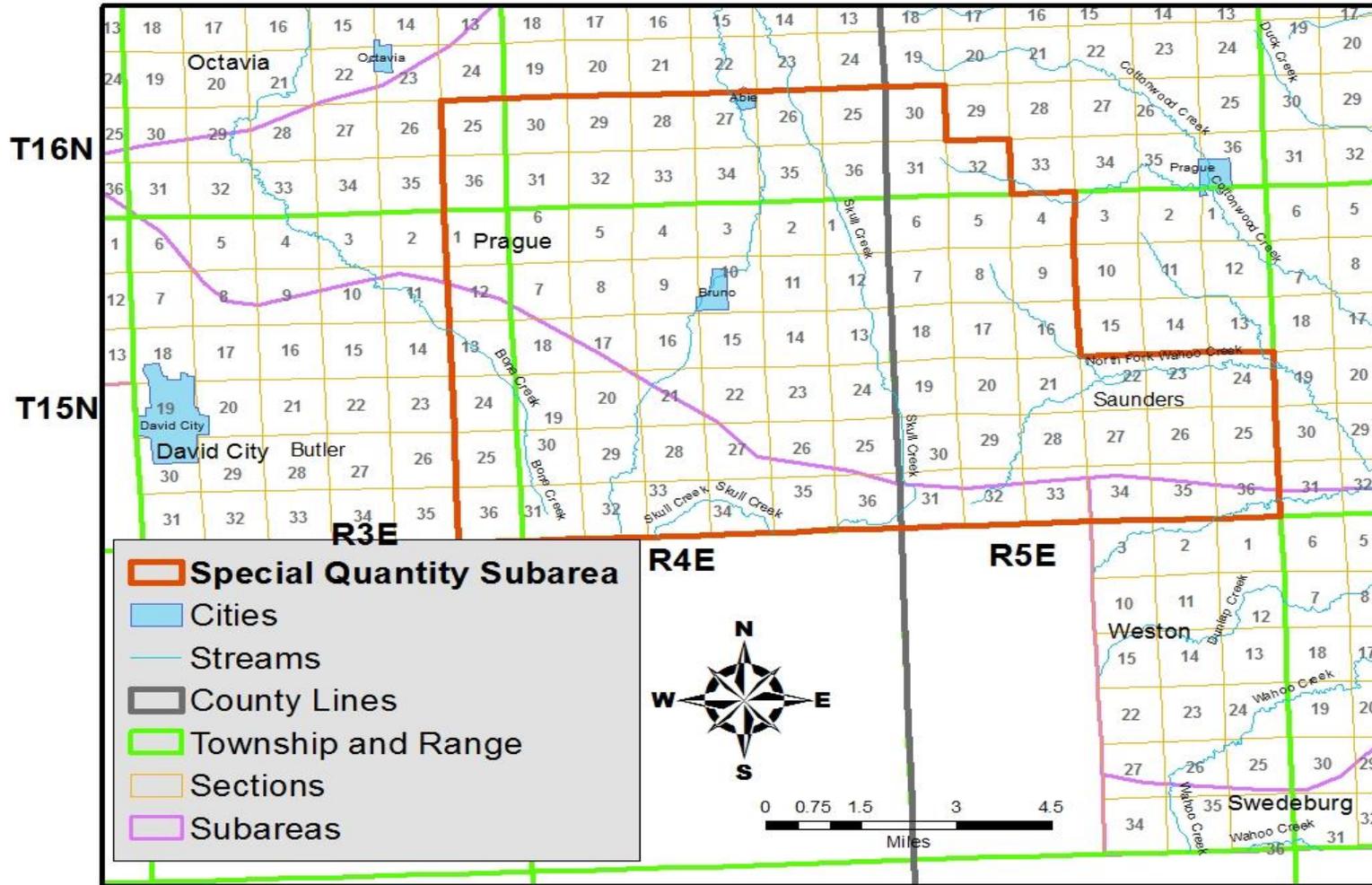


Exhibit B Map of Colfax - Platte Special Quantity Subarea

