VARIANCE REQUEST FOR EXPANDED WATER USE FROM EXISTING WELL IN A STAY MANAGEMENT AREA OF THE LOWER PLATTE NORTH NRD (LPNNRD)

Updated Form: Sept 2026

NRD USE ONLY
Date Received _____ Paid: Cash or Check
Initial Review by NRD Representative _____
Certified Acres _____ by NRD Representative _____
Date of Water Committee Recommendation to the NRD Board _____
Date NRD Board issues Conditional Approval or Denial of Variance Request _____
Date of Approved Variance _____ by NRD Representative _____

ALL APPLICANTS SEEKING A VARIANCE MUST COMPLETE PAGES 1 AND 2. (CLASS 1-4 VARIANCE)
VARIANCE REQUESTS FOR IRRIGATED ACRES GREATER THAN 160 ACRES IN SIZE OR TOTAL ANNUAL WATER USE BETWEEN 150 AND 300 ACRE FEET PER YEAR MUST COMPLETE PAGES 1, 2, AND 3. (CLASS 3 VARIANCE)
VARIANCE REQUESTS FOR TOTAL ANNUAL WATER USE EQUAL TO OR GREATER THAN 300 ACRE FEET PER YEAR, REGARDLESS OF NUMBER OF IRRIGATION ACRES, MUST COMPLETE PAGES 1, 2, AND 4. (CLASS 4 VARIANCE)

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1. NAME AND ADDRESS OF APPLICANT:

_____
_____
_____

Home Phone: ( ) - _____ - _____
Cell Phone: ( ) - _____ - _____
Landowner Name: _____
(if other than applicant)

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2. PURPOSE OF EXPANDED WATER USE (indicate one or more):

__ Irrigation
__ Livestock
__ Industrial
__ Recovery or Remediation
__ Dewatering (Over 30 days)
__ Domestic (Irrigation on one acre or larger)
__ Public Water Supply
__ Other (specify) _____

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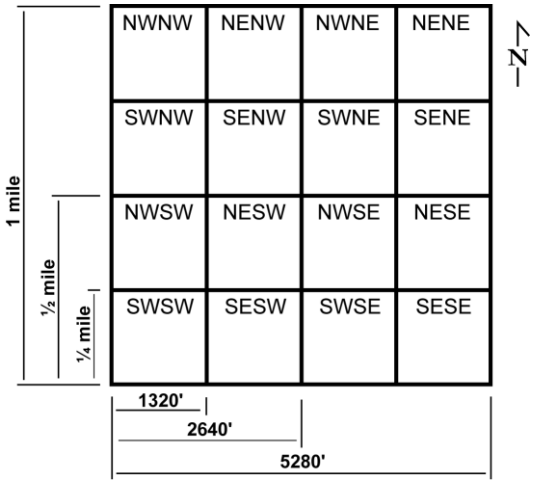
3. LOCATION OF PROPOSED EXPANDED WATER USE:

A. _____ County, ____ ¼ of the ____ ¼ of Section ____, Township ____ North, Range ____ East/West. (circle one)

B. The box at the right represents one square mile, (section). Indicate with an "X", the proposed location of the water source. Outline the proposed water use area. If the water is to be used outside the above written legal description, give legal description of water use area,
____ ¼ of the ____ ¼ of Section ____,
Township ____North, Range ____ East/West.

C. List the number of new irrigated acres_____

D. List the number of previously irrigated acres_____



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4. WATER SOURCE (fill out one or more water source categories as needed, continued on page 2) :

A. Surface Water:
Legal Description of water source _____ County, ____ ¼ of the ____ ¼ of Section ____, Township ____ North, Range ____ East/West. (circle one)
Name of river, stream, lake, or other water body _____

Dept. of National Resources Surface Water Permit # _____
Total annual amount of consumptive water use to be delivered to proposed location in
Acre Inches / Year _____ or Total Gallons / Year _____

4. WATER SOURCE, CONTINUED:

B. Ground Water:
Legal Description of well _____ County, ____ ¼ of the ____ ¼ of Section ____,
Township ____ North, Range ____ East/West. (circle one) Well Registration Number _____
Will the well be used in a system with other wells? __ Yes, __ No. If Yes, How many _____
Attach list of well registration number and legal description for each well.
Total annual amount of consumptive water use to be delivered to proposed location in
Acre Inches / Year _____ or Total Gallons / Year _____

C. Reuse Water:
Legal Description of water source: _____ County, ____ ¼ of the ____ ¼ of Section ____,
Township ____ North, Range ____ East/West. (circle one)
Landowner and Address of person(s) providing reuse water _____
_____
Original water source of this reuse water: __ Ground Water, __ Surface Water, mark all that apply.
Total annual amount of consumptive water use to be delivered to proposed location in
Acre Inches / Year _____ or Total Gallons / Year _____

- Attach information from the operation you will be using as a source of reuse water. List amount of intake water used by this operation, description of water use within the operation, and the amount discharged.

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5. OFFSET WATER USE:

A. Will proposed new water use be offset by retiring water use in this same aquifer system? __ Yes, __ No
B. If Yes, give legal description of that offsetting water use: _____ County, ____ ¼ of the ____ ¼ of Section ____, Township ____ North, Range ____ East/West. (circle one)
C. Landowner and Address of person(s) providing offset water _____
_____
D. If using offset from irrigation, list number of acres at this 'offset' location _____
E. Original water source of this offset water: __ Ground Water, __ Surface Water, __ Reuse Water, mark all that apply.
F. Total annual amount of consumptive water use to be retired at this 'offset' location in
Acre Inches / Year _____ or Total Gallons / Year _____

- Please provide flow records for the last five years from this 'offset' location.

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6. Addition information and requirements for Lower Platte North NRD review.

- Attach current tax assessor records including map, parcel number, and current land use such as irrigated acres.
- Attach aerial photo showing location of water source(s) and area water or reuse water is to be used.
- All expanded water uses must install a District approved flow meter and report water pumped annually to the LPNNRD by January 31st of the following year.
- Additional variance conditions maybe required for approval by the Lower Platte North NRD.
- Variances will be reviewed annually.

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7. I certify that I am familiar with the information contained in this application, and it's restrictions, rules and regulations and that to the best of my knowledge and belief such information is true, complete and accurate.

Date _____ Signature of Applicant _____
Signature of Well System Operator, if different than Applicant _____
NRD Certification Number of Landowner or Operator _____ (Required for irrigation, livestock, domestic (with irrigation on one acre or more of land), industrial, and public water supply wells.)

8.

If needed, Signature of Landowner providing Reuse Water _____
Date _____

If needed, Signature of Landowner providing Offset Water _____
Date _____

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9. Lower Platte North NRD Use Only. Comments by District Representative.

_____
_____
_____

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VARIANCE REQUEST FOR IRRGATED ACRES GREATER THAN 160 ACRES IN SIZE OR TOTAL ANNUAL WATER USE BETWEEN 150 AND 300 ACRE FEET PER YEAR, PROVIDE INFORMATION REQUESTED ON PAGES 1, 2, AND 3. (CLASS 3 VARIANCE)

10. WATER SOURCE INFORMATION:

In a TWO-mile radius around the water source location, provide the following information to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

A. List of all registered wells in this area giving registration number, well identification number, legal description, latitude / longitude or UTM coordinates in NAD 83, elevation in feet above mean sea level, and well log for each well.
B. List of all test holes in the area that have been published by Conservation and Survey Division of the University of Nebraska.
C. List of all surface water rights in this area giving appropriation number, priority date, legal description, use, status, current total acres (if applicable), and grant amount.

11. WATER USE LOCATION INFORMATION:

In the location where the water will be used, provide the following information to the LPNNRD in both paper copy and electronically in Word (Microsoft) format.

A. Description of expanded water use including: latitude / longitude or UTM coordinates in NAD 83 of water use location and timeframe or schedule when water will be used.
B. Amount of water that can be reused or recycled at this new location.
C. Description of how water will be used at this new location, i.e. process water vs. cooling water, etc.

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VARIANCE REQUEST FOR TOTAL ANNUAL WATER USE EQUAL TO OR GREATER THAN 300 ACRE FEET PER YEAR, REGARDLESS OF NUMBER OF IRRIGATED ACRES, PROVIDE INFORMATION REQUESTED ON PAGES 1, 2, AND 4. (CLASS 4 VARIANCE)

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12. WATER SOURCE INFORMATION:

In a FIVE-mile radius around the water source location, provide the following information to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

A. List of all registered wells in this area giving registration number, well identification number, legal description, elevation in feet above mean sea level, latitude / longitude or UTM coordinates in NAD 83, and well log for each well.
B. List of all test holes in the area that have been published by Conservation and Survey Division of the University of Nebraska.
C. List of all surface water rights in this area giving appropriation number, priority date, legal description, use, status, current total acres (if applicable), and grant amount.

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13. WATER USE LOCATION INFORMATION:

In the location where the water will be used, provide the following information to the LPNNRD in both paper copy and electronically in Word (Microsoft) format.

A. Description of expanded water use including: latitude / longitude or UTM coordinates in NAD 83 of water use location and timeframe or schedule when water will be used.
B. Amount of water that can be reused or recycled at this new location.
C. Description of how water will be used at this new location, i.e. process water vs. cooling water, etc.

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14. AQUIFER PUMP TEST:

In the location of the proposed water source an aquifer pump test is to be performed to obtain geologic data that will be used in the ensuing ground water modeling effort. Data from the pump test is to be reported to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

A. Description of pumping well should include legal description of well, latitude / longitude or UTM coordinates in NAD 83, elevation of well in feet above mean sea level, total amount of water pumped, gallons per minute during pump test, duration of pump test, well construction, well log, water discharge location and method.
B. Description of each monitoring well should include legal description of well, latitude / longitude or UTM coordinates in NAD 83, spacing in feet and direction from pumping well, elevation of well in feet above mean sea level, well log, and well construction.
C. Depth to bedrock, bedrock material, and name of geologic formation.

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15. GROUNDWATER MODEL:

In a FIVE-mile radius of the location of the proposed water source a ground water model using MODFLOW software, or similar software approved by LPNNRD, is to be done. Data from the ground water model is to be reported to the LPNNRD in both paper copy and electronically using the appropriate software.

A. Model should list boundary conditions used, grid size, include all high capacity wells in modeled area, streams and rivers in the modeled area, expected recharge rates, location and flow amounts, hydrologic conductivity and transmissivity values used.
B. At least one iteration reviewed and approved by LPNNRD, should model steady state conditions over a five-year period with a no flow boundary, and little or no recharge to simulate drought conditions.

All applicants must complete pages 1 and 2 in full. Depending upon size of irrigated field or total annual water use, information listed on pages 3 or 4 may also be required. A $75.00 filing fee is required for each application for a Variance (payable to the Lower Platte North Natural Resources District). In addition, for Class 3 variances an added fee of $250.00 is required for District review. For Class 4 variances an added fee of $500.00 is required for District review. Forward this application and filing fees to:

Lower Platte North Natural Resources District
1616 County Road 17
Wahoo, NE 68066
Phone: (402) 443-4675

Filing fee may be refunded if all water sources (including cones of depression if the water source is from ground water) and all areas of expanded water use are beyond the District's official boundary defined as Stay Management areas.

Please take the time to fill out the information correctly. The District will return an incomplete or defective application, with 60 days being allowed for resubmission. The District shall grant or deny all variances, or report that a variance is not needed, no later than 60 days following recommendation from the LPNNRD Water Committee to the Board.

VARIANCE RESTRICTIONS

1. Variances are required, on or after May 14, 2007, in the Stay management areas of the Lower Platte North NRD prior to any expansion in water use or to the application for a new water well permit.
2. An Expanded Water Use Variance or New Water Well Variance is not required for test holes, temporary dewatering wells (30 days or less), or water wells designed to pump 50 gallons per minute or less, unless water is commingled, combined, clustered or joined with any other water well or wells, which would result in total water capacity to be over 50 gallons per minute. New low capacity wells designed to pump 50 gallons per minute or less will also require a variance request in Stay management areas, but not in the Hydrologically Connected Stay Management area. This requirement on low capacity wells does not apply to domestic wells irrigating less than one acre of land or wells for range livestock. If you have questions, please call the LPNNRD at 402-443-4675.
3. An Expanded Water Use Variance approved by the District only applies to the locations specified and/or the volume of water used, as listed in this application. Any proposed additional expansion of water use in size of area or in volume of water applied will require application for another Expanded Water Use Variance.
4. If expansion of water use could result in existing wells to enlarge their cones of influence (cones of depression) to now overlap into the District's defined Stay management areas, an Expanded Water Use Variance will now be required.
5. Consumptive water use in acre-inches is determined from the Department of Natural Resources (DNR) Net Corn Crop Irrigation Requirement map or a similar map produced by the University of Nebraska.
6. 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 this 'Expanded Water Use Variance' form.
7. 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.
8. Variance requests from a single landowner, landowners or entities that seek to supply water to a single facility or operation will be required to fill out that portion of the variance form that considers the collective total annual amount of water use, both existing and proposed, that will be used by that facility or operation.
9. Tax assessor records submitted with the variance request must include map, parcel number and an accurate account of current land use, such as irrigated acres.
10. 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.
11. If reuse water is one of the water sources, the applicant must fill out section 4 (Water Sources) – C (Reuse Water) and supply information listing the annual amount of intake water, description of water use within the operation and the annual amount of water discharged from this operation with this variance request.
12. Reuse water from the same aquifer sub-area can be used as a credit, such as a municipality or industry, but only if that source does not increase it's own water withdrawal to compensate for this reuse. Irrigation water by itself can not be credited as reuse water for another user.
13. Any person, who knowingly furnishes false information regarding an Expanded Water Use Variance, shall be subject to the imposition of penalties imposed through the controls adopted by the District pursuant to §46-746.
14. A Variance request will require that the applicant or operator of irrigation, livestock, domestic (with irrigation on one acre or more of land), industrial, and public water supply wells by NRD certified.

15. LPNNRD review of any variance request will be based, in part, on a point system evaluation. See "Instructions to Fill Out Variance Request Form --" for details.
16. Review of the variance request by the District 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.
17. Landowner has 90 days following 'conditional approval' to update County assessor records and DNR well registration records on new irrigated acres, and comply with any additional conditions required by the NRD. Conditional approval will expire in 90 days from date of issuance by the LPNNRD Board.
18. 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, the landowner will need to submit a new variance request.
19. Irrigating new acres without a 'conditionally approved variance' or an 'approved variance' shall result in the District issuing a 'cease and desist order' against expanded water use.
20. If additional water use, as approved in the Expanded Water Use Variance, is not initially put to use within a one-year period, then a new Expanded Water Use Variance is needed. The LPNNRD 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. Please contact the LPNNRD if you think an exception may apply.
21. If an approved Expanded Water Use Variance is granted, then water users must report water pumped annually in acre-inches per year or total gallons per year on LPNNRD approved forms by January 31st of each following year.
22. If multiple water sources are used, landowner must supply flow records from each water source in acre-inches per year or total gallons per year on LPNNRD approved forms by January 31st of each following year.
23. The District may void an approved variance at any time if the Board finds good cause to do so.
24. The approved variance will also 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.

**** Landowners must list new irrigated acres with the County Assessor, update the DNR well registration, and comply with any additional conditions within 90 days of LPNNRD conditional approval of this Expanded Water UseVariance. LPNNRD staff may perform a site visit to verify information provided in the variance request. ****

COMMENTS/RESTRICTIONS: Variance conditions required for approval by LPNNRD.

1. A Lower Platte North NRD approved flow meter needs to be installed following manufacturer's recommendations.
2. Total annual water use pumped by the well will be reported to the Lower Platte North NRD on District approved forms by January 31st of each following year.
3. Landowner must have the correct number of irrigated acres listed with both the County Assessor and the Nebraska Department of Natural Resources.

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