

**Rules and Regulations
For Closing the Management Area to the Issuance
of New Well Permits, Preventing the Expansion of
Irrigated Acres and Increased or Expanded Uses of
Groundwater for Other Beneficial Purposes**

**Central Platte
Natural Resources District**



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AUTHORITY

The authority for these rules is contained in Chapter 46, Reissue Revised Statutes of Nebraska, Article 7 of the Nebraska Ground Water Management and Protection Act.

Rule 1. Area designation and boundaries

These rules apply to the district-wide Management Area as depicted on the accompanying map.

Rule 2. Definitions

- 2.1 Contamination/Remediation Well: shall mean a water well, constructed to recovery well standards, for the purpose of withdrawal or treatment of contaminated water, or for the introduction or removal of air, water or chemicals.
- 2.2 Dewatering Well: shall mean a water well constructed and used solely for the purpose of lowering the groundwater table elevation.
- 2.3 District: shall mean the Central Platte Natural Resources District.
- 2.4 Dryland Agricultural Use: the production of vegetation without the application or use of surface water or groundwater, whether applied directly or by sub-irrigation.
- 2.5 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 district 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.
- 2.6 Expanded Use: shall mean consumptive use above and beyond the previous historic use.
- 2.7 Good Cause Shown: shall mean a reasonable justification for granting a variance to consumptively use water that would otherwise be prohibited by law, statute, rule or regulation and which the district reasonably and in good faith believes will provide an economic, environmental, social or public health and safety benefit that is equal to or greater than the benefit resulting from the prohibition from which a variance is sought.
- 2.8 Hayland: shall mean areas of predominately native or introduced grasses (not alfalfa or other legumes) that can be hayed but may on occasion be grazed.
- 2.9 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.
- 2.10 Irrigation: shall mean artificial means of applying ground and/or surface water to promote growth of vegetation.
- 2.11 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.
- 2.12 Pasture: shall mean areas of predominately native or introduced grasses (not alfalfa or other legumes) that can be grazed but may on occasion be hayed.
- 2.13 Permit: shall mean a document that must be obtained from the district in accordance with Sections 46-735 through 46-738, Revised Statutes of Nebraska.
- 2.14 Replacement Well: for the purposes of these Rules and Regulations, a replacement well is defined as follows:

- 2.14.1 A water well which (a) replaces a previously abandoned water well within three years of the last operation of the abandoned water well or replaces a water well that will not be used after construction of the new water well with the original water well decommissioned within 180 days of construction of the new water well; and (b) if for irrigation, is constructed to provide water to the same tract of land served by the water well being replaced.
- 2.14.2 A water well that is used to supplement irrigation wells that irrigate lands already irrigated with groundwater provided that the irrigated acres cannot exceed the acres irrigated as defined by Rule 5.
- 2.14.3 New wells that irrigate land with surface water on the condition that the landowner provides the following (1) verification from the landowner that the well will only be used when the surface water supply has been exhausted and is no longer available to the operator at its normal rotation or scheduled time(s), (2) verification that the landowner will maintain the surface water right (3) verification that the irrigated acres will not exceed the acres irrigated as defined in Rule 5, and (4) any other requirement or condition the Board may request.
- 2.14.4 New wells that would irrigate lands not irrigated as defined by Rule 5 provided that (1) a) the same amount of water that would be depleted from the river over a 50-year period from consumptive use of groundwater withdrawals are retired from use (offset), and b) the offset occurs at the same time, rate and location as the depletion as identified by COHYST, and (2) any other requirement or condition the board may request.
- 2.14.5. New wells that irrigate certified land previously irrigated by surface water with the surface water rights associated with that certified land having been acquired by the Natural Resources District for purposes of water banking.
- 2.15 Test Hole: shall mean a hole designed solely for the purposes of obtaining information on hydrologic or geologic conditions.
- 2.16 Well or Water Well: shall mean a water well as defined in Section 46-601.01, Revised Statutes of Nebraska.

Rule 3. Closure of the management area to issuance of new well permits, preventing expansion of irrigated acres, and preventing increases in, or expansion of consumptive use of groundwater for other uses.

- 3.1 Effective January 5, 2006, and except as provided in the Rules and Regulations of the District, the district-wide management area is closed to the issuance of new well permits by the District.
- 3.2. Except as provided in the Rules and Regulations of the District, only “irrigated land” as defined in rule 5 and/or land which has been certified in accordance with the provisions of Rule 6 may be irrigated with groundwater on or after January 5, 2006.
- 3.3 Effective March 22, 2006, and except as provided in the Rules and Regulations of the District, the district-wide management area is closed to increases in, or expansion of, consumptive use of groundwater withdrawals from water wells used for any beneficial purpose other than irrigation.
- 3.4 Any proposed change of use of an existing well that pumps more than fifty (50) gallons per minute must be approved by Central Platte NRD before such change occurs, as provided in Rule 4.5.
- 3.5 Wells not subject to Rule 3.1 are:
 - 3.5.1 Test holes.

- 3.5.2 Dewatering wells with an intended use of less than ninety days.
 - 3.5.3 Water wells designed and constructed to pump fifty (50) gallon per minute or less; provided that if two or more water wells have individual pumping capacities of fifty (50) gallons per minute or less but a combined capacity of more than fifty (50) gallons per minute and if those wells are to be clustered or joined for a single purpose or if the water therefrom is to be commingled or combined for a single purpose, those wells shall be considered as one well and shall be subject to Rule 3.1.
 - 3.5.4 Water wells to be used as replacement wells as defined in the Rules and Regulations of the District.
- 3.6 A replacement well as herein defined or as further defined in District Rules and Regulations, is subject to the same provisions as the water well it replaces.
 - 3.7 Rules 3.1, 3.2, 3.3, and 3.4 shall remain in effect until November 20, 2009, unless rescinded by the Central Platte NRD Board of Directors.

Rule 4. Variances and Offsets

- 4.1 The Board may grant variances from the strict application of these Rules and Regulations if it determines that construction of a new well is necessary to alleviate an emergency situation involving the provision of water for human consumption or upon other good cause shown. Such request shall be acted upon by the Board of Directors following a public hearing notice and a public hearing.
- 4.2 A variance may be granted by the Central Platte Natural Resources Board of Directors, for the purpose of approving a well permit for a municipal or industrial well. The request for a variance must provide all the information requested by the District on forms provided by the District, and any other information requested by the District. Such request shall be acted upon by the Board of Directors following a public hearing notice and a public hearing.
 - 4.2.1 Each year a municipality shall be responsible for reporting to the District monthly groundwater pumping volumes and where available monthly wastewater discharge volumes.
 - 4.2.2 Each year the municipality shall be responsible for reporting to the District, and offsetting to the river, any new or expanded single commercial or industrial consumptive use served by the municipal water system whose consumptive water use is greater than twenty-five (25) million gallons annually.
- 4.3 The Board may grant a variance to Rule 3.2 and allow new acres to be irrigated if a) the same amount of water that would be depleted from the river over a 50-year period from consumptive use of groundwater withdrawals are retired from use (offset), and b) the offset occurs at the same time, rate and location as the depletion as identified by COHYST. The location of the offset shall be considered the same as the depletion if the offset is west of the depletion, or no more than one mile east of a north/south line drawn along the eastern edge of the area causing the new depletion, and within the same basin of influence as determined by the COHYST Model. (See "Attachment A".)
The landowner must provide the following: 1) verification by Farm Service Agency (FSA) records or, if not available County tax records, that the number of acres to be taken out of irrigation production are irrigated as defined in Rule 5 and are equal or greater in depletion to the river over a 50-year period than the acres to be newly irrigated, and 2) any other requirements or conditions the Board may request. Such request shall be acted upon by the Board of Directors following a public hearing notice and a public hearing.

- 4.4 The Board may grant a variance to Rule 3.3 and allow increases in, or expansion of, consumptive use of groundwater withdrawals for any beneficial use other than irrigation if the same amount of water that would be depleted from the river over a 50-year period from consumptive use of groundwater withdrawals is retired from use. Such request shall be acted upon by the Board of Directors following a public hearing notice and a public hearing.
- 4.5 The Board may grant a variance and allow a change to the use of a well as provided in Rule 3.4. A change of use may be accomplished by discontinuing its historic consumptive use, and transfer the right of that use to another purpose, and, if required, to another owner. The new use shall be limited to the consumptive use associated with the historic consumptive use. Such request shall be acted upon by the Board of Directors following a public hearing notice and a public hearing. Such change of use shall also be conditioned upon landowner's preparing and submitting the necessary Water Well Registration Modification form to the Department of Natural Resources as required by law.
- 4.6 Expedited Variances. An expedited variance may be granted by the Central Platte Natural Resources District's Manager, or his/her designated representative, for the purpose of approving a well permit for:
- 4.6.1 Contamination/Remediation Wells. The variance request and Application for a Permit to Construct a Water Well shall include written approval of the state agency with supervisory responsibility for the planned project.
- 4.6.2 Monitoring Wells. A monitoring well shall not have a permanent pump installation. The variance request and Application for a Permit to Construct a Water Well shall include the planned disposition of the monitoring well after its intended use is completed.
- 4.6.3 An expedited variance on Rule 3.2 may be granted by the Central Platte Natural Resources District's Manager, or his/her designated representative, without the necessity of a public hearing notice, a public hearing, and prior approval of this Board of Directors, provided that a) the same amount of water that would be depleted from the river over a 50-year period from consumptive use of groundwater withdrawals are retired from use (offset), and b) the offset occurs at the same time, rate and location as the depletion as identified by COHYST.
The location of the offset shall be considered the same as the depletion if the offset is west of the depletion, or no more than one mile east of a north/south line drawn along the eastern edge of the area causing the new depletion, and within the same basin of influence as determined by the COHYST Model. (See "Attachment A".)
The landowner must provide the following: 1) verification by Farm Service Agency (FSA) records or, if not available, County tax records, that the number of acres to be taken out of irrigation production are irrigated as defined in Rule 5 and are equal or greater in depletion to the river over a 50-year period than the acres to be newly irrigated, and 2) any other requirements or conditions that the District's Manager, or his/her designated representative, may request.
- 4.6.4 An expedited variance on Rule 3.3 may be granted by the Central Platte Natural Resources District's Manager, or his/her designated representative, without the necessity of a public hearing notice, a public hearing, and prior approval of the Board of Directors, provided that the landowner provide verification that the same amount of water that would be depleted from the river over a 50-year period from consumptive use of groundwater withdrawals are retired from use.

- 4.7 All requests for a well to be considered a replacement well under the terms and conditions of Rules 2.14.2, 2.14.3 and 2.14.4 shall be made on forms provided by the District and such requests will be acted upon as follows:
- 4.7.1 For all replacement wells as defined in Rule 2.14.2, an expedited permit may be granted by the Central Platte Natural Resources District's Manager, or his/her designated representative, without the necessity of a public hearing notice, a public hearing, and prior approval of the Board of Directors. To substantiate that a proposed well is a supplemental well, the request must include proof that the land to be irrigated with the supplemental well is already irrigated land as defined by Rule 5 and that the irrigated acres cannot exceed the original number of irrigated acres.
 - 4.7.2 For all replacement wells as defined in Rule 2.14.3, an expedited permit may be granted by the Central Platte Natural Resources District's Manager, or his/her designated representative, without the necessity of a public hearing notice, a public hearing, and prior approval of the Board of Directors. To approve this permit, there must be verification from the landowner that the well will only be used when the surface water supply has been exhausted and is no longer available to the operator at its normal rotation or scheduled time(s), that the landowner will maintain the surface water right, that the irrigated acres will not exceed the acres irrigated as defined in Rule 5, and any other requirement or condition the Board may request.
 - 4.7.3 For all replacement wells as defined in Rule 2.14.4, an expedited permit may be granted by the Central Platte Natural Resources District's Manager, or his/her designated representative, without the necessity of a public hearing notice, a public hearing, and prior approval of the Board of Directors provided that a) the same amount of water that would be depleted from the river over a 50-year period from consumptive use of groundwater withdrawals are retired from use (offset), and b) the offset occurs at the same time, rate and location as the depletion as identified by COHYST, and any other requirement or condition the board may request.

Rule 5. Irrigation History

- 5.1 Land under the original State stay that will be considered "irrigated land" must show by Farm Service Agency (FSA) records, or, if not available, by County tax records, or such means approved by the Natural Resources District to have been:
- 5.1.1 Irrigated prior to the end of the 2005 irrigation season from a water well that was constructed within the nine months prior to the State stay on new irrigated lands, but was not used for irrigation prior to that effective date (July 26, 2004), and further provided that those acres are no greater than the number of acres shown on the permit, or
 - 5.1.2 Irrigated prior to the end of the 2005 irrigation season from a water well that was constructed after the effective date of the State stay on new irrigated lands, but in accordance with a permit granted by the District prior to the effective date of the stay (July 26, 2004), and further provided that those acres are no greater than the number of acres shown on the permit, or
 - 5.1.3 Irrigated in 2003 or 2004 prior to the State stay on new irrigated lands (July 26, 2004), or

- 5.1.4 Irrigated at least 2 out of the 10 years prior to the State stay on new irrigated lands (July 26, 2004), or
 - 5.1.5 Land that can be shown to have been previously irrigated, but during the 10 years prior to the State stay on new irrigated lands (July 26, 2004) was enrolled in a federal conservation program (CRP, CREP, etc.), or
 - 5.1.6 Land that can be shown to have been previously irrigated, but during at least 9 of the 10 years prior to the State stay on new irrigated lands (July 26, 2004) was growing alfalfa in the sub-irrigation areas in the District.
 - 5.1.7 Pasture or hayland that can be shown to have been irrigated at least 2 out of 10 years and will remain as irrigated pasture or irrigated hayland, unless the average annual consumptive use is transferred to another use and/or location pursuant to the Rules and Regulations of the District.
- 5.2 Land within the Central Platte Natural Resources District, but outside the original State stay, that will be considered “irrigated land” must show by Farm Service Agency (FSA) records, or, if not available, by County tax records, or such means approved by the Natural Resources District to have been:
- 5.2.1 Irrigated prior to the end of the 2006 irrigation season from a water well that was constructed, but was not used for irrigation prior to that effective date (January 6, 2006), and further provided that those acres are no greater than the number of acres shown on the permit, or
 - 5.2.2 Irrigated prior to the end of the 2006 irrigation season from a water well that was constructed after the effective date of the NRD stay on new irrigated lands, but in accordance with a permit granted by the District prior to the effective date of the stay (January 6, 2006), and further provided that those acres are no greater than the number of acres shown on the permit, or
 - 5.2.3 Irrigated in 2004 or 2005 prior to the NRD stay on new irrigated lands (January 6, 2006), or
 - 5.2.4 Irrigated at least 2 out of the 10 years prior to the NRD stay on new irrigated lands (January 6, 2006), or
 - 5.2.5 Land that can be shown to have been previously irrigated, but during the 10 years prior to the NRD stay on new irrigated lands (January 6, 2006) was enrolled in a federal conservation program (CRP, CREP, etc.), or
 - 5.2.6 Land that can be shown to have been previously irrigated, but during at least 9 of the 10 years prior to the NRD stay on new irrigated lands (January 6, 2006) was growing alfalfa in the sub-irrigation areas in the District.
 - 5.2.7 Pasture or hayland that can be shown to have been irrigated at least 2 out of 10 years and will remain as irrigated pasture or irrigated hayland, unless the average annual consumptive use is transferred to another use and/or location pursuant to the Rules and Regulations of the District.

Rule 6. Certification of Irrigated Acres

Central Platte NRD staff will gather data to locate and enumerate cropland, hay land and pasture land within district boundaries that is irrigated from groundwater or surface water resources.

- 6.1 All land under the original State stay that can be shown to have been farmed, grazed or hayed as irrigated land as outlined in Rule 5.1.3, 5.1.4, 5.1.5, or 5.1.6, must be certified.

The NRD Board of Directors may also certify irrigated acres developed within the State stay area after the effective date of the designation of the stay as outlined in Rule 5.1.1 or 5.1.2.

- 6.2 All land outside the original State stay, but within the Central Platte NRD boundaries, that can be shown to have been farmed, grazed or hayed as irrigated land as outlined in Rule 5.2.3, 5.2.4, 5.2.5. or 5.2.6 must be certified.

The NRD Board of Directors may also certify irrigated acres developed outside the original State stay but within the NRD boundaries after the effective date of the NRD's limitation and prevention of expansion of irrigated acres (January 6, 2006) as outlined in Rule 5.2.1 or 5.2.2.

6.3 Procedure to Certify Irrigated Acres

6.3.1 NRD staff will mail to each landowner in the District a certification document, an aerial photo and the number of acres on each field that has been initially determined to be irrigated.

6.3.2 If the landowner agrees with the acres irrigated as described in Rule 6.3.1, the landowner must sign the certification document and return it to Central Platte Natural Resources District within 30 days to complete the certification process.

6.3.3 If the landowner disagrees with the acres irrigated as described in Rule 6.3.1, the landowner must contact the NRD within 30 days indicating that they disagree with the acres irrigated determination and schedule a conference at a mutually agreeable date with the NRD staff at which time the landowner must provide proof that the acres were irrigated as of July 26, 2004 or proof the land falls under one of the categories in Rule 5. Irrigation History.

6.3.4 The NRD will accept Farm Service Agency (FSA) records, aerial photos of certified acres with FSA, or, if not available, County tax records, or such means approved by the Natural Resources District as proof of irrigated acres.

6.4 Procedure to change location of NRD-certified irrigated acres. Landowners may request that the NRD Board of Directors authorize changes in the location or number of certified irrigated acres. All requests shall be made on forms provided by the District.

6.4.1 The NRD Board of Directors may authorize re-location of certified acres provided that a) the same amount of water that would be depleted from the river over a 50-year period from consumptive use of groundwater withdrawals are retired from use (offset), and b) the offset occurs at the same time, rate and location as the depletion as identified by COHYST.

The location of the offset shall be considered the same as the depletion if the offset is west of the depletion, or no more than one mile east of a north/south line drawn along the eastern edge of the area causing the new depletion, and within the same basin of influence as determined by the COHYST Model. (See "Attachment A".)

6.4.2 The NRD Board of Directors may deny a change in the location or number of certified irrigated acres in the following instances:

6.4.2.1 The landowner request would result in re-locating certified irrigated acres from one river basin to another river basin.

6.4.2.2 The landowner fails to report changes in land use on all tracts that are involved in re-location of irrigated acres.

6.4.2.3 A citizen or NRD staff provide information to the NRD Board of Directors indicating that adding irrigated acres in a particular area would likely be harmful to the area or is otherwise contrary to NRD rules or state or federal laws.

6.5 Procedure to withdraw NRD certification of irrigated acres. The NRD Board of Directors may withdraw certification of irrigated acres under the following circumstances:

6.5.1 The landowner petitions or asks the Board of Directors to change the use classification of the certified acres from an irrigated to a non-irrigated land use class.

6.5.2 The Farm Service Agency (FSA) or the County Assessor of the county in which the certified acres are located changes the land use classification of the certified acres from an irrigated to a non-irrigated land use class.

6.5.3 The land no longer complies with the definition of irrigated land as provided in Rule 5, or for such other reasons that the Central Platte Natural Resources District Board of Directors deem appropriate.

6.5.4 After January 1, 2010, in order to maintain irrigation status the land must be:

- a. Irrigated at least 2 out of 10 years, or
- b. Land is enrolled in a federal conservation program (CRP, CREP, etc.), or
- c. Land that is growing alfalfa in the sub-irrigation areas in the District, or
- d. Pasture or hayland that can be shown to have been irrigated at least 2 out of 10 years and will remain as irrigated pasture or irrigated hayland, unless the average annual consumptive use for items a through d is transferred to another use and/or location pursuant to the Rules and Regulations of the District.

Rule 7. Transfers:

7.1 Transfers off of overlying land. Any person who desires to withdraw groundwater from wells located within the district and to transfer the groundwater withdrawn off of the overlying land for reasonable and beneficial use elsewhere may do so only after applying for and obtaining approval from Central Platte NRD.

7.1.a Transfers off of overlying land of one acre or more to newly irrigated lands will be allowed for cropland on Class I, Class II, Class III, Class IVw, And Class IVs soils as identified in the NRCS Standard Soils Survey.

7.1 b. Transfers of groundwater for the purpose of irrigation of cropland on Class IVe soils

will be allowed if the land that the groundwater is being transferred to has a verified FSA crop history for the crop years 2003 and 2004 in the area of the State's stay or the crop years 2004 and 2005 in the area of the NRD's stay on developing newly irrigated land and the land that the groundwater is being transferred to has maintained a current crop history.

- 7.1.c. Transfers of groundwater for the purpose of irrigation of cropland on Class IVe soils will be allowed if the land that the groundwater is being transferred to does not have a verified FSA crop history or is not currently cropped provided that the land from which the groundwater is being transferred has the same or poorer soils classification and, following the transfer, must be seeded back to Central Platte NRD approved grasses.
- 7.1.d. Transfers of groundwater for the purpose of irrigation of existing grass areas on Class IVe soils will be allowed provided the land that the groundwater is being transferred to remains in grass.
- 7.1.e. Transfers of groundwater for the purpose of irrigation on Class Vw soils will be allowed provided the land to which the groundwater is being transferred complies with the US Department of Agriculture wetland provisions and that the amount of the offset for irrigation of the Class Vw soils is one and one half times the acres or acre-feet needed for irrigation of the Class Vw soils; whichever is greater, with the extra amount of the offset (i.e. that amount of the offset not needed for the irrigation of the Class Vw soils) going to the Central Platte NRD's Water Bank.
- 7.1.f. Transfers of groundwater for irrigation of grass on Class VIw and Class VIe soils will be allowed provided that the amount of the offset for irrigation of grass on Class VIw and Class VIe soils is one and one half times the acres or acre-feet needed for irrigation of grass on Class VIw and Class VIe soils, whichever is greater, with the extra amount of the offset (i.e. that amount of the offset not needed for the irrigation of grass on Class VIw and Class VIe soils) going to the Central Platte NRD's Water Bank. The land on which the groundwater is transferred for irrigation must have a grass cover. The existing topography the land in which the groundwater is transferred for irrigation must remain as it is without draining, dredging, filling, leveling, shaping, or land clearing (including tree stump removal.) Center pivot travel ways may be constructed using a wooden or metal bridge or pathway, or beams laid in the wheel track at the same elevation as the adjacent area, or using fill material consisting of rock, gravel, broken concrete, or concrete block. Fill material shall only be placed in the wheel track and shall not exceed a width of three (3) feet.

Withdrawal and use of such water shall be consistent with all applicable state statutes, groundwater management plans and goals, and rules and regulations of the District. In addition, such transfers shall be conditioned upon and limited to, transfers in which the land where the right is transferred from remains in dryland agricultural use. Once granted, such permits will remain in force until the owner of a well that is subject of such transfer notifies the NRD in writing that the permit should be cancelled, or until the NRD Board of Directors determine that such transfers are no longer in the best interest of the public, except as specified herein.

- 7.1.1 Delivery Systems. In those instances where groundwater will be transported off overlying land using surface water delivery systems or natural streams or where surface water and groundwater will become commingled as a result of a groundwater transfer, said transfer permit will be valid for a period of one year from the date of issuance.
- 7.1.2 Transfers Out of the District. Any person who desires to withdraw groundwater from wells located within the District and transport that groundwater out of the District for use elsewhere may do so only after obtaining a transfer permit in accordance with Rule 7.3.
- 7.1.2.1 Transfers Within the State. Use of the withdrawn water must be approved by the District within which the water will be used. Groundwater shall not be transferred or transported to lands outside the boundaries of the Platte River Basin.
- 7.1.2.2 Transfers Out of State. Requests for transfer of groundwater out of the State of Nebraska pursuant to NEB. REV. STAT. Section 46-613.01 shall not be acted upon by the District until the Nebraska Department of Natural Resources has approved or denied the required transfer permit. Groundwater shall not be transferred or transported to lands outside of the boundaries of the Platte River Basin.
- 7.2 Transfer of Location of Use. Any person who desires to transfer the location of use of groundwater from wells located within the district, may do so only after applying for and obtaining approval from the Central Platte NRD on forms provided by the District. Transfer of location of use of one acre or more to newly irrigated lands will only be allowed for row crops on Class I, Class II, Class III, Class IVw and Class IVs soils as identified in the NRCS Standard Soils Survey, and transfers for irrigation will only be allowed for Class IVe soils if the area remains in alfalfa or grass. The transfer of location and the withdrawal of use at the new location shall be consistent with all applicable state statutes, groundwater management plans and goals, and rules and regulations of this District. In addition, such transfers shall be conditioned upon and limited to, transfers in which the land where the right is transferred from remains in dryland agricultural use. Once granted, such permits will remain in force for the period of time covered by the transfer, or until the owners of the wells that are the subject of such transfer notifies the NRD in writing that the permit should be cancelled, or until the NRD Board of Directors determine that such transfers are no longer in the best interest of the public.
- 7.2.1 A portion or all of the consumptive use may be transferred to the same or another user at another location for the same or another use. Only the unused portion of the consumptive use can be transferred unless specifically allowed by the NRD Board of Directors.
- 7.2.1.1. If the transfer of use is for the entire consumptive use, the well from which the use was transferred cannot be used during the period of time covered by the transfer. The well must be configured to prevent the possibility of contamination of the groundwater.

7.2.1.2 Permanent Transfer. A permanent transfer may be accomplished by decommissioning a well and discontinuing its certified use and permanently transferring the right to that use to another location. The new well shall be limited to the quantity of the consumptive use associated with the certified use from the well being replaced, unless specifically allowed by the NRD Board of Directors.

7.2.1.2.1 If the well for which the use is being permanently transferred is part of a series, or a well that is commingled, combined, clustered or joined with other water wells, then only that pro rata portion of the consumptive use is transferred.

7.2.1.2.2 The allowed consumptive use for any use is associated with the certification of that use. The right to use shall be surrendered with a transfer of use or a permanent transfer. The new user would be limited in consumptive use to the quantity of consumptive use associated with the original certified use and would be subject to the same restrictions on volume of use as the original user.

7.3 Transfer Permits.

7.3.1 Any person who intends to withdraw groundwater and transfer that groundwater off the overlying land which he or she owns or controls or otherwise change the location of use of groundwater shall, before making such transfer, apply for a permit on forms provided by the District.

7.3.2 Issuance of the permit shall be conditioned upon on the applicant's compliance with the following requirements: (1) the land from which the right is transferred remaining in agricultural production; (2) the applicant's compliance with the Rules and Regulations of the District from which the water is withdrawn; and (3) with such other conditions deemed appropriate by the District as provided by Rule 7.3.4 hereinbelow. The transfer shall automatically terminate at such time as the land from which the right is transferred, or a proportionate part thereof, ceases to be used for agricultural purposes and/or at such time as any of the other conditions of the permit are not being satisfied.

7.3.3 The applicant shall be required to provide access to his or her property at reasonable times for purposes of inspection by officials of the District.

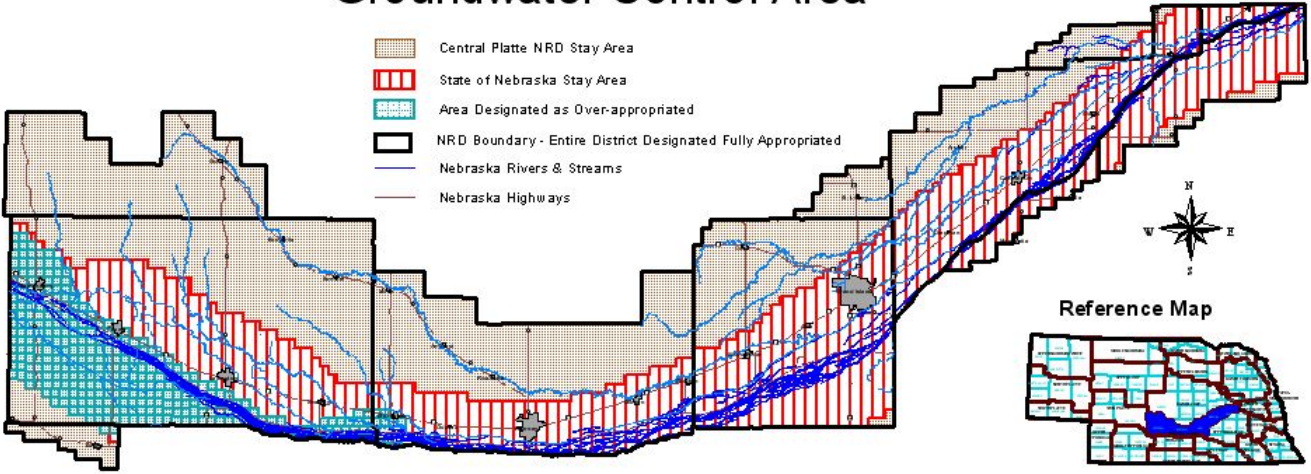
7.3.4 The application for a transfer permit shall be denied or conditioned to the extent that it is necessary to (1) ensure the consistency of the transfer with the purpose or purposes for which the management area was designated, (2) prevent adverse effects on other groundwater users or on surface water appropriators, (3) prevent adverse effects on the state's ability to comply with an interstate compact or decree, or to fulfill the provisions of any formal state contract or agreement, and (4) otherwise protect the public interest and prevent detriment to the public welfare. The application for a transfer permit also shall be denied if (1) the location or operation of the proposed water well or other work would conflict with any regulations or controls adopted by the District or (2) the proposed use would not be a reasonable and beneficial use.

- 7.3.5 The issuance, by the District, of a transfer permit 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 to violate any rule, regulation, or control properly adopted after such date.
- 7.3.6 The issuance, by the District, of a transfer permit shall not vest in any person the right to violate any statute, state agency or other jurisdictional agency's rule, regulation, or control in effect on the date of issuance of the permit or to violate any rule, regulation, or control properly adopted after such date. It is the responsibility of the applicant to ensure compliance with other rules and regulations.
- 7.3.7 The District shall review such applications and issue, with or without conditions, or deny the permit within sixty (60) days after the application is properly filed. An incomplete or defective application shall be returned for correction. If correction is not made within one hundred twenty (120) days of the return date, the application shall be cancelled.

Rule 8. Violations

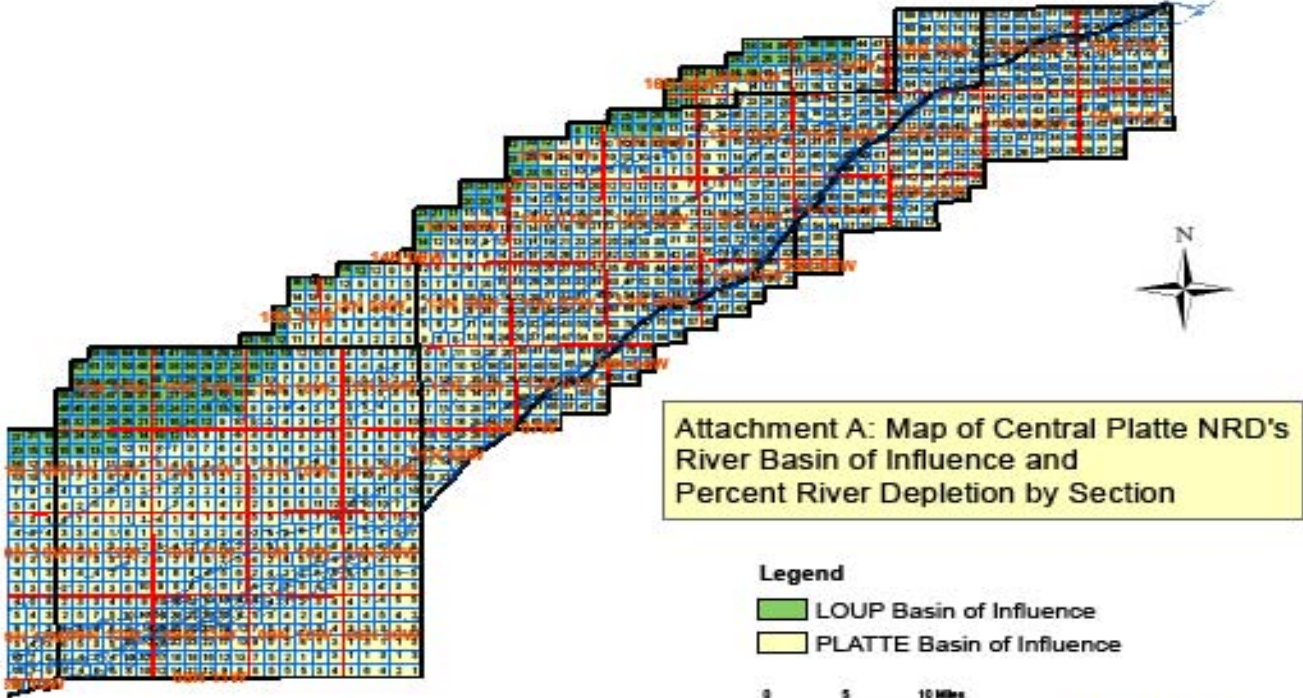
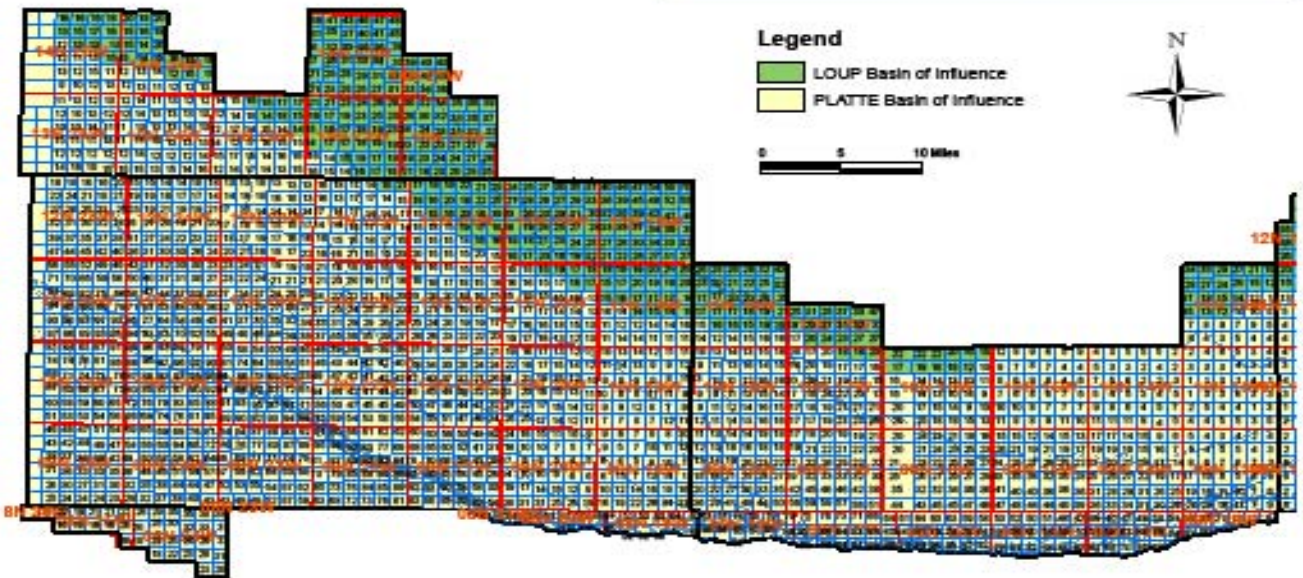
The Rules and Regulations for Closing the Management Area to the Issuance of New Well Permits and For Preventing the Expansion of Irrigated Acres and Increased or Expanded Uses of Groundwater for Other Beneficial Purposes and the above conditional uses will be enforced by the District through the use of cease and desist orders issued in accordance with the provisions of NEB. REV. STAT. §46-707(7) and NEB. REV. STAT. §46-745 (Reissue 2004). In accordance with Neb. Rev. Stat § 46-745 (Reissue 2004), any person who violates a cease and desist order issued by the district shall be subject to a civil penalty of not less than one thousand dollars (\$1,000.00) and not more than five thousand dollars (\$5,000.00) for each day an intentional violation occurs.

Central Platte Natural Resources District Groundwater Control Area





Attachment A: Map of Central Platte NRD's River Basin of Influence and Percent River Depletion by Section



Attachment A: Map of Central Platte NRD's River Basin of Influence and Percent River Depletion by Section



Central Platte NRD Sub Irrigated Area

